Journal of the Senate

Number 20—Regular Session **Friday, May 3, 1996**

CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Excused: Senators Diaz-Balart, Beard, Childers, Bronson, Dantzler, Hargrett, Harris, Casas, Harden, Dudley, Holzendorf, Horne, Kirkpatrick, Sullivan, Bankhead, Jennings, Kurth, Myers, Ostalkiewicz, Thomas, Williams, Gutman, Crist, Burt, Jones and Silver, periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by Dr. Ken Dyal, Pastor, Argyle Baptist Church, Jacksonville:

Heavenly Father, thank you for this privilege of prayer. This Senate Session is almost sealed. There have been achievements and defeats. There has been unity and division. There have been decisions based on party lines and partnerships.

Lord, we find ourselves standing on familiar ground. Thank you for their fervent dedication to public service. They carry enormous responsibilities.

Lord, we find ourselves in need of your wisdom. We ask that you teach us peace is possible—peace in our hearts, peace in our homes and peace in the heartland. Teach us the cost of compassion. It costs our time, it costs our talent and it costs our treasury. Teach us the road to righteousness—the road of repentance, the road of restraint and the road of reconciliation. Teach us the conditions of compromise—the condition of conviction, the condition of conciliation and the condition of compensation. Teach us that forgiveness is our future—to forgive first, to forgive freely and to forgive fully.

Thank you, Lord, for your grace, your love and your mercy. For it is in your holy name, Yahweh and Jesus, I pray. Amen.

PLEDGE

Senate Pages, Krishna Hathaway of Sebastian and Jessica Weinberg of Coral Springs, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jennings, by two-thirds vote **SB 1136** was withdrawn from the Committee on Judiciary; and **SJR 1098** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Jennings, by two-thirds vote **SJR 210**, **CS for SB 932**, **CS for SB 2472**, **SB 810**, **SB 1982**, **CS for CS for SB 2192**, **CS for SB 2202** and **CS for HB 1905** were withdrawn from the Committee on Ways and Means; **CS for SB 1728** was withdrawn from the Committees on Agriculture; and Ways and Means; and **HB 961** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 120**, **SB 404**, **CS for SB 950**, **SB 1106**, **SB 1758**, **SJR 2242**, **CS for SB 2478**, **SB 2628** and **SB 2690** were withdrawn from the Committee on Ways and Means.

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 1084** and **SB 1892** were withdrawn from the Committee on Ways and Means.

On motion by Senator Diaz-Balart, by two-thirds vote **HB 1791** was withdrawn from the Committee on Ways and Means.

SPECIAL ORDER CALENDAR

CS for SB's 12 and 406—A bill to be entitled An act relating to Medicaid third-party liability; amending s. 409.910, F.S.; clarifying legislative intent as to certain amendments enacted by ch. 94-251, Laws of Florida; providing definitions; recognizing remedial intent of ch. 94-251, Laws of Florida; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Dyer and adopted:

Amendment 1—On page 4, lines 6-9, delete those lines and insert:

Section 1. Subsections (1), (9), and (19), paragraph (h) of subsection (12), and paragraph (b) of subsection (15) of section 409.910, Florida Statutes, are amended to read:

The Committee on Judiciary recommended the following amendment which was moved by Senator Dyer:

Amendment 2 (with title amendment)—On page 8, lines 3-17, delete those lines and insert:

(15) The department is authorized to enter into agreements to enforce or collect medical support and other third-party benefits.

(b) If an agreement to enforce or collect third-party benefits is entered into by the department with any person other than those described in paragraph (a), including any attorney retained by the department who is not an employee or agent of any person named in paragraph (a), then the department may pay such person a percentage of the amount actually collected and reimbursed to the department as a result of the efforts of the person, to the extent of medical assistance paid by Medicaid. In no case shall the percentage exceed a maximum established by the department, which shall not exceed the lesser of a percentage determined to be commercially reasonable or 30 percent of the amount actually collected and reimbursed to the department as a result of the efforts of the person under contract. *However, in any action under this subsection to recover costs of treatment of disease or injury caused by the use of cigarettes, the court pursuant to Rule 4-1.5(f), Rules Regulating The Florida Bar, shall provide a thorough and rigorous review of the appropriateness of the amount of attorney's fees for state-retained counsel, and after such thorough and rigorous review, if the court determines that the attorney's fees are in compliance with Rule 4-1.5(f), Rules Regulating The Florida Bar, the court shall authorize attorney's fees for state-retained counsel. In any such contract concerning cigarette litigation, the Attorney General shall be the managing attorney.*

(19) In cases of suspected criminal violations or fraudulent activity, on the part of any person including a liable third party, the department is authorized to take any civil action permitted at law or equity to recover the greatest possible amount, including without limitation, treble damages under *s. 772.104* ~~s. 772.73~~. In any action in which the recipient has no right to intervene, or does not exercise his right to intervene, any amounts recovered under this subsection shall be the property of the agency, and the recipient shall have no right or interest in such recovery.

And the title is amended as follows:

On page 1, line 6, after the second semicolon (;) insert: providing for judicial review of certain fees;

Senators Dantzler and Horne offered the following substitute amendment which was moved by Senator Dantzler and adopted:

Amendment 3 (with title amendment)—On page 8, lines 3-17, delete those lines and insert:

(15) The department is authorized to enter into agreements to enforce or collect medical support and other third-party benefits.

(b) If an agreement to enforce or collect third-party benefits is entered into by the department with any person other than those described in paragraph (a), including any attorney retained by the department who is not an employee or agent of any person named in paragraph (a), then the department may pay such person a percentage of the amount actually collected and reimbursed to the department as a result of the efforts of the person, to the extent of medical assistance paid by Medicaid. In no case shall the percentage exceed a maximum established by the department, which shall not exceed the lesser of a percentage determined to be commercially reasonable or 30 percent of the amount actually collected and reimbursed to the department as a result of the efforts of the person under contract. *However, in any action under this subsection to recover costs of treatment of disease or injury caused by the use of cigarettes, the court pursuant to Rule 4-1.5, Rules Regulating the Florida Bar, shall provide a thorough and rigorous review of the appropriateness of the amount of attorney's fees for state–retained counsel. The court shall also consider existing case law, reasonableness, fairness, and equity to the Florida taxpayers and shall ensure that any fee award is not excessive and does not constitute a windfall to state–retained counsel. After such thorough and rigorous review, if the court determines that the attorney's fees are in compliance with Rule 4-1.5, Rules Regulating the Florida Bar, and that the fees are reasonable, fair, and equitable to Florida taxpayers and are not excessive or unjust, the court shall authorize attorney's fees for state–retained counsel. In any such contract concerning cigarette litigation, the Attorney General shall be the managing attorney.*

(19) In cases of suspected criminal violations or fraudulent activity, on the part of any person including a liable third party, the department is authorized to take any civil action permitted at law or equity to recover the greatest possible amount, including without limitation, treble damages under *s. 772.104* ~~s. 772.73~~. In any action in which the recipient has no right to intervene, or does not exercise his right to intervene, any amounts recovered under this subsection shall be the property of the agency, and the recipient shall have no right or interest in such recovery.

And the title is amended as follows:

On page 1, line 6, after the second semicolon (;) insert: providing for judicial review of certain fees;

Senator Dudley moved the following amendment which failed:

Amendment 4—On page 6, line 19, after the period (.) insert: *In addition, the agency must prove as part of its case that a cigarette manufacturer intentionally withheld from the public adverse health information on the effects of smoking.*

The vote was:

Yeas—17 Nays—22

Senator Dyer moved the following amendments which were adopted:

Amendment 5—On page 6, line 28, after "recipients." insert: *Notwithstanding the foregoing sentence, a court shall permit a cigarette manufacturer to conduct reasonable sample discovery, in light of the claims or defenses asserted, concerning recipients whose injuries are claimed to result from the use of cigarettes.*

Amendment 6—On page 5, line 3, after "cigarettes." insert: *Recovery against a cigarette manufacturer is permitted only when the department proves each element of an existing common law or statutory cause of action, and nothing in this section is intended to alter or limit the elements that must be proven by the department in order to prevail on any such cause of action.*

Senator Dudley moved the following amendment which failed:

Amendment 7 (with title amendment)—On page 7, between lines 12 and 13, insert:

(c) In any action under this section against cigarette manufacturers, in order to establish a right to recover damages the department must prove that the costs incurred by the department to provide medical treatment to persons injured or made ill by the use of cigarettes exceed the excise taxes collected by the state on the sale of cigarettes under s. 210.02 during the same period for which the costs of medical treatment were incurred. If a right to recovery is proven, the department may only recover as damages the amount of medical costs which exceeds the excise taxes collected during the same period for which the medical costs were incurred.

And the title is amended as follows:

On page 1, line 6, delete that line and insert: Florida; providing definitions; limiting the state's recovery of Medicaid benefits under that section; recognizing

The vote was:

Yeas—15 Nays—24

On motion by Senator Dyer, by two-thirds vote **CS for SB's 12 and 406** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—3

CS for SB 162—A bill to be entitled An act relating to drivers' licenses; creating s. 322.2616, F.S.; prohibiting individuals under a specified age who have a specified breath alcohol level from operating a motor vehicle; authorizing law enforcement officers or correctional officers to suspend the driver's license of such a person who drives a motor vehicle with a specified breath alcohol level or who refuses to submit to a breath alcohol test; prescribing a minimum term of suspension of the driving privilege before an eligible person may be issued a license for business or employment purposes; providing for consent to be tested; providing procedures; providing for review; providing for appeal to the circuit court; amending s. 322.2615, F.S.; providing that a person's license may not be suspended under both s. 322.2615, F.S., and s. 322.2616, F.S.; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 162** to **CS for HB 455**.

Pending further consideration of **CS for SB 162** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB 455** was withdrawn from the Committee on Transportation.

On motions by Senator Brown-Waite, by two-thirds vote—

CS for HB 455—A bill to be entitled An act relating to drivers' licenses; creating s. 322.2616, F.S.; prohibiting individuals under a specified age who have a specified breath alcohol level from operating a motor vehicle; authorizing law enforcement officers or correctional officers to suspend the driver's license of such a person who drives a motor vehicle with a specified breath alcohol level or who refuses to submit to a breath alcohol test; prescribing a minimum term of suspension of the driving privilege before an eligible person may be issued a license for business or employment purposes; providing for consent to be tested; providing procedures; providing for review; providing for appeal to the circuit

court; amending s. 322.2615, F.S.; providing that a person's license may not be suspended under both s. 322.2615, F.S., and s. 322.2616, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 162** and by two-thirds vote read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 455** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

Consideration of **CS for HB 979**, **HB 2693**, **CS for CS for SB 958**, **CS for SB 1818**, **SB 1142**, **CS for CS for SB 2844** and **CS for SB 2846** was deferred.

SB 900—A bill to be entitled An act relating to securities; creating s. 660.418, F.S.; authorizing certain trust companies or financial institutions to purchase certain securities under certain circumstances; providing application; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Dudley and failed:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 660.418, Florida Statutes, is created to read:

660.418 Investment of fiduciary funds in syndicate securities.—Notwithstanding any other provision of law, any financial institution with fiduciary powers may, in its fiduciary capacity, purchase bonds or other securities underwritten or otherwise distributed by the financial institution or by a syndicate which includes the financial institution, or an affiliate of the financial institution, provided such purchase is made through a licensed securities dealer, is otherwise prudent, is not prohibited by the instrument governing the fiduciary relationship and disclosure is made at least annually to those persons entitled to a statement of accounts pursuant to s. 737.303(4) that such securities have or may be purchased. This section applies to purchases of bonds or other securities made at the time of the initial offering of such bonds or securities or at any time after such initial offering.

Section 2. This act shall take effect October 1, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to securities; creating s. 660.418, F.S.; authorizing certain financial institutions to purchase certain securities under certain circumstances; providing application; providing an effective date.

Senators Grant and Dudley offered the following amendment which was moved by Senator Grant:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 660.418, Florida Statutes, is created to read:

660.418 Investment of fiduciary funds in syndicate securities.—Notwithstanding any other provision of law, any financial institution with fiduciary powers may, in its fiduciary capacity, purchase bonds or other securities underwritten or otherwise distributed by the financial institution or by a syndicate that includes the financial institution, or an affiliate of the financial institution, provided that such purchase is made through a licensed securities dealer, is otherwise prudent, and is not prohibited by the instrument governing the fiduciary relationship and that disclosure is made at least annually to those persons entitled to a statement of accounts pursuant to s. 737.303(4) indicating that such securities have been or may be purchased. This section applies to purchases of bonds or other securities made at the time of the initial offering of such bonds or securities or at any time after such initial offering.

Section 2. Section 655.053, Florida Statutes, is hereby repealed.

Section 3. Effective upon becoming law, paragraph (a) of subsection (1) of section 626.988, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

626.988 Financial institutions; agents and solicitors prohibited from employment; exceptions.—

(1) For the purpose of this section, the following definitions shall apply:

(a) "Financial institution" means any bank, bank holding company, savings and loan association, savings and loan association holding company, or savings and loan association service corporation or any subsidiary, affiliate, or foundation of any of the foregoing. This definition shall not, however, include any financial institution which has been granted an exemption by the Board of Governors of the Federal Reserve System pursuant to s. 4(d) of the federal Bank Holding Company Act of 1956, as amended, or any financial institution which neither owns more than 10 percent of the capital stock, nor exercises effective control, of a bank, savings and loan association, or entity licensed under chapter 494 and licensed or authorized to transact business in this state. Specifically excluded from this definition is any bank which is ~~not a subsidiary or affiliate of a bank holding company and is~~ located in a city having a population of less than 5,000 according to the last preceding census.

(9) An insurance transaction not prohibited by this section shall be conducted only by a Florida-licensed insurance agent representing a Florida-authorized insurer or representing a Florida-eligible surplus lines insurer.

Section 4. Effective October 1, 1996, section 626.5715, Florida Statutes, is created to read:

626.5715 Parity of regulation of insurance agents and agencies.—The department shall adopt rules to assure the parity of regulation in this state of insurance transactions as between an insurance agency owned by or an agent associated with a federally chartered financial institution, an insurance agency owned by or an agent associated with a state-chartered financial institution, and an insurance agency owned by or an agent associated with an entity that is not a financial institution. Such rules shall be limited to assuring that no insurance agency or agent is subject to more stringent or less stringent regulation than another insurance agency or agent on the basis of the regulatory status of the entity that owns the agency or is associated with the agent. For the purposes of this section, a person is "associated with" another entity if the person is employed by, retained by, under contract to, or owned or controlled by the entity directly or indirectly. This section does not apply with respect to a financial institution that is prohibited from owning an insurance agency or that is prohibited from being associated with an insurance agent under state or federal law.

Section 5. Section 658.295, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 658.295, F.S., for present text.)

658.295 Interstate banking.—

(1) SHORT TITLE.—This section may be cited as the "Florida Interstate Banking Act."

(2) DEFINITIONS.—For purposes of this section, the term:

(a) "Acquire," with respect to a company, means to:

1. Merge or consolidate with a bank holding company;

2. Assume direct or indirect ownership or control of:

a. More than 25 percent of any class of voting shares of a bank holding company or a bank, if the acquiring company was not a bank holding company prior to such acquisition;

b. More than 5 percent of any class of voting shares of a bank holding company or a bank, if the acquiring company was a bank holding company prior to such acquisition; or

c. All or substantially all of the assets of a bank holding company or bank, if the acquiring company was a bank holding company prior to such acquisition; or

3. Take any other action that results in the direct or indirect acquisition of control by a company of a bank holding company, if the acquiring company was a bank holding company prior to such acquisition.

(b) "Affiliate" has the meaning set forth in s. 2(k) of the Bank Holding Company Act.

(c) "Bank" means an institution as defined in s. 2(c) of the Bank Holding Company Act.

(d) "Bank holding company" has the meaning set forth in s. 2(a) of the Bank Holding Company Act, and unless the context requires otherwise, includes any Florida bank holding company, any out-of-state bank holding company, or any international banking company.

(e) "Banking office" means any bank, branch of a bank, or other office at which a bank accepts deposits, provided the term does not include any:

1. Unmanned automatic teller machine, point-of-sale terminal, or other similar unmanned electronic banking facility at which deposits may be accepted;

2. Office located outside the United States; or

3. Loan production office, representative office, or other office at which deposits are not accepted.

(f) "Bank Holding Company Act" means the federal Bank Holding Company Act of 1956, as amended, 12 U.S.C. ss. 1841 et seq.

(g) "Bank regulatory agency" means:

1. Any agency of another state with primary responsibility for chartering and regulating banks;

2. The Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and any successor to these agencies; or

3. An agency of a country other than the United States with primary responsibility for chartering and regulating banks and bank holding companies in such country.

(h) "Branch" has the meaning set forth in s. 658.12.

(i) "Company" has the meaning set forth in s. 2(b) of the Bank Holding Company Act, and includes a bank holding company.

(j) "Control" has the meaning set forth in s. 2(a)(2) of the Bank Holding Company Act.

(k) "Department" means the Department of Banking and Finance.

(l) "Deposits" means all demand, time, and savings deposits of individuals, partnerships, corporations, the United States, and states and political subdivisions in the United States, as set forth in 12 U.S.C. s. 1813. However, the term "deposits" does not include deposits of banks or foreign governments or institutions or deposits held by foreign banking offices or corporations organized pursuant to s. 25 or s. 25(a) of the Federal Reserve Act, as amended, 12 U.S.C. ss. 601-604a or 12 U.S.C. ss. 611-631. Pursuant to rules established by the department, determinations of deposits shall be made by reference to the most recently available consolidated report of condition or similar reports filed by banks with state or federal regulatory agencies.

(m) "Depository institution" means any institution included for any purpose within the definitions of "insured depository institution" as set forth in 12 U.S.C. s. 1813(c)(2) and (3).

(n) "Florida bank" means a bank whose home state is this state.

(o) "Florida bank holding company" means a bank holding company that:

1. Had its principal place of business in this state on July 1, 1966, or the date on which it became a bank holding company, whichever is later.

2. Is not controlled by an out-of-state bank holding company.

(p) "Home state" means:

1. With respect to a state bank, the state by which the bank is chartered.

2. With respect to a national bank, the state in which the main office of the bank is located.

3. With respect to a foreign bank, the state determined to be the home state of such foreign bank under 12 U.S.C. s. 3103(c).

(q) "Home state regulator" means, with respect to an out-of-state bank holding company, the bank regulatory agency of the state in which such company maintains its principal place of business.

(r) "International banking corporation" means an entity as defined in s. 663.01(6).

(s) "State bank" means a bank chartered under the laws of this state.

(t) "Principal place of business," of a bank holding company, means the state in which the total deposits of its subsidiaries were the greatest on July 1, 1966, or on the date on which the company became a bank holding company, whichever is later.

(u) "Out-of-state bank holding company" means a bank holding company that has its principal place of business in a state other than this state or the District of Columbia and, unless the context requires otherwise, includes an international banking corporation.

(v) "State" means any state, territory, or other possession of the United States, including the District of Columbia.

(w) "Subsidiary" has the meaning set forth in s. 2(d) of the Bank Holding Company Act.

(3) STATEMENT OF LEGISLATIVE INTENT.—In general, states have a strong interest in the activities and operations of depository institutions doing business within their jurisdictions, regardless of the type of charter an institution holds. In particular, states have a legitimate interest in protecting the rights of consumers, businesses, and communities. Further, Congress did not intend that the Interstate Banking and Branching Efficiency Act of 1994 alter this balance and thereby weaken states' authority to protect the interests of consumers, businesses, or communities.

(a) It is the intent of this section to set forth the conditions under which a bank holding company may acquire a Florida bank or a Florida bank holding company. This section is not intended to discriminate against out-of-state bank holding companies or against international banking corporations in any manner that would violate s. 3(d) of the Bank Holding Company Act, as amended effective September 29, 1995, by s. 101 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, Pub. L. No. 103-328. This section is further intended to authorize entry into this state by an out-of-state bank holding company only by acquisition of a Florida bank or Florida bank holding company.

(b) Nothing in this section shall be construed to prohibit the acquisition by an out-of-state bank holding company of all or substantially all of the shares of a bank organized solely for the purpose of facilitating the acquisition of a bank that has been in existence and continuously operated as a bank for more than 2 years, if the acquisition has otherwise been approved pursuant to this section.

(c) Nothing in this section shall be construed to increase or decrease the scope of state licensing or regulatory authority over federally-chartered banks or bank holding companies except as allowed by or consistent with the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, Pub. L. No. 103-328, or any other applicable federal law.

(4) APPLICABLE LAW.—Any out-of-state bank holding company that controls a Florida bank or a Florida bank holding company is subject to the laws of this state, and the rules of the department, relating to the acquisition, ownership, and operation of banks and bank holding companies located in this state which are applicable to Florida bank holding companies.

(5) AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS; FEES.—In order to carry out the purposes of this section, the department may:

(a) Enter into cooperative, coordinating, or information-sharing agreements with other bank regulatory agencies or any organization affiliated with or representing one or more bank regulatory agencies to facilitate the regulation of banks and bank holding companies doing business in this state.

(b) Accept reports of examinations or investigations or other records from other bank regulatory agencies having concurrent jurisdiction over a state bank or a bank holding company that controls a state bank in lieu of conducting its own examinations or investigations.

(c) Take any action jointly with other bank regulatory agencies having concurrent jurisdiction over banks and bank holding companies doing business in this state, or take such action independently, to carry out its responsibilities.

(d) Assess supervisory fees that shall be payable by Florida banks and Florida bank holding companies in connection with the department's performance of its duties. Such fees may be shared with other bank regulatory agencies or any organizations affiliated with or representing one or more bank regulatory agencies in accordance with agreements between them and the department.

(6) PERMITTED ACQUISITIONS.—

(a) Except as otherwise expressly permitted by s. 1841 of the Bank Holding Company Act, no bank holding company may acquire a Florida bank holding company or a Florida bank without the prior approval of the department.

(b) Notwithstanding paragraph (a), prior department approval is not required and the standards for approval in subsection (8) shall be waived by the department if the acquisition is made:

1. In a transaction arranged by the department or another bank regulatory agency to prevent insolvency or the appointment of a liquidator or receiver of the acquired bank; or

2. In a transaction in which a bank forms its own bank holding company, if the ownership rights of the former bank shareholders are substantially similar to those of the shareholders of the new bank holding company.

(c) The prohibition in paragraph (a) does not apply if the acquisition is made solely for the purpose of facilitating an acquisition of a successor institution as defined in s. 658.40(4).

(d) Notwithstanding (a), to the extent prohibited or preempted by federal law, or to the extent the determination of compliance with the conditions imposed in subsection (8) duplicates a determination made or to be made by the responsible federal regulatory agency as part of the federal approval process, prior department approval of any application filed by an out-of-state bank or out-of-state bank holding company to acquire a Florida bank or a Florida bank holding company is not required when such Florida bank or all bank subsidiaries of such Florida bank holding company are national banks.

(e) In a transaction for which the department's approval is not required under this section, the parties shall deliver written notice to the department at least 15 days before the effective date of the acquisition, unless a shorter period of notice is required under applicable federal law.

(7) REQUIRED APPLICATION.—

(a) A company that proposes to make an acquisition under this section shall:

1. File with the department a copy of the application that such company has filed with the responsible federal bank regulatory agency, together with such additional information as the department may prescribe.

2. Pay to the department the required application fee, pursuant to s. 658.73.

(b) To the extent consistent with the effective discharge of the department's responsibilities, the forms established under this section for application and reporting shall conform to those established by the Board of Governors of the Federal Reserve System under the Bank Holding Company Act.

(c) In connection with an application received under this section, the department shall:

1. Require that prior notice of the application be published once in a daily newspaper of general circulation in the county in which the bank to be acquired has its principal place of business or that a notice of intent have been mailed via certified mail to each person owning stock in the bank to be acquired and provide an opportunity for public comment.

2. Make the application available for public inspection to the extent required or permitted under applicable state or federal law.

(d) If the applicant is an out-of-state bank holding company that is not incorporated under the laws of this state, it shall submit with the application proof that the applicant has complied with applicable requirements of chapter 607, together with the filing fee due the Department of State under s. 607.0122.

(8) STANDARDS FOR APPROVAL.—
Except as otherwise provided in this section:

(a) No direct or indirect acquisition of a Florida bank or a Florida bank holding company by a bank holding company shall be permitted unless the Florida bank or all Florida bank subsidiaries of the bank holding company to be acquired have been in existence and continuously operating, on the date of such acquistion, for more than 3 years. Provided however, that this subsection shall not prohibit approval of any acquisition otherwise lawful for which a definitive agreement for acquisition is entered into within six months of the effective date of this statute.

(b) No direct or indirect acquisition of a Florida bank or a Florida bank holding company shall be permitted if, upon consummation of the transaction, the resulting bank holding company, including all insured depository institutions that would be "affiliates," as defined in 12 U.S.C. s. 1841(k), of the resulting bank holding company, would control 30 percent or more of the total amount of deposits held by all insured depository institutions in this state. However, this paragraph does not apply to initial entry into this state by an out-of-state bank or bank holding company.

(9) REPORTS; EXAMINATIONS.—To the extent prescribed by the department, each bank holding company that directly or indirectly controls a state bank shall submit to the department financial reports filed by such company with any bank regulatory agency concerning state banks located in this state within 15 days after the filing thereof with such agency. However, any report prohibited by applicable federal or state law is not required to be submitted to the department.

(10) PENALTIES.—The department may enforce the provisions of this section pursuant to the financial institutions' codes. The department shall promptly give notice to the home state regulator of any enforcement action initiated against an out-of-state bank holding company and, to the extent practicable, shall consult and cooperate with the home state regulator in pursuing and resolving said enforcement action. In the case of an out-of-state holding company, the department shall recognize the exclusive authority of the home state regulator over corporate governance matters and the primary responsibility of the home state regulator with respect to safety and soundness matters.

Section 6. Effective May 31, 1997, section 658.2953, Florida Statutes, is created to read:

658.2953 Interstate branching.—

(1) SHORT TITLE.—This section may be cited as the "Florida Interstate Branching Act."

(2) PURPOSE.—The purpose of this section is to permit interstate branching, effective June 1, 1997, by a merger transaction under s. 102 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, Pub. L. No. 103-328, in accordance with this section.

(3) LEGISLATIVE INTENT.—The Legislature finds it is in the interest of the citizens of this state, and declares it to be the intent of this section, to:

(a) Supervise, regulate, and examine persons, firms, corporations, associations, and other business entities furnishing depository, lending, and associated financial services in this state.

(b) Protect the interests of shareholders, members, depositors, and other customers of financial institutions operating in this state.

(c) Preserve the competitive equality of state financial institutions as compared with federal financial institutions.

(d) Promote the availability, efficiency, and profitability of financial services in the communities of this state.

(e) Preserve the advantages of the dual banking system.

(f) Cooperate with federal regulators and regulators from other states in regulating financial institutions, in improving the quality of regulation, and in promoting the interests of this state in interstate matters.

(g) Provide the department sufficient powers and responsibilities to carry out such purposes.

(4) DEFINITIONS.—As used in this section, unless a different meaning is required by the context:

(a) "Bank" has the meaning set forth in 12 U.S.C. s. 1813(h), provided the term "bank" does not include any "foreign bank" as defined in 12 U.S.C. s. 3101(7), except such term includes any foreign bank organized under the laws of a territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(b) "Bank holding company" has the meaning set forth in 12 U.S.C. s. 1841(a)(1).

(c) "Bank regulatory agency" means:

1. Any agency of another state with primary responsibility for chartering and regulating banks.

2. The Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and any successor to such agencies.

(d) "Branch" has the meaning set forth in s. 658.12.

(e) "Department" means the Department of Banking and Finance.

(f) "De novo branch" means a branch of a bank located in a host state which:

1. Is originally established by the bank as a branch.

2. Does not become a branch of the bank as a result of:

a. The acquisition of another bank or a branch of another bank; or

b. The merger, consolidation, or conversion involving any such bank or branch.

(g) "Control" shall be construed consistently with the provisions of 12 U.S.C. s. 1841(a)(2).

(h) "Failing financial entity" means an out-of-state state bank that has been determined by its home state regulator or the appropriate federal regulatory agency to be imminently insolvent or to require immediate action to prevent its probable failure.

(i) "Home state" means:

1. With respect to a state bank, the state by which the bank is chartered.

2. With respect to a national bank, the state in which the main office of the bank is located.

3. With respect to a foreign bank, the state determined to be the home state of such foreign bank under 12 U.S.C. s. 3103(c).

(j) "Home state regulator" means, with respect to an out-of-state state bank, the bank's regulatory agency of the state in which such bank is chartered.

(k) "Host state" means a state, other than the home state of a bank, in which the bank maintains or seeks to establish and maintain a branch.

(l) "Insured depository institution" has the meaning set forth in 12 U.S.C. s. 1813(c)(2) and (3).

(m) "Interstate merger transaction" means the merger or consolidation of banks with different home states, and the conversion of branches of any bank involved in the merger or consolidation into branches of the resulting bank.

(n) "Out-of-state bank" means a bank whose home state is a state other than this state.

(o) "Out-of-state state bank" means a bank chartered under the laws of any state other than this state.

(p) "Resulting bank" means a bank that has resulted from an interstate merger transaction under this section.

(q) "State" means any state of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Marian Islands.

(r) "Florida bank" means a bank whose home state is this state.

(s) "State bank" means a bank chartered under the laws of this state.

(5) INTERSTATE BRANCHING BY DE NOVO ENTRY PROHIBITED.—An out-of-state bank that does not operate a branch in this state is prohibited from establishing a de novo branch in this state.

(6) AUTHORITY OF STATE BANKS TO ESTABLISH INTERSTATE BRANCHES BY MERGER.—Beginning June 1, 1997, with the prior written approval of the department, a state bank may establish, maintain, and operate one or more branches in a state other than this state pursuant to an interstate merger transaction in which the state bank is the resulting bank. No later than the date on which the required application for the interstate merger transaction is filed with the responsible federal bank regulatory agency, the applicant state bank shall file an application on a form prescribed by the department accompanied by the required fee pursuant to s. 658.73. The applicant shall also comply with the provisions of ss. 658.40-658.45.

(7) INTERSTATE MERGER TRANSACTIONS AND BRANCHING PERMITTED.—

(a) One or more Florida banks may enter into an interstate merger transaction with one or more out-of-state banks. An out-of-state bank resulting from such transaction may maintain and operate the branches of a Florida bank that participated in such transaction, provided that the conditions and filing requirements of this section are met.

(b) Except as otherwise expressly provided in this section, an interstate merger transaction shall not be permitted if, upon consummation of such transaction, the resulting bank, including all insured depository institutions that would be "affiliates," as defined in 12 U.S.C. s. 1841(k), of the resulting bank, would control 30 percent or more of the total amount of deposits held by all insured depository institutions in this state. However, this paragraph does not apply to initial entry into this state by an out-of-state bank or bank holding company.

(c) An interstate merger transaction resulting in the acquisition by an out-of-state bank of a Florida bank shall not be permitted under this section unless such Florida bank has been in existence and continuously operating, on the date of such acquisition, for more than 3 years.

(8) NOTICE AND FILING REQUIREMENTS.—Any out-of-state bank that will be the resulting bank pursuant to an interstate merger transaction involving a Florida bank shall notify the department of the proposed merger within 15 days after the date on which it files an application for an interstate merger transaction with the appropriate federal regulatory agency. A copy of the application shall be submitted

to the department accompanied by the required filing fee, pursuant to s. 658.73. Any out-of-state bank that shall be the resulting bank in such an interstate merger transaction shall comply with applicable requirements of ss. 607.1501-607.1532.

(9) EXAMINATIONS; PERIODIC REPORTS; COOPERATIVE AGREEMENTS; ASSESSMENT OF FEES.—

(a) The department may examine any Florida branch of an out-of-state state bank which the department deems necessary for the purpose of determining whether the branch is being operated in compliance with the laws of this state and in accordance with safe and sound banking practices.

(b) The department may enter into cooperative, coordinating or information-sharing agreements with other bank regulatory agencies or any organization affiliated with or representing one or more bank regulatory agencies to facilitate the regulation of out-of-state state branches doing business in this state.

(c) The department may accept reports of examinations or investigations, or other records from other regulatory agencies having concurrent jurisdiction over a state bank or a bank holding company that controls out-of-state state banks that operate branches in this state in lieu of conducting its own examinations or investigations.

(d) The department may assess supervisory and examination fees that shall be payable by state banks and out-of-state state bank holding companies doing business in this state in connection with the department's performance of its duties under this section and as prescribed by the department. Such fees may be shared with other bank regulatory agencies or any organizations affiliated with or representing one or more bank regulatory agencies in accordance with agreements between them and the department.

(10) LAWS APPLICABLE TO INTERSTATE BRANCHING OPERATIONS.—Laws of this state regarding consumer protection, fair lending, and establishment of intrastate branches apply to any out-of-state bank branch doing business in this state to the same extent as the laws of this state apply to a state bank, except:

(a) When federal law preempts the application of the laws of this state.

(b) When the Comptroller of the Currency determines that the application of such laws of this state would have a discriminatory effect on the branch of a national bank in comparison with the effect the application of such state laws would have with respect to branches of a state bank.

(11) ENFORCEMENT.—

(a) If the department determines that a branch maintained by an out-of-state state bank in this state is being operated in violation of any provision of law of this state, or that such branch is being operated in an unsafe and unsound manner, the department may take all such enforcement actions as it would be empowered to take if the branch were a state bank, provided that the department shall promptly give notice to the home state regulator of each enforcement action taken against an out-of-state state bank and, to the extent practicable, shall consult and cooperate with the home state regulator in pursuing and resolving said enforcement action.

(b) The department may take any action jointly with other regulatory agencies having concurrent jurisdiction over out-of-state banks and bank holding companies that operate branches in this state, or take such action independently, to carry out its responsibilities.

(12) NOTICE OF SUBSEQUENT MERGER.—

(a) Each out-of-state state bank that has established and maintains a branch in this state pursuant to this section shall give at least 30 days' prior written notice to the department of any merger, consolidation, or other transaction that would cause a change of control pursuant to home state or federal law with respect to such bank or any bank holding company that controls such bank.

(b) Notwithstanding any other provisions of the financial institutions' codes or of chapter 120, in the case of a failing financial entity, the department shall have the power, with the concurrence of the appropriate regulatory agency, to issue an emergency order authorizing:

1. The merger or interstate merger transaction of any such failing financial entity with a state bank or bank holding company that controls a state bank;

2. Any bank to acquire assets and assume liabilities of the Florida branches of any such failing financial entity;

3. The conversion of any such failing financial entity into a state bank or trust company;

4. The chartering of a new state bank to acquire the Florida branches of any such failing financial entity; or

5. The chartering of a new state trust company to acquire assets and assume liabilities and rights, powers, and responsibilities as fiduciary of such failing financial entity.

(13) DE NOVO INTERSTATE BRANCHING BY STATE BANKS.—

(a) With the prior approval of the department, any state bank may establish and maintain a de novo branch or acquire a branch in a state other than this state.

(b) A state bank desiring to establish and maintain a branch in another state pursuant to s. 658.26 shall pay the branch application fee set forth in s. 658.73. In acting on the application, the department shall consider the views of the appropriate bank regulatory agencies.

(14) ADDITIONAL BRANCHES; POWERS.—

(a) An out-of-state bank or bank holding company that has acquired a bank in this state pursuant to s. 658.295, or by interstate merger pursuant to this section, may establish an additional branch or additional branches in this state to the same extent that any Florida bank may establish a branch or branches in this state.

(b) An out-of-state bank desiring to establish and maintain a branch in this state pursuant to this section shall provide written notice of the proposed transaction to the department within 15 days after the date on which the bank applies to the responsible federal bank regulatory agency for approval to establish the branch. The filing of such notice shall be accompanied by the filing fee pursuant to s. 658.73.

(c) An out-of-state bank may conduct only those activities at its Florida branch or branches that are authorized under the laws of this state or of the United States.

Section 7. Any state bank, upon prior approval by the department, is authorized to relocate its principal place of business, into a state contiguous to this state, but not more than 30 miles across the state line, merging with an affiliated bank in the host state and retaining branches in both states, until June 1, 1997.

Section 8. Section 658.26, Florida Statutes, is amended to read:

658.26 Places of transacting business; branches; facilities.—

(1) Any bank or trust company heretofore or hereafter incorporated pursuant to this chapter shall have one main office, which shall be located within the state.

(2)(a) In addition, with the approval of the department and upon such conditions as the department prescribes, any bank or trust company may establish branches within *or outside* the state. With the approval of the department upon a determination that the resulting bank or trust company will be of sound financial condition, any bank or trust company incorporated pursuant to this chapter may establish branches by merger with any other bank or trust company ~~located in this state~~.

(b) An application for a branch shall be in writing in such form as the department prescribes and be supported by such information, data, and records as the department may require to make findings necessary for approval. Applications filed pursuant to this subsection shall not be published in the Florida Administrative Weekly but shall otherwise be subject to the provisions of chapter 120. Upon the filing of an application and a nonrefundable filing fee for the establishment of any branch permitted by paragraph (a), the department shall make an investigation

with respect to compliance with the requirements of paragraph (a) and shall investigate and consider all factors relevant to such requirements, including the following:

1. The sufficiency of capital accounts in relation to the deposit liabilities of the bank, or in relation to the number and valuation of fiduciary accounts of the trust company, including the proposed branch, and the additional fixed assets, if any, which are proposed for the branch and its operations, without undue risk to the bank or its depositors, or undue risk to the trust company or its fiduciary accounts;

2. The sufficiency of earnings and earning prospects of the bank or trust company to support the anticipated expenses and any anticipated operating losses of the branch during its formative or initial years;

3. The sufficiency and quality of management available to operate the branch;

4. The name of the proposed branch to determine if it reasonably identifies the branch as a branch of the main office and is not likely to unduly confuse the public; and

5. Substantial compliance by the applicants with applicable law governing their operations.

(3)(a) An office *in this state* which has been in operation for at least 18 months may be relocated *within this state* upon 30 days' prior written notification to the department. An office *in this state* which has been open for less than 18 months may be relocated *within this state* with prior written approval of the department, if the relocation will not create an unsafe and unsound condition. Additional investments in land, buildings, leases, and leasehold improvements resulting from such relocation shall comply with the limitations imposed by s. 658.67(7)(a). The location of an office may not be moved beyond the limits of the county or counties in which the bank or trust company maintains authorized bank or trust company offices *and may not be moved outside this state unless expressly authorized by the financial institutions codes or by federal law*.

(b) The redesignation of a main office and a branch *office within this state* may be made with prior written notification to the department. However, the redesignation of the main office during the bank or trust company's first 18 months of operation requires the prior written approval of the department.

(4) With prior written notification to the department, any bank may operate facilities which are not physically connected to the main or branch office of the bank, provided that the facilities are situated on the property of the main or branch office or property contiguous thereto. Property which is separated from the main or branch office of a bank by only a street, and one or more walkways and alleyways are determined to be, for purposes of this subsection, contiguous to the property of the main or branch office.

(5) A bank may provide, directly or through a contract with another company, off-premises armored car service to its customers. Armored car services shall not be considered a branch for the purposes of subsection (2).

(6)*(a) Any state bank that is a subsidiary of a bank holding company may agree to receive deposits, renew time deposits, close loans, service loans, and receive payments on loans and other obligations, as an agent for an affiliated depository institution.* ~~Banks located in this state that are subsidiaries of a bank holding company may accept deposits as agents for other banks located in this state that are subsidiaries of the same bank holding company. If banks located in this state are affiliates, they may accept deposits as agents for each other. Banks acting as agents for other banks under this subsection shall not be deemed branch offices of the banks for which they act. As used in this subsection, banks are "affiliates" if the same person or persons directly or indirectly own or control either a majority of the voting shares or more than 50 percent of the number of shares entitled to elect the directors of both banks.~~

(b) The term "close loan" does not include the making of a decision to extend credit or the extension of credit.

(c) As used in this section, "receive deposits" means the taking of deposits to be credited to an existing account and does not include the opening or origination of new deposit accounts at an affiliated institution by the agent institution.

(d) Under this section, affiliated banks may act as agents for one another regardless of whether the institutions are located in the same or different states. This section applies solely to affiliated depository institutions acting as agents, and has no application to agency relationships concerning nondepositories as agent, whether or not affiliated with the depository institution.

(e) In addition, under this section, agent banks may perform ministerial functions for the principal bank making a loan. Ministerial functions include, but are not limited to, such activities as providing loan applications, assembling documents, providing a location for returning documents necessary for making the loan, providing loan account information, and receiving payments. It does not include such loan functions as evaluating applications or disbursing loan funds.

Section 9. Section 658.65, Florida Statutes, is amended to read:

658.65 Remote financial service units.—Any bank which ~~does not have~~ *is not authorized to do business in this state or does not have* its principal office and place of business in this state is prohibited from using in this state any remote financial service unit or any associated system by which a remote financial service unit is operated. However, any bank which ~~does not have~~ *is not authorized to do business in this state or does not have* its principal office and place of business in this state may use in this state any remote financial service unit or any associated system within this state by which such a remote financial service unit is operated if:

(1) Such bank does not take deposits, either directly or indirectly, from any source whatsoever by use of the remote financial service unit or associated system;

(2) Such bank by itself or in conjunction with another is not, directly or indirectly, the owner of, nor does it hold title to or rent or control the use of, the remote financial service unit or that part of the associated system that is within the state; and

(3) The remote financial service unit or associated system:

(a) Has as its owner:

1. One or more banks, each of which ~~has~~ *is authorized to do business in this state or has* its principal office and place of business in this state;

2. One or more parent holding companies of a bank described in subparagraph 1.; or

3. One or more subsidiaries of a bank described in subparagraph 1. or of a holding company described in subparagraph 2.; or

(b) Is accessible by such bank or its customers only through computer or similar electronic systems used by, and the use of which is controlled by:

1. One or more banks, each of which ~~has~~ *is authorized to do business in this state or has* its principal office and place of business in this state;

2. One or more parent holding companies of a bank described in subparagraph 1.; or

3. One or more subsidiaries of a bank described in subparagraph 1. or of a holding company described in subparagraph 2.

However, nothing contained in this section prohibits any Federal Reserve Bank or branch thereof from operating any electronic funds transfer system in this state. *Notwithstanding ss. 658.295 and 658.2953,* nothing contained in this section grants any authority, directly or indirectly, for any bank or bank holding company, the operations of which are principally conducted outside this state, to operate a branch in this state or to acquire, directly or indirectly, any voting shares of, any interest in, or all or substantially all of the assets of any bank in this state. Nothing contained in this section, by negative implication or otherwise, applies to any association or credit union, regardless of whether such association or credit union has its principal office and place of business in this state.

Section 10. Subsection (1) of section 655.922, Florida Statutes, is amended to read:

655.922 Banking business by unauthorized persons; use of name.—

(1) No person other than a financial institution *authorized to do* ~~having its principal place of~~ business in this state *pursuant to the financial institutions codes or federal law* shall, in this state, engage in the business of soliciting or receiving funds for deposit or of issuing certificates of deposit or of paying checks; and no person shall establish or maintain a place of business in this state for any of the functions, transactions, or purposes mentioned in this subsection. Any person who violates the provisions of this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not prohibit the issuance or sale by a financial institution of traveler's checks, money orders, or other instruments for the transmission or payment of money, by or through employees or agents of the financial institution off the financial institution's premises.

Section 11. Paragraph (e) of subsection (2) of section 658.73, Florida Statutes, is amended to read:

658.73 Fees and assessments.—

(2) Applications filed with the department shall be accompanied by payment of the following nonrefundable fees:

(e) Two thousand five hundred dollars for each application to establish a branch of a state bank, *an out-of-state bank,* or ~~a branch of~~ a state trust company.

If, as a result of any application filed with the department, the department determines that an examination is necessary to assess the financial condition of any financial institution, the applying financial institution shall pay to the department a nonrefundable examination fee, pursuant to s. 655.045(1).

Section 12. If any provision of this act or the application of such provision is found by any court of competent jurisdiction in the United States to be invalid as to any bank, bank holding company, foreign bank, or other person or circumstances, or to be superseded by federal law, the remaining provisions hereof shall not be affected and shall continue to apply to any bank, bank holding company, foreign bank, or other person or circumstance.

Section 13. Section 658.29, Florida Statutes, is repealed.

Section 14. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to financial institutions; creating s. 660.418, F.S.; authorizing certain financial institutions to purchase certain securities under certain circumstances; providing application; repealing s. 655.053, F.S., relating to certain annual reports submitted by the Department of Banking and Finance; amending s. 626.988, F.S.; providing exceptions to prohibitions on the conduct of insurance transactions by financial institutions; creating s. 626.5715, F.S.; requiring the adoption of rules for parity of regulation of insurance agents and agencies; amending s. 658.295, F.S.; creating the "Florida Interstate Banking Act"; providing definitions; providing legislative intent; providing for application of certain laws; providing authority for the Department of Banking and Finance to enter into cooperative agreements; specifying permitted acquisitions; requiring applications for acquisition; specifying standards for approval; requiring reports; providing penalties; creating s. 658.2953, F.S.; creating the "Florida Interstate Branching Act"; providing purpose and legislative intent; providing definitions; prohibiting certain interstate branching under certain circumstances; authorizing state banks to establish interstate branches under certain circumstances; authorizing certain merger transactions and branching; specifying notice and filing requirements; providing for examinations, periodic reports, and cooperative agreements; authorizing the department to assess certain fees; specifying laws applicable to interstate branching operations; providing exceptions; providing for enforcement; requiring notice of subsequent merger of certain institutions; authorizing de novo interstate branching by state banks under certain circumstances; authorizing additional branches under certain circumstances; requiring notice to establish and maintain a branch; authorizing relocation of main offices under certain circumstances; amending s. 658.26, F.S.; clarifying provisions relating to places of transacting business; specifying permitted banking activities; amending s. 658.65, F.S.; limiting use of remote financial service units in this state to certain banks; amending s. 655.922, F.S.; clarifying which financial institutions may engage in certain business in this state; amending s. 658.73, F.S.; imposing a fee for out-of-state bank application; providing severability; repealing s. 658.29, F.S., relating to prohibitions against certain ownership and control; providing effective dates.

Senator Grant moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (with title amendment)—On page 2, between lines 5 and 6, insert:

Section 3. Section 657.053, Florida Statutes, is amended to read:

657.053 Assessments; state credit unions.—Each state credit union shall pay to the department a semiannual assessment *equal to $500 plus 15 cents for each $1,000 of total assets. The amounts of all assessments provided for in this section shall be deemed to be maximum amounts. The department has the authority to establish, by rule, and from time to time to change, assessments in amounts less than the maximum amounts stated in this section.* ~~computed by using the following schedule:~~

~~(1) For assets under $25,000, an assessment of $1.98 per $1,000, but not less than $17.25.~~

~~(2) For assets over $25,000, an assessment of $49.50, plus $1.82 per $1,000 over $25,000.~~

~~(3) For assets over $50,000, an assessment of $95.00, plus $1.59 per $1,000 over $50,000.~~

~~(4) For assets over $100,000, an assessment of $174.40, plus $0.99 per $1,000 over $100,000.~~

~~(5) For assets over $250,000, an assessment of $323.19, plus $0.79 per $1,000 over $250,000.~~

~~(6) For assets over $500,000, an assessment of $521.56, plus $0.46 per $1,000 over $500,000.~~

~~(7) For assets over $1 million, an assessment of $753.00, plus $0.36 per $1,000 over $1 million.~~

~~(8) For assets over $2 million, an assessment of $1,116.69, plus $0.31 per $1,000 over $2 million.~~

~~(9) For assets over $5 million, an assessment of $2,068.89, plus $0.16 per $1,000 over $5 million.~~

~~(10) For assets over $20 million, an assessment of $4,449.39, plus $0.15 per $1,000 over $20 million.~~

~~(11) For assets over $50 million, an assessment of $9,012.01, plus $0.14 per $1,000 over $50 million.~~

~~(12) For assets over $100 million, an assessment of $16,285.76, plus $0.14 per $1,000 over $100 million.~~

And the title is amended as follows:

On page 30, line 3, after the semicolon (;) insert: amending s. 657.053, F.S.; providing a formula for semiannual assessments against state credit unions; deleting a schedule for such assessments;

Senator Williams moved the following amendments to **Amendment 2** which were adopted:

Amendment 2B (with title amendment)—On page 29, between lines 17 and 19, insert:

Section 5. Section 627.481, Florida Statutes, is amended to read:

627.481 *Requirements* ~~Special permit~~ for certain annuity agreements.—

(1) ~~The department may, in its discretion, issue a special permit to make annuity agreements with donors to~~ Any duly organized domestic or foreign nonstock corporation, or to any unincorporated charitable trust, if such corporation or trust has been in active operation for at least 5 years prior thereto and has qualified as an exempt organization under

the Internal Revenue Code, 26 U.S.C. s. 501(c)(3) *may enter into annuity agreements with donors in accordance with this section.* ~~Such permit shall authorize~~ Such corporation or trust *may* ~~to~~ receive gifts conditioned upon, or in return for, its agreement to pay an annuity to the donor or other designated beneficiary or beneficiaries and to make and carry out such annuity agreement. *Annuity benefits under any such annuity agreement must be calculated* ~~Every such corporation or trust shall, before making any such agreement, file with the department copies of its forms of agreements with annuitants and a schedule of its maximum annuity rates, which shall be so computed, on the basis of the annuity standard adopted by it for the calculation of its reserves, as~~ to return to such corporation or trust upon the death of the annuitant a residue at least equal to one-half the original gift or other consideration for such annuity.

(2) Every such domestic corporation or such domestic or foreign trust shall have and maintain admitted assets at least equal to the sum of the reserves on its outstanding *annuity* agreements, calculated in accordance with the United States Internal Revenue Code *as set forth in s. 220.03(1)(n)* ~~Revenue Ruling 72-438~~, and a surplus of 25 percent of such reserves. In determining the reserves of any such corporation or trust, a deduction shall be made for all or any portion of an annuity risk which is reinsured by a life insurance company authorized to do business in this state. The assets of such corporation or trust in an amount at least equal to the sum of such reserves and surplus shall be invested only in securities permitted under part II of chapter 625 for the investment of the reserves of authorized life insurance companies; and such assets shall be segregated as separate and distinct funds, independent of all other funds of such corporation or trust, and shall not be applied for the payment of the debts and obligations of the corporation or trust or for any purpose other than the annuity benefits specified in this section.

(3) No such foreign corporation shall ~~be permitted to~~ make these annuity agreements in this state unless it complies with all the requirements of this section imposed upon like domestic corporations, except that the corporation may invest its reserve and surplus funds in the kind of securities permitted by the laws of the state in which it was incorporated or organized.

(4) Any corporation or trust that engages in the business of issuing these annuity agreements shall notify the department in writing by the later of 90 days after the effective date of this act or the date on which it enters into the first of these annuity agreements. The notice must:

(a) Be signed by two or more officers or directors of the organization;

(b) Identify the organization; and

(c) Certify that the organization meets the requirements of this section.

(5) Any annuity agreement entered into by a corporation or trust must contain the following clause: "This annuity is not issued by an insurance company, is subject only to limited regulation by the State of Florida and is not protected or otherwise guaranteed by any government agency."

(6)~~(4)~~ If the department finds that any such corporation or trust ~~having such a special permit~~ has failed to comply with the requirements of this section, ~~it may revoke or suspend such permit or~~ it may order such corporation or trust to cease making any new annuity *agreements* ~~contracts~~ until such requirements have been satisfied. The department may, in its discretion, require annual statements by such corporation or trust and may accept in lieu thereof a sworn statement by two or more of the principal officers thereof, in such form as will satisfy the department that the requirements of this section are being complied with.

(7)~~(5)~~ Except as provided in this section, every such corporation or trust shall be exempt from the provisions of this code in making annuity agreements ~~pursuant to a special permit~~ issued under this section.

(8)~~(6)~~ Any annuity agreement entered into by a corporation or trust the sole purpose of which is to support a state institution of higher learning shall contain the following clause:

"This agreement is the entire contract between the parties, with rights and responsibilities of each party to the other as set forth herein. The donor or annuitant shall not have recourse against any assets of the state other than any funds or assets donated by, or funds derived from any assets donated by, the donor as set forth herein."

(9) Agreements in the form of a charitable remainder unitrust trust, charitable remainder annuity trust, charitable lead trust, pooled income fund or other similar charitable split interest trust arrangement (not including a charitable gift annuity), described in Sections 170(f)(2)(A) and (B); 664(d)(1) and (2); and 642(c)(5), United States Internal Revenue Code are exempt from the provisions of subsection (1), (2), (3), and (5).

(10) The provisions of part X of chapter 626, apply to issuers of annuity agreements under this section.

(Renumber subsequent section.)

And the title is amended as follows:

On page 30, line 9, after the semicolon (;) insert: amending s. 627.481, F.S.; revising requirements for certain annuity agreements;

Amendment 2C (with title amendment)—On page 3, between lines 24 and 25, insert:

Section 1. Section 624.4031, Florida Statutes, is created to read:

624.4031 Church benefit plans and church benefit board.—

(1) For purposes of this section, "church benefits board" means an organization as described in s. 414(e)(3)(A) of the Internal Revenue Code of 1986, as amended, that:

(a) Has the principal purpose or function of administering or funding a plan or program for providing retirement benefits or welfare benefits for the ministers or employees of a church or a conference, convention, or association of churches.

(b) Is controlled by or affiliated with a church or a conference, convention, or association of churches.

(2) If authorized by its members or as otherwise provided by law, a domestic or foreign nonprofit corporation formed for a religious purpose may provide, directly or through a separate church benefits board, for the support and payment of pensions and benefits to its ministers, teachers, employees, trustees, directors, or other functionaries and to the ministers, teachers, employees, trustees, directors, or functionaries of organizations controlled by or affiliated with a church or a conference, convention, or assocation of churches under its jurisdiction and control and may provide for the payment of pensions and benefits to the spouse, children, dependents, or other beneficiaries of such persons.

(3) A church benefits board may provide for the collection of contributions and other payments to aid in providing pensions and benefits under this act and for the creation, maintenance, investment, management, and disbursement of necessary annuities, endowments, reserves, and other funds for such purposes. Payments may be received from a trust fund or corporation that funds a "church plan" as defined by s. 414(e) of the Internal Revenue Code of 1986, as amended.

(4) A church benefits board may provide certificates or agreements of participation and debentures and indemnification agreements to its program participants as appropriate to accomplish its purposes, may act as trustee under a lawful trust committed to it by contract, will, or otherwise, and may act as agent for the performance of a lawful act relating to the purposes of the trust.

(5) A church benefits board, directly or through an affiliate wholly owned by the board, may agree to indemnify against damage or risk of loss:

(a) Its affiliated ministers, teachers, employees, trustees, functionaries, and directors and their families, dependents, and beneficiaries.

(b) A church, or a convention, conference, or association of churches, or an organization that is controlled by or affiliated with a church or a convention, conference, or association of churches.

(6) Money or other benefits that have been or will be provided to a participant or a beneficiary under a plan or program of retirement income, relief, welfare, or employee benefit provided by or through a church benefits board is not subject to execution, attachment, garnishment, or other process and may not be seized, taken, appropriated, or applied as part of a judicial, legal, or equitable process or operation of a law other than a constitution to pay a debt or liability of the participant

or beneficiary. This section does not apply to a qualified domestic relations order or an amount required by the church benefits board to recover costs or expenses it incurred in the plan or program.

(7) If a plan or program under this act contains a provision prohibiting assignment or other transfer by a beneficiary of money or benefits to be paid or rendered or of other rights under the plan or program without the written consent of the church benefits board, a prohibited assignment or transfer or an attempt to make a prohibited assignment or transfer is void if made without that consent.

(8) The Florida Insurance Code does not apply to a church benefits board that has operated more than 5 years in its state of domicile and has more than $2 million in reserves. This exemption extends to the programs, plans, benefits, activities, or affiliates of the church benefits board. A church benefits board may qualify for this exemption if an authorized representative of the church benefits board submits to the department an affidavit stating that the church benefits board meets or exceeds the requirements of this section. If the department believes the information provided on the affidavit is inaccurate, the department has the burden of proving that the church benefits board fails to meet the requirements of this section.

And the title is amended as follows:

On page 30, line 9, after the semicolon (;) insert: creating s. 624.4031, F.S.; providing a definition; authorizing a nonprofit corporation formed for a religious purpose either directly or through a church benefits board to provide for pensions and benefits; providing for collecting contributions; providing for documents and agreements; providing for indemnification; providing for protection of benefits; providing an exception; providing for prohibition of assignment of benefits under certain circumstances; providing that the Insurance Code does not apply to certain church benefits boards;

Amendment 2D—On page 4, between lines 8 and 9, insert:

(9) Church benefits boards may not issue life insurance policies.

Amendment 2 as amended was adopted.

On motion by Senator Dudley, by two-thirds vote **SB 900** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

Consideration of **SB 2454** was deferred.

On motion by Senator Latvala, by two-thirds vote **CS for HB's 2405, CS for HB 267, CS for HB 531, 1495, 1859 and 1929** was withdrawn from the Committee on Commerce and Economic Opportunities.

On motions by Senator Latvala, by two-thirds vote—

CS for HB's 2405, CS for HB 267, CS for HB 531, 1495, 1859 and 1929—A bill to be entitled An act relating to public education; creating s. 24.1205, F.S.; providing legislative intent relating to expenditure of lottery revenues; defining education enhancement; providing for advertising; amending s. 24.121, F.S.; revising provisions relating to the funding of education from lottery revenues; requiring school district reporting of expenditures; amending ss. 229.592 and 230.23, F.S.; conforming provisions; amending s. 240.5291, F.S., relating to teaching profession enhancement grants; amending s. 24.105, F.S.; providing for the use of player-activated machines for the dispensing of instant lottery game tickets; providing criteria for the operation of such machines; creating s. 24.1055, F.S.; prohibiting the purchase of a lottery ticket by certain persons; providing for the posting of a notice; providing a penalty for violations; amending s. 24.111, F.S.; revising provisions relating to investigation of vendors by the Department of the Lottery and contracts with vendors; requiring the department to lease certain vending machines for a certain time period; requiring a performance bond; amending s. 24.115, F.S.; revising provisions relating to the payment of prizes; creating s. 24.124, F.S.; providing responsibility for verification of ticket accuracy; providing for issuance of a replacement ticket; limiting liability; revising funding provisions; creating s. 240.4024, F.S.; creating the Florida Postsecondary Tuition Program; providing eligibility, types of assistance, application process, and funding; restricting awards through the Florida Undergraduate Scholars' Program and the Vocational Gold Seal Endorsement Scholarship Program upon funding of the Florida Postsecondary Tuition Program; providing criteria for use of scholarship funds by certain students; providing an effective date.

—a companion measure, was substituted for **CS for SB 2510** and by two-thirds vote read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (with title amendment)—On page 2, line 16 through page 11, line 10, delete those lines and insert:

Section 1. Paragraph (e) is added to subsection (5) of section 24.121, Florida Statutes, to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(e) Each school district shall, on a quarterly basis, make available to the public and distribute, in an easy-to-understand format, the expenditures of lottery funds allocated to the school district.

Section 2. Section 240.4024, Florida Statutes, is created to read:

240.4024 Florida Postsecondary Tuition Program.—

(1) The Florida Postsecondary Tuition Program is hereby created to reward outstanding high school students with financial assistance in degree, diploma, or certificate programs at any Florida public university, community college, or technical institute. This financial assistance shall be in the form of scholarships and may be used to assist with the cost of education, not to exceed the cost of tuition, mandatory fees, and books. Except as otherwise provided in this section, the scholarship shall cover the full cost of tuition subject to the availability of funds. The scholarship may not be used for remedial courses.

(2) In order to be eligible to receive a scholarship under the Florida Postsecondary Tuition Program, an initial-year applicant must:

(a) Be a Florida resident.

(b) Receive a Florida high school diploma, or its equivalent as described in s. 229.814, in or after 1996. Any student who is enrolled on a full-time basis in the early admission program of an eligible postsecondary institution or has attended a home education program during grade levels 9 through 12 according to the provisions of s. 232.02(4) shall be exempt from this requirement. Also exempt shall be the dependents of Florida residents who are on military or public service assignments away from Florida when such dependents live with such Florida residents and receive high school diplomas from non-Florida schools.

(c) Have not been convicted of a felony.

(d)1. At the time of application or by the end of the senior year, have been enrolled in, and intend to complete, a college preparatory curriculum, have an unweighted grade point average of 3.0 or above on a 4.0 scale, and have attained at least the minimum score established by the Department of Education on the American College Test or the Scholastic Assessment Test;

2. At the time of application or by the end of the senior year, have been enrolled in a curriculum other than a college preparatory curriculum, have an unweighted grade point average of 3.0 or above on a 4.0 scale, and have attained at least the minimum score established by the department on the American College Test or the Scholastic Assessment Test;

3. At the time of application, be a home education program student, or a high school equivalency diploma recipient, who has attained at least the minimum score established by the department on the American College Test or the Scholastic Assessment Test.

(e) Utilize an initial scholarship by the date established by the department.

(3) Students may receive annual awards for the first 30 semester credit hours attempted at any eligible Florida postsecondary educational institution. As used in this section, the term "eligible Florida postsecondary institution" means an institution within the State University System, the community college system, or a public vocational-technical institution. The maximum amount of the award shall include tuition, mandatory fees, and a book allowance of up to $300, except that students who receive a grade point average of 3.5 on a 4.0 scale, or above, in a college preparatory curriculum may receive a higher award as determined by the department. Awards shall be disbursed in equal installments each academic term. Full-time enrollment shall not be required. Awards through this program may be made to degree-seeking students enrolled for a minimum of 6 credit hours who meet the general requirements for student eligibility as provided in this section. Students enrolled for 6 to 8 credit hours may receive up to one-half of the maximum award; students enrolled for 9 to 11 credit hours may receive up to three-fourths of the maximum award; and students enrolled for 12 or more credit hours may receive up to the full award.

(a) A scholarship shall be awarded prior to the certification or award of a federal family education loan or federal direct loan and shall be considered in the certification or calculation of the student's loan eligibility.

(b) Students attending a Florida public technical institute in order to earn a certificate or diploma may qualify for tuition scholarships for the cost of tuition, mandatory fees, and up to $150 per semester for a book allowance. Awards through this program may be made to students enrolled for a minimum of 6 credit hours in a job preparatory vocational program who meet the general requirements for student eligibility as provided in this section. Students enrolled for 6 to 8 credit hours may received up to one-half of the maximum award; students enrolled for 9 to 11 credit hours may receive up to three-fourths of the maximum award; and students enrolled for 12 or more credit hours may receive up to the full award.

(4) Students may renew a scholarship for their sophomore, junior, and senior years of undergraduate study. To do so, the student must:

(a) Maintain at least a 3.0 cumulative grade point average on a 4.0 scale.

(b) Be making satisfactory academic progress.

(c) Have used, within a maximum period of 5 years from the date of high school graduation, less than the maximum number of semesters of eligibility as determined by the department. The department may waive this paragraph for students who demonstrate that compliance would entail extraordinary hardship.

(5) A student planning to attend an eligible postsecondary institution must comply with any application requirements established by the institution. Upon verifying that the student meets eligibility criteria established in this section, the eligible institution shall submit to the department a request for the appropriate level of payment. The department shall establish the necessary data to be reported and a date by which such requests for payment are due each semester. Late requests shall be honored by the department to the extent that funds are available after all timely requests have been funded.

(6) The department shall adopt rules as necessary to implement and administer the Florida Postsecondary Tuition Program.

(7) The program shall be implemented to the extent authorized annually in the General Appropriations Act. If funds are insufficient to provide the full amount of scholarships authorized in this section to each eligible applicant, the department may prorate available funds and make a partial award to each eligible applicant.

Section 3. The criteria for the use of scholarship funds which apply to students under the Florida Postsecondary Tuition Program shall also apply to the children of deceased or disabled veterans who receive scholarships under chapter 295, Florida Statutes.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-13, delete those lines and insert: An act relating to public education; amending s. 24.121, F.S.; requiring school district reporting of expenditures of lottery funds; creating s. 240.4024, F.S.; creating the Florida Postsecondary Tuition Program; providing eligibility, types of assistance, application process, and funding; restricting awards through the Florida Undergraduate Scholars' Program and the Vocational Gold Seal Endorsement Scholarship Program upon funding of the Florida Postsecondary Tuition Program; providing criteria for use of scholarship funds by certain students; amending s. 24.105, F.S.; providing for

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—In title, on page 6, lines 12-16, delete those lines and insert: application process, and funding;

Amendment 1 as amended was adopted.

SENATOR SILVER PRESIDING

Senator Ostalkiewicz moved the following amendment which failed:

Amendment 2 (with title amendment)—On page 11, line 11 through page 17, line 30, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 1, lines 13-31, delete those lines and insert: grants;

The vote was:

Yeas—15 Nays—18

Senator Grant moved the following amendments which were adopted:

Amendment 3—On page 12, line 12, after the period (.) insert: *At least two clerks must be on duty at the lottery retailer while the machine is in operation.*

Amendment 4—On page 12, line 26, after "*person*" insert: *, including any vendor,*

Amendment 5—On page 12, line 7, after "*age*" insert: *through the use of a lockout device that maintains the machine's deactivation for a period of no less than 5 minutes*

On motion by Senator Latvala, by two-thirds vote **CS for HB's 2405, CS for HB 267, CS for HB 531, 1495, 1859 and 1929** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29 Nays—6

CS for SB 2870—A bill to be entitled An act relating to education; providing a short title; providing legislative intent; creating the Institute on Public Postsecondary Distance Learning; providing for a governing board of the institute; assigning the institute to the Florida Gulf Coast University for purposes of administration; specifying the duties of the institute; requiring the institute to submit a report and recommend policies and procedures for implementing distance learning to the Florida Distance Learning Network, the Board of Regents, and the State Board of Community Colleges; amending s. 364.509, F.S.; providing for Tallahassee Community College to be the fiscal agent and project manager for the Florida Distance Learning Network; directing the State Board of Community Colleges to establish the Florida Community College Distance Learning Consortium; requiring the State Board of Community Colleges to appoint an advisory board for the consortium; providing duties of the consortium; amending s. 364.511, F.S., relating to the powers of the Board of Directors of the Florida Distance Learning Network with respect to the leasing of transponder time; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 3, line 6, after "staff" insert: and shall be authorized to reimburse Florida Gulf Coast University for administrative costs incurred to support the institute

Amendment 2—On page 6, line 27 through page 7, line 16, delete those lines and insert: programs and courses offered by the community colleges.

(c) Ensure that programs and courses coordinated by the consortium are in compliance with all appropriate accreditation requirements.

(d) Develop and implement mechanisms to provide for consolidated and coordinated telecommunications infrastructure or program development acquisitions, in an effort to ensure maximum cost-effectiveness while not interfering with the ability of individual community colleges to purchase items for which group purchases are not available, effective, or beneficial to the institution. These mechanisms shall also provide for cooperative purchasing and leasing.

(e) Negotiate and execute contracts with the community colleges or other providers for the development of credit and noncredit programs and courses to be coordinated through the consortium.

(f) Provide for local community colleges to utilize the consortium's coordination of credit and noncredit programs and courses within their service area. Such courses utilized by the college are not subject to the

Amendment 3—On page 5, line 14, after the period (.) insert:

(d) The institute shall take official action only by consensus of its governing board.

On motion by Senator Dudley, by two-thirds vote **CS for SB 2870** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

HCR 2665—A concurrent resolution adopting additional Joint Rules of the Florida Legislature.

—was read the second time in full.

The Committee on Rules and Calendar recommended the following amendment which was moved by Senator Jennings and failed:

Amendment 1—On page 2, line 24, insert: However, one set of the Florida Statutes and any supplementary matter thereto shall be provided free to the justices of the Florida Supreme Court and judges of the Florida Court System. Sets of the Florida Statutes and any supplementary matter thereto shall be furnished free only for official use upon requisition by Florida Supreme Court Research Assistants, library clerk's office, marshal's office, courtroom, or other official use upon certification of need by the Supreme Court librarian; by district court of appeals research assistant's, clerk's office, marshal's office, courtroom, libraries or other official use, upon certificate of need by the clerk; by circuit courts for use in courtroom or chambers, upon certification of need by the clerk; by county courts for use in courtroom or chambers, upon certification of need by the clerk of the county court. Copies of the session laws of each session of the legislature shall be distributed free by the committee to the Florida Supreme Court and district courts of appeal in the amount those courts may require for official use only.

On motion by Senator Jennings, **HCR 2665** was adopted and certified to the House. The vote on adoption was:

Yeas—37 Nays—None

HB 2667—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 14.22(3)(b), 14.28, 17.0401, 17.076(5), 20.055(5)(b), 20.17(3)(f), (5)(e), 24.108(7)(b), 24.118(4), 27.37(4)(a), (6)(a), (8), 30.49(3), 39.039(1)(b), 39.058(4)(f), (l), 39.0582(4)(f), (l), 39.411(4), 39.471(4), 44.102(3), 44.201(5), 61.183(3), 61.402, 63.022(2)(j), 97.0585, 101.62(3), 106.25(6), 110.1091, 110.1127(3)(d), as amended by section 33 of chapter 95-228, Laws of Florida, 110.1127(3)(g), as amended by section 1398 of chapter 95-147, Laws of Florida; section 10 of chapter 95-158, Laws of Florida; and section 120 of chapter 95-418, Laws of Florida, 110.123(9), 110.201(4), 112.0455(8)(l), (u), (11)(f), 112.08(7), (8), 112.21(1), 112.215(7), 112.3188(2)(a), (b), as amended by section 2 of chapter 95-153, Laws of Florida, and section 1 of chapter 95-166, Laws of Florida, 112.3188(1), (2)(a), as amended by section 1 of chapter 95-136, Laws of Florida, 112.3215(7), 112.533(2), 119.011(3)(c), 119.07(3)(i), (4), 121.031(5), 125.0104(9)(d), 125.355(1)(a), 163.01(15)(m), 166.045(1)(a), 166.231(9)(e), 192.105(1), 193.074, 195.027(3), (6), 195.084(1), 195.096(2)(e), as amended by section 5 of chapter 95-272, Laws of Florida, 195.096(2)(e), effective July 1, 1997, as amended by section 19 of chapter 95-272, Laws of Florida, 196.101(4)(c), 199.222, 201.022(1), 206.27(2), 211.125(10), 211.33(5), 212.0305(3)(d), 213.053(2), (6), (7), (9)(c), (14)(c), (15), as amended by section 10 of chapter 95-272, Laws of Florida, 213.053(15), effective July 1, 1997, as amended by section 24 of chapter 95-272, Laws of Florida, 213.0535(5), 213.21(3)(a), 213.22(2), 213.27(7), 213.28(6), 215.322(5), 215.557, 220.242, 228.093(3)(c), (d), 228.502(12)(c), 229.551(3)(i), 229.8021(4), 230.23(4)(m), 230.2316(9), 231.17(2)(h), 231.1715, 231.262(4), 231.263(9), (11), 231.291(3)(a), 232.23(1), 232.2468(3), 232.248, 233.068(5)(b), 235.054(1)(a), 237.40(4), 239.505(11), 240.209(2), 240.213(4), 240.237, 240.241(2), 240.253(3), 240.299(4), 240.323, 240.331(3), 240.3315(3), 240.334(2), 240.337, 240.512(8)(b), (9), 240.551(5)(j), (6)(f), 242.335(4), as amended by section 1 of chapter 95-137, Laws of Florida, and section 34 of chapter 95-228, Laws of Florida, 242.335(4), as amended by section 1 of chapter 95-137, Laws of Florida; section 836 of chapter 95-148, Laws of Florida; section 13 of chapter 95-152, Laws of Florida; section 11 of chapter 95-158, Laws of Florida; and section 122 of chapter 95-418, Laws of Florida, 246.226(2), (3), 252.355(3), 252.88(1), (2), (3), 253.025(6)(d), (7)(d), 255.047(2), 255.25001(2)(b), 257.261, 257.35(1)(b), 258.015(3), 259.041(7)(e), (8)(c), 265.26(7)(b), 265.289(2), 265.605(2)(c), 266.0008(8), 266.0018(8), 266.0028(8), 266.0038(8), 266.0048(8), 266.0058(8), 266.0068(8), 267.16(4), 267.17(3), 279.11(1), 280.16(5), 281.301, 282.318(3)(a), 284.40(2), 287.0595(3), 288.047(6)(f), (9), 288.075(2), 288.1065, 288.1168(5), 288.121(7)(a), 288.1224(12)(a), 288.1226(5), 288.712(7), 288.776(4)(e), 288.809(4), 288.815(9)(a), 288.906(2)(b), 288.9517(4), 288.9520, 288.9607(5), 288.9616(4), 296.09(1), 310.102(3)(e), (5)(a), 320.025(1), (2), 320.05(1), 322.125(3)(b), (4), 322.126(3), 322.142(4), 322.20(3), (8), 331.326, 334.049(4), 337.14(1), 337.162(1), (2), (3), 339.0805(1)(c), 341.3333(2), 341.4065, 365.171(15), 370.07(6)(a), 372.0215(3), 373.139(3), 377.22(2)(h), 377.2408(3), 377.2409, 377.2421(2), 377.2424(3), 377.606, 377.701(4), 378.101(3)(b), 378.208(6), 378.406(1), 381.0031(4), 381.004(3)(d), (f), (g), (i), (4)(c), (5)(f), (6)(b), 381.0041(9), (11)(a), 381.83, 382.008(6), 382.014(1), (2), 382.015(5), 382.025(1), (2), (4), (8), (10), 382.027(1), 383.14(3)(d), 383.32(3), 383.325(2), 384.26(2), 384.282(3), 384.29(1), (2), 384.30(2), 385.202(3), 390.002(3), 392.54(2), 392.545(3), 392.65(1), (2), 393.0655(6), as amended by section 1047 of chapter 95-148, Laws of Florida; section 14 of chapter 95-152, Laws of Florida; section 12 of chapter 95-158, Laws of Florida; and section 123 of chapter 95-418, Laws of Florida, 393.067(5)(c), 393.13(4)(j), 394.457(6)(k), as amended by section 15 of chapter 95-152, Laws of Florida, and section 124 of chapter 95-418, Laws of Florida, 394.459(9), 394.907(7), 395.0162(2), 395.0193(4), (6), 395.1046(3), 395.3025(2), (4)(i), (7), (8), (9), 395.4025(12), 395.404(3), 397.419(7), 397.451(10), as amended by section 16 of chapter 95-152, Laws of Florida; section 13 of chapter 95-158, Laws of Florida; section 2 of chapter 95-407, Laws of Florida; and section 126 of chapter 95-418, Laws of Florida, 397.501(7), 399.02(5)(c), 400.0077(1), (2), 400.022(1)(m), 400.0255(8), 400.145, 400.494, 400.512(7), as amended by section 1 of chapter 95-201, Laws of Florida, and section 40 of chapter 95-228, Laws of Florida, 400.512(10), as amended by section 1057 of chapter 95-148, Laws of Florida; section 17 of chapter 95-152, Laws of Florida; section 14 of chapter 95-158, Laws of Florida; section 1 of chapter 95-201, Laws of Florida; and section 128 of chapter 95-418, Laws of Florida, 400.611(3)(c), 401.30(2), (3), 401.414(3), 401.425(5), 402.22(3), 403.111(1), 403.7046(2), (3)(b), 403.7197(9), 403.7199(5), 403.73, 405.02, 405.03, 406.075(3)(a), 408.061(1)(d), (8), (9), 408.704(7), 408.7056(4), 409.175(11)(b), (c), (d), as amended by section 42 of chapter 95-228, Laws of Florida, 409.175(11)(b), (c), (d), as amended by section 19 of chapter 95-152, Laws of Florida; section 16 of chapter 95-158, Laws of Florida; and section 132 of chapter 95-418, Laws of Florida, 409.176(12), 409.2561(5)(e), 409.2577, 409.355(1), (2)(a), 409.441(5), 409.910(18)(c), (22)(a), 409.913(7), 410.037, 410.605, 413.011(1)(b), 413.341, 415.107(1), 415.1075(2)(f), 415.50175(2), 415.503(8), 415.504(4)(d), (e), as amended by section 9 of chapter 95-266, Laws of Florida; section 51 of chapter 95-267, Laws of Florida; and section 133 of chapter 95-418, Laws of Florida, 415.505(1)(h), 415.5055(3), 415.5086(4), 415.51(1), (2), (3), (4), (5), 415.513(2), 415.608(2), 427.705(6), 430.207, 430.504, 430.608, 435.09, 435.11(1)(b), 440.125(1), 440.132(1), 440.39(7), 440.515, 442.112(2)(b), 442.118(1), (5), 442.21(1), 443.171(7), as amended by section 5 of chapter 93-414, Laws of Florida, and section 77 of chapter 94-136, Laws of Florida, 443.1715(1), (3)(b), 446.52, as amended by section 8 of chapter 95-394, Laws of Florida, 446.52, as amended by section 91 of chapter 95-

418, Laws of Florida, 447.045, 447.205(10), 447.307(2), 447.409, 447.605(1), (3), 455.217(2), (4), 455.2173(4), 455.225(2), (4), (10), 455.229(1), (2), as amended by section 87 of chapter 94-218, Laws of Florida, 455.229(1), as amended by section 13 of chapter 94-119, Laws of Florida, 455.241(2), (3), 455.247(2)(d), 455.261(3)(e), (5)(a), 458.337(3), 458.339(3), 458.341, 459.016(3), 459.017(3), 459.018, 460.4104(6), (7), 466.022(3), 466.0275(2), 466.041(3), 474.2185(3), 487.031(5), 487.041(7), 487.0615(2)(c), 487.160, 493.6121(5), (8), 493.6122, 494.0021, 497.131(4), (10), 499.018(1), 499.051(5), 501.075(7), 501.2065, 502.222, 517.12(14), 526.311(2), 527.02(2)(c), 527.062(1), 542.28(9), 550.0251(9), 550.2415(1)(a), 560.129(9), (12), 561.19(2)(b), 561.67(1), 570.48(3), 570.544(8), 570.903(6), 573.123(2), 581.199, 589.08(3)(d), 601.10(8), 601.15(7)(d), 601.152(8)(c), 601.57(6), 601.76, 607.0505(6), 617.0503(6), 620.192(7), 624.310(3), 624.311(2), 624.319(3), 624.82(1), 624.86, 624.91(7), 625.121(3)(a), 626.511(3), 626.521(5), 626.601(6), 626.631(2), 626.842(3), 626.8433(3), 626.884(2), 626.921, 626.989(5)(f), 627.351(4)(g), (6)(n), 627.6699(8)(c), 627.736(9)(a), 627.912(2)(e), 627.9122(2)(e), 627.9126(3)(a), 631.398(1), 631.62(2), (3), 631.723(1), (3), 631.724, 631.997(1), 631.998(1), 633.111, 633.175(5), 634.045(5), 634.201(3), 634.348, 634.4065(5), 634.444, 641.515(2), 641.55(5)(c), (6), (8), 648.26(3), 648.266, 648.34(3), 648.37(3), 648.39(1), 648.41, 648.46(3), 651.105(3), 651.134, 655.0321, 655.033(6), 655.057, 655.50(7), 663.02(1), 723.006(3), 742.16(9), 760.11(12), 760.34(1), 760.36, 760.40(2)(a), 760.50(5), 766.101(7)(c), 766.105(3)(e), 766.106(7)(c), 766.1115(4)(c), 766.314(8), 766.315(5)(b), 768.28(15)(b), (c), (d), 790.065(4)(a), 794.03, 815.04(3)(a), 877.19(3), 896.102(2), 905.17(1), 905.28(1), 916.107(8), 922.10, 925.055(2), 937.028(1), 943.03(2), 943.054(4), 943.057, 943.0585(4), 943.059(4), 943.1395(6)(b), 943.173(3), 943.325(5), 945.10(1), (2), (3), 945.6032(3), 946.517, 951.27(2), 953.15(1)(a), 960.003(3)(a), 960.15, and 960.28(4), Florida Statutes, and repealing ss. 24.105(13)(d), 27.151(4), 63.162(2), 193.114(6)(b), 215.44(8)(c), 325.207(12)(b), (13)(e), 337.168(2), 364.183(5), 367.156(5), 368.108(5), 381.0055(4), 395.0197(17), 395.3035(7), 395.51(4), 402.165(8)(e), 402.166(8)(e), 408.001(4)(c), 409.2579(4), 413.012(4), 413.615(7)(c), 440.102(8)(e), 442.109(5), 442.111(9), 494.00125(1)(f), 517.2015(1)(f), 520.9965(1)(f), 570.953(2), and 636.064(4), Florida Statutes; deleting statutory references to s. 119.14, Florida Statutes, the Open Government Sunset Review Act, to conform to the repeal of the act by s. 1, ch. 95-217, Laws of Florida.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote **HB 2667** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

HB 2669—A bill to be entitled An act relating to the Legislature; amending and combining ss. 11.011 and 11.012, F.S.; removing statutory time limitation on special sessions convened by the Legislature; amending s. 11.021, F.S.; removing the requirement that certain information be printed in legislative publications; repealing s. 11.04, F.S., relating to sufficiency of previously published notice of intent to enact special or local legislation; repealing ss. 11.05 and 11.06, F.S., relating to the administration of oaths to lobbyists appearing before a committee; amending s. 11.07, F.S., relating to the method of enrolling bills; repealing s. 11.075, F.S., relating to the consideration of the economic impact of legislation; repealing s. 11.076, F.S., relating to statutory restrictions on the enactment of legislation having an economic impact on local government and the funding thereof; amending s. 11.111, F.S.; revising provisions relating to continuation of specified proceedings for term of Legislature; creating s. 11.135, F.S.; providing that legislative committees, divisions, and offices are not agencies for specified purposes relating to expenditure of funds; repealing ss. 11.141 and 11.142, F.S., relating to the creation and meeting of standing and select committees; amending s. 11.143, F.S.; deleting requirement that legislative committees review agency functional plans when reviewing state agency operations; clarifying that legislative committees may inspect or subpoena confidential information; clarifying that the issuance of a legislative subpoena is governed by rules of the Legislature; deleting requirement for certain public hearings; repealing ss. 11.144 and 11.145, F.S., relating to the appointment of advisory committees by standing committees, the records of standing committees, and the services which each house is to provide to its members and committees; amending s. 11.147, F.S., relating to the Joint Legislative Management Committee; providing for governance of the committee by joint rules of the Legislature; repealing s. 11.148, F.S., relating to functions of the joint committee, to conform; repealing s. 11.15, F.S., relating to permanent offices of the Legislature; repealing s. 11.23, F.S., relating to location and research facilities of the committee, to conform; amending s. 11.243, F.S., relating to sale and distribution of the Florida Statutes by the Joint Legislative Management Committee; repealing s. 11.246, F.S., relating to free distribution of the Florida Statutes, to conform; repealing s. 11.247, F.S., relating to sale and distribution of general and special acts, to conform; repealing s. 11.248, F.S., relating to delivery and distribution of the bound journals; amending s. 11.26, F.S., relating to statutory restrictions on legislative employees; repealing s. 11.30, F.S., relating to the establishment and operation of the legislative staff internship program; amending s. 11.40, F.S.; providing that the Joint Legislative Auditing Committee shall be governed by joint rules of the Legislature; repealing s. 11.401, F.S., relating to the annual audit of the Joint Legislative Auditing Committee; repealing s. 11.41, F.S., which provides for designation of the Auditor General; amending s. 11.42, F.S., relating to the appointment, duties, and location of the Auditor General; deleting provisions relating to bonding of the Auditor General and his employees; repealing ss. 11.43 and 11.44, F.S., relating to duties, termination of appointment, and salaries and expenses of the Joint Legislative Auditing Committee; amending s. 11.45, F.S., relating to duties of the Auditor General; amending s. 11.47, F.S., relating to proceeding against the bond of an auditor, to conform; repealing s. 11.48, F.S., relating to retention of employees of the Auditor General; repealing s. 11.49, F.S., relating to the seal and coat of arms of the Senate; amending s. 11.51, F.S., relating to the Office of Program Policy Analysis and Government Accountability; amending s. 11.511, F.S., relating to appointment and duties of the director of the Office of Program Policy Analysis and Government Accountability; repealing s. 11.513(8), F.S., relating to reviews to be conducted by the Office of Program Policy Analysis and Government Accountability; repealing ss. 11.61 and 11.611, F.S., to remove from the Florida Statutes the "Regulatory Sunset Act" and the "Sundown Act" previously repealed by operation of law; amending s. 112.313, F.S., relating to approval of dual employment of legislative employees; amending ss. 11.02, 216.164, 216.166 and 450.211, F.S., to conform; repealing Part II of Chapter 283, F.S., relating to Legislative Agency Printing; providing a contingent effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote **HB 2669** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

SB 2454—A bill to be entitled An act relating to the Unemployment Compensation Law; amending s. 443.036, F.S.; redefining the terms "employment" and "wages" and defining the terms "high quarter" and "voluntary contribution"; amending s. 443.091, F.S.; changing benefit calculations to include reference to high quarters; amending s. 443.101, F.S.; requiring leased employees to report for reassignment; revising provisions with respect to disqualification for benefits; amending s. 443.111, F.S.; revising provisions with respect to payment of benefits; providing qualifying requirements; revising weekly benefit amounts; revising provisions with respect to duration of benefits; revising provisions with respect to certain extended benefits; amending s. 443.131, F.S.; revising provisions with respect to contributions; permitting certain employers of domestic employees to pay unemployment compensation taxes annually when authorized by federal law; eliminating rounding of the tax rate to three decimal places; increasing the time period employers have to protest a liability determination; permitting the payment of voluntary contributions by certain employers; amending s. 443.151, F.S.; allowing voluntary withholding of federal income tax to comply with federal law; amending s. 443.221, F.S.; permitting interstate recovery of overpayments; creating s. 443.2311, F.S.; reconstituting the Florida Training Investment Program and prescribing guidelines for the program's operation; repealing s. 443.231, F.S., relating to the Florida Training Investment Program, which section has expired by its own terms; providing effective dates.

—was read the second time by title.

Amendments were considered to conform **SB 2454** to **CS for HB 1291**.

Pending further consideration of **SB 2454** as amended, on motions by Senator McKay, by two-thirds vote—

CS for HB 1291—A bill to be entitled An act relating to the Unemployment Compensation Law; amending s. 443.036, F.S.; revising the definition of the terms "employment" and "wages" and defining the terms "high quarter" and "voluntary contribution"; amending s. 443.091, F.S.; changing benefit calculations to include reference to high quarters; amending s. 443.101, F.S.; requiring leased employees to report for reassignment; revising language with respect to disqualification for benefits; amending s. 443.111, F.S.; revising language with respect to payment of benefits; providing qualifying requirements; revising weekly benefit amounts; revising language with respect to duration of benefits; revising language with respect to certain extended benefits; amending s. 443.131, F.S.; revising language with respect to contributions; permitting certain employers of domestic employees to pay unemployment compensation taxes annually when authorized by federal law; eliminating rounding of the tax rate to three decimal places; increasing the time period employers have to protest a liability determination; permitting the payment of voluntary contributions by certain employers; amending s. 443.151, F.S.; allowing voluntary withholding of federal income tax to comply with federal law; amending s. 443.221, F.S.; permitting interstate recovery of overpayments; amending s. 443.231, F.S.; revising language with respect to the Florida Training Investment Program; providing for future repeal of amendments to ss. 443.036 and 443.131, F.S.; providing effective dates.

—a companion measure, was substituted for **SB 2454** and by two-thirds vote read the second time by title. On motion by Senator McKay, by two-thirds vote **CS for HB 1291** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24 Nays—11

THE PRESIDENT PRESIDING

On motions by Senator Myers, by two-thirds vote—

CS for HB 1813—A bill to be entitled An act relating to the Florida Healthy Kids Corporation Act; amending s. 624.91, F.S.; renaming the act; removing limitations on authorization for the Florida Healthy Kids Corporation to operate; requiring an annual report; providing an effective date.

—a companion measure, was substituted for **SB 1644** and by two-thirds vote read the second time by title. On motion by Senator Myers, by two-thirds vote **CS for HB 1813** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motion by Senator Casas, by unanimous consent—

CS for HB 337—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.002, F.S.; defining the term "post time" and revising the definition of "racing greyhound"; amending s. 550.01215, F.S.; providing for amendments to certain authorized periods of operation; amending s. 550.0351, F.S.; allowing for conduct of certain charity performances; amending s. 550.0951, F.S.; revising language with respect to daily license fees, breaks, and tax on handle; correcting a cross reference; amending s. 550.09511, F.S.; revising tax rates for jai alai; authorizing certain jai alai permitholders to conduct intertrack wagering upon application for a license to conduct live gaming; creating s. 550.09514, F.S.; providing for greyhound dogracing taxes; providing for distribution of purses; providing for audit and documentation requirements; amending s. 550.09515, F.S.; revising tax rates with respect to thoroughbred horse permitholders; amending s. 550.135, F.S.; authorizing the transfer of general revenue funds to specified trust fund; amending s. 550.2415, F.S.; adopting by reference a uniform classification system for drugs with regard to horseracing; requiring the division to utilize a certain screening process for the presence of drugs; amending s. 550.2625, F.S.; increasing certain minimum purse requirements with respect to horseracing; providing for certain owners' awards; amending s. 550.26352, F.S.; providing for the Breeders' Cup Meet; authorizing pari-mutuel pools on thoroughbred horse races during the meet; prohibiting the conduct of certain racing within a certain distance of the facility at which the Breeders' Cup Meet is held during the meet; providing tax benefits and credits; authorizing the broadcast of the races conducted at the meet to other locations; providing for the commingling of certain wagers; providing for rules; prohibiting receipt of tax credit until completion of audit; providing time limitations; providing for the application of the section in the event of certain statutory conflicts; amending s. 550.3551, F.S.; removing limitation on simulcast wagering for certain permitholders; removing minimum live race requirement for certain permitholders; providing guest track payments to specified permitholders; authorizing net pool pricing for specified permitholders; amending s. 550.475, F.S.; revising language with respect to the lease of pari-mutuel facilities by pari-mutuel permitholders to include reference to dogracing permitholders; amending s. 550.5251, F.S.; revising hours of operation for certain thoroughbred permitholders; providing for election by certain permitholders of either simulcasting or operating a cardroom; amending s. 550.615, F.S.; providing that certain permitholders are not required to make broadcast signals to other permitholders; prohibiting certain intertrack wagers; amending s. 550.01215, F.S.; providing additional requirements for certain applicants who wish to be thoroughbred permitholders; amending s. 550.6305, F.S.; revising language with respect to proceeds retained by a host track and guest track; providing conditions for rebroadcast of out-of-state thoroughbred races; amending s. 550.6335, F.S.; providing for a surcharge on simulcast races; amending s. 550.70, F.S.; providing for the locking of certain pari-mutuel machines; creating s. 849.086, F.S.; authorizing cardrooms; providing legislative intent; providing definitions; providing for the authority of the Division of Pari-mutuel Wagering; requiring licenses, applications, and fees; providing for manager and employee occupational licenses; providing for conditions for operating a cardroom; providing a limitation on winnings; requiring a bond; providing a fee for participation; providing for records and reports; providing prohibited activities; providing for taxes and other payments; providing for suspension, revocation, or denial of license; providing fines; requiring a referendum; amending s. 550.0251, F.S.; providing additional powers and duties of the division; creating a Florida Telephone Wagering Study Committee; providing for a report; repealing s. 54 of chapter 92-348, Laws of Florida, relating to thoroughbred permitholders' use of handle for certain medical, dental, surgical, life, funeral, and disability benefits; providing an appropriation to the Division of Pari-mutuel Wagering; providing legislative intent; repealing, effective July 1, 1998, specified subsections of ss. 550.0951, 550.09511, 550.09515, and 550.2625, F.S.; amending, effective July 1, 1998, said subsections to revert text to current law; providing effective dates.

—was taken up out of order and read the second time by title.

Senator Casas moved the following amendment:

Amendment 1 (with title amendment)—On page 27, line 12 through page 29, line 15, delete those lines and insert: and new subsections (8) and (11) are added to said section, to read:

550.615 Intertrack wagering.—

(6) *Notwithstanding the provisions of subsection (3),* in any area of the state where there are three or more horserace permitholders within 25 miles of each other, *intertrack wagering between permitholders in said area of the state shall only be authorized under the following conditions: Any permitholder, other than a thoroughbred permitholder, may accept intertrack wagers on races or games conducted live by a permitholder of the same class or any harness permitholder located within such area and any harness permitholder may accept wagers on games conducted live by any jai alai permitholder located within its market area and from a jai alai permitholder located within the area specified in this subsection when no jai alai permitholder located within its market area is conducting live jai alai performances; any greyhound or jai alai permitholder may receive broadcasts of and accept wagers on any permitholder of the other class provided that a permitholder, other than the host track, of such other class is not operating a contemporaneous live performance within the market area* ~~no intertrack wager may be taken by any permitholder without the consent of all operating permitholders within 25 miles of each other~~.

(8) In any two contiguous counties of the state in which there are located only four active permits, one for thoroughbred horse racing, two for greyhound dogracing, and one for jai alai games, no intertrack wager may be accepted on the same class of live races or games of any permitholder without the written consent of such operating permitholders conducting the same class of live races or games if the guest track is within the market area of such operating permitholder.

~~(10)(a) Notwithstanding the provisions of subsection (6), a thoroughbred permitholder at whose facility there is conducted only live thoroughbred racing which is conducted only during the period between March 17 and May 22 annually, may accept intertrack wagers on thoroughbred racing conducted at, or simulcasts through, thoroughbred permitholders located within 15 miles of such permitholder.~~

~~(b) The takeout shall be set by the host track.~~

~~(c) No taxes shall be paid by the host track on wagers accepted under this subsection.~~

~~(d) Tax on handle for wagers accepted under this subsection shall be paid by the guest track at the rate of 1 percent of the handle.~~

~~(e) The distribution of the takeout on wagers accepted under this subsection shall be as follows:~~

~~1. 0.75 percent of the total handle shall be deducted from the takeout and paid to the Florida Thoroughbred Breeders' Association, to be used as set forth in s. 550.625(2)(a);~~

~~2. One-third of the remainder of such takeout shall be retained by the host track;~~

~~3. One-third of the remainder of such takeout shall be paid to the guest track from which the tax set forth in paragraph (d) shall be paid by the host track; and~~

~~4. One-third of the remainder of such takeout shall be paid by the host track as purses at the host track.~~

~~(f) In the event any race is taken by the host track from out of state, and wagers are made from the guest track on such race, the distribution of the takeout shall be governed by s. 550.6305(9)(a).~~

~~(g) Except as specifically set forth in this subsection, all other provisions of this section and ss. 550.625, 550.6305, 550.6315, and 550.6325 shall be applicable to intertrack wagering conducted under this subsection.~~

(11) Notwithstanding any other provision of this section, any thoroughbred permitholder that conducts performances during the period beginning May 23 and ending January 2 must make available any live pari-mutuel event conducted and any simulcast pari-mutuel event received by such permitholder to any thoroughbred permitholder that conducts performances during the period beginning March 17 and ending May 22, and such guest permitholder is authorized to accept wagers on such signals. This subsection applies only to thoroughbred permitholders located in any area of the state where there are three or more thoroughbred permitholders within 25 miles of each other.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.002, F.S.; defining the term "post time" and revising the definition of "racing greyhound"; amending s. 550.01215, F.S.; providing for amendments to certain authorized periods of operation; amending s. 550.0351, F.S.; allowing for conduct of certain charity performances; amending s. 550.0951, F.S.; revising language with respect to daily license fees, breaks, and tax on handle; correcting a cross reference; amending s. 550.09511, F.S.; revising tax rates for jai alai; authorizing certain jai alai permitholders to conduct intertrack wagering upon application for a license to conduct live gaming; creating s. 550.09514, F.S.; providing for greyhound dogracing taxes; providing for distribution of purses; providing for audit and documentation requirements; amending s. 550.09515, F.S.; revising tax rates with respect to thoroughbred horse permitholders; amending s. 550.135, F.S.; authorizing the transfer of general revenue funds to specified trust fund; amending s. 550.2415, F.S.; creating a violation for cruelty to a racing animal; adopting by reference a uniform classification system for drugs with regard to horseracing; requiring the division to utilize a certain screening process for the presence of drugs; amending s. 550.2625, F.S.; increasing certain minimum purse requirements with respect to horseracing; providing for certain owners' awards; amending s. 550.26352, F.S.; providing for the Breeders' Cup Meet; authorizing pari-mutuel pools on thoroughbred horse races during the meet; prohibiting the conduct of certain racing within a certain distance of the facility at which the Breeders' Cup Meet is held during the meet; providing tax benefits and credits; authorizing the broadcast of the races conducted at the meet to other locations; providing for the commingling of certain wagers; providing for rules; prohibiting receipt of tax credit until completion of audit; providing time limitations; providing for the application of the section in the event of certain statutory conflicts; amending s. 550.3551, F.S.; removing limitation on simulcast wagering for certain permitholders; removing minimum live race requirement for certain permitholders; providing guest track payments to specified permitholders; authorizing net pool pricing for specified permitholders; amending s. 550.475, F.S.; revising language with respect to the lease of pari-mutuel facilities by pari-mutuel permitholders to include reference to dogracing permitholders; amending s. 550.5251, F.S.; revising hours of operation for certain thoroughbred permitholders; providing for election by certain permitholders of either simulcasting or operating a cardroom; amending s. 550.615, F.S.; providing conditions for intertrack wagering; providing that certain permitholders are not required to make broadcast signals available to other permitholders; prohibiting certain intertrack wagers; providing that certain permitholders are authorized or required to make broadcast signals available to other permitholders; amending s. 550.01215, F.S.; providing additional requirements for certain applicants who wish to be thoroughbred permitholders; amending s. 550.6305, F.S.; revising language with respect to proceeds retained by a host track and guest track; providing conditions for rebroadcast of out-of-state thoroughbred races; amending s. 550.6335, F.S.; providing for a surcharge on simulcast races; amending s. 550.70, F.S.; providing for the locking of certain pari-mutuel machines; creating s. 849.086, F.S.; authorizing cardrooms; providing legislative intent; providing definitions; providing for the authority of the Division of Pari-mutuel Wagering; requiring licenses, applications, and fees; providing for manager and employee occupational licenses; providing for conditions for operating a cardroom; providing a limitation on winnings; requiring a bond; providing a fee for participation; providing for records and reports; providing prohibited activities; providing for taxes and other payments; providing for suspension, revocation, or denial of license; providing fines; requiring approval of county commission; amending s. 550.0251, F.S.; providing additional powers and duties of the division; creating a Florida Telephone Wagering Study Committee; providing for a report; repealing s. 54 of chapter 92-348, Laws of Florida, relating to thoroughbred permitholders' use of handle for certain medical, dental, surgical, life, funeral, and disability benefits; providing an appropriation to the Division of Pari-mutuel Wagering; providing legislative intent; repealing, effective July 1, 1998, specified subsections of ss. 550.0951, 550.09511, 550.09515, and 550.2625, F.S.; amending, effective July 1, 1998, said subsections to revert text to current law; providing effective dates.

Senator Casas moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 3, line 30, after the period (.) insert: *Notwithstanding s. 550.0951(3)(c), the tax on wagers accepted by the guest permitholder on such events shall be 2 percent.*

Amendment 1 as amended was adopted.

On motion by Senator Casas, further consideration of **CS for HB 337** as amended was deferred.

RECOGNITION OF PRESIDENT PRO TEMPORE

On behalf of the Senate, the President requested Senator Beard and Mary Ellen, his wife, proceed to the rostrum where they were presented a signed picture of the 1994-96 Senate.

RECESS

The President declared the Senate in recess at 12:16 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:28 p.m. A quorum present—36:

Mr. President	Dantzler	Harris	Meadows
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Beard	Dudley	Jenne	Rossin
Bronson	Dyer	Jennings	Silver
Brown-Waite	Forman	Johnson	Sullivan
Burt	Grant	Jones	Thomas
Casas	Gutman	Kurth	Turner
Childers	Harden	Latvala	Weinstein
Crist	Hargrett	McKay	Williams

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for HB 337—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.002, F.S.; defining the term "post time" and revising the definition of "racing greyhound"; amending s. 550.01215, F.S.; providing for amendments to certain authorized periods of operation; amending s. 550.0351, F.S.; allowing for conduct of certain charity performances; amending s. 550.0951, F.S.; revising language with respect to daily license fees, breaks, and tax on handle; correcting a cross reference; amending s. 550.09511, F.S.; revising tax rates for jai alai; authorizing certain jai alai permitholders to conduct intertrack wagering upon application for a license to conduct live gaming; creating s. 550.09514, F.S.; providing for greyhound dogracing taxes; providing for distribution of purses; providing for audit and documentation requirements; amending s. 550.09515, F.S.; revising tax rates with respect to thoroughbred horse permitholders; amending s. 550.135, F.S.; authorizing the transfer of general revenue funds to specified trust fund; amending s. 550.2415, F.S.; adopting by reference a uniform classification system for drugs with regard to horseracing; requiring the division to utilize a certain screening process for the presence of drugs; amending s. 550.2625, F.S.; increasing certain minimum purse requirements with respect to horseracing; providing for certain owners' awards; amending s. 550.26352, F.S.; providing for the Breeders' Cup Meet; authorizing pari-mutuel pools on thoroughbred horse races during the meet; prohibiting the conduct of certain racing within a certain distance of the facility at which the Breeders' Cup Meet is held during the meet; providing tax benefits and credits; authorizing the broadcast of the races conducted at the meet to other locations; providing for the commingling of certain wagers; providing for rules; prohibiting receipt of tax credit until completion of audit; providing time limitations; providing for the application of the section in the event of certain statutory conflicts; amending s. 550.3551, F.S.; removing limitation on simulcast wagering for certain permitholders; removing minimum live race requirement for certain permitholders; providing guest track payments to specified permitholders; authorizing net pool pricing for specified permitholders; amending s. 550.475, F.S.; revising language with respect to the lease of pari-mutuel facilities by pari-mutuel permitholders to include reference to dogracing permitholders; amending s. 550.5251, F.S.; revising hours of operation for certain thoroughbred permitholders; providing for election by certain permitholders of either simulcasting or operating a cardroom; amending s. 550.615, F.S.; providing that certain permitholders are not required to make broadcast signals to other permitholders; prohibiting certain intertrack wagers; amending s. 550.01215, F.S.; providing additional requirements for certain applicants who wish to be thoroughbred permitholders; amending s. 550.6305, F.S.; revising language with respect to proceeds retained by a host track and guest track; providing conditions for rebroadcast of out-of-state thoroughbred races; amending s. 550.6335, F.S.; providing for a surcharge on simulcast races; amending s. 550.70, F.S.; providing for the locking of certain pari-mutuel machines; creating s. 849.086, F.S.; authorizing cardrooms; providing legislative intent; providing definitions; providing for the authority of the Division of Pari-mutuel Wagering; requiring licenses, applications, and fees; providing for manager and employee occupational licenses; providing for conditions for operating a cardroom; providing a limitation on winnings; requiring a bond; providing a fee for participation; providing for records and reports; providing prohibited activities; providing for taxes and other payments; providing for suspension, revocation, or denial of license; providing fines; requiring a referendum; amending s. 550.0251, F.S.; providing additional powers and duties of the division; creating a Florida Telephone Wagering Study Committee; providing for a report; repealing s. 54 of chapter 92-348, Laws of Florida, relating to thoroughbred permitholders' use of handle for certain medical, dental, surgical, life, funeral, and disability benefits; providing an appropriation to the Division of Pari-mutuel Wagering; providing legislative intent; repealing, effective July 1, 1998, specified subsections of ss. 550.0951, 550.09511, 550.09515, and 550.2625, F.S.; amending, effective July 1, 1998, said subsections to revert text to current law; providing effective dates.

—which was previously considered and amended this day.

Senator Casas moved the following amendments which were adopted:

Amendment 2—On page 5, lines 21 and 22, delete those lines and insert: *fiscal year 1996-1997 within 10 days after the effective date of this act. The division shall issue such license within*

Amendment 3—On page 6, line 20, and on page 8, line 18, delete "July" and insert: October

Amendment 4—On page 13, lines 14 and 15, delete those lines and insert:

Section 7. Effective July 1, 1996, if section 849.086, Florida Statutes, or a similar section,

Amendment 5—On page 24, line 8, delete that line and insert:

Section 12. Subsections

Amendment 6—On page 26, line 9, delete that line and insert:

Section 13. Section

Amendment 7—On page 54, line 9, delete that line and insert: act shall take effect July 1, 1996.

Amendment 8—On page 12, lines 6-20, delete those lines and insert:

(b)1. Except as otherwise provided herein, in addition to the minimum purse percentage required by paragraph (a), each permitholder shall pay as purses, for fiscal year 1996-1997, an amount equal to 75 percent of the permitholder's tax credit pursuant to s. 550.0951(1).

2. Except as otherwise set forth herein, in addition to the minimum purse percentage required by paragraph (a), beginning July 1, 1997, each permitholder shall pay as purses an amount equal to 75 percent of the daily license fees paid by each permitholder for the 1994-1995 fiscal year. For the greyhound permitholders in the county where there are two greyhound permitholders located as specified in s. 550.615(6), such permitholders shall pay in the aggregate an amount equal to 75 percent of the daily license fees paid by such permitholders for the 1994-1995 fiscal year. These permitholders shall be jointly and severally liable for such purse payments.

The additional purses provided by this paragraph must be used exclusively for purses other than stakes. The division shall conduct audits necessary to ensure compliance with this section.

Amendment 9—On page 17, lines 20-23, delete those lines and insert:

Section 10. Effective July 1, 1996, if s. 849.086, Florida Statutes, or similar section, authorizing pari-mutuel permitholders to operate cardrooms becomes law pursuant to this act pursuant to this act, paragraph (a) of subsection (2) of section

Amendment 10—On page 36, lines 7-10, delete those lines and insert: *the host facility; if the wager is made at a guest facility, then one-half shall be retained by the guest permitholder, one-quarter shall be paid to the host permitholder, and one-quarter shall be paid as purses at the host facility.*

Senator Turner moved the following amendment which was adopted:

Amendment 11 (with title amendment)—On page 53, lines 3 and 4, delete those lines

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.002, F.S.; defining the term "post time" and revising the definition of "racing greyhound"; amending s. 550.01215, F.S.; providing for amendments to certain authorized periods of operation; amending s. 550.0351, F.S.;

allowing for conduct of certain charity performances; amending s. 550.0951, F.S.; revising language with respect to daily license fees, breaks, and tax on handle; correcting a cross reference; amending s. 550.09511, F.S.; revising tax rates for jai alai; authorizing certain jai alai permitholders to conduct intertrack wagering upon application for a license to conduct live gaming; creating s. 550.09514, F.S.; providing for greyhound dogracing taxes; providing for distribution of purses; providing for audit and documentation requirements; amending s. 550.09515, F.S.; revising tax rates with respect to thoroughbred horse permitholders; amending s. 550.135, F.S.; authorizing the transfer of general revenue funds to specified trust fund; amending s. 550.2415, F.S.; creating a violation for cruelty to a racing animal; adopting by reference a uniform classification system for drugs with regard to horseracing; requiring the division to utilize a certain screening process for the presence of drugs; amending s. 550.2625, F.S.; increasing certain minimum purse requirements with respect to horseracing; providing for certain owners' awards; amending s. 550.26352, F.S.; providing for the Breeders' Cup Meet; authorizing pari-mutuel pools on thoroughbred horse races during the meet; prohibiting the conduct of certain racing within a certain distance of the facility at which the Breeders' Cup Meet is held during the meet; providing tax benefits and credits; authorizing the broadcast of the races conducted at the meet to other locations; providing for the commingling of certain wagers; providing for rules; prohibiting receipt of tax credit until completion of audit; providing time limitations; providing for the application of the section in the event of certain statutory conflicts; amending s. 550.3551, F.S.; removing limitation on simulcast wagering for certain permitholders; removing minimum live race requirement for certain permitholders; providing guest track payments to specified permitholders; authorizing net pool pricing for specified permitholders; amending s. 550.475, F.S.; revising language with respect to the lease of pari-mutuel facilities by pari-mutuel permitholders to include reference to dogracing permitholders; amending s. 550.5251, F.S.; revising hours of operation for certain thoroughbred permitholders; providing for election by certain permitholders of either simulcasting or operating a cardroom; amending s. 550.615, F.S.; providing conditions for intertrack wagering; providing that certain permitholders are not required to make broadcast signals available to other permitholders; prohibiting certain intertrack wagers; providing that certain permitholders are authorized or required to make broadcast signals available to other permitholders; amending s. 550.01215, F.S.; providing additional requirements for certain applicants who wish to be thoroughbred permitholders; amending s. 550.6305, F.S.; revising language with respect to proceeds retained by a host track and guest track; providing conditions for rebroadcast of out-of-state thoroughbred races; amending s. 550.6335, F.S.; providing for a surcharge on simulcast races; amending s. 550.70, F.S.; providing for the locking of certain pari-mutuel machines; creating s. 849.086, F.S.; authorizing cardrooms; providing legislative intent; providing definitions; providing for the authority of the Division of Pari-mutuel Wagering; requiring licenses, applications, and fees; providing for manager and employee occupational licenses; providing for conditions for operating a cardroom; providing a limitation on winnings; requiring a bond; providing a fee for participation; providing for records and reports; providing prohibited activities; providing for taxes and other payments; providing for suspension, revocation, or denial of license; providing fines; requiring approval of county commission; amending s. 550.0251, F.S.; providing additional powers and duties of the division; creating a Florida Telephone Wagering Study Committee; providing for a report; providing an appropriation to the Division of Pari-mutuel Wagering; providing legislative intent; repealing, effective July 1, 1998, specified subsections of ss. 550.0951, 550.09511, 550.09515, and 550.2625, F.S.; amending, effective July 1, 1998, said subsections to revert text to current law; providing effective dates.

On motion by Senator Casas, by two-thirds vote **CS for HB 337** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—3

On motions by Senator Jenne, by two-thirds vote—

CS for HB 2207—A bill to be entitled An act relating to code enforcement; creating s. 162.23, F.S.; authorizing certain code enforcement officers to issue certain notices to appear under certain circumstances; specifying lack of authority to arrest; providing criteria; amending s. 162.06, F.S.; authorizing code enforcement boards to conduct hearings and impose enforcement fees under certain circumstances; amending s. 162.21, F.S.; providing application; providing an effective date.

—a companion measure, was substituted for **CS for SB 1810** and by two-thirds vote read the second time by title. On motion by Senator Jenne, by two-thirds vote **CS for HB 2207** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

Consideration of **CS for SB 2316** and **SB 1150** was deferred.

CS for CS for SB 126—A bill to be entitled An act relating to public employee benefits; amending s. 112.181, F.S., relating to the disability presumption for certain communicable diseases; expanding written affidavit requirements to require certain declarations in the case of a worker seeking a disability presumption for hepatitis; deleting inappropriate language; amending s. 112.19, F.S.; requiring employers of law enforcement, correctional, or correctional probation officers who are disabled in the line of duty, under certain circumstances, to pay health insurance coverage for the officer, the officer's spouse, and dependent children for certain time periods; providing that the benefit will not be payable in certain cases; providing penalties for fraud; providing for payment of certain death benefits; amending s. 112.191, F.S.; removing an eligibility requirement that death must occur within 1 year following injury; requiring employers of firefighters who are disabled in the line of duty, under certain circumstances, to pay health insurance coverage for the firefighter, the firefighter's spouse, and dependent children for certain time periods; providing that the benefit will not be payable in certain cases; providing penalties for fraud; providing that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Gutman and adopted:

Amendment 1 (with title amendment)—On page 4, line 1-30, and on page 5, lines 1-11, delete all of those lines and insert:

(h)1. Any employer who employs a full-time law enforcement, correctional, or correctional probation officer who, on or after January 1, 1995, suffers a catastrophic injury, as defined in s. 440.02(34), in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for the surviving spouse until remarried and the dependent children under the conditions outlined in this paragraph. However:

a. If, following the injury, the injured employee is subsequently employed by a different employer who, at no cost to the employee, provides health insurance coverage with equivalent or greater benefits for the injured employee and family, as described in this paragraph, the requirement for the primary employer's health insurance plan.

b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b., a law enforcement, correctional, or correctional probation officer or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph shall forfeit the right to receive such health insurance benefits. For purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of plea or trial, regardless of whether adjudication is withheld.

2. In order for the officer, spouse, and dependent children to be eligible for such insurance coverage, the injury must have occurred as the result of the officer's response to fresh pursuit, the officer's response to what is reasonably believed to be an emergency, or an unlawful act perpetrated by another. Nothing in this paragraph shall be construed to limit health insurance coverage for which the officer, spouse, or dependent children may otherwise be eligible.

And the title is amended as follows:

On page 1, lines 12-18, delete all of those lines and insert: officers who are injured in the line of duty, under certain circumstances, to pay health insurance coverage for the officer, the officer's spouse, and dependent children for certain time periods; providing that the benefit will not be payable in certain cases; providing criminal and administrative penalties for fraud; providing for

Amendment 2—On page 2, between lines 2 and 3, insert:

Section 1. This act shall be cited as the "Alu-O'Hara Public Safety Act."

(Renumber subsequent sections.)

The Committee on Ways and Means recommended the following amendment which was moved by Senator Gutman and failed:

Amendment 3—On page 2, line 6, delete said line and insert: *The primary employer to pay the benefit provided for in this paragraph shall no longer apply. The obligation to pay the benefit shall be reinstated if the health insurance coverage from the subsequent employer is terminated or diminished to a lesser benefit level than was provided under the primary employer's health insurance plan.*

Senator Jones moved the following amendments which were adopted:

Amendment 4 (with title amendment)—On page 5, between lines 11 and 12, insert:

(3) If a law enforcement, correctional, or correctional probation officer is accidentally killed as specified in paragraph (2)(b) on or after June 22, 1990, or unlawfully and intentionally killed as specified in paragraph (2)(c) on or after July 1, 1980, the state shall waive certain educational expenses which children of the deceased officer incur while obtaining a vocational-technical certificate or an undergraduate education. The amount waived by the state shall be an amount equal to the cost of tuition and matriculation and registration fees *for a total of 120 credit hours. The child may attend* ~~at~~ a state vocational-technical school, ~~if the child attends an in-state vocational-technical school, the cost of tuition and matriculation and registration fees for 2 academic years at~~ a state community college, *or* ~~if the child attends an in-state community college, or the cost of tuition and matriculation and registration fees for 4 academic years at~~ a state university. *The child may attend any or all of the institutions specified in this subsection, on either a full-time or part-time basis* ~~if the child attends an in-state university~~. The benefits provided under this subsection shall continue to the child until the child's 25th birthday.

(a) Upon failure of any child benefited by the provisions of this section to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits shall be withdrawn as to the child and no further moneys may be expended for the child's benefits so long as such failure or delinquency continues.

(b) Only a student in good standing in his or her respective institution may receive the benefits thereof~~, and a student may not receive such benefits for more than 12 quarters, 8 semesters, or 8 trimesters~~.

(c) A child receiving benefits under this section must be enrolled according to the customary rules and requirements of the institution attended.

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: revising educational benefits for children of deceased officers;

Amendment 5—On page 5, line 27, after the comma (,) insert: and subsection (3) is amended,

Amendment 6—On page 3, line 27, after the comma (,) insert: subsection (3) is amended,

Senator Gutman moved the following amendment which was adopted:

Amendment 7 (with title amendment)—On page 6, line 13 through page 7, line 20, delete those lines and insert:

(g)1. Any employer who employs a full-time firefighter who, on or after January 1, 1995, suffers a catastrophic injury, as defined in s. 440.02(34), in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. The term "health insurance plan" does not include supplemental benefits that are not part of the basic group health insurance plan. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for the surviving spouse until remarried, and for the dependent children, under the conditions outlined in this paragraph. However:

a. Health insurance benefits payable from any other source shall reduce benefits payable under this section.

b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b., a firefighter or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph shall forfeit the right to receive such health insurance benefits, and shall reimburse the employer for all benefits paid due to the fraud or other prohibited activity. For purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

2. In order for the firefighter, spouse, and dependent children to be eligible for such insurance coverage, the injury must have occurred as the result of the firefighter's response to what is reasonably believed to be an emergency involving the protection of life or property, or an unlawful act perpetrated by another. Except as otherwise provided herein, nothing in this paragraph shall be construed to limit health insurance coverage for which the firefighter, spouse, or dependent children may otherwise be eligible, except that a person who qualifies for benefits under this section shall not be eligible for the health insurance subsidy provided under chapter 121, chapter 175, or chapter 185.

Notwithstanding any provision of this section to the contrary, the death benefits provided in paragraphs (b), (c), and (f) shall also be applicable and paid in cases where a firefighter received bodily injury prior to July 1, 1993, and subsequently died on or after July 1, 1993, as a result of such in-line-of-duty injury.

And the title is amended as follows:

On page 1, lines 22-29, delete those lines and insert: following injury; requiring employers of firefighters who are injured in the line of duty, under certain circumstances, to pay health insurance coverage for the firefighter, the firefighter's spouse, and dependent children for certain time periods; providing that the benefit will not be payable in certain cases; providing criminal and administrative penalties for fraud; providing for the payment of certain death benefits; providing

Senator Latvala moved the following amendment which was adopted:

Amendment 8 (with title amendment)—On page 7, between lines 23 and 24, insert:

Section 5. Section 110.1165, Florida Statutes, is created to read:

110.1165 Personnel errors.—

(1) An agency of the executive branch, including the State University System, shall establish procedures for the receipt, consideration, and disposition of a claim regarding pay or benefits brought by an employee when that employee is damaged as a result of being provided with erroneous written information by the employing agency regarding his or her pay or benefits, and the employee detrimentally relies upon such written information.

(2) An agency of the executive branch, including the State University System, is authorized to take such action as may be appropriate to provide a remedy for an employee concerning his or her claim regarding detrimental reliance on erroneous written information provided by the employing agency relating to pay and benefits, provided such remedy is within the purview of the agency's authority. The agency has no authority whatsoever to modify the state retirement system or the state insurance program. Any monetary remedy afforded by the agency must fall within the agency's budgetary authority. Any person dissatisfied with the outcome of this process may file either a grievance pursuant to the agency's internal grievance process or an appeal to the Division of Administrative Hearings pursuant to chapter 120, but not both.

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: creating s. 110.1165, F.S., providing a procedure for executive branch employees, including the State University System, to receive redress when the employing agency provides the employee with erroneous written information which is relied upon by the employee; authorizing appropriate action; providing for appeal;

Senator Gutman moved the following amendment which was adopted:

Amendment 9 (with title amendment)—On page 4, line 1 through page 5, line 11, delete those lines and insert:

(h)1. Any employer who employs a full-time law enforcement, correctional, or correctional probation officer who, on or after January 1, 1995, suffers a catastrophic injury, as defined in s. 440.02(34), in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. The term "health insurance plan" does not include supplemental benefits that are not part of the basic group health insurance plan. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for the surviving spouse until remarried, and for the dependent children, under the conditions outlined in this paragraph. However:

a. Health insurance benefits payable from any other source shall reduce benefits payable under this section.

b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b., a law enforcement, correctional, or correctional probation officer or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph shall forfeit the right to receive such health insurance benefits, and shall reimburse the employer for all benefits paid due to the fraud or other prohibited activity. For purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

2. In order for the officer, spouse, and dependent children to be eligible for such insurance coverage, the injury must have occurred as the result of the officer's response to fresh pursuit, the officer's response to what is reasonably believed to be an emergency, or an unlawful act perpetrated by another. Except as otherwise provided herein, nothing in this paragraph shall be construed to limit health insurance coverage for which the officer, spouse, or dependent children may otherwise be eligible, except that a person who qualifies under this section shall not be eligible for the health insurance subsidy provided under chapter 121, chapter 175, or chapter 185.

And the title is amended as follows:

On page 1, lines 12-19, delete those lines and insert: officers who are injured in the line of duty, under certain circumstances, to pay health insurance coverage for the officer, the officer's spouse, and dependent children for certain time periods; providing that the benefit will not be payable in certain cases; providing criminal and administrative penalties for fraud; amending s.

Senator Jones moved the following amendment which was adopted:

Amendment 10 (with title amendment)—On page 7, between lines 20 and 21, insert:

(3) If a firefighter is accidentally killed as specified in paragraph (2)(b) on or after June 22, 1990, or unlawfully and intentionally killed as specified in paragraph (2)(c), on or after July 1, 1980, the state shall waive certain educational expenses which children of the deceased firefighter incur while obtaining a vocational-technical certificate or an undergraduate education. The amount waived by the state shall be an amount equal to the cost of tuition and matriculation and registration fees *for a total of 120 credit hours. The child may attend* ~~at~~ a state vocational-technical school, ~~if the child attends an in-state vocational-technical school, the cost of tuition and matriculation and registration fees for 2 academic years at~~ a state community college, *or* ~~if the child attends an in-state community college, or the cost of tuition and matriculation and registration fees for 4 academic years at~~ a state university. *The child may attend any or all of the institutions specified in this subsection, on either a full-time or part-time basis* ~~if the child attends an in-state university~~. The benefits provided under this subsection shall continue to such a child until the child's 25th birthday.

(a) Upon failure of any child benefited by the provisions of this section to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits thereof shall be withdrawn as to the child and no further moneys expended for the child's benefits so long as such failure or delinquency continues.

(b) Only students in good standing in their respective institutions shall receive the benefits thereof~~, and no student shall receive such benefits for more than 12 quarters, 8 semesters, or 8 trimesters~~.

(c) All children receiving benefits under this section shall be enrolled according to the customary rules and requirements of the institution attended.

And the title is amended as follows:

On page 1, line 29, before "providing" insert: revising educational benefits for children of deceased firefighters;

On motion by Senator Gutman, by two-thirds vote **CS for CS for SB 126** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—None

SB 584—A bill to be entitled An act relating to convention development taxes; amending s. 212.0305, F.S.; amending the list of ways in which a consolidated county may use the proceeds from such a tax that is levied by the county; providing an effective date.

—was read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

Amendment 1—On page 2, line 6, delete that line and insert: county imposing the levy *must* ~~shall~~ be used *in any of the following manners, although the utilization authorized in sub-subparagraph a. shall apply only to municipalities with a population of 10,000 or more* ~~as follows~~:

Amendment 2 (with title amendment)—On page 3, line 30, delete that line and insert:

Section 2. Paragraph (ii) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(ii) Complimentary meals.—Where no separate charge or specific amount is shown for food or drinks furnished as part of a packaged room rate by any person offering for rent or lease any transit living accommodations as described in s. 509.013(4)(a) which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, such drinks or food are considered sold at retail as a part of the total charge for the transient living accommodations. The person offering the accommodations is not considered the consumer of items purchased in furnishing such food or drinks and may purchase such items under conditions of a sale for resale.

Section 3. *No tax imposed by s. 212.05 before July 1, 1996 and not actually collected on items exempt under the provisions of section 2 of this act shall be due from any person offering for rent or lease any transient living accommodations which are subject to the tax under s. 212.03.*

Section 4. Sections 1 and 2 of this act shall take effect July 1, 1996.

Section 5. Unless otherwise provided in this act, this act shall take effect October 1, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to taxes; amending s. 212.0305, F.S.; amending the list of ways in which a consolidated county may use the proceeds from such a tax that is levied by the county; amending s. 212.08, F.S.; providing that certain persons who provide food or drinks as part of a packaged room rate without charge or without separately stating a charge for such items are not considered consumers of such items; providing for the application of the exemption to certain tax assessments; providing an effective date.

RECONSIDERATION OF AMENDMENT

On motion by Senator Bankhead, the Senate reconsidered the vote by which **Amendment 2** was adopted. **Amendment 2** was withdrawn.

Senator Bankhead moved the following amendments which were adopted:

Amendment 3 (with title amendment)—On page 3, between lines 29 and 30, insert:

Section 2. Section 72.031, Florida Statutes, is amended to read:

72.031 Actions under s. 72.011(1); parties; service of process.—

(1) In any action brought in circuit court pursuant to s. 72.011(1), the person initiating the action shall be the plaintiff and the Department of Revenue shall be the defendant, except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be the defendant, ~~and except that~~ for actions contesting an assessment or denial of refund under chapters 210, 550, 561, 562, 563, 564, and 565 the Department of Business and Professional Regulation shall be the defendant, *and for actions contesting an assessment or denial of refund of a tax imposed under s. 125.0104 or s. 212.0305 by a county that has elected under s. 125.0104(10) or s. 212.0305(5), respectively, to administer the tax, the defendant or respondent shall be the county and the Department of Revenue.* It shall not be necessary for the Governor and Cabinet, constituting the Department of Revenue, to be named as party defendants or named separately as individual parties; nor shall it be necessary for the executive director of the department to be named as an individual party.

(2) Service of process on the applicable department *or county* shall be perfected by service pursuant to s. 48.111, notwithstanding the provisions of s. 48.121.

Section 3. Subsections (1) and (3) of section 120.575, Florida Statutes, are amended to read:

120.575 Taxpayer contest proceedings.—

(1) In any administrative proceeding brought pursuant to this chapter as authorized in s. 72.011(1), the taxpayer or other substantially affected party shall be designated the "petitioner" and the Department of Revenue shall be designated the "respondent," except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be designated the "respondent," ~~and~~ for actions contesting an assessment or denial of refund under chapters 210, 550, 561, 562, 563, 564, and 565 the Department of Business and Professional Regulation shall be designated the "respondent,~~.~~" *and for actions contesting an assessment or denial of refund of a tax imposed under s. 125.0104 or s. 212.0305 by a county that has elected under s. 125.0104(10) or s. 212.0305(5), respectively, to administer the tax, the respondent shall be the county and the Department of Revenue.*

(3)(a) Before a taxpayer may file a petition under this chapter, he or she shall pay to the applicable department *or county* the amount of taxes, penalties, and accrued interest assessed by that department *or county* which are not being contested by the taxpayer. Failure to pay the uncontested amount shall result in the dismissal of the action and imposition of an additional penalty of 25 percent of the amount taxed.

(b) The requirements of s. 72.011(2) and (3)(a) are jurisdictional for any action under this chapter to contest an assessment or denial of refund by the Department of Revenue, the Department of Highway Safety and Motor Vehicles, ~~or~~ the Department of Business and Professional Regulation*, or a county*.

Section 4. Subsection (2), paragraphs (l) and (o) of subsection (3), paragraph (e) of subsection (4), paragraph (a) of subsection (5), and paragraph (c) of subsection (10) of section 125.0104, Florida Statutes, are amended, and paragraph (d) is added to subsection (5) of that section, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(2) APPLICATION*; DEFINITIONS*.—

(a) Application.—The provisions contained in chapter 212 apply to the administration of any tax levied pursuant to this section.

(b) Definitions.—As used in this section, the term:

1. "Promotion" means marketing or advertising designed to increase tourist-related business activities.

2. "Tourist" means a person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient accommodations as described in paragraph (3)(a).

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds.

2. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center *and to pay the planning and design costs incurred prior to the issuance of such bonds*.

3. Only counties that have elected to levy the tax *initially for the purposes* authorized in *subparagraph 1.* ~~this paragraph~~ may use the tax for the purposes enumerated in subparagraph 2.

The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a) through (d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(o) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise, *which means a professional sports franchise that is not based in this state prior to July 1, 1990* ~~as defined in s. 288.1162~~. A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the construction, reconstruction, or renovation of that facility. *The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a).* Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

(4) ORDINANCE LEVY TAX; PROCEDURE.—

(e) The governing board of each county which levies and imposes a tourist development tax under this section shall appoint an advisory council to be known as the ". . . (name of county). . . Tourist Development Council." The council shall be established by ordinance and composed of nine members who shall be appointed by the governing board. The chair of the governing board of the county or any other member of the governing board as designated by the chair shall serve on the council. Two members of the council shall be elected municipal officials, *at least* one of whom shall be from the most populous municipality in the county or subcounty special taxing district in which the tax is levied. ~~Three members of the council shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax.~~ *Six* ~~Three~~ members of the council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, *of which members, not less than three nor more than four shall be* ~~but who are not~~ owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax. All members of the council shall be electors of the county. The governing board of the county shall have the option of designating the chair of the council or allowing the council to elect a chair. The chair shall be appointed or elected annually and may be reelected or reappointed. The members of the council shall serve for staggered terms of 4 years. The terms of office of the original members shall be prescribed in the resolution required under paragraph (b). The council shall meet at least once each quarter and, from time to time, shall make recommendations to the county governing board for the effective operation of the special projects or for uses of the tourist development tax revenue and perform such other duties as may be prescribed by county ordinance or resolution. The council shall continuously review expenditures of revenues from the tourist development trust fund and shall receive, at least quarterly, expenditure reports from the county governing board or its designee. Expenditures which the council believes to be unauthorized shall be reported to the county governing board and the Department of Revenue. The governing board and the department shall review the findings of the council and take appropriate administrative or judicial action to ensure compliance with this section. The changes in the composition of the membership of the tourist development council mandated by chapter 86-4, Laws of Florida, *and this act* shall not cause the interruption of the current term of any person who is a member of a council on *October 1, 1996* ~~May 7, 1986~~.

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums, or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied. Tax revenues received pursuant to this section may also be used for promotion of zoological parks that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public. However, these purposes may be implemented through service contracts and leases with lessees with sufficient expertise or financial capability to operate such facilities;

2. To promote and advertise tourism in the State of Florida and nationally and internationally*; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists*;

3. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the chambers of commerce or similar associations in the county*, which may include any indirect administrative costs for services performed by the county on behalf of the promotion agency*; or

4. To finance *beach park facilities or* beach improvement, maintenance, renourishment, restoration, and erosion control, including shoreline protection, enhancement, cleanup, or restoration of inland lakes and rivers to which there is public access *as those uses relate to the physical preservation of the beach, shoreline, or inland lake or river. In counties of less than 100,000 population, no more than 10 percent of the revenues from the tourist development tax may be used for beach park facilities.*

(d) Any use of the local option tourist development tax revenues collected pursuant to this section for a purpose not expressly authorized by paragraph (l) or paragraph (o) of subsection (3) or paragraph (a), paragraph (b), or paragraph (c) of this subsection is expressly prohibited.

(10) LOCAL ADMINISTRATION OF TAX.—

(c) A county adopting an ordinance providing for the collection and administration of the tax on a local basis shall also adopt an ordinance electing either to assume all responsibility for auditing the records and accounts of dealers, and assessing, collecting, and enforcing payments of delinquent taxes, or to delegate such authority to the Department of Revenue. If the county elects to assume such responsibility, it *shall be bound by all rules promulgated by the Department of Revenue pursuant to paragraph (3)(k), as well as those rules pertaining to the sales and use tax on transient rentals imposed by s. 212.03. The county* may use any power granted in this section to the department to determine the amount of tax, penalties, and interest to be paid by each dealer and to enforce payment of such tax, penalties, and interest. If the county delegates such authority to the department, the department shall distribute any collections so received, less costs of administration, to the county. The amount deducted for costs of administration by the department shall be used only for those costs which are solely and directly attributable to auditing, assessing, collecting, processing, and enforcing payments of delinquent taxes authorized in this section. If a county elects to delegate such authority to the department, the department shall audit only those businesses in the county that it audits pursuant to part I of chapter 212.

Section 5. The amendment to paragraph (o) of subsection (3) of section 125.0104, Florida Statutes, provided by this act shall not affect the

validity of any bonds heretofore issued by a county which are secured by a pledge of and lien upon the additional tax imposed by that paragraph.

Section 6. Paragraph (m) of subsection (3) of section 125.0104, Florida Statutes, is hereby repealed.

Section 7. Paragraph (c) of subsection (5) of section 212.0305, Florida Statutes, is amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(5) LOCAL ADMINISTRATION OF TAX.—

(c) A county adopting an ordinance providing for the collection and administration of the tax on a local basis shall also adopt an ordinance electing either to assume all responsibility for auditing the records and accounts of dealers, and assessing, collecting, and enforcing payments of delinquent taxes, or to delegate such authority to the Department of Revenue. If the county elects to assume such responsibility, it *shall be bound by the rules promulgated by the Department of Revenue pursuant to paragraph (3)(f), as well as those rules pertaining to the sales and use tax on transient rentals imposed by s. 212.03. The county* may use any power granted in this part to the department to determine the amount of tax, penalties, and interest to be paid by each dealer and to enforce payment of such tax, penalties, and interest. If the county delegates such authority to the department, the department shall distribute any collections so received, less costs of administration, to the county. The amount deducted for costs of administration by the department shall be used only for those costs which are solely and directly attributable to auditing, assessing, collecting, processing, and enforcing payments of delinquent taxes authorized in this section. If a county elects to delegate such authority to the department, the department shall audit only those businesses in the county that it audits pursuant to this part.

(Renumber subsequent section.)

And the title is amended as follows:

On page 5, after the semicolon (;) insert: amending ss. 72.031 and 120.575, F.S.; providing that a county that administers a local option tourist development tax or convention development tax locally shall be named a codefendant or corespondent in any circuit court action or administrative proceeding to contest an assessment or denial of a refund of the tax; amending s. 125.0104, F.S.; providing definitions; correcting a reference; providing for a waiver of the prohibition against levying more than 2-percent local option tourist development tax in certain counties that levy convention development tax if such counties levy a second additional tax for financing professional sports franchise facilities; providing for the validity of currently issued bonds; revising membership criteria for tourist development councils; providing requirements applicable to activities, services, venues, and events for which tourist development tax revenues are expended; providing for use of tax revenues for certain tourism promotion agency administrative costs; revising requirements relating to the use of such tax revenues for beach improvement and erosion control and authorizing use for beach park facilities; providing that any use of local option tourist development tax revenues not expressly authorized is prohibited; specifying rules applicable to a county that has elected to assume audit, assessment, collection, and enforcement responsibility for such tax; repealing s. 125.0104(3)(m), F.S., which authorizes certain counties to levy an additional 2-percent tax to retire bonded indebtedness for certain economic development projects; amending s. 212.0305, F.S.; specifying rules applicable to a county that has elected to assume audit, assessment, collection, and enforcement responsibility for a convention development tax; providing an

Amendment 4 (with title amendment)—On page 3, between lines 29 and 30, insert:

Section 2. Subsection (7) of section 192.091, Florida Statutes, is hereby repealed.

Section 3. Subsection (2) of section 192.102, Florida Statutes, is amended to read:

192.102 Payment of property appraisers' and collectors' commissions.—

(2) On or before November 1 of each year, each tax collector who has received advances under the provisions of this section shall make an accounting to the board of county commissioners and the school board, and any adjustments necessary shall be made so that the total advances and commissions paid by the board of county commissioners and the school board shall be the amount of commissions earned. At no time within the year shall there be paid by the board of county commissioners and the school board more than the total advances due to that date or the commissions earned to that date, whichever is the greater. Nothing contained herein shall be construed to abrogate any law providing a salary for the tax collector or require the tax collector to accept the benefits of this section. ~~This section shall apply to payments of advances and commissions for the calendar year 1959 and subsequent years.~~

Section 4. Subsection (2) of section 194.192, Florida Statutes, is amended to read:

194.192 Costs; interest on unpaid taxes; penalty.—

(2) If the court finds that the amount of tax owed by the taxpayer is greater than the amount the taxpayer has in good faith admitted and paid, it shall enter judgment against the taxpayer for the deficiency and for interest on the deficiency at the rate of 12 percent per year from the date the tax became delinquent ~~or from January 1, 1971, whichever is later, and at the rate of 6 percent per year for any period of delinquency before January 1, 1971~~. If it finds that the amount of tax which the taxpayer has admitted to be owing is grossly disproportionate to the amount of tax found to be due and that the taxpayer's admission was not made in good faith, the court shall also assess a penalty at the rate of 10 percent of the deficiency per year from the date the tax became delinquent.

Section 5. Subsection (2) of section 195.027, Florida Statutes, is amended to read:

195.027 Rules and regulations.—

(2) It is the legislative intent that all counties operate on computer programs that are substantially similar and produce data which are directly comparable. The rules and regulations shall prescribe uniform standards and procedures for computer programs and operations for all programs installed in any property appraiser's office ~~after July 1, 1973. The rules and regulations shall provide for a time schedule by which all programs and procedures in use on July 1, 1973, shall conform with the uniform standards~~. It is the legislative intent that the department shall require a high degree of uniformity so that data will be comparable among counties and that a single audit procedure will be practical for all property appraisers' offices.

Section 6. Subsection (3) of section 195.095, Florida Statutes, is hereby repealed.

Section 7. Effective July 1, 1997, subsection (7) of section 195.096, Florida Statutes, as amended by section 19 of chapter 95-272, Laws of Florida, is amended to read:

195.096 Review of assessment rolls.—

(7) The Auditor General shall have the responsibility to perform performance audits of the administration of ad valorem tax laws by the department pursuant to the general authority granted in chapter 11. Such performance audits shall be conducted biennially following completion of reviews pursuant to this section. The ~~first~~ performance audit conducted pursuant to this subsection shall be formally submitted to the Legislature no later than April 1, *on a biennial basis,* ~~1984,~~ reporting on the activities of the Division of Ad Valorem Tax related to the ~~1982 and 1983~~ ad valorem tax rolls~~, and biennially thereafter~~. The Auditor General shall include, for at least four counties so reviewed, findings as to the accuracy of assessment procedures, projections, and computations made by the division, utilizing the same generally accepted appraisal standards and procedures to which the division and the property appraisers are required to adhere. However, the report shall not include any findings or statistics related to any ad valorem tax roll which is in litigation between the state and county officials at the time the report is to be issued.

Section 8. Section 196.061, Florida Statutes, is amended to read:

196.061 Rental of homestead to constitute abandonment.—The rental of an entire dwelling previously claimed to be a homestead for tax

purposes shall constitute the abandonment of said dwelling as a homestead, and said abandonment shall continue until such dwelling is physically occupied by the owner thereof. However, such abandonment of such homestead after January 1 of any year shall not affect the homestead exemption for tax purposes for that particular year so long as this provision is not used for 2 consecutive years. The provisions of this section shall not apply to a member of the Armed Forces of the United States whose service in such forces is the result of a mandatory obligation imposed by the federal Selective Service Act or who volunteers for service as a member of the Armed Forces of the United States~~; provided, however, that this section shall have no effect on the status of any property involved in litigation pending on June 12, 1959~~.

Section 9. Subsection (10) of section 196.1975, Florida Statutes, is amended to read:

196.1975 Exemption for property used by nonprofit homes for the aged.—Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section~~; however, the application deadline as required under s. 196.011(1) shall be waived for the 1983 tax year only for any facility entitled to the exemption for every year thereafter~~.

Section 10. Subsection (3) of section 197.582, Florida Statutes, is hereby repealed.

Section 11. Section 199.222, Florida Statutes, is hereby repealed.

Section 12. Paragraph (b) of subsection (1) of section 203.01, Florida Statutes, is amended to read:

203.01 Tax on gross receipts for utility services.—

(1)

(b) ~~For the period July 1, 1990, through June 30, 1991, the rate shall be 2 percent; for the period July 1, 1991, through June 30, 1992, the rate shall be 2.25 percent;~~ Beginning July 1, 1992, and thereafter, the rate shall be 2.5 percent.

Section 13. Section 203.04, Florida Statutes, is amended to read:

203.04 *Construction* ~~Repeal~~ of laws granting exemptions or exceptions.—

~~(1) All provisions of presently existing general, special, or local statutes or laws, or parts thereof, including municipal charters and laws relating to quasi-municipal corporations, of this state granting or providing exemptions or exceptions, either directly or indirectly, from the gross receipts taxes imposed by this chapter are hereby repealed. This section shall not repeal, modify, or amend any of the provisions of s. 203.01.~~

~~(2)~~ No statute or law, general, special, or local hereafter enacted which either directly or indirectly relates to exemptions or exceptions from taxation in this state shall be construed as including or extending to the gross receipts taxes imposed by this chapter unless its application to said chapter, either directly or indirectly, is clearly and specifically expressed and no repeals by implication shall be recognized in this connection. This is a rule of statutory construction to be applied to statutes and laws hereafter enacted.

~~(3) Subsection (1) shall be construed as applying to chapter 29334, 1953, as amended by chapter 31051, 1955; chapters 30415, 30576, 30845, and 31166, 1955; and chapters 57-1174 and 57-1348, all Laws of Florida. This enumeration of chapters shall not be construed as being all inclusive.~~

Section 14. Section 206.445, Florida Statutes, is hereby repealed.

Section 15. Effective July 1, 1996, subsection (3) of section 206.9915, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.9915 Legislative intent and general provisions.—

(3) The provisions of ss. 206.01, 206.02, 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.416, 206.44, ~~206.445,~~ 206.48, 206.49, 206.56, 206.59, 206.86, 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.8745, 206.94, 206.945, and 206.9815 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part and made expressly applicable to the taxes imposed herein.

Section 16. Effective July 1, 1996, paragraph (a) of subsection (2) of section 336.021, Florida Statutes, as amended by section 116 of chapter 95-417, Laws of Florida, is amended to read:

336.021 County transportation system; levy of ninth-cent fuel tax on motor fuel and diesel fuel.—

(2)(a) The tax collected by the department pursuant to subsection (1) shall be transferred to the Ninth-cent Fuel Tax Trust Fund, which fund is created for distribution to the counties pursuant to paragraph (1)(d). The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax levied by any county and shall adopt rules necessary to enforce this section, which rules shall have the full force and effect of law. The provisions of ss. 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41, 206.416, 206.44, ~~206.445,~~ 206.48, 206.49, 206.56, 206.59, 206.626, 206.87, 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.8745, 206.94, and 206.945 shall, as far as practicable, be applicable to the levy and collection of the tax imposed pursuant to this section as if fully set out in this section.

Section 17. Effective July 1, 1999, paragraph (a) of subsection (2) of section 336.021, Florida Statutes, as amended by section 117 of chapter 95-417, Laws of Florida, is amended to read:

336.021 County transportation system; levy of ninth-cent fuel tax on motor fuel and *diesel* ~~special~~ fuel.—

(2)(a) The tax collected by the department pursuant to subsection (1) shall be transferred to the Ninth-cent Fuel Tax Trust Fund, which fund is created for distribution to the counties pursuant to paragraph (1)(d). The department shall deduct the administrative costs incurred by it in collecting, administering, enforcing, and distributing back to the counties the tax, which administrative costs may not exceed 2 percent of collections authorized by this section. The total administrative cost shall be prorated among those counties levying the tax according to the following formula, which shall be revised on July 1 of each year: Two-thirds of the amount deducted shall be based on the county's proportional share of the number of taxpayers who are registered and required to file tax returns on June 30th of the preceding state fiscal year, and one-third of the amount deducted shall be based on the county's share of the total amount of the tax collected during the preceding state fiscal year. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax levied by any county and shall adopt rules necessary to enforce this section, which rules shall have the full force and effect of law. The provisions of ss. 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41, 206.416, 206.44, ~~206.445,~~ 206.45, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87, 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.8745, 206.94, and 206.945 shall, as far as practicable, be applicable to the levy and collection of the tax imposed pursuant to this section as if fully set out in this section.

Section 18. Effective July 1, 1996, paragraph (a) of subsection (2) of section 336.025, Florida Statutes, as amended by section 118 of chapter 95-417, Laws of Florida, is amended to read:

336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—

(2)(a) The tax levied pursuant to paragraph (1)(a) shall be collected and remitted in the same manner provided by ss. 206.41(1)(e) and 206.87(1)(c). The tax levied pursuant to paragraph (1)(b) shall be collected and remitted in the same manner provided by s. 206.41(1)(e). The taxes remitted pursuant to this section shall be transferred to the Local Option Fuel Tax Trust Fund, which fund is created for distribution to the county and eligible municipal governments within the county in which the tax was collected and which fund is subject to the service charge imposed in chapter 215. The tax shall be distributed monthly by the department in the same manner provided by s. 336.021(1)(c) and (d). The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the taxes levied by any county and shall promulgate such rules as may be necessary for the enforcement of this section, which rules shall have the full force and effect of law. The provisions of ss. 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41, 206.416, 206.44, ~~206.445,~~ 206.48, 206.49, 206.56, 206.59, 206.626, 206.87, 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.94, and 206.945 shall, as far as practicable, be applicable to the levy and collection of taxes imposed pursuant to this section as if fully set out in this section.

Section 19. Effective July 1, 1999, paragraph (a) of subsection (2) of section 336.025, Florida Statutes, as amended by section 119 of chapter 95-417, Laws of Florida, is amended to read:

336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—

(2)(a) The tax levied pursuant to paragraph (1)(a) shall be collected and remitted in the same manner provided by ss. 206.41(1)(e) and 206.87(1)(c). The tax levied pursuant to paragraph (1)(b) shall be collected and remitted in the same manner provided by s. 206.41(1)(e). The taxes remitted pursuant to this section shall be transferred to the Local Option Fuel Tax Trust Fund, which fund is created for distribution to the county and eligible municipal governments within the county in which the tax was collected and which fund is subject to the service charge imposed in chapter 215. The tax shall be distributed monthly by the department in the same manner provided by s. 336.021(1)(c) and (d). The department shall deduct the administrative costs incurred by it in collecting, administering, enforcing, and distributing back to the counties the tax, which administrative costs may not exceed 2 percent of collections authorized by this section. The total administrative costs shall be prorated among those counties levying the tax according to the following formula, which shall be revised on July 1 of each year: Two-thirds of the amount deducted shall be based on the county's proportional share of the number of taxpayers who are registered and required to file tax returns on June 30 of the preceding state fiscal year, and one-third of the amount deducted shall be based on the county's share of the total amount of the tax collected during the preceding state fiscal year. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the taxes levied by any county and shall promulgate such rules as may be necessary for the enforcement of this section, which rules shall have the full force and effect of law. The provisions of ss. 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41, 206.416, 206.44, ~~206.445,~~ 206.45, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87, 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.94, and 206.945 shall, as far as practicable, be applicable to the levy and collection of taxes imposed pursuant to this section as if fully set out in this section.

Section 20. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way occupied or used by a utility for utility purposes.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft ~~or, for the period July 1, 1990, through June 30, 1991, property used at an airport to operate advertising displays in any county as defined in s. 125.011(1)~~.

8. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of a movie theater, a business operated under a permit issued pursuant to chapter 550, or any publicly owned arena, sports stadium, convention hall, exhibition hall, auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), F.A.C.; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments

made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

Section 21. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Health and Rehabilitative Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 240.533(3)(c).

2.a. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended.

b. No tax imposed by this section and not actually collected before August 1, 1992, shall be due from any museum or historic building owned by any political subdivision of the state.

3. No tax shall be levied on an admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his or her attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game~~, or on admissions to any of the games of the 1994 World Cup Soccer Tournament~~.

5. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program is exempt when the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of $1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

Section 22. Paragraphs (a), (e), and (j) of subsection (1) of section 212.05, Florida Statutes, are amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.

a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed ~~after July 1, 1985,~~ pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or airplane by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in sub-subparagraph f., from the state within 90 days after the date of purchase or the purchaser removes a nonqualifying boat or an airplane from this state within 10 days after the date of purchase or, when the boat or airplane is repaired or altered, within 20 days after completion of the repairs or alterations;

b. The purchaser, within 30 days from the date of departure, shall provide the department with written proof that the purchaser licensed, registered, titled, or documented the boat or airplane outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt.

c. The purchaser, within 10 days of removing the boat or airplane from Florida, shall furnish the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 5 days of the date of sale, shall provide to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser shall apply to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, prior to delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal prior to permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date prior to its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(9) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within 90 days after purchase or a nonqualifying boat or an airplane from this state within 10 days after purchase or, when the boat or airplane is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or airplane to return to this state within 6 months from the date of departure, or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or airplane and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department. The 90-day period following the sale of a qualifying boat tax exempt to a nonresident may not be tolled for any reason.

(e)1. At the rate of 6 percent on charges for:

a. All telegraph messages and long-distance telephone calls beginning and terminating in this state, telecommunication service as defined in s. 203.012, and those services described in s. 203.012(2)(a), except that the tax rate for charges for telecommunication service is 7 percent.

b. Any television system program service.

c. The installation of telecommunication and telegraphic equipment.

d. Electrical power or energy, except that the tax rate for charges for electrical power or energy is 7 percent.

2. For purposes of this part, "television system program service" means the transmitting, by any means, of any audio or video signal to a subscriber for other than retransmission, or the installing, connecting, reconnecting, disconnecting, moving, or changing of any equipment related to such service. For purposes of this part, the term "telecommunication service" does not include local service provided through a pay telephone. The provisions of s. 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, shall be equally applicable to any tax paid under the provisions of this section on charges for telecommunication or telegraph services or electric power subsequently found to be uncollectible. The word "charges" in this paragraph does not include any excise or similar tax levied by the Federal Government, any political subdivision of the state, or any municipality upon the purchase or sale of telecommunication, television system program, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

3. Telegraph messages and telecommunication services which originate or terminate in this state, other than interstate private communication services, and are billed to a customer, telephone number, or device located within this state are taxable under this paragraph. Interstate private communication services are taxable under this paragraph as follows:

a. One hundred percent of the charge imposed at each channel termination point within this state;

b. One hundred percent of the charge imposed for the total channel mileage between each channel termination point within this state; and

c. The portion of the interstate interoffice channel mileage charge as determined by multiplying said charge times a fraction, the numerator of which is the air miles between the last channel termination point in this state and the vertical and horizontal coordinates, 7856 and 1756, respectively, and the denominator of which is the air miles between the last channel termination point in this state and the first channel termination point outside this state. The denominator of this fraction shall be adjusted, if necessary, by adding the numerator of said fraction to similarly determined air miles in the state in which the other channel termination point is located, so that the summation of the apportionment factor for this state and the apportionment factor for the other state is not greater than one, to ensure that no more than 100 percent of the interstate interoffice channel mileage charge can be taxed by this state and another state.

4. The tax imposed pursuant to this paragraph shall not exceed $50,000 per calendar year on charges to any person for interstate telecommunications services defined in s. 203.012(4) and (7)(b), if the majority of such services used by such person are for communications originating outside of this state and terminating in this state. This exemption shall only be granted to holders of a direct pay permit issued pursuant to this subparagraph. No refunds shall be given for taxes paid prior to receiving a direct pay permit. Upon application, the department may issue a direct pay permit to the purchaser of telecommunications services authorizing such purchaser to pay tax on such services directly to the department. Any vendor furnishing telecommunications services to the holder of a valid direct pay permit shall be relieved of the obligation to collect and remit the tax on such service. Tax payments and returns pursuant to a direct pay permit shall be monthly. For purposes of this subparagraph, the term "person" shall be limited to a single legal entity

and shall not be construed as meaning a group or combination of affiliated entities or entities controlled by one person or group of persons. ~~For purposes of this subparagraph, for calendar year 1986, the term "calendar year" means the last 6 months of 1986.~~

5. If the sale of a television system program service, as defined in this paragraph, also involves the sale of an item exempt under s. 212.08(7)(j), the tax shall be applied to the value of the taxable service when it is sold separately. If the company does not offer this service separately, the consideration paid shall be separately identified and stated with respect to the taxable and exempt portions of the transaction as a condition of the exemption, except that the amount identified as taxable shall not be less than the cost of the service.

(j)1. *Beginning January 1, 1995,* ~~Effective July 1, 1991, and until December 31, 1994,~~ a tax is imposed at the rate of *4* ~~6~~ percent on the charges for the use of coin-operated amusement machines. ~~Notwithstanding any other provision of law, beginning January 1, 1995, the amount of~~ The tax ~~is 4 percent and~~ shall be calculated by dividing the gross receipts from such charges for the applicable reporting period by a divisor, determined as provided in this subparagraph, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. The divisor is equal to 1.04, except that for counties with a 6.5 percent sales tax rate the divisor shall be equal to 1.045, and for counties with a 7.0 percent sales tax rate the divisor shall be equal to 1.050. When a machine is activated by a slug, token, coupon, or any similar device which has been purchased, the tax is on the price paid by the user of the device for such device.

2. As used in this paragraph, the term "operator" means any person who possesses a coin-operated amusement machine for the purpose of generating sales through that machine and who is responsible for removing the receipts from the machine.

a. If the owner of the machine is also the operator of it, he or she shall be liable for payment of the tax without any deduction for rent or a license fee paid to a location owner for the use of any real property on which the machine is located.

b. If the owner or lessee of the machine is also its operator, he or she shall be liable for payment of the tax on the purchase or lease of the machine, as well as the tax on sales generated through the machine.

c. If the proprietor of the business where the machine is located does not own the machine, he shall be deemed to be the lessee and operator of the machine and is responsible for the payment of the tax on sales, unless such responsibility is otherwise provided for in a written agreement between him and the machine owner.

3.a. An operator of a coin-operated amusement machine may not operate or cause to be operated in this state any such machine until the operator has registered with the department and has conspicuously displayed an identifying certificate issued by the department. The identifying certificate shall be issued by the department upon application from the operator. The identifying certificate shall include a unique number, and the certificate shall be permanently marked with the operator's name, the operator's sales tax number, and the maximum number of machines to be operated under the certificate. An identifying certificate shall not be transferred from one operator to another. The identifying certificate must be conspicuously displayed on the premises where the coin-operated amusement machines are being operated.

b. The operator of the machine must obtain an identifying certificate before the machine is first operated in the state and by July 1 of each year thereafter. The annual fee for each certificate shall be based on the number of machines identified on the application times $30 and is due and payable upon application for the identifying device. The application shall contain the operator's name, sales tax number, business address where the machines are being operated, and the number of machines in operation at that place of business by the operator. No operator may operate more machines than are listed on the certificate. A new certificate is required if more machines are being operated at that location than are listed on the certificate. The fee for the new certificate shall be based on the number of additional machines identified on the application form times $30.

c. A penalty of $250 per machine is imposed on the operator for failing to properly obtain and display the required identifying certificate. A penalty of $250 is imposed on the lessee of any machine placed in a place of business without a proper current identifying certificate. Such penalties shall apply in addition to all other applicable taxes, interest, and penalties.

d. Operators of coin-operated amusement machines must obtain a separate sales and use tax certificate of registration for each county in which such machines are located. One sales and use tax certificate of registration is sufficient for all of the operator's machines within a single county.

4. The provisions of this paragraph do not apply to coin-operated amusement machines owned and operated by churches or synagogues.

5. In addition to any other penalties imposed by this part, a person who knowingly and willfully violates any provision of this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

6. The department may adopt rules necessary to administer the provisions of this paragraph.

Section 23. Effective July 1, 1996, paragraph (c) of subsection (6) of section 212.20, Florida Statutes, as amended by chapter 95-372, Laws of Florida, is hereby repealed.

Section 24. Paragraph (c) of subsection (4) of section 212.054, Florida Statutes, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(4)

(c)1. Any dealer located in a county that does not impose a discretionary sales surtax but who collects the surtax due to sales of tangible personal property or services delivered outside the county shall remit monthly the proceeds of the surtax to the department to be deposited into an account in the Discretionary Sales Surtax Clearing Trust Fund which is separate from the county surtax collection accounts. The department shall distribute funds in this account using a distribution factor determined for each county that levies a surtax and multiplied by the amount of funds in the account and available for distribution. The distribution factor for each county equals the product of:

a. The county's latest official population determined pursuant to s. 186.901;

b. The county's rate of surtax; and

c. The number of months the county has levied a surtax during the most recent distribution period;

divided by the sum of all such products of the counties levying the surtax during the most recent distribution period.

2. ~~Proceeds of the surtax collected under this paragraph from January 1, 1994, until June 30, 1994, shall be distributed to eligible counties by September 1, 1994, based on distribution factors computed for that period. Thereafter,~~ The department shall compute distribution factors for eligible counties once each quarter and make appropriate quarterly distributions.

3. A county that fails to timely provide the information required by this section to the department authorizes the department, by such action, to use the best information available to it in distributing surtax revenues to the county. If this information is unavailable to the department, the department may partially or entirely disqualify the county from receiving surtax revenues under this paragraph. A county that fails to provide timely information waives its right to challenge the department's determination of the county's share, if any, of revenues provided under this paragraph.

Section 25. Section 212.0599, Florida Statutes, is amended to read:

212.0599 Rules which implement *ch.* ~~chs. 87-6, 87-101, and~~ 87-548.—

~~(1) Other rules of the Department of Revenue related to and in furtherance of the orderly implementation of chapter 87-6 or chapter 87-101, Laws of Florida, shall not be subject to a s. 120.54(4) rule challenge~~

~~or a s. 120.54(17) drawout proceeding, but, once adopted, shall be subject to a s. 120.56 invalidity challenge. Such rules shall be adopted by the Governor and Cabinet and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(13).~~

~~(2) The Legislature hereby finds that the failure to promptly implement the provisions of chapter 87-548, Laws of Florida, would present an immediate threat to the welfare of the state because revenues needed for operation of the state would not be collected. Therefore, the executive director of the Department of Revenue is hereby authorized to adopt emergency rules pursuant to s. 120.54(9) for purposes of implementing chapter 87-548, Laws of Florida. Notwithstanding any other provision of law, such emergency rules shall remain effective for 6 months from the date of adoption. Other~~ Rules of the Department of Revenue related to and in furtherance of the orderly implementation of chapter 87-548, Laws of Florida, shall not be subject to a s. 120.54(4) rule challenge or a s. 120.54(17) drawout proceeding, but, once adopted, shall be subject to a s. 120.56 invalidity challenge. Such rules shall be adopted by the Governor and Cabinet and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(13). ~~This subsection shall take effect January 1, 1988.~~

Section 26. Subsection (6), paragraph (s) of subsection (7), and paragraph (c) of subsection (8) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also exempt from the tax imposed by this chapter sales made to the United States Government, a state, or any county, municipality, or political subdivision of a state when payment is made directly to the dealer by the governmental entity. This exemption shall not inure to any transaction otherwise taxable under this chapter when payment is made by a government employee by any means, including, but not limited to, cash, check, or credit card when that employee is subsequently reimbursed by the governmental entity. This exemption does not include sales of tangible personal property made to contractors employed either directly or as agents of any such government or political subdivision thereof when such tangible personal property goes into or becomes a part of public works owned by such government or political subdivision thereof~~, except public works in progress or for which bonds or revenue certificates have been validated on or before August 1, 1959~~. This exemption does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in the generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision in this state ~~except sales, rental, use, consumption, or storage for which bonds or revenue certificates are validated on or before January 1, 1973,~~ for transmission or distribution expansion. Likewise exempt are charges for services rendered by radio and television stations, including line charges, talent fees, or license fees and charges for films, videotapes, and transcriptions used in producing radio or television broadcasts.

(7) MISCELLANEOUS EXEMPTIONS.—

(s) Tasting beverages.—Vinous and alcoholic beverages provided by distributors or vendors for the purpose of "wine tasting" and "spirituous beverage tasting" as contemplated under the provisions of ss. 564.06 and 565.12, respectively, are exempt from the tax imposed by this part. ~~This exemption shall be effective retroactively to July 1, 1981.~~

(8) PARTIAL EXEMPTIONS; VESSELS ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(c) It is the intent of the Legislature that neither subsection (4) nor this subsection~~, whether as currently in effect or as amended by chapter 73-240, Laws of Florida, and in effect between June 22, 1973, and June 13, 1977,~~ shall be construed as imposing the tax provided by this part on vessels used as common carriers, contract carriers, or private carriers, engaged in interstate or foreign commerce, except to the extent provided by the pro rata formula provided in subsection (4) and in paragraph (a).

Section 27. Section 212.081, Florida Statutes, is amended to read:

212.081 Legislative intent.—It is hereby declared to be the legislative intent of the amendments to ss. ~~212.08,~~ 212.11(1), 212.12(10), and 212.20 by chapter 57-398, Laws of Florida:

~~(1) To raise the additional revenue required to meet the appropriations of the Legislature, by amending the sales and use tax exemptions previously allowed on clothing, fabrics, lubricating oil and grease and cigarettes included in this section. By amending the sales and use tax exemption on alcoholic and malt beverages to exclude from such exemption alcoholic and malt beverages consumed on the premises, and imposing a partial tax on motor vehicles, by increasing the tax on industrial machinery from $300 to $1,000 and further restricting and clarifying the definition of such machinery; and by eliminating all other exemptions allowed by s. 212.08, not specifically mentioned herein.~~

(1)~~(2)~~ To aid in the enforcement of this chapter by recognizing the effect of court rulings involving such enforcement and to incorporate herein substantial rulings of the department which have been recognized as necessary to supplement the interpretation of some of the terms used in this section.

(2)~~(3)~~ To arrange the exemptions allowed in this section in more orderly categories thereby eliminating some of the confusion attendant upon the present arrangement where cross-exemptions frequently occur.

(a) It is further declared to be the legislative intent that the tax levied by this chapter and imposed by this section is not a tax on motor vehicles as property but a tax on the privilege to sell, to rent, to use or to store for use in this state motor vehicles; that such tax is separate from and in addition to any license tax imposed on motor vehicles; and that such tax is not intended as an ad valorem tax on motor vehicles as prohibited by the Constitution.

(b) It is also the legislative intent that there shall be no pyramiding or duplication of excise taxes levied by the state under this chapter and no municipality shall levy any excise tax upon any privilege, admission, lease, rental, sale, use or storage for use or consumption which is subject to a tax under this chapter unless permitted by general law; provided, however, that this provision shall not impair valid municipal ordinances which are in effect and under which a municipal tax is being levied and collected on July 1, 1957.

(3)~~(4)~~ It is hereby declared to be the legislative intent that revenue produced by chapter 59-402, Laws of Florida, amending s. 212.08(5) and (7), together with other available general revenue in excess of money required to meet the general revenue appropriations shall accrue to the sixth fund, the same being the Working Capital Fund, as provided by law.

(4)~~(5)~~ It is hereby declared to be the legislative intent that all purchases made by banks are subject to state sales tax in the same manner as is provided by law for all other purchasers. It is further declared to be the legislative intent that if for any reason the sales tax on federal banks is declared invalid, that sales tax shall not apply or be applicable to purchases made by state banks.

Section 28. Paragraph (h) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(h) Any person who purchases, installs, rents, or leases a telephone system or telecommunication system for his or her own use to provide himself or herself with telephone service or telecommunication service which is a substitute for any telephone company switched service or a substitute for any dedicated facility by which a telephone company provides a communication path is exercising a taxable privilege and shall

register with the Department of Revenue and pay into the State Treasury a yearly amount equal to 6 percent of the actual cost of operating such system, notwithstanding the provisions of s. 212.081*(2)*~~(3)~~(b). "Actual cost" includes, but is not limited to, depreciation, interest, maintenance, repair, and other expenses directly attributable to the operation of such system. For purposes of this paragraph, the depreciation expense to be included in actual cost shall be the depreciation expense claimed for federal income tax purposes. The total amount of any payment required by a lease or rental contract or agreement shall be included within the actual cost. The provisions of this paragraph do not apply to the use by any local telephone company or any telecommunication carrier of its own telephone system or telecommunication system to conduct a telecommunication service for hire. If a system described in this paragraph is located in more than one state, the actual cost of such system for purposes of this paragraph shall be the actual cost of the system's equipment located in Florida.

Section 29. Paragraph (a) of subsection (1) and subsection (4) of section 212.084, Florida Statutes, are amended to read:

212.084 Review of exemption certificates; reissuance; specified expiration date; temporary exemption certificates.—

(1)(a) ~~Every sales tax exemption certificate issued before July 1, 1983, shall be reviewed by the department before July 1, 1988.~~ In reviewing each *sales tax exemption* certificate, the department shall ensure that the institution, organization, or individual possessing the certificate is actively engaged in an exempt endeavor as stipulated in this chapter.

(4) Each sales tax exemption certificate ~~issued on or after July 1, 1983,~~ expires 5 years after the date of issuance. Upon expiration, the certificate is subject to the review and reissuance procedures provided by this section.

Section 30. Section 212.11, Florida Statutes, is amended to read:

212.11 Tax returns and regulations.—

(1)(a)~~1.~~ Each dealer shall calculate his or her estimated tax liability for any month by one of the following methods:

1.~~a.~~ Sixty-six percent of the current month's liability pursuant to this part as shown on the tax return;

2.~~b.~~ Sixty-six percent of the tax reported on the tax return pursuant to this part by a dealer for the taxable transactions occurring during the corresponding month of the preceding calendar year; or

3.~~c.~~ Sixty-six percent of the average tax liability pursuant to this part for those months during the preceding calendar year in which the dealer reported taxable transactions.

~~2. Any estimated tax liability greater than or equal to the threshold amount specified in subsection (5) shall be due, payable, and remitted by the 20th day of the month for which the liability applies. The difference between the estimated tax liability paid and the actual amount and taxes due under this part for such month shall become due and payable by the first day of the following month and shall be remitted by the 20th day thereof.~~

~~3. For any dealer who has an estimated tax liability of less than the threshold amount specified in subsection (5) or who was not registered for sales tax purposes for the corresponding month of the preceding year, the current taxes levied pursuant to this part shall be due and payable monthly on the first day of the following month and shall be remitted by the 20th day thereof.~~

(b) For the purpose of ascertaining the amount of tax payable under this chapter, it shall be the duty of all dealers to make a return, on or before the 20th day of the month, to the department, upon forms prepared and furnished by it, showing the rentals, admissions, gross sales, or purchases, as the case may be, arising from all leases, rentals, admissions, sales, or purchases taxable under this chapter during the preceding calendar month.

(c) However, the department may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding four quarters did not exceed $1,000 and may authorize a semiannual return and payment when the tax remitted by the dealer for the preceding four quarters did not exceed $500.

(d) The Department of Revenue may authorize dealers who are newly eligible for quarterly filing under this subsection to file returns for the 3-month periods ending in February, May, August, and November, and may authorize dealers who are newly eligible for semiannual filing under this subsection to file returns for the 6-month periods ending in May and November.

(e) The department shall accept returns as timely if postmarked on or before the 20th day of the month; if the 20th day falls on a Saturday, Sunday, or federal or state legal holiday, returns shall be accepted as timely if postmarked on the next succeeding workday. Any dealer who operates two or more places of business for which returns are required to be filed with the department and maintains records for such places of business in a central office or place shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such place of business; however, such consolidated returns must clearly indicate the amounts collected within each county of the state. Any dealer who files a consolidated return shall calculate his or her estimated tax liability for each county by the same method the dealer uses to calculate his or her estimated tax liability on the consolidated return as a whole. Each dealer shall file a return for each tax period even though no tax is due for such period.

(2) Gross proceeds from rentals or leases of tangible personal property shall be reported and the tax shall be paid with respect thereto in accordance with such rules and regulations as the department may prescribe.

(3) Except as otherwise expressly provided for herein, it is hereby declared to be the intention of this chapter to impose a tax on the gross proceeds of all leases and rentals of tangible personal property in this state when the lease or rental is a part of the regularly established business, or the same is incidental or germane thereto.

~~(4) The 66 percent rate provided in subsection (1) shall be reduced over a period of 5 years beginning January 1, 1986, and is repealed December 31, 1990. During such period the following rates shall be applicable:~~

~~(a) From January 1, 1986, through December 31, 1986, the rate shall be 50 percent.~~

~~(b) From January 1, 1987, through December 31, 1987, the rate shall be 40 percent.~~

~~(c) From January 1, 1988, through December 31, 1988, the rate shall be 30 percent.~~

~~(d) From January 1, 1989, through December 31, 1989, the rate shall be 20 percent.~~

~~(e) From January 1, 1990, through December 31, 1990, the rate shall be 10 percent.~~

~~(5) The threshold amount to be used pursuant to subsection (1) shall be:~~

~~(a) $1,650 before January 1, 1986.~~

~~(b) $1,250 from January 1, 1986, through December 31, 1986.~~

~~(c) $1,000 from January 1, 1987, through December 31, 1987.~~

~~(d) $750 from January 1, 1988, through December 31, 1988.~~

~~(e) $500 from January 1, 1989, through December 31, 1989.~~

~~(f) $250 from January 1, 1990, through December 31, 1990.~~

(4)~~(6)~~(a) ~~Notwithstanding the provisions of subsections (4) and (5),~~ Each dealer who is subject to the tax imposed by this part and who paid such tax for the preceding state fiscal year in an amount greater than or equal to $100,000 shall calculate the amount of estimated tax due pursuant to this section for any month as provided in *paragraph (1)(a)* ~~subparagraph (1)(a)1~~.

(b) The amount of any estimated tax shall be due, payable, and remitted by electronic funds transfer by the 20th day of the month for which it is estimated. The difference between the amount of estimated tax paid and the actual amount of tax due under this part for such month shall be due and payable by the first day of the following month and remitted by electronic funds transfer by the 20th day thereof.

(c) Any dealer who is eligible to file a consolidated return and who paid the tax imposed by this part for the immediately preceding state fiscal year in an amount greater than or equal to $100,000 or would have paid the tax in such amount if he or she had filed a consolidated return shall be subject to the provisions of this subsection notwithstanding an election by the dealer in any month to file a separate return.

(d) The penalty provisions of this part, except s. 212.12(2)(c), apply to the provisions of this subsection.

Section 31. Paragraph (b) of subsection (2) of section 212.12, Florida Statutes, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(2)(a) When any person, firm, or corporation required hereunder to make any return or to pay any tax or fee imposed by this chapter fails to timely file such return or fails to pay the tax or fee due within the time required hereunder, in addition to all other penalties provided herein and by the laws of this state in respect to such taxes or fees, a specific penalty shall be added to the tax or fee in the amount of 10 percent of any unpaid tax or fee if the failure is for not more than 30 days, with an additional 10 percent of any unpaid tax or fee for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed a total penalty of 50 percent, in the aggregate, of any unpaid tax or fee. In no event may the penalty be less than $10 for failure to timely file a tax return required by s. 212.11*(1)(b) or $5 for failure to timely file a tax return authorized by s. 212.11(1)(c) or (d)*. In the case of a false or fraudulent return or a willful intent to evade payment of any tax or fee imposed under this chapter, in addition to the other penalties provided by law, the person making such false or fraudulent return or willfully attempting to evade the payment of such a tax or fee shall be liable for a specific penalty of 100 percent of the tax bill or fee and for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree.

(b) When any person, firm, or corporation fails to timely remit the proper estimated payment required under s. 212.11, a specific penalty shall be added in an amount equal to 10 percent of any unpaid estimated tax. ~~Through December 31, 1984, this penalty shall be waived upon application by the dealer unless the department has determined that there was willful intent by the dealer to evade payment of the tax.~~ Beginning with January 1, 1985 returns, the department, upon a showing of reasonable cause, is authorized to waive or compromise penalties imposed by this paragraph. However, other penalties and interest shall be due and payable if the return on which the estimated payment was due was not timely or properly filed.

Section 32. Section 212.183, Florida Statutes, is amended to read:

212.183 Rules for self-accrual of sales tax.~~— Rule 12A-1.091(6) of the Department of Revenue is hereby repealed. However,~~ The Department of Revenue is authorized to provide by rule for self-accrual of the sales tax under one or more of the following circumstances:

(1) Where authorized by law for holders of direct pay permits.

(2) Where tangible personal property is subject to tax on a prorated basis, and the proration factor is based upon characteristics of the purchaser.

(3) Where the taxable status of types of tangible personal property will be known only upon use.

(4) For commercial rentals where the purchaser rents from a number of independent property owners who, apart from rentals to the purchaser in question, would otherwise not be obligated to register as dealers.

(5) Where the purchaser makes purchases in excess of $10 million per year of tangible personal property in any county.

(6) When the purchaser makes purchases of promotional materials as defined in s. 212.06(11) and at the time of purchase, the purchaser does not know whether the materials will be exported outside this state.

(7) For commercial rentals where the purchaser, who is required to remit sales tax electronically as provided under s. 213.755, rents from a number of independent property owners.

Section 33. Paragraph (g) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this part shall be as follows:

(g) The proceeds of all other taxes and fees imposed pursuant to this part shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this part shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., ~~9.664 percent for the remaining months of fiscal year 1992-1993, and~~ 9.653 percent ~~thereafter,~~ of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.054 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. Of the remaining proceeds:

a. Beginning July 1, 1992, $166,667 shall be distributed monthly by the department to each applicant that has been certified by the Department of Commerce as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162 and $41,667 shall be distributed monthly by the department to each applicant that has been certified by the Department of Commerce as a "new spring training franchise facility" pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification by the Department of Commerce.

b. Beginning 30 days after notice by the Department of Commerce to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

6. All other proceeds shall remain with the General Revenue Fund.

Section 34. Subsection (2) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(2) Except as provided in subsections (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), and (17), all information contained in returns, reports, accounts, or declarations received by the department, including investigative reports and information and including letters of technical advice, is confidential except for official purposes and is exempt from the provisions of s. 119.07(1). ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~ Any officer or employee, or former officer or employee, of the department who

divulges any such information in any manner, except for such official purposes, ~~or in accordance with the provisions of subsection (3), subsection (4), subsection (5), subsection (6), subsection (7), subsection (8), subsection (9), subsection (10), subsection (11), subsection (12), subsection (13), subsection (14), subsection (15), subsection (16), or subsection (17)~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 35. Section 220.01, paragraph (bb) of subsection (1) of section 220.03, subsection (3) of section 220.34, and sections 220.53, 220.729, and 220.811, Florida Statutes, are repealed.

Section 36. Section 220.12, Florida Statutes, is amended to read:

220.12 "Net income" defined.—For purposes of this code, a taxpayer's net income for a taxable year shall be its adjusted federal income, or that share of its adjusted federal income for such year which is apportioned to this state under s. 220.15, plus nonbusiness income allocated to this state pursuant to s. 220.16, less child care facility startup costs as defined by s. 220.03(1)*(dd)*~~(ee)~~, less the exemption allowed by s. 220.14.

Section 37. Subsection (3) of section 213.015, Florida Statutes, is amended to read:

213.015 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights to guarantee that the rights, privacy, and property of Florida taxpayers are adequately safeguarded and protected during tax assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements which explain, in simple, nontechnical terms, the rights and obligations of the Department of Revenue and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax assessment and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed Florida taxpayers in the Florida Statutes and the departmental rules are:

(3) The right to be represented or advised by counsel or other qualified representatives at any time in administrative interactions with the department, the right to procedural safeguards with respect to recording of interviews during tax determination or collection processes conducted by the department, and the right to have audits, inspections of records, and interviews conducted at a reasonable time and place except in criminal and internal investigations (see ss. 198.06, 199.218, 201.11(1), 203.02, 206.14, 211.125(3), 211.33(3), 212.0305(3), 212.12(5)(a), (6)(a), and (13), 212.13(5), 213.05, 213.21(1)(a) and (c), *and* 213.34~~, and 220.729~~).

Section 38. Subsection (1) of section 220.131, Florida Statutes, is amended to read:

220.131 Adjusted federal income; affiliated groups.—

(1) Notwithstanding any prior election made with respect to consolidated returns, and subject to subsection (5), for taxable years beginning on or after September 1, 1984, any corporation subject to tax under this code which corporation is the parent company of an affiliated group of corporations may elect, not later than the due date for filing its return for the taxable year, including any extensions thereof, to consolidate its taxable income with that of all other members of the group, regardless of whether such member is subject to tax under this code, and to return such consolidated taxable income hereunder, in which case all such other members must consent thereto in such manner as the department may by rule prescribe, provided:

(a) Each member of the group consents to such filing by specific written authorization at the time the consolidated return is filed;

(b) The affiliated group so filing under this code has filed a consolidated return for federal income tax purposes for the same taxable year; and

(c) The affiliated group so filing under this code is composed of the identical component members as those which have consolidated their taxable incomes in such federal return.

~~However, the parent corporation of an affiliated group which filed a consolidated return under this code for the taxable year immediately preceding the taxable year of such group beginning on or after September 1, 1982, may, subject to these provisions, elect to consolidate its income with that of all other members of the group which would have been included as members under this section as amended and in effect prior to July 19, 1983, and to return such consolidated taxable income hereunder. Such election shall be made within 90 days of December 20, 1984, or upon filing the taxpayer's first return after December 20, 1984, whichever is later.~~

Section 39. Section 624.5106, Florida Statutes, is hereby repealed.

Section 40. Subsection (3) of section 220.188, Florida Statutes, is amended to read:

220.188 Export finance corporation investment credit.—

(3) The total amount of credit allowed under this section ~~and the credit in s. 624.5106~~ shall not exceed $5 million for all taxpayers in all taxable years. Based on the information submitted by the export finance corporation, pursuant to s. 288.753, in the order received by the department, the department shall notify the export finance corporation within 60 days of receipt whether the limitation in this subsection has been exceeded.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, after the semicolon (;) insert: repealing s. 192.091(7), F.S., which provides for application of a 1967 amendment relating to property appraisers' commissions; amending s. 192.102, F.S., relating to property appraisers' and tax collectors' commissions; deleting an obsolete applicability statement; amending s. 194.192, F.S.; deleting an obsolete provision relating to interest on unpaid taxes; amending s. 195.027, F.S.; deleting an obsolete provision relating to rules with respect to county computer programs; repealing s. 195.095(3), F.S., which provides for an obsolete waiver of requirements relating to contracts for electronic data processing equipment; amending s. 195.096, F.S.; deleting an obsolete provision relating to performance audits; amending s. 196.061, F.S.; deleting an obsolete provision relating to application of provisions relating to rental of a homestead; amending s. 196.1975, F.S.; deleting an obsolete provision relating to homes for the aged exemption applications; repealing s. 197.582(3), F.S., relating to an obsolete provision validating certain disbursements of proceeds of sale of lands for taxes; repealing s. 199.222, F.S., which provides duplicative language relating to confidentiality of intangible personal property tax returns; amending s. 203.01, F.S.; deleting obsolete rates for the tax on gross receipts for utility services; amending s. 203.04, F.S.; deleting obsolete provisions which repealed laws granting exemptions from gross receipts taxes; repealing s. 206.445, F.S., which provides authority for the settlement or compromise of penalties or interest which is duplicated in chapter 213; amending ss. 206.9915, 336.021, and 336.025, F.S., to conform; amending s. 212.031, F.S.; deleting an obsolete exemption from the tax on the lease or rental of or license in real property; amending s. 212.04, F.S.; deleting an obsolete exemption to the tax on admissions; amending s. 212.05, F.S.; deleting obsolete provisions relating to occasional sales of vehicles and tax on interstate telecommunications services; deleting an obsolete rate of tax on charges for use of coin-operated amusement machines; repealing s. 212.20(6)(c), F.S., which provides for distribution of the proceeds of a tax on the unlawful sale of drugs, cannabis, and controlled substances, which has been held unconstitutional; amending s. 212.054, F.S.; deleting obsolete provisions relating to distribution of discretionary sales surtax proceeds; amending s. 212.0599, F.S.; deleting obsolete provisions relating to implementing rules; amending s. 212.08, F.S.; deleting obsolete provisions relating to exemptions for political subdivisions, tasting beverages, and vessels engaged in interstate or foreign commerce; amending s. 212.081, F.S.; deleting obsolete intent language regarding sales tax exemptions; amending s. 212.05, F.S., to conform; amending s. 212.084, F.S.; deleting an obsolete provision relating to review of sales tax exemption certificates; amending s. 212.11, F.S.; removing obsolete provisions relating to estimated sales tax liability; amending s. 212.12, F.S.; deleting obsolete provisions relating to waiver of a penalty applicable to estimated tax payments; amending s. 212.183, F.S.; deleting an obsolete repeal of a rule; amending s. 212.20, F.S.; deleting an obsolete provision relating to distribution of sales tax revenues; amending s. 213.053, F.S.; deleting duplicative language relating to confidentiality of tax information and an obsolete reference relating to a public records exemption; repealing s. 220.01, F.S., which provides a short title for the Florida income tax code; repealing s. 220.03(1)(bb),

F.S., which provides an obsolete definition of "unitary business group"; repealing ss. 220.34(3), 220.53, 220.729, and 220.811, F.S., which provide duplicative language relating to settlement or compromise of penalties, rulemaking power of the Department of Revenue, and recordkeeping requirements with respect to said tax; amending ss. 220.12 and 213.015, F.S., to conform; amending s. 220.131, F.S.; deleting an obsolete election relating to affiliated groups; repealing s. 624.5106, F.S., which provides an obsolete export finance corporation investment credit against insurance premium taxes; amending s. 220.188, F.S., to conform; providing effective dates.

Senator Harden moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 3, between lines 29 and 30, insert:

Section 1. Paragraph (q) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(q) Establish, and subsequently merge or abolish those created hereunder, municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which may be provided fire protection; law enforcement; beach erosion control; recreation service and facilities; water; alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems; streets; sidewalks; street lighting; garbage and trash collection and disposal; waste and sewage collection and disposal; drainage; transportation; indigent health care services; mental health care services; and other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only. Subject to the consent by ordinance of the governing body of the affected municipality given either annually or for a term of years, the boundaries of a municipal service taxing or benefit unit may include all or part of the boundaries of a municipality ~~in addition to all or part of the unincorporated areas~~. If ad valorem taxes are levied to provide essential facilities and municipal services within the unit, the millage levied on any parcel of property for municipal purposes by all municipal service taxing units and the municipality may not exceed 10 mills. This paragraph authorizes all counties to levy additional taxes, within the limits fixed for municipal purposes, within such municipal service taxing units under the authority of the second sentence of s. 9(b), Art. VII of the State Constitution.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 125.01, F.S.; revising provisions which allow inclusion of all or part of a municipality within a municipal service taxing unit, to delete a provision which specifies that such area may be included in addition to unincorporated areas;

Senator Latvala moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 3, between lines 29 and 30, insert:

Section 2. Subsections (2) and (3) of section 72.011, Florida Statutes, are amended to read:

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

(2)*(a)* *An* ~~No~~ action may *not* be brought to contest an assessment of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1) *more than* ~~after~~ 60 days *after* ~~from~~ the date the assessment becomes final. *An* ~~No~~ action may *not* be brought to contest a denial of refund of any tax, interest, or penalty paid under a section or chapter specified in subsection (1) *more than* ~~after~~ 60 days *after* ~~from~~ the date the denial becomes final.

(b) The date on which an assessment or a denial of refund becomes final and a procedure by which a taxpayer must be notified of the assessment or of the denial of refund must be established:

1. By rule adopted by the Department of Revenue*;* ~~or,~~

2. With respect to assessments or refund denials under chapter 207, *by rule adopted by* the Department of Highway Safety and Motor Vehicles*;* ~~or,~~

3. With respect to assessments or refund denials under chapters 210, 550, 561, 562, 563, 564, and 565, *by rule adopted by* the Department of Business and Professional Regulation*; or*

4. With respect to taxes that a county collects or enforces under s. 125.0104(10) or s. 212.0305(5), by an ordinance that may additionally provide for informal dispute resolution procedures in accordance with s. 213.21.~~, shall establish by rule when an assessment or refund denial becomes final for purposes of this section and a procedure by which a taxpayer shall be notified of the assessment or refund denial. It is not necessary for~~

(c) The applicable department *or county need not* ~~to~~ file or docket *an* ~~any~~ assessment or *a* refund denial with the agency clerk *or county official designated by ordinance* in order for *the* ~~such~~ assessment or refund denial to become final for purposes of an action initiated *under* ~~pursuant to~~ this chapter or chapter 120.

(3) In any action filed in circuit court contesting the legality of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1), the plaintiff must:

(a) Pay to the applicable department *or county* the amount of the tax, penalty, and accrued interest assessed by *the* ~~such~~ department *or county* which is not being contested by the taxpayer; and either

(b)1. Tender into the registry of the court with the complaint the amount of the contested assessment complained of, including penalties and accrued interest, unless this requirement is waived in writing by the executive director of the applicable department *or by the county official designated by ordinance*; or

2. File with the complaint a cash bond or a surety bond for the amount of the contested assessment endorsed by a surety company authorized to do business in this state, or by any other security arrangement as may be approved by the court, and conditioned upon payment in full of the judgment, including the taxes, costs, penalties, and interest, unless this requirement is waived in writing by the executive director of the applicable department *or by the county official designated by ordinance.*

Failure to pay the uncontested amount as required in paragraph (a) shall result in the dismissal of the action and imposition of an additional penalty in the amount of 25 percent of the tax assessed. Provided, however, that if, at any point in the action, it is determined or discovered that a plaintiff, due to a good faith de minimis error, failed to comply with any of the requirements of paragraph (a) or paragraph (b), the plaintiff shall be given a reasonable time within which to comply before the action is dismissed. For purposes of this subsection, there shall be a rebuttable presumption that if the error involves an amount equal to or less than 5 percent of the total assessment the error is de minimis and that if the error is more than 5 percent of the total assessment the error is not de minimis.

Section 3. Section 72.031, Florida Statutes, is amended to read:

72.031 Actions under s. 72.011(1); parties; service of process.—

(1) In any action brought in circuit court pursuant to s. 72.011(1), the person initiating the action shall be the plaintiff and the Department of Revenue shall be the defendant, except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be the defendant, ~~and~~ except that for actions contesting an assessment or denial of refund under chapters 210, 550, 561, 562, 563, 564, and 565 the Department of Business and Professional Regulation shall be the defendant*, and except that for actions contesting an assessment or denial of a refund of a tax imposed under s. 125.0104 or s. 212.0305 by a county that has elected under s. 125.0104(10) or s. 212.0305(5), respectively, to administer the tax, the*

defendant must be the county and the Department of Revenue. It *is* ~~shall~~ not ~~be~~ necessary for the Governor and Cabinet, constituting the Department of Revenue, to be named as party defendants or named separately as individual parties; nor *is* ~~shall~~ it ~~be~~ necessary for the executive director of the department to be named as an individual party*; nor is it necessary for any applicable county commission to be named as a party defendant nor for any member of the commission to be named as an individual party.*

(2) Service of process on the applicable department *or county must* ~~shall~~ be perfected by service pursuant to s. 48.111, notwithstanding the provisions of s. 48.121.

Section 4. Section 120.575, Florida Statutes, is amended to read:

120.575 Taxpayer contest proceedings.—

(1) In *an* ~~any~~ administrative proceeding brought *under* ~~pursuant to~~ this chapter as authorized in s. 72.011(1), the taxpayer or other substantially affected party *must* ~~shall~~ be designated the "petitioner" and the Department of Revenue *must* ~~shall~~ be designated the "respondent," except that*:*

(a) For *an action* ~~actions~~ contesting an assessment or *a* denial of refund under chapter 207, the Department of Highway Safety and Motor Vehicles *must* ~~shall~~ be designated the "respondent"*;* ~~and~~

(b) For *an action* ~~actions~~ contesting an assessment or *a* denial of refund under chapters 210, 550, 561, 562, 563, 564, and 565, the Department of Business and Professional Regulation *must* ~~shall~~ be designated the *"respondent"; and* ~~"respondent.".~~

(c) For an action contesting an assessment or a denial of refund of a tax imposed under s. 125.0104 or s. 212.0305 by a county that has elected under s. 125.0104(10) or s. 212.0305(5), respectively, to administer the tax, the respondent must be the county and the Department of Revenue.

(2) In any administrative proceeding brought *under* ~~pursuant to~~ s. 120.57, the applicable department's *or applicable county's* burden of proof, except as otherwise specifically provided by general law, *is* ~~shall be~~ limited to a showing that an assessment has been made against the taxpayer and the factual and legal grounds upon which the applicable department *or applicable county* made the assessment.

(3)(a) Before a taxpayer may file a petition under this chapter, he or she shall pay to the applicable department *or applicable county* the amount of taxes, penalties, and accrued interest assessed by that department *or county* which are not being contested by the taxpayer. Failure to pay the uncontested amount shall result in the dismissal of the action and imposition of an additional penalty of 25 percent of the amount taxed.

(b) The requirements of s. 72.011(2) and (3)(a) are jurisdictional for any action *brought* under this chapter to contest an assessment or *a* denial of refund by the Department of Revenue, the Department of Highway Safety and Motor Vehicles, ~~or~~ the Department of Business and Professional Regulation*, or an applicable county.*

(4) Except as provided in s. 220.719, further collection and enforcement of the contested amount of an assessment for nonpayment or underpayment of any tax, interest, or penalty *is* ~~shall be~~ stayed beginning on the date a petition is filed. Upon entry of a final order, an agency *or applicable county* may resume collection and enforcement action.

(5) The prevailing party~~,~~ in a proceeding *brought* under s. 120.57 *and* authorized by s. 72.011(1)~~,~~ may recover all legal costs incurred in *the* ~~such~~ proceeding, including reasonable attorney's fees, if the losing party fails to raise a justiciable issue of law or fact in its petition or response.

Section 5. This act shall take effect July 1, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to local option tourist-related taxes; amending s. 72.011, F.S.; requiring counties that locally administer a local option tourist development tax or convention development tax to provide certain requirements and procedures by ordinance with respect to a taxpayer's contest of an assessment or denial of refund and providing for application of requirements relating thereto to such counties; amending s. 72.031, F.S.; providing that such counties shall be codefendants or corespondents in circuit court actions to contest an assessment or denial of refund of such taxes; amending s. 120.575, F.S.; providing that such counties shall be corespondents in administrative proceedings to contest such assessment or refund denial and providing for application of requirements relating to such proceedings to such counties; providing an effective date.

On motion by Senator Bankhead, by two-thirds vote **SB 584** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

MOTION TO RECONSIDER BILL

Senator Crist moved that the Senate reconsider the vote by which **SB 584** as amended passed this day.

The motion was placed on the calendar.

SB 2220—A bill to be entitled An act relating to funeral and cemetery services; amending s. 497.002, F.S.; clarifying legislative intent; amending s. 497.003, F.S.; clarifying application; authorizing church-owned cemeteries under certain conditions to establish one additional cemetery without demonstrating need; prescribing additional requirements for church-owned cemeteries that affiliate with a commercial enterprise; amending s. 497.005, F.S.; providing additional definitions; amending s. 497.025, F.S.; clarifying liability provisions; amending s. 497.101, F.S.; clarifying membership of the Board of Funeral and Cemetery Services; amending s. 497.105, F.S.; clarifying powers and duties of the Department of Banking and Finance; creating s. 497.137, F.S.; specifying unlicensed activities; providing civil penalties; providing for enforcement; providing for citations; providing for allocation of certain moneys; amending s. 497.233, F.S.; revising and clarifying provisions relating to disciplinary proceedings; providing for suspension or revocation of licenses; providing criteria; providing for reinstatement; amending ss. 497.245 and 497.249, F.S.; clarifying provisions relating to care and maintenance trust funds; amending s. 497.257, F.S.; clarifying provisions relating to mausoleum construction payments; providing duties of a trustee; amending s. 497.301, F.S.; deleting a requirement for cemetery companies to display a notice of regulation; amending s. 497.325, F.S.; clarifying an illegal tying arrangement prohibition; amending s. 497.333, F.S.; clarifying provisions requiring disclosure of certain information to the public; amending s. 497.357, F.S.; requiring certain exempt cemeteries to file a report of identification for certain purposes; deleting a registration requirement; amending s. 497.361, F.S.; specifying delivery and establishment of monuments under certain circumstances; amending ss. 497.405 and 497.407, F.S.; clarifying certain certificate of authority requirements; providing that certain church-owned cemeteries are not required to have a certificate of authority; providing for transfer of certain certificates of authority under certain circumstances; authorizing imposition of transfer fees; requiring certificateholders to pay a prescribed amount into the Regulatory Trust Fund under the Division of Finance for each preneed contract; amending s. 497.413, F.S.; clarifying provisions relating the Preneed Funeral Contract Consumer Protection Trust fund; authorizing payments from the fund by the board under certain circumstances; providing criteria for payments from the fund with respect to preneed contracts funded by life insurance; amending s. 497.417, F.S.; clarifying provisions relating to disposition of proceeds received under contracts; providing for application of certain laws to certain preneed contracts; amending s. 497.419, F.S.; providing for application of certain laws to certain preneed contracts; requiring refunds to be made within a time certain; amending s. 497.421, F.S.; clarifying disbursement of funds under preneed contracts under certain circumstances; amending s. 497.429, F.S.; clarifying provisions relating to canceling an alternative preneed contract under certain circumstances; amending s. 497.431, F.S.; clarifying provisions relating to examinations and investigations; authorizing the department to recover certain investigation costs; creating s. 497.436, F.S.; providing for treatment of inactive or revoked certificateholders; providing criteria; providing requirements; providing for trust funds of certificateholders; repealing s. 497.433, F.S., relating to denial, revocation, or suspension of certificates of authority; repealing s. 628.4615(1)(h), F.S., relating to defining licensed direct disposers or licensed funeral directors as specialty insurers; providing effective dates.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendments which were moved by Senator Harris and adopted:

Amendment 1 (with title amendment)—On page 6, line 21 through page 7, line 26, delete those lines and insert:

Section 7. Subsection (4) is added to section 497.127, Florida Statutes, to read:

497.127 Injunction to restrain violations.—

(4) For the purpose of this section, the violation of this chapter by a person who is not licensed by the department or the board or by any person who aids and abets the unlicensed activity shall be presumed to be irreparable harm to the public health, safety, or welfare.

Section 8. Effective upon this act becoming a law, subsection (4) of section 497.129, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

497.129 Cease and desist order; civil penalty; enforcement.—

(4) For the purpose of enforcing a cease and desist order, the board or the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order. ~~In addition to the foregoing remedies, the board or the department may impose an administrative penalty not to exceed $5,000 per violation, pursuant to the provisions of chapter 120.~~ If the board or the department is required to seek enforcement of the agency order for a penalty pursuant to *s. 120.69* ~~s. 120.58~~, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(6) In addition to the other remedies provided by this section, the board or the department may impose an administrative penalty not to exceed $5,000 per violation, pursuant to the provisions of chapter 120.

Section 9. Effective upon this act becoming a law, section 497.137, Florida Statutes, is created to read:

497.137 Unlicensed activity; emergency cease and desist order; administrative penalty; civil penalty; enforcement; attorney's fees and costs.—

(1) In addition to other remedies provided to the department or the board, when the department or the board has probable cause to believe that any person who is not licensed by the department or the board has violated any provision of this chapter or any rule adopted pursuant thereto, the department or the board may issue and deliver to the person an emergency order to cease and desist from such a violation. In addition, the department or the board may issue and deliver an emergency order to cease and desist to any person who aids and abets the unlicensed activity. The issuance of the emergency order to cease and desist shall be effective immediately upon issuance and shall be subject to s. 120.68. For the purpose of enforcing an emergency cease and desist order, the department or the board may file a proceeding in the name of the state seeking issuance of an injunction against any person who violates any provisions of such an order. In addition to the foregoing remedies, the department or the board may impose an administrative penalty not to exceed $5,000 per incident pursuant to the provisions of chapter 120. If the department or the board is required to seek enforcement of the agency order for a penalty pursuant to s. 120.69, it shall be entitled to collect reasonable attorney's fees and costs, together with any reasonable costs of collecting the attorney's fees and costs.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department or the board may seek the imposition of a civil penalty through the circuit court for any violation for which the department or the board may issue an emergency order to cease and desist under subsection (1). The civil penalty shall be no less than $500 and no more than $5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney's fees and, if the department or the board prevails, may also award reasonable costs of investigation.

(3) For the purpose of this section, the violation of this chapter by a person who is not licensed by the department or the board or by any person who aids and abets the unlicensed activity shall be presumed to be an immediate serious danger to the public health, safety, or welfare.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 18, delete that line and insert: and Finance; amending s. 497.127, F.S.; creating a presumption that unlicensed activity constitutes irreparable harm to the public health, safety, or welfare; amending s. 497.129, F.S.; clarifying penalty provisions; creating s. 497.137, F.S.; providing for administrative penalties; providing for attorney's fees and costs; creating a presumption that unlicensed activity constitutes an immediate serious danger to public health, safety, or welfare;

Amendment 2—On page 16, lines 2-16, delete those lines and insert:

(1)~~(a)~~ No person authorized to sell grave space may tie the purchase of any grave space to the purchase of a monument from or through the seller of any other designated person or corporation.

On motion by Senator Harris, by two-thirds vote **SB 2220** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 1922—A bill to be entitled An act relating to the Fine Arts Endowment Program; amending ss. 265.601, 265.602, 265.603, 265.605, 265.606, 265.607, F.S.; redesignating the Fine Arts Endowment Program of 1985 as the Cultural Endowment Program; revising definitions; abolishing the Fine Arts Endowment Trust Fund; providing for moneys in the fund to be used to support certain dance, music, theater, visual arts, literature, and media arts organizations, including science and children's museums; revising the requirements for matching funds collected under the program by a sponsoring organization; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 1922** to **CS for HB 2587**.

Pending further consideration of **SB 1922** as amended, on motion by Senator Silver, by two-thirds vote **CS for HB 2587** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Silver—

CS for HB 2587—A bill to be entitled An act relating to the Fine Arts Endowment Program; amending s. 265.2861, F.S.; increasing population requirements for State Touring Program; amending ss. 265.601, 265.602, 265.603, 265.605, 265.606, and 265.607, F.S.; redesignating the Fine Arts Endowment Program of 1985 as the Cultural Endowment Program; revising definitions; abolishing the Fine Arts Endowment Trust Fund; providing for moneys in the fund to be used to support certain dance, music, theater, visual arts, literature, and media arts disciplines, and museum programs; revising the requirements for matching funds collected under the program by a sponsoring organization; providing for retention on priority list for qualified sponsoring organizations; providing an effective date.

—a companion measure, was substituted for **SB 1922** and read the second time by title. On motion by Senator Silver, by two-thirds vote **CS for HB 2587** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for HB 979—A bill to be entitled An act relating to managed care; creating s. 381.0407, F.S.; establishing requirements for managed care and publicly funded primary care program coordination; amending s. 395.1041, F.S.; allowing hospitals to seek financial information from a patient, subject to certain conditions; amending s. 408.7056, F.S.; providing applicability of the Statewide Provider and Subscriber Assistance Program to prepaid health clinics, exclusive provider organizations, and

certain prepaid health plans; amending s. 409.016, F.S.; providing a definition; amending s. 409.901, F.S.; providing definitions; amending s. 409.9071, F.S.; providing for individual educational plans to include medical necessity; amending s. 409.912, F.S., relating to purchase of health care for the Medicaid program by the Agency for Health Care Administration; specifying requirements for the provision of emergency services; specifying conditions for provider exemption from certain provisions governing health maintenance organizations; providing for contracting with exclusive provider organizations; providing for purchase of chiropractic services; requiring notice prior to seeking legislative approval of waivers; specifying the rate of reimbursement for services provided outside the provider's authorized service area; providing procedures for transfer or assignment of Medicaid prepaid contract; specifying prohibited provider practices; providing an administrative fine; restricting use of certain marketing materials; authorizing additional benefits under certain circumstances; providing for agency oversight and requiring publication of consumer service and complaint hotline numbers; requiring external accreditation of certain prepaid health plans; requiring establishment of a health care quality improvement system; providing standards and guidelines; requiring providers to achieve specified health screening rates for children; providing a penalty for noncompliance; providing for release of entities' screening rates; authorizing agency contracts for program counseling, enrollment, and disenrollment services; providing for capitation rate adjustments; providing for enhanced managed care quality assurance oversight activities by the agency; requiring background check of persons who own or manage certain prepaid health plans; requiring providers to make available and encourage prenatal, postpartum, and infant care and services; amending s. 409.9122, F.S., relating to Medicaid managed care enrollment; requiring the agency to enroll Medicaid recipients into a managed care plan or MediPass; providing exceptions; providing procedures and requirements; requiring the agency to establish certain standards; providing options for recipients; requiring the agency to establish a complaint and grievance process; requiring managed care plans to document that Medicaid recipients receive entitled care; requiring the agency to consult with Medicaid managed care consumers; providing for guaranteed eligibility for Medicaid recipients; creating s. 409.9123, F.S.; requiring the development of quality of care measures; creating s. 409.9124, F.S., relating to managed care reimbursement; requiring the agency to develop and adopt by rule a methodology for reimbursing managed care plans; providing procedures; creating s. 409.9125, F.S.; requiring a study of Medicaid alternative service networks; requiring a report; creating s. 409.9126, F.S., relating to children with special health care needs; providing definitions; requiring children eligible for the Children's Medical Services program and children with special health care needs to be served through the Children's Medical Services network of providers and facilities; authorizing provision of services to such children by school districts; providing for a payment methodology; requiring an evaluation and report; creating s. 409.9128, F.S.; establishing requirements for the provision of emergency services and care by a Medicaid managed care plan or the MediPass program; providing reimbursement procedures; amending s. 627.6472, F.S.; requiring exclusive provider organizations to provide direct access to a dermatologist under contract with the organization and to develop criteria for compliance; amending s. 641.19, F.S.; revising definitions; amending s. 641.21, F.S.; limiting an exemption from requirements to obtain a health maintenance organization certificate of authority; creating s. 641.217, F.S.; requiring certain entities which contract with the Agency for Health Care Administration to submit minority recruitment and retention plans; providing standards; providing a penalty; amending s. 641.225, F.S.; deleting certain health maintenance organization financial surplus requirements; amending s. 641.23, F.S.; requiring the Department of Insurance to promulgate rules establishing medical loss ratios for Medicaid health maintenance organizations; requiring publication of medical loss ratios; amending s. 641.31, F.S.; requiring health maintenance contracts to contain definitions relating to emergency services and care; providing requirements relating to coverage for emergency services and care; requiring health maintenance organizations to provide direct access to a dermatologist under contract with the organization and to develop criteria for compliance; amending s. 641.386, F.S.; requiring compliance with certain standards when marketing for a health maintenance organization or enrolling subscribers; amending s. 641.47, F.S.; revising definitions; amending s. 641.48, F.S.; providing additional criterion and limiting exemptions for certain prepaid health plans; providing for future expiration of an exemption under certain circumstances; requiring background check of persons who manage, own, or control a health maintenance organization or prepaid health clinic; amending s. 641.495, F.S.; correcting a cross reference; creating s. 641.513, F.S.; specifying requirements for provision of emergency services and care under a health maintenance contract; providing reimbursement procedures; providing appropriations; providing a legislative declaration of important state interest; providing an effective date.

—was read the second time by title.

Senators Brown-Waite and Forman offered the following amendment which was moved by Senator Brown-Waite:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 381.0407, Florida Statutes, is created to read:

381.0407 Managed-Care and Publicly Funded Primary-Care-Program Coordination.—

(1) SHORT TITLE.—This section may be cited as the "Managed-Care and Publicly Funded Primary-Care-Program Coordination Act."

(2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that it is in the public interest for publicly funded health providers to be reimbursed by managed-care plans when certain health care services are provided that are needed to protect and improve public health. The Legislature also finds that the use of publicly funded perinatal programs should be encouraged, but not required, to make advantageous use of the system of public health services.

(3) DEFINITIONS.—As used in this section, the term:

(a) "Managed-care plan" or "plan" means an entity that contracts with the Agency for Health Care Administration on a prepaid or fixed-sum basis for the provision of Medicaid services pursuant to s. 409.912.

(b) "Publicly funded primary-care provider" or "public provider" means a county public health unit, or a migrant health center funded under s. 329 of the Public Health Services Act, or a community health center funded under s. 330 of the Public Health Services Act.

(4) REIMBURSEMENT REQUIRED.—Without prior authorization, managed-care plans, and the MediPass Program as administered by the Agency for Health Care Administration, shall pay claims, initiated by any public provider, to the extent that the managed-care plan or MediPass Program provides coverage for:

(a) The diagnosis and treatment of sexually transmitted diseases and other communicable diseases such as tuberculosis and HIV/AIDS;

(b) The provision of immunizations;

(c) Family planning services and related pharmaceuticals; and

(d) School health services rendered on an urgent basis. Services rendered on an urgent basis are those health care services needed to immediately relieve pain or distress for medical problems such as injuries, nausea, and fever, and services needed to treat infectious diseases.

Public providers shall attempt to contact managed-care plans before providing health care services to their subscribers. Public providers shall provide managed-care plans with the results of the office visit, including test results, and shall be reimbursed by plans at the rate negotiated between the managed-care plan and the public provider or, if a rate has not been negotiated, at the lesser of either the rate charged by the public provider or the Medicaid fee-for-service reimbursement rate.

(5) EMERGENCY SHELTER REIMBURSEMENT.—County public health units shall be reimbursed by managed-care plans for Department of Health and Rehabilitative Services emergency shelter medical screening.

(6) MATERNAL AND CHILD CARE HEALTH SERVICES.—The agency, in consultation with the State Health Office, shall encourage agreements between Medicaid-financed managed-care plans and public providers for the authorization of and payment for the following services:

(a) Maternity case management;

(b) Well-child care; and

(c) Prenatal Care.

(7) VACCINE–PREVENTABLE DISEASE EMERGENCIES.—If a vaccine-preventable disease emergency is declared by the State Health Officer or the county public health unit director or administrator, managed-care plans, the MediPass Program as administered by the Agency for Health Care Administration, and health maintenance organizations and prepaid health clinics licensed under chapter 641, shall reimburse county public health units for the cost of the administration of vaccines to persons covered by these entities, provided such action is necessary to end the emergency. Reimbursement shall be at the rate negotiated between the entity and the county public health unit or, if a rate has not been negotiated, at the lesser of either the rate charged by the county public health unit or the Medicaid fee-for-service reimbursement rate. No charge shall be made by the county public health unit for the actual cost of the vaccine or for services not covered under the policy or contract of the entity.

Section 2. Paragraph (h) of subsection (3) of Section 395.1041, Florida Statutes, is amended to read:

395.1041 Access to emergency services and care.—

(3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF FACILITY OR HEALTH CARE PERSONNEL.—

(h) *A hospital may request and collect insurance and financial information from a patient, in accordance with federal law, if emergency services and care are not delayed.* ~~Emergency services and care shall be rendered without first questioning the patient or any other person as to the patient's ability to pay for the emergency services and care.~~ No hospital to which another hospital is transferring a person in need of emergency services and care may require the transferring hospital or any person or entity to guarantee payment for the person as a condition of receiving the transfer. In addition, a hospital may not require any contractual agreement, any type of preplanned transfer agreement, or any other arrangement to be made prior to or at the time of transfer as a condition of receiving an individual patient being transferred. However, the patient or the patient's legally responsible relative or guardian shall execute an agreement to pay for emergency services or care or otherwise supply insurance or credit information promptly after the services and care are rendered.

Section 3. Section 408.7056, Florida Statutes, is amended to read:

408.7056 Statewide Provider and Subscriber Assistance Program.—

(1) The Agency for Health Care Administration shall adopt and implement a program to provide assistance to subscribers and providers, including those whose grievances are not ~~satisfactorily~~ resolved by the accountable health partnership, ~~or~~ health maintenance organization, *prepaid limited health service organization, or exclusive provider organization to the satisfaction of the subscriber or provider*. The panel shall not consider grievances which*:*

(a) Relate to an accountable health partnership's, ~~or~~ health maintenance organization's, *prepaid health clinics', prepaid limited health service organization's, or exclusive provider organization's* refusal to accept a provider into its network of providers*;*

(b) Are a part of a reconsideration appeal through the Medicare appeals process;

(c) Are related to a health plan not regulated by the state such as an administrative services organization, third-party administrator, or federal employee health benefit program;

(d) Are related to appeals by in-plan suppliers and providers, unless related to quality of care provided by the plan; or

(e) Are part of a Medicaid fair hearing pursued pursuant to 42 C.F.R. s. 431.220 et seq.

(2) The program shall include the following:

(a) A review panel which may periodically review, consider, and recommend to the agency any actions the agency or the Department of Insurance should take concerning individual cases heard by the panel, as well as the types of grievances which have not been satisfactorily resolved after subscribers or providers have followed the full grievance procedures of the accountable health partnership, ~~or~~ health maintenance *organization, prepaid health clinic, prepaid limited health service organization, or exclusive provider organization* ~~organizations~~. The proceedings of the grievance panel shall not be subject to the provisions of chapter 120. The review panel shall consist of members employed by the agency and members employed by the Department of Insurance, chosen by their respective agencies. The agency may contract with a medical director and a primary care physician who shall provide additional technical expertise to the review panel. The medical director shall be selected from a health maintenance organization with a current certificate of authority to operate in Florida.

(b) A plan to disseminate information concerning the program to the general public as widely as possible.

(3)~~(2)~~ Every accountable health partnership, ~~or~~ health maintenance organization, *prepaid health clinic, prepaid limited health service organization, or exclusive provider organization* shall submit a quarterly report to the agency and the Department of Insurance listing the number and the nature of all subscribers' *and providers'* grievances which have not been resolved to the satisfaction of the subscriber *or provider* after the subscriber *or provider* follows the full grievance procedure of the organization.

(4)~~(3)~~(a) The Agency for Health Care Administration may impose an administrative fine, after a formal investigation has been conducted on the accountable health partnership's, ~~or~~ health maintenance organization's, *prepaid health clinic's, prepaid limited health service organization's, or exclusive provider organization's* failure to comply with quality of health services standards set forth in statute or rule. The Agency for Health Care Administration may initiate such an investigation based on the recommendations related to the quality of health services received from the Statewide Provider and Subscriber Assistance Panel pursuant to paragraph *(2)*~~(1)~~(a). The fine shall not exceed $2,500 per violation and in no event shall such fine exceed an aggregate amount of $10,000 for noncompliance arising out of the same action.

(b) In determining the amount to be levied for noncompliance under paragraph (a), the following factors shall be considered:

1. The severity of the noncompliance, including the probability that death or serious harm to the health or safety of the subscriber will result or has resulted, the severity of actual or potential harm and the extent to which provisions of this part were violated.

2. Actions taken by the accountable health partnership, ~~or~~ health maintenance organization, *prepaid health clinic, prepaid limited health service organization, or exclusive provider organization* to resolve or remedy any quality of care grievance.

3. Any previous incidences of noncompliance by the accountable health partnership, ~~or~~ health maintenance organization, *prepaid health clinic, prepaid limited health service organization, or exclusive provider organization*.

(c) All amounts collected pursuant to this subsection shall be deposited into the Health Maintenance Organization Quality Care Trust Fund.

(5)~~(4)~~ Any information which would identify a subscriber or the spouse, relative, or guardian of a subscriber and which is contained in a report obtained by the Department of Insurance pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 4. Present subsections (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), and (20) of section 409.901, Florida Statutes, are renumbered as subsections (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), (14), (15), (16), (17), (18), (20), (21), (22), and (23), respectively, and new subsections (1), (9), and (19) are added to that section, to read:

409.901 Definitions.—As used in ss. 409.901-409.920, except as otherwise specifically provided, the term:

(1) "Agency" means the Agency for Health Care Administration.

(9) "Managed-care plan" or "plan" means an entity that contracts with the Agency for Health Care Administration on a prepaid or fixed-sum basis for the provision of Medicaid services under s. 409.912.

(19) "MediPass" means a primary care case management program operated by the agency.

Section 5. Effective upon this act becoming a law, subsection (1) of section 409.9071, Florida Statutes, is amended to read:

409.9071 Medicaid provider agreements for school districts certifying state match.—

(1) Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures to allow for certification of state and local education funds which have been provided for physical, occupational, and speech therapy services. Any state or local funds certified pursuant to this section shall be for children with specified disabilities who are eligible for both Medicaid and the exceptional student education program, and who have an individualized educational plan *that demonstrates that such services are medically necessary* and a physician authorization *order where required by federal Medicaid laws* ~~that such services are medically necessary~~.

Section 6. Section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The *Agency for Health Care Administration* ~~department~~ shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The *agency* ~~department~~ shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies designed to facilitate the cost-effective purchase of a case-managed continuum of care. The *agency* ~~department~~ shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(1) The *agency* ~~department~~ may enter into agreements with appropriate agents of other state agencies or of any agency of the Federal Government and accept such duties in respect to social welfare or public aid as *are* ~~may be~~ necessary to *administer* ~~implement the provisions of~~ Title XIX of the Social Security Act and ss. 409.901-409.920.

(2)*(a)* The *agency* ~~department~~ may contract with health maintenance organizations certified *under* ~~pursuant to~~ part I of chapter 641 for the provision of services to recipients. *The agency may establish contract requirements designed to protect the safety and welfare of Medicaid recipients, promote coordination with public health initiatives, account for the use of public funds paid under contract, and ensure the appropriate and timely enrollment and disenrollment of Medicaid recipients in a health maintenance organization.*

(b) Entities with which the agency has signed a prepaid health care contract by July 1, 1995, regardless of Health Care Financing Administration approval, must receive a certificate of authority from the Department of Insurance under part I of chapter 641 by December 31, 1996.

(3) The *agency* ~~department~~ may contract with*:*

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county public health *unit, or a county-owned and operated hospital* ~~units and other entities authorized by chapter 154~~ to provide health care services on a prepaid or fixed-sum basis to recipients, which *entity* ~~entities~~ may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services *entities must be licensed under parts I and III* ~~are exempt from the provisions of part I~~ of chapter 641. *An entity recognized under this paragraph which demonstrates to the satisfaction of the Department of Insurance that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225.*

(b) An entity that is providing comprehensive inpatient and outpatient mental health care services to certain Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk counties, through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5).

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers to provide health care services on a prepaid or fixed-sum basis to recipients. Such prepaid health care services entity must be licensed under part I and part III of chapter 641. However, such an entity is exempt from s. 641.225 if the entity meets the requirements specified in subsections (12) and (13).

(4) The *agency* ~~department~~ may contract with *a prepaid limited health service organization, as defined in s. 636.003(9),* ~~any public or private entity~~ on a prepaid or fixed-sum basis for the *delivery to recipients* ~~provision~~ of *those* health care services *that the organization is licensed to offer* ~~to recipients~~.

~~(a) An entity may provide prepaid services to recipients, either directly or through arrangements with other entities, if each entity involved in providing services:~~

~~1. Is organized primarily for the purpose of providing health care or other services of the type regularly offered to Medicaid recipients;~~

~~2. Ensures that services meet the standards set by the department for quality, appropriateness, and timeliness;~~

~~3. Makes provisions satisfactory to the department for insolvency protection and ensures that neither enrolled Medicaid recipients nor the department will be liable for the debts of the entity;~~

~~4. Submits to the department, if a private entity, a financial plan that the department finds to be fiscally sound and that provides for working capital in the form of cash or equivalent liquid assets excluding revenues from Medicaid premium payments equal to at least the first 3 months of operating expenses or $200,000, whichever is greater;~~

~~5. Furnishes evidence satisfactory to the department of adequate liability insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of health care;~~

~~6. Provides, through contract or otherwise, for periodic review of its medical facilities and services, as required by the department; and~~

~~7. Provides organizational, operational, financial, and other information required by the department.~~

~~(b) Entities that provide no prepaid health care services other than Medicaid services under contract with the department are exempt from the provisions of part I of chapter 641.~~

(5) The *agency* ~~department~~ may contract on a prepaid or fixed-sum basis with any health insurer that:

(a) Pays for health care services provided to enrolled Medicaid recipients in exchange for a premium payment paid by the *agency* ~~department~~;

(b) Assumes the underwriting risk; and

(c) Is organized and licensed under applicable provisions of the Florida Insurance Code and is currently in good standing with the Department of Insurance.

(6) *An application for a contract under subsections (2)-(5) must be processed in a reasonable time. The agency must review each application for completeness and must notify the applicant in writing if any deficiencies within 60 days after receipt of the application.* ~~The department shall not contract on a prepaid or fixed-sum basis for Medicaid services with an entity which knows or reasonably should know that any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock, or the entity itself, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere, or guilty, to:~~

~~(a) Fraud;~~

~~(b) Violation of federal or state antitrust statutes, including those prescribing price fixing between competitors and the allocation of customers among competitors;~~

~~(c) Commission of a felony involving embezzlement, theft, forgery, income tax evasion, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or~~

~~(d) Any crime in any jurisdiction which directly relates to the provision of health services on a prepaid or fixed-sum basis.~~

(7) The *agency, after notifying the Legislature,* ~~department~~ may apply for waivers of applicable federal laws and regulations as necessary to implement more appropriate systems of health care for Medicaid recipients and reduce the cost of the Medicaid program to the state and federal governments and *must* ~~shall~~ implement such programs~~, after legislative approval,~~ within a reasonable period of time after federal approval. These programs must be designed primarily to reduce the need for inpatient care, custodial care and other long-term or institutional care, and other high-cost services. *Prior to seeking legislative approval of such a waiver as authorized by this subsection, the agency shall provide notice and an opportunity for public comment. Notice shall be provided to all persons who have made requests of the agency for advance notice and shall be published in the Florida Administrative Weekly not less than 28 days prior to the intended action.*

(8) The *agency* ~~department~~ shall establish a postpayment utilization control program designed to identify recipients who may inappropriately overuse or underuse Medicaid services and shall provide methods to correct such misuse.

(9) The *agency* ~~department~~ shall develop and provide coordinated systems of care for Medicaid recipients and may contract with public or private entities to develop and administer such systems of care among public and private health care providers in a given geographic area.

(10) The *agency* ~~department~~ shall operate or contract for the operation of utilization management and incentive systems designed to encourage *the* cost-effective use *of* services.

(11) The *agency* ~~department~~ shall identify health care utilization and price patterns within the Medicaid program *which* ~~that~~ are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate.

(12) An entity contracting on a prepaid or fixed-sum basis shall, in addition to meeting any applicable statutory surplus requirements, also maintain at all times in the form of cash, ~~short-term~~ investments *that mature in less than 180 days* allowable as admitted assets by the Department of Insurance, and restricted funds or deposits controlled by the *agency* ~~department~~ or the Department of Insurance, *a surplus* ~~by January 1, 1992, an amount equal to its monthly prepaid Medicaid revenues; and by and after January 1, 1993, an~~ amount equal to one-and-one-half times *the entity's* ~~its~~ monthly *Medicaid* prepaid ~~Medicaid~~ revenues. *As used in this subsection, the term "surplus amount" means the entity's total assets minus total liabilities. If* ~~In the event~~ an entity's surplus falls below *an amount equal to* ~~any applicable statutory requirements, or an entity's total of cash, short-term investments allowable as admitted assets by the Department of Insurance, and restricted funds or deposits controlled by the department or the Department of Insurance falls below~~ one-and-one-half times *the entity's* ~~its~~ monthly *Medicaid* prepaid ~~Medicaid~~ revenues, the *agency* ~~department~~ shall prohibit the entity from engaging in enrollment activities, shall cease to process new enrollments ~~for the entity~~, and shall not renew the entity's contract until the required balance is achieved. The requirements of this subsection *do* ~~shall~~ not apply:

(a) Where a public entity agrees to fund any deficit incurred by the contracting entity; or

(b) Where the entity's performance and obligations are guaranteed in writing by a ~~nonprofit~~ guaranteeing organization which:

1. Has been in operation for at least 5 years and has assets in excess of $50 million; or

2. Submits a written guarantee acceptable to the *agency* ~~department~~ which is irrevocable during the term of the contracting entity's contract with the *agency* ~~department~~ and, upon termination of the contract, until the *agency* ~~department~~ receives proof of satisfaction of all outstanding obligations incurred under the contract.

(13)(a) The agency may require a prepaid entity to establish a restricted insolvency protection account with a federally guaranteed financial institution licensed to do business in this state. The entity shall deposit into that account 5 percent of the capitation payments made by the agency each month until a maximum total of 2 percent of the total current contract amount is reached. The restricted insolvency protection account may be drawn upon with the authorized signatures of two persons designated by the plan and two representatives of the agency. If the agency finds that the entity is insolvent, the agency may draw upon the account solely with the two authorized signatures of representatives of the agency, and the funds may be disbursed to meet financial obligations incurred by the entity under the prepaid contract. If the contract is terminated, expired, or not continued, the account balance must be released by the agency to the plan upon receipt of proof of satisfaction of all outstanding obligations incurred under this contract.

(b) The agency may waive the insolvency protection account requirement in writing when evidence is on file with the agency of adequate insolvency insurance and reinsurance that will protect enrollees if the plan becomes unable to meet its obligations.

(14)~~(13)~~ The Agency for Health Care Administration shall, by rule, develop a process whereby a Medicaid prepaid plan enrollee who wishes to enter hospice care may be disenrolled from the prepaid plan within 24 hours after contacting the agency regarding such *a* request. The agency rule *must* ~~shall~~ include a methodology for the agency to recoup prepaid plan payments on a pro rata basis if payment has been made for the enrollment month when disenrollment occurs.

(15) Each entity that contracts with the agency on a prepaid or fixed-sum basis for the provision of Medicaid services shall reimburse any health care provider that is outside the entity's authorized service area as specified in its contract with the agency, and that provides services authorized by the entity to Medicaid recipients, in an amount that is the least of:

(a) The Medicare rate established for the service;

(b) The Medicaid per diem rate or reimbursement rate established for the service; or

(c) A rate negotiated with the health care provider.

(16) When a merger or acquisition of a Medicaid prepaid contractor has been approved by the Department of Insurance pursuant to s. 628.4615, the agency shall approve the assignment or transfer of the appropriate Medicaid prepaid contract upon request of the surviving entity of the merger or acquisition if the contractor and the other entity have been in good standing with the agency for the most recent 12 month period, unless the agency determines that the assignment or transfer would be detrimental to the Medicaid recipients or the Medicaid program. To be in good standing, an entity must not have failed accreditation or committed any material violation of the requirements of s. 641.52 and must meet the Medicaid contract requirements. For purposes of this section, a merger or acquisition means a change in controlling interest of an entity, including an asset or stock purchase.

(17) Upon approval by the agency, an entity under contract with the agency for the provision of health care services to Medicaid recipients may be permitted within the capitation rate to provide additional health benefits that the agency has found are of high quality, are practicably available, provide reasonable value to the recipient, and are provided at no additional cost to the state.

(18) The agency shall, by January 1, 1997, adopt rules for implementing a health care quality-improvement system that is appropriate for MediPass providers, and for entities that contract with the agency under subsection (5), which incorporate the standards and guidelines developed by the Medicaid Bureau of the federal Health Care Financing Administration as a part of the Quality Assurance Reform Initiative. The system must include guidelines for:

(a) Internal quality-assurance programs, including standards for:

1. Written quality-assurance program descriptions.

2. Responsibilities of the governing body for monitoring, evaluating, and making improvements in care.

3. An active quality-assurance committee.

4. Quality-assurance program supervision.

5. Requiring the program to have adequate resources to effectively carry out its specified activities.

6. Provider participation in the quality-assurance program.

7. Delegation of quality-assurance program activities.

8. Credentialing and recredentialing providers.

9. Enrollee rights and responsibilities.

10. Availability of and accessibility to services and care.

11. Ambulatory-care facilities.

12. Accessibility to and availability of medical records, as well as proper recordkeeping and a process for record review.

13. Utilization review of all services offered.

14. A continuity-of-care system.

15. Quality-assurance program documentation.

16. Coordination of quality-assurance activities with other management activities.

17. Delivering care to pregnant women and infants; to elderly and disabled recipients, especially those who are at risk of institutional placement; to persons with developmental disabilities; and to adults who have chronic, high-cost medical conditions.

(b) Quality-of-care reviews that:

1. Target specific conditions and specific health service delivery issues for focused monitoring and evaluation;

2. Use clinical care standards or practice guidelines to evaluate objectively the care that the entity delivers or fails to deliver for the targeted clinical conditions and health-services delivery issues; and

3. Use quality indicators derived from the clinical care standards or practice guidelines to screen and monitor the care and services that are delivered.

(c) External quality review of each contractor, which requires focused examination of patterns of care, individual-care review in specific situations, and followup activities on previous pattern-of-care review findings and individual-care review findings. In designing the external quality-review function and determining how it is to operate as part of the state's overall quality-improvement system, the agency must construct its external quality-review organization contracts to address:

1. Delineation of the role of the external quality-review organization;

2. Duration of the external quality-review organization contract with the state;

3. Participation of the entities in designing the review activities of external quality-review organizations;

4. Potential variation in the type of clinical conditions and health-services-delivery issues that are to be reviewed;

5. Determination of the number of focused pattern-of-care reviews to be conducted for each plan and for the MediPass program;

6. Methods for implementing focused reviews;

7. Individual-care review; and

8. Followup activities.

(19) The agency shall adopt rules to implement an enhanced managed-care quality-assurance oversight function that includes at least the following components:

(a) Analysis and followup of managed-care participants' utilization of services.

(b) Analysis and followup of quality findings of the Medicaid peer-review organization and other external quality-assurance programs.

(c) Analysis and followup of the fiscal viability of managed-care plans.

(d) Analysis and followup of prepaid health plan participant-satisfaction and cancellation surveys.

(e) Penalties that may be imposed as sanctions, as appropriate under this subsection.

The analyses and follow-up activities conducted by the agency under its enhanced managed-care quality-assurance oversight function may not duplicate the activities of accreditation or preliminary external quality-assurance reviewers for entities regulated under part III of chapter 641, but may include a review of the finding of such reviewers.

(20) The agency shall require each MediPass provider to attempt, at least twice if necessary, to contact each new MediPass recipient, within 3 months after the recipient enrolls with the provider, to perform a health-risk assessment. The health-risk-assessment instrument must include questions regarding the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) screening history of recipients who are under 21 years of age and questions regarding pregnancy history. The MediPass provider shall request medical records from known primary-care providers who treated the MediPass recipient before the recipient's enrollment with the current MediPass provider. The MediPass provider must use the health-risk assessments and the released medical records to identify MediPass recipients who have not received screenings in the past according to the agency-approved periodic schedule. The MediPass provider must contact, twice if necessary, any recipient whose address is known and who is more than 2 months behind in the periodic-screening schedule to urge that recipient or the recipient's responsible party to make an appointment for a screening visit. The MediPass provider must attempt to achieve an EPSDT screening rate of at least 70 percent, for those recipients who have been continuously enrolled for at least 8 months. The agency shall develop a method by which the EPSDT screening rate shall be calculated. The agency shall require MediPass providers who manage maternity-related services to report the trimester of pregnancy when prenatal care began and the rate of low-birth-weight babies born to MediPass recipients. The agency shall monitor the MediPass provider's compliance with this subsection.

(21) Each infant who is receiving health care through a MediPass provider or through an entity that is under contract with the agency under subsection (5) must be given, and documentation in the medical record must indicate that the infant has been given:

(a) Healthy Start infant screening;

(b) Healthy Start care coordination;

(c) Healthy Start enhanced services in accordance with the results of the infant screening; and

(d) Immunizations in accordance with standards set by the Centers for Disease Control and Prevention and the American Academy of Pediatrics.

(22) Each pregnant woman who is receiving prenatal care through a MediPass provider or through an entity that is under contract with the agency under subsection (5) must be given, and documentation in the medical record must indicate that she has been given:

(a) Healthy Start prenatal screening;

(b) Healthy Start care coordination;

(c) Healthy Start enhanced services in accordance with the results of the prenatal screening;

(d) Referral to the Special Supplemental Nutrition Program for Women, Infants, and Children;

(e) Counseling and services for family planning to the woman and her partner; and

(f) A scheduled postpartum visit that is for the purpose of voluntary family planning and that includes discussion of risks and benefits of all methods of contraception.

(23) A MediPass provider may not grant or offer any monetary or other valuable consideration to induce a Medicaid recipient to select the provider. This subsection does not prohibit a provider from offering incentives to receive preventive care to a Medicaid recipient.

(24) Any lists of providers made available to Medicaid recipients, MediPass enrollees, or prepaid plan enrollees shall be arranged alphabetically showing the provider's name and specialty and, separately, by specialty in alphabetical order.

(25) The agency shall publish and make available to MediPass patients and fee-for-service patients a toll-free telephone number for the purpose of handling consumer complaints. The agency shall maintain a statewide database of such complaints.

(26)(a) The agency shall have a MediPass enrollee grievance procedure, and the procedure must be detailed in the handbook that is provided to enrollees. The grievance procedure must establish methods for classifying emergency, urgent, and routine grievances and must establish standard time limits within which each such grievance must be resolved. The MediPass handbook must notify enrollees that they may submit their grievances to the agency.

(b) The MediPass grievance procedure that is required under paragraph (a) must include, at a minimum:

1. A procedure for addressing an enrollee's quality-of-care grievances. An enrollee who has a quality-of-care grievance may contact the agency's toll-free telephone hotline for assistance in resolving the quality-of-care grievance.

2. An explanation that a complaint or grievance must be in writing and a description of the procedure for resolving a complaint or grievance.

3. The name of the appropriate grievance coordinator or a list of grievance coordinators who are responsible for implementing the MediPass grievance process. The list must include the address of each grievance coordinator and the address for the agency's office that is responsible for enforcing this subsection.

4. A list of the telephone numbers that an enrollee may call to present a complaint, pursue a grievance inquiry, or contact a grievance coordinator. Each number must be toll-free within the enrollee's geographic area. The agency must ensure an adequate number of telephone lines, based on the number of MediPass enrollees, to handle incoming complaints and grievance inquiries.

(c) The agency must initiate action to resolve a complaint that involves an emergency medical condition within 3 hours after receipt; must initiate action to resolve all urgent complaints within 2 days after receipt; and must initiate action to resolve all routine grievances within 5 days after receipt, unless the enrollee and the agency mutually agree to extend the deadline. However, the agency must make an initial determination on resolving the complaint or grievance within 20 days after its receipt and must arrive at a final resolution within 10 days after receipt of an enrollee's request for reconsideration.

(d) The agency shall notify the enrollee in its final-decision letter that if the grievance is not resolved to the satisfaction of the enrollee, the grievance may be appealed for consideration within 30 days.

(27) The agency shall conduct regular and ongoing Medicaid recipient-satisfaction surveys.

(28) The agency shall require the publication of the health maintenance organization's and the prepaid health plan's consumer services telephone numbers and the "800" telephone number of the statewide health maintenance organization complaint hotline on each Medicaid identification card issued by a health maintenance organization or prepaid health plan contracting with the agency to serve Medicaid recipients and on each subscriber handbook issued to a Medicaid recipient.

(29) On or after July 1, 1996, but no later than October 1, 1996, pending the receipt of necessary federal waivers, the agency shall perform choice counseling, enrollments, and disenrollments for Medicaid recipients who are eligible for MediPass or coverage through an entity contracting with the agency under this section. Such entities are prohibited from performing enrollments of Medicaid recipients, but may perform preenrollments of Medicaid recipients under the supervision of the agency or its agents. For the purposes of this section, "pre-enrollment" means the provision of marketing and educational materials to a Medicaid recipient and assistance in completing the application forms, but shall not include actual enrollment. The agency, in cooperation with the Department of Health and Rehabilitative Services, may test new marketing initiatives to inform Medicaid recipients about their managed care options at selected sites. The agency shall report to the Legislature on the effectiveness of such initiatives. The agency may contract with a third party to perform choice counseling, enrollment, and disenrollment services for Medicaid recipients and is authorized to adopt rules to implement such services. Until October 1, 1996, or the receipt of necessary federal waivers, whichever is earlier, the agency shall adjust the capitation rate to cover any implementation, staff, or other costs associated with enrollment, disenrollment, and choice counseling activities. Thereafter, the agency may adjust the capitation rate only to cover the costs of a third party counseling contract, and for agency supervision and contract management of choice counseling, enrollment, and disenrollment services.

(30) The agency, in providing for emergency services and care for MediPass recipients, must comply with the provisions of s. 641.513.

Section 7. Effective upon this act becoming a law, section 409.9122, Florida Statutes, is amended to read:

409.9122 Mandatory Medicaid managed care enrollment.—

(1)(a) ~~The agency is directed to contract for an independent comprehensive evaluation of the primary care case management program in districts 5 and 6, known as MediPass, and report the findings to the Legislature on or before December 31, 1994. The evaluation shall include, but not be limited to, an assessment of the program's impact on quality of care, access to Medicaid services, cost-effectiveness, and provider and recipient satisfaction.~~ It is the intent of the Legislature that the *MediPass* ~~agency apply for a federal freedom of choice waiver and any other federal waivers necessary to expand MediPass to five additional districts by December 31, 1994, and, subject to evaluation findings that the~~ program *be* ~~is~~ cost-effective, *provide* ~~provides~~ quality health care, and *improve* ~~improves~~ access to health services, *and that the program be statewide* ~~to the remaining districts in the state by December 31, 1996~~.

(2)(a) The agency shall enroll in a managed care plan or MediPass all Medicaid recipients, except for those Medicaid recipients who are: in an institution; enrolled in the Medicaid medically needy program; or eligible for both Medicaid and Medicare. However, to the extent permitted by federal law, the agency may enroll in a managed care plan or MediPass a Medicaid recipient who is exempt from mandatory managed care enrollment, provided that:

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. If the recipient chooses to enroll in a managed care plan, the agency has determined that the managed care plan provides specific programs and services which address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal Health Care Financing Administration.

The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program under ss. 236.0812 and 409.908(21) shall be reimbursed by Medicaid, subject to the limitations of s. 236.0812(2), for a Medicaid-eligible child participating in the school-based therapy program for speech, occupational, and physical therapy services, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan.

(b) A Medicaid recipient shall not be enrolled in or assigned to a managed care plan or MediPass unless the managed care plan or MediPass has complied with the quality of care standards specified in s. 409.912 or part III of chapter 641, respectively.

(c) Medicaid recipients shall have a choice of managed care plans or MediPass. The Agency for Health Care Administration, the Department of Health and Rehabilitative Services, and the Department of Elderly

Affairs shall cooperate to ensure that each Medicaid recipient receives clear and easily understandable information that meets the following requirements:

1. Explains the concept of managed care, including MediPass.

2. Provides information on the comparative performance of managed care plans and MediPass in the areas of quality, credentialing, preventive health programs, network size and availability, and patient satisfaction.

3. Explains where additional information on each managed care plan and MediPass in the recipient's area can be obtained.

4. Explains that recipients have the right to choose their own managed care plans or MediPass. However, if a recipient does not choose a managed care plan or MediPass, the agency will assign the recipient to a managed care plan or MediPass according to the criteria specified in this section.

5. Explains the recipient's right to complain, file a grievance, or change managed care plans or MediPass providers if the recipient is not satisfied with the managed care plan or MediPass.

(d) The agency shall develop a mechanism for providing information to Medicaid recipients for the purpose of making a managed care plan or MediPass selection. Examples of such mechanisms may include, but not be limited to, interactive information systems, mailings, and mass marketing materials. Managed care plans and MediPass providers are prohibited from providing inducements to Medicaid recipients to select their plans or from prejudicing Medicaid recipients against other managed care plans or MediPass providers.

(e) Prior to requesting a Medicaid recipient who is subject to mandatory managed care enrollment to make a choice between a managed care plan or MediPass, the agency shall contact and offer choice counseling to the recipient. Medicaid recipients who are already enrolled in a managed care plan or MediPass shall be offered the opportunity to change managed care plans or MediPass providers on a staggered basis, as defined by the agency. All Medicaid recipients shall have 90 days in which to make a choice of managed care plans or MediPass providers. Those Medicaid recipients who do not make a choice shall be assigned to a managed care plan or MediPass in accordance with paragraph (f). To facilitate continuity of care, for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), prior to assigning the SSI recipient to a managed care plan or MediPass, the agency shall determine whether the SSI recipient has an ongoing relationship with a MediPass provider or managed care plan, and if so, the agency shall assign the SSI recipient to that MediPass provider or managed care plan. Those SSI recipients who do not have such a provider relationship shall be assigned to a managed care plan or MediPass provider in accordance with paragraph (f).

(f) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan or MediPass provider. In the first period that assignment begins, the assignments shall be divided equally between the MediPass program and managed care plans. Thereafter, assignment of Medicaid recipients who fail to make a choice shall be based proportionally on the preferences of recipients who have made a choice in the previous period. Such proportions shall be revised at least quarterly to reflect an update of the preferences of Medicaid recipients. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

(g) When more than one managed care plan or MediPass provider meets the criteria specified in paragraph (f), the agency shall make recipient assignments consecutively by family unit.

(h) After a recipient has made a selection or has been enrolled in a managed care plan or MediPass, the recipient shall have 60 days in which to voluntarily disenroll and select another managed care plan or MediPass provider. After 60 days, no further changes may be made except for cause. Cause shall include, but not be limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, or fraudulent enrollment. The agency shall develop criteria for good cause disenrollment for chronically ill and disabled populations who are assigned to managed care plans if more appropriate care is available through the MediPass program. The agency must make a determination as to whether cause exists. However, the agency may require a recipient to use the managed care plan's or MediPass grievance process prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when utilized, must be completed in time to permit the recipient to disenroll no later than the first day of the second month after the month the disenrollment request was made. If the managed care plan or MediPass, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(i) The agency shall apply for a federal waiver from the Health Care Financing Administration to lock eligible Medicaid recipients into a managed care plan or MediPass for 12 months after an open enrollment period. After 12 months' enrollment, a recipient may select another managed care plan or MediPass provider. However, nothing shall prevent a Medicaid recipient from changing primary care providers within the managed care plan or MediPass program during the 12-month period.

(j) The agency may not engage in practices that are designed to favor one health maintenance organization over another or that are designed to influence Medicaid recipients to enroll in MediPass rather than in a health maintenance organization or to enroll in a health maintenance organization rather than in MediPass. This subsection does not prohibit the agency from reporting on the performance of MediPass or any plan, as measured by performance criteria that the agency adopts by rule.

~~(b) The MediPass program may not be expanded unless the agency certifies, for each county where MediPass is to be started, that the necessary resources, including staff, are available to adequately inform recipients of their choice of primary care providers and to enroll them with a provider and that the necessary resources, including staff, are available to adequately recruit providers, ensure access, monitor performance and patient satisfaction, and assess the quality of care provided.~~

(3) Each female recipient may select as her primary care provider an obstetrician/gynecologist who has agreed to participate as a MediPass primary care case manager.

~~(2)(a) The agency shall encourage Medicaid recipients who receive payments from or are determined eligible for the Supplemental Security Income program, to the maximum extent feasible, to enroll in Medicaid or Medicare managed care plans.~~

(4)(a)~~(b)~~ The agency shall work cooperatively with the Social Security Administration to identify beneficiaries who are jointly eligible for Medicare and Medicaid and shall develop cooperative programs to encourage these beneficiaries to enroll in a Medicare participating health maintenance organization or prepaid health plans.

(b)~~(c)~~ The agency shall work cooperatively with the Department of Elderly Affairs to assess the potential cost-effectiveness of providing MediPass to beneficiaries who are jointly eligible for Medicare and Medicaid on a voluntary choice basis. If the agency determines that enrollment of these beneficiaries in MediPass has the potential for being cost-effective for the state, the agency shall offer MediPass to these beneficia-

ries on a voluntary choice basis in the counties where MediPass operates.

~~(d) The agency shall require the enrollment of Medicaid recipients who are also Medicare beneficiaries but who are not enrolled in MediPass or another managed care program in all counties of the state where MediPass is in operation. Subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216, the agency may develop a special reimbursement rate, which takes into consideration the higher utilization of such Medicaid recipients, for payment to health maintenance organizations or prepaid health plans agreeing to enroll these recipients.~~

~~(3)(a) The agency shall conduct a study of the feasibility of establishing managed care programs for various special population groups within the Medicaid program, to the extent permitted by federal law, and report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 1994.~~

(5)~~(b)~~ The agency shall investigate the feasibility of developing managed care *plan and MediPass options* ~~programs~~ for the following groups of Medicaid recipients:

(a)~~1.~~ Pregnant women and infants.

~~2. Chronically ill children.~~

(b)~~3.~~ Elderly and disabled recipients, especially those who are at risk of nursing home placement.

(c)~~4.~~ Persons with developmental disabilities.

(d)~~5.~~ Qualified Medicare beneficiaries.

(e)~~6.~~ Adults who have chronic, high-cost medical conditions.

(f)~~7.~~ Adults and children who have mental health problems.

(g)~~8.~~ Other recipients for whom managed care *plans and MediPass* ~~programs~~ offer the opportunity of more cost-effective care and greater access to qualified providers.

(6)~~(4)~~(a) The agency shall encourage the development of public and private partnerships to foster the growth of health maintenance organizations and prepaid health plans that will provide high-quality health care to Medicaid recipients.

(b) Subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216, the agency is authorized to enter into contracts with traditional providers of health care to low-income persons to assist such providers with the technical aspects of cooperatively developing Medicaid prepaid health plans.

1. The agency may contract with disproportionate share hospitals, county public health units, federally initiated or federally funded community health centers, and counties that operate either a hospital or a community clinic.

2. A contract may not be for more than $100,000 per year, and no contract may be extended with any particular provider for more than 2 years. The contract is intended only as seed or development funding and requires a commitment from the interested party.

3. A contract must require participation by at least one community health clinic and one disproportionate share hospital.

(7)~~(5)~~(a) The agency shall develop and implement a comprehensive plan to ensure that recipients are adequately informed of their choices and rights under all Medicaid managed care programs and that Medicaid managed care programs meet acceptable standards of quality in patient care, patient satisfaction, and financial solvency.

(b) The agency shall provide adequate means for informing patients of their choice and rights under a managed care plan at the time of eligibility determination.

~~(c) The agency shall monitor all managed care plans at least quarterly; review patient grievances, disenrollment forms, medical records, and financial records; and require all managed care plans to establish methods for assuring quality and patient satisfaction.~~

(8) The agency may extend eligibility for Medicaid recipients enrolled in licensed and accredited health maintenance organizations for the duration of the enrollment period or for 6 months, whichever is earlier, provided the agency certifies that such an offer will not increase state expenditures.

(9) In order to provide increased access to managed care, the agency must request from the Health Care Financing Administration a waiver of the regulation requiring health maintenance organizations to have one commercial enrollee for each three Medicaid enrollees.

(10) Marketing agents may be stationed in state offices and may solicit Medicaid recipients only with the approval of the department whose offices are being used for this purpose and under the supervision of such department or its agents. The department whose offices are being used for this purpose shall ensure that agents marketing managed care plans to clients in state office buildings do so only in designated areas and in such a way as to not interfere with the clients' activities in the state office.

Section 8. Section 409.9123, Florida Statutes, is created to read:

409.9123 Quality of care reporting.—In order to promote competition between Medicaid managed care plans and MediPass based on quality of care indicators, the agency shall annually develop and publish a set of measures of managed care plan performance. This information shall be made available to each Medicaid recipient who makes a choice of a managed care plan in his area. This information shall be easily understandable to the Medicaid recipient and shall use nationally recognized standards wherever possible. This information shall include the medical loss ratio calculated for the plan by the Department of Insurance under s. 641.23. In formulating this information, the agency shall take into account at least the following:

(1) The recommendations of the National Committee for Quality Assurance Medicaid HEDIS Task Force.

(2) Requirements and recommendations of the Health Care Financing Administration.

(3) Recommendations of the managed care industry.

Section 9. Effective upon this act becoming a law, section 409.9125, Florida Statutes, is created to read:

409.9125 Study of Medicaid alternative service networks.—

(1) Within existing resources, the agency shall work with the Department of Insurance, the Department of Health and Rehabilitative Services, the Department of Education, the Department of Elderly Affairs, and provider groups to study the feasibility of non-risk-bearing alternative service networks for Medicaid recipients. Such networks shall be organizations of providers who are affiliated for the purpose of serving special populations of Medicaid recipients who have chronic diseases or disabilities or who are in need of specialized services, including, but not limited to, mental health, substance abuse, developmental services, and long-term care.

(2) The alternative service network study shall examine the feasibility of:

(a) Using a primary care case management process and fee-for-service reimbursement arrangement.

(b) Requiring MediPass providers and managed care plans to refer Medicaid patients to an alternative service network.

(c) Developing appropriate case management, treatment plan, and utilization management protocols; practice guidelines; quality assurance and quality improvement standards; credentialing standards; methods of determining patient satisfaction; and methods of analyzing and reporting health outcomes.

(d) Using the Children's Medical Services network as a model for the development of alternative service networks.

(3) The agency shall submit an interim report to the Governor and the chairpersons of the appropriations and health care committees of each chamber of the Legislature by January 1, 1997, and a final report by January 1, 1998.

Section 10. Effective upon this act becoming law, section 409.9126, Florida Statutes, is created to read:

409.9126 Children with special health care needs.—

(1) As used in this section:

(a) "Children's Medical Services network" means an alternative service network that includes health care providers and health care facilities specified in chapter 391 and ss. 383.15-383.21, 383.216, and 415.5055.

(b) "Children with special health care needs" means those children whose serious or chronic physical or developmental conditions require extensive preventive and maintenance care beyond that required by typically healthy children. Health care utilization by these children exceeds the statistically expected usage of the normal child matched for chronological age and often needs complex care requiring multiple providers, rehabilitation services, and specialized equipment in a number of different settings.

(2) The Legislature finds that Medicaid-eligible children with special health care needs require a comprehensive, continuous, and coordinated system of health care that links community-based health care with multidisciplinary, regional, and tertiary care. The Legislature finds that Florida's Children's Medical Services program provides a full continuum of coordinated, comprehensive services for children with special health care needs.

(3) Except as provided in subsections (8) and (9), children eligible for Children's Medical Services who receive Medicaid benefits, and other Medicaid-eligible children with special health care needs, shall be exempt from the provisions of s. 409.9122 and shall be served through the Children's Medical Services network.

(4) The Legislature directs the agency to apply to the federal Health Care Financing Administration for a waiver to assign to the Children's Medical Services network all Medicaid-eligible children who meet the criteria for participation in the Children's Medical Services program as specified in s. 391.021(2), and other Medicaid-eligible children with special health care needs.

(5) The Children's Medical Services program shall assign a qualified MediPass primary care provider from the Children's Medical Services network who shall serve as the gatekeeper and who shall be responsible for the provision or authorization of all health services to a child who has been assigned to the Children's Medical Services network by the Medicaid program.

(6) Services provided through the Children's Medical Services network shall be reimbursed on a fee-for-service basis and shall utilize a primary care case management process.

(7) The agency, in consultation with the Children's Medical Services program, shall develop by rule quality of care and service integration standards.

(8) The agency may issue a request for proposals, based on the quality of care and service integration standards, to allow managed care plans that have contracts with the Medicaid program to provide services to Medicaid-eligible children with special health care needs.

(9) The agency shall approve requests to provide services to Medicaid-eligible children with special health care needs from managed care plans that meet quality of care and service integration standards and are in good standing with the agency. The agency shall monitor on a quarterly basis managed care plans which have been approved to provide services to Medicaid-eligible children with special health care needs.

(10) The agency, in consultation with the Department of Health and Rehabilitative Services, shall adopt rules that address Medicaid requirements for referral, enrollment, and disenrollment of children with special health care needs who are enrolled in Medicaid managed care plans and who may benefit from the Children's Medical Services network.

(11) The Children's Medical Services network may contract with school districts participating in the certified school match program pursuant to ss. 236.0812 and 409.908(21) for the provision of school-based speech, occupational, and physical therapy services, as provided for in s. 409.9071, for Medicaid-eligible children who are enrolled in the Children's Medical Services network.

(12) After 1 complete year of operation, the agency shall conduct an evaluation of the Children's Medical Services network. The evaluation shall include, but not be limited to, an assessment of whether the use of the Children's Medical Services network is less costly than the provision of the services would have been in the Medicaid fee-for-service program. The evaluation also shall include an assessment of patient satisfaction with the Children's Medical Services network, an assessment of the quality of care delivered through the network, and recommendations for further improving the performance of the network. The agency shall report the evaluation findings to the Governor and the chairpersons of the appropriations and health care committees of each chamber of the Legislature.

Section 11. Effective upon this act becoming a law, subsection (7) is added to section 641.18, Florida Statutes, to read:

641.18 Declaration of legislative intent, findings, and purposes.—

(7) It is the intent of the Legislature that this part be enforced by the department for the protection of all health maintenance organization enrollees regardless of their source of payment. However, this subsection may not be interpreted to authorize the department to interfere with the contract responsibilities of the Agency for Health Care Administration as provided under s. 409.912 or to interfere with the agency's role as the single state agency for Medicaid as provided under s. 409.902.

Section 12. Subsection (7) of section 641.19, Florida Statutes, is amended and subsection (19) is added to that section to read:

641.19 Definitions.—As used in this part, the term:

(7) "Health maintenance organization" *or "HMO"* means any organization authorized under this part which:

(a) Provides emergency care, inpatient hospital services, physician care including care provided by physicians licensed under chapters 458, 459, 460, and 461, ambulatory diagnostic treatment, and preventive health care services;

(b) Provides, either directly or through arrangements with other persons, health care services to persons enrolled with such organization, on a prepaid per capita or prepaid aggregate fixed-sum basis;

(c) Provides, either directly or through arrangements with other persons, comprehensive health care services which subscribers are entitled to receive pursuant to a contract;

(d) Provides physician services, by physicians licensed under chapters 458, 459, 460, and 461, directly through physicians who are either employees or partners of such organization or under arrangements with a physician or any group of physicians; and

(e) If offering services through a managed care system, then the managed care system must be a system in which a primary physician licensed under chapter 458 or chapter 459 and chapters 460 and 461 is designated for each subscriber upon request of a subscriber requesting service by a physician licensed under any of those chapters, and is responsible for coordinating the health care of the subscriber of the respectively requested service and for referring the subscriber to other providers of the same discipline when necessary. Each female subscriber may select as her primary physician an obstetrician/gynecologist who has agreed to serve as a primary physician and is in the health maintenance organization's provider network.

(19) "Emergency services and care" means medical screening, examination, or evaluation by a physician or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if any emergency medical condition exists and, if it does, the care, treatment, or surgery for a covered service by a physician necessary to relieve or eliminate the emergency medical condition, within the service capability of a hospital.

Section 13. Section 641.2015, Florida Statutes, is amended to read:

641.2015 Incorporation required.—On or after October 1, 1985, any entity that has not yet obtained a certificate of authority to operate a

health maintenance organization in this state shall be incorporated or shall be a division of a corporation formed under the provisions of either chapter 607 or chapter 617 *or shall be a public entity that is organized as a political subdivision*. In the case of a division of a corporation, the financial requirements of this part shall apply to the entire corporation. Incorporation shall not be required of any entity which has already been issued an initial certificate of authority prior to this date and which is not a corporation on October 1, 1985, or which is incorporated in any other state on October 1, 1985; nor shall incorporation be required on renewal of any certificate of authority by such an organization *or be required of a public entity that is organized as a political subdivision*.

Section 14. Section 641.217, Florida Statutes, is created to read:

641.217 Minority recruitment and retention plans required.—

(1) Any entity contracting with the Agency for Health Care Administration to provide health care services to Medicaid recipients or state employees on a prepaid or fixed-sum basis must submit to the Agency for Health Care Administration the entity's plan for recruitment and retention of health care practitioners who are minorities as defined in s. 288.703(3). The plan must demonstrate an ability to recruit and retain minorities which shall include, but is not limited to, the following efforts:

(a) Establishing and maintaining contacts with various organizations representing the interests and concerns of minority constituencies to seek advice and assistance.

(b) Identifying and recruiting at colleges and universities which primarily serve minority students.

(c) Reviewing and analyzing the organization's workforce as to minority representation.

(d) Other factors identified by the Agency for Health Care Administration by rule.

(2) The Agency for Health Care Administration may not contract with such an entity until the agency has received and approved the entity's plan required in subsection (1). Failure to implement the plan as approved shall constitute grounds for the suspension or termination of the entity's contract with the agency.

Section 15. Subsection (6) of section 641.22, Florida Statutes, is amended to read:

641.22 Issuance of certificate of authority.—The department shall issue a certificate of authority to any entity filing a completed application in conformity with s. 641.21, upon payment of the prescribed fees and upon the department's being satisfied that:

(6) The ownership, control, and management of the entity is competent and trustworthy and possesses managerial experience that would make the proposed health maintenance organization operation beneficial to the subscribers. The department shall not grant or continue authority to transact the business of a health maintenance organization in this state at any time during which the department has good reason to believe that*:*

(a) The ownership, control, or management of the organization includes any person*:*

1. Who is incompetent or untrustworthy;

2. Who is so lacking in health maintenance organization expertise as to make the operation of the health maintenance organization hazardous to potential and existing subscribers;

3. Who is so lacking in health maintenance organization experience, ability, and standing as to jeopardize the reasonable promise of successful operation;

4. Who is affiliated, directly or indirectly, through ownership, control, reinsurance transactions, or other business relations, with any person whose business operations are or have been marked by business practices or conduct that is to the detriment of the public, stockholders, investors, or creditors; or

5. Whose business operations are or have been marked by business practices or conduct that is to the detriment of the public, stockholders, investors, or creditors.

(b) Any person, including any subscriber, stockholder, or incorporator, who exercises or has the ability to exercise effective control of the organization, or who influences or has the ability to influence the transaction of the business of the health maintenance organization, does not possess the financial standing and business experience for the successful operation of the health maintenance organization;

(c) Any person, including any subscriber, stockholder, or incorporator, who exercises or has the ability to exercise effective control of the organization, or who influences or has the ability to influence the transaction of the business of the health maintenance organization, has been found guilty of, or has pled guilty or no contest to, any felony or crime punishable by imprisonment of 1 year or more under the laws of the United States or any state thereof or under the laws of any other country, which involves moral turpitude, without regard to whether a judgment or conviction has been entered by the court having jurisdiction is such case. However, in the case of a health maintenance organization operating under a subsisting certificate of authority, the health maintenance organization shall remove any such person immediately upon discovery of the conditions set forth in this paragraph when applicable to such person or under the order of the department, and the failure to so act by the organization is grounds for revocation or suspension of the health maintenance organization's certificate of authority; or

(d) Any person, including any subscriber, stockholder, or incorporator, who exercises or has the ability to exercise effective control of the organization, or who influences or has the ability to influence the transaction of the business of the health maintenance organization, is now or was in the past affiliated, directly or indirectly, through ownership interest of 10 percent or more, control, or reinsurance transactions, with any business, corporation, or other entity that has been found guilty of or has pleaded guilty or nolo contendere to any felony or crime punishable by imprisonment for 1 year or more under the laws of the United States, any state, or any other country, regardless of adjudication. In the case of a health maintenance organization operating under a subsisting certificate of authority, the health maintenance organization shall immediately remove such person or immediately notify the department of such person upon discovery of the conditions set forth in this paragraph, either when applicable to such person or upon order of the department. The failure to remove such person, provide such notice, or comply with such order constitutes grounds for suspension or revocation of the health maintenance organization's certificate of authority.

Section 16. Subsection (3) of section 641.225, Florida Statutes, is amended to read:

641.225 Surplus requirements.—

(3)*(a)* An entity providing prepaid capitated services *which is authorized under subsection 409.912(3)(a) and* ~~exempt under s. 641.48(2)~~ which ~~was providing such services prior to October 1, 1988, and which~~ applies for a certificate of authority is subject to the minimum surplus requirements *set forth* ~~contained~~ in subsection (1), *unless the entity is backed by the full faith and credit of the county in which it is located*.

(b) An entity providing prepaid capitated services which is authorized under paragraph 409.912(3)(b) or paragraph 409.912(3)(c) and which applies for a certificate of authority is subject to the minimum surplus requirements set forth in subsection 409.912(12).

Section 17. Section 641.23, Florida Statutes, is amended to read:

641.23 Revocation or cancellation of certificate of authority; *suspension of certificate of authority;* suspension of enrollment of new subscribers; terms of suspension.—

(1) ~~The maintenance of~~ A valid and current health care provider certificate issued *under* ~~pursuant to~~ part III of this chapter *must be maintained as* ~~is~~ a condition of *maintaining* ~~the maintenance of~~ a valid and current certificate of authority issued by the department to operate a health maintenance organization. Denial or revocation of a health care provider certificate shall be deemed to be an automatic and immediate cancellation of a health maintenance organization's certificate of authority. *Revocation of the certificate of authority shall be for a period of 2 years. After the 2-year period, the HMO may apply for a new certificate of authority by complying with requirements for first-time applicants.* At the discretion of the department ~~of Insurance~~, nonrenewal of a health

care provider certificate may be deemed to be an automatic and immediate cancellation of a health maintenance organization's certificate of authority if the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ notifies the department ~~of Insurance~~, in writing, that the health care provider certificate will not be renewed.

(2) The department may suspend the certificate of authority issued to a health maintenance organization. The department shall, in its order suspending the certificate of authority, specify the period during which the suspension is to be in effect and the conditions, if any, which must be met by the HMO for reinstatement. The HMO's certificate of authority shall be reinstated at the expiration of the suspension period unless the department finds that the reasons for which the suspension was ordered have not been corrected or that the HMO is otherwise not in compliance with this part. If the department makes such a finding, the certificate of authority shall not be reinstated and is considered to have expired at the end of the suspension period.

(3) The department shall immediately notify the Agency for Health Care Administration when the department issues an administrative complaint or order or initiates legal proceedings that result in or could result in revocation, cancellation, or suspension of a health maintenance organization's certificate of authority.

(4)~~(2)~~ The department may suspend the authority of a health maintenance organization to enroll new subscribers or revoke *a* ~~any~~ certificate *of authority* issued to a health maintenance organization, or order compliance within 30 days, if it finds that any of the following conditions exists:

(a) The organization is not operating in compliance with this part;

(b) The plan is no longer actuarially sound or the organization does not have the minimum surplus as required by this part;

(c) The existing contract rates are excessive, inadequate, or unfairly discriminatory;

(d) The organization is in substantial violation of its contracts;

(e) The organization is unable to fulfill its obligations under outstanding contracts entered into with its subscribers;

(f)~~(d)~~ The organization has advertised, merchandised, or attempted to merchandise its services in such a manner as to misrepresent its services or capacity for service or has engaged in deceptive, misleading, or unfair practices with respect to advertising or merchandising; ~~or~~

(g) The organization refuses to be examined or to produce its accounts, records, or files for examination, or to perform any other legal obligation concerning such an examination, when required by the department; or

(h)~~(e)~~ The organization is insolvent.

(5)~~(3)~~ Whenever the financial condition of the health maintenance organization is such that, if not modified or corrected, its continued operation would result in impairment or insolvency, the department may order the health maintenance organization to file with the department and implement a corrective action plan designed to do one or more of the following:

(a) Reduce the total amount of present potential liability for benefits by reinsurance or other means.

(b) Reduce the volume of new business being accepted.

(c) Reduce the expenses of the health maintenance organization by specified methods.

(d) Suspend or limit the writing of new business for a period of time.

(e) Require an increase in the health maintenance organization's net worth.

If the health maintenance organization fails to submit a plan within 30 days of the department's order or submits a plan which is insufficient to correct the health maintenance organization's financial condition, the department may order the health maintenance organization to implement one or more of the corrective actions listed in this subsection.

(6) The department shall promulgate rules establishing actuarially sound medical loss ratios for Medicaid. In determining the appropriate medical loss ratio, the department shall consider factors, including but not limited to, plan age, plan structure, geographic service area, product mix, provider network, medical inflation, provider services, other professional services, out of network referrals and expenditures, in and out of network emergency room expenditures, in-patient expenditures, other medical expenditures, incentive pool adjustments, copayments, coordination of benefits, subrogation, and any other expenses associated with the delivery of medical benefits. The department shall utilize assistance from the Agency for Health Care Administration, the State University System, an independent actuary, and representatives from health maintenance organizations in developing the rule for appropriate medical loss ratios.

(7) The department shall calculate and publish at least annually the medical loss ratios of all licensed health maintenance organizations. The publication shall include an explanation of what the medical loss ratio means and shall disclose that the medical loss ratio is not a direct reflection of quality, but must be looked at along with patient satisfaction and other standards that define quality.

(8)~~(4)~~ The department shall, in its order suspending the authority of a health maintenance organization to enroll new subscribers, specify the period during which the suspension is to be in effect and the conditions, if any, which must be met by the health maintenance organization prior to reinstatement of its authority to enroll new subscribers. The order of suspension is subject to rescission or modification by further order of the department prior to the expiration of the suspension period. Reinstatement shall not be made unless requested by the health maintenance organization; however, the department shall not grant reinstatement if it finds that the circumstances for which the suspension occurred still exist or are likely to recur.

Section 18. Section 641.25, Florida Statutes, is amended to read:

641.25 Administrative penalty in lieu of suspension or revocation.— *If the department finds that one or more grounds exist for the revocation or suspension of a certificate issued under this part, the department may, in lieu of revocation or suspension, impose a fine upon the health maintenance organization. With respect to any nonwillful violation, the fine must not exceed $2,500 per violation. Such fines may not exceed an aggregate amount of $25,000 for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of a lawful order or rule of the department or a provision of this part, the department may impose upon the organization a fine in an amount not to exceed $20,000 for each such violation. Such fines may not exceed an aggregate amount of $250,000 for all knowing and willful violations arising out of the same action. The department must adopt by rule by January 1, 1997, penalty categories that specify varying ranges of monetary fines for willful violations and for nonwillful violations.* ~~The department may, in lieu of suspension or revocation, levy an administrative penalty in an amount not less than $100 or more than $100,000.~~

Section 19. Section 641.28, Florida Statutes, is amended to read:

641.28 Civil remedy.—In any civil action brought to enforce the terms and conditions of a health maintenance organization contract, the prevailing party is entitled to recover reasonable attorney's fees and court costs. This section shall not be construed to authorize a civil action against the department, its employees, or the Insurance Commissioner or against the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~, its employees, or the *director* ~~secretary~~ of *the agency* ~~that department~~.

Section 20. Subsection (12) of section 641.31, Florida Statutes, is amended to read:

641.31 Health maintenance contracts.—

(12) Each health maintenance contract, certificate, or member handbook shall state that emergency services shall be provided to subscribers in emergency situations not permitting treatment through the health maintenance organization's providers, without prior notification to and approval of the organization. Not less than 75 percent of the reasonable charges for covered services and supplies shall be paid by the organization, up to the subscriber contract benefit limits. Payment also may be

subject to additional applicable copayment provisions, not to exceed $100 per claim. The health maintenance contract, certificate, or member handbook shall contain *the definitions* ~~a definition~~ of *"emergency services and care" and "emergency medical condition" as specified in s. 641.19* ~~emergency services~~, shall describe procedures for determination by the health maintenance organization of whether the services qualify for reimbursement as emergency services *and care* and shall contain specific examples of what does constitute an emergency. *In providing for emergency services and care as a covered service, an HMO shall be governed by s. 641.513.*

Section 21. Subsection (3) of section 641.37, Florida Statutes, is amended to read:

641.37 Prohibited activities; penalties.—

(3) Any agent or representative, solicitor, examining physician, applicant, or other person who knowingly makes any false and fraudulent statements or representation in, or with reference to, any application or negotiation for health maintenance organization coverage is, in addition to any other penalty provided by law, guilty of a misdemeanor of the *first* ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 22. Subsection (3) of section 641.386, Florida Statutes, is amended to read:

641.386 Agent licensing and appointment required; exceptions.—

(3) *An* ~~No~~ examination, license, or appointment *is not* ~~shall be~~ required of any regular salaried officer or employee of a health maintenance organization who devotes substantially all of his services to activities other than the solicitation of health maintenance organization contracts from the public and who receives no commission or other compensation directly dependent upon the solicitation of such contracts. *This exemption does not apply to the solicitation or pre-enrollment of Medicaid eligible subscribers.*

Section 23. Section 641.3865, Florida Statutes, is created to read:

641.3865 Enrollment forms.—A health maintenance organization that solicits and pre-enrolls a Medicaid recipient as a subscriber must use an approved form. The form must include a sworn statement signed by the organization's agent indicating that the agent has explained to the subscriber that health care services will be provided through a panel of providers and that services delivered by providers not on the panel must be approved in advance by the health maintenance organization.

Section 24. Subsection (12) is added to section 641.3903, Florida Statutes, to read:

641.3903 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(12) PROHIBITED DISCRIMINATORY PRACTICES.—A health maintenance organization may not:

(a) Engage or attempt to engage in discriminatory practices that discourage participation on the basis of actual or perceived health status of Medicaid recipients.

(b) Refuse to provide services or care to a subscriber solely because medical services may be or have been sought for injuries resulting from an assault, battery, sexual assault, sexual battery, or any other offense by a family or household member, as defined in s. 741.28(2), or by another who is or was residing in the same dwelling unit.

Section 25. Subsection (1) of section 641.47, Florida Statutes, is amended, present subsections (4), (6), and (7) of that section are renumbered as subsections (8), (10), and (11), respectively, present subsections (2), (3), and (5) of that section are renumbered as subsections (5), (7), and (9), respectively, and amended, and new subsections (2), (3), (4), and (6) are added to that section to read:

641.47 Definitions.—As used in this part, the term:

(1) *"Agency" means the Agency for Health Care Administration* ~~"Health care services" means comprehensive health care services, as defined in s. 641.19, when applicable to a health maintenance organization, and means basic services, as defined in s. 641.402(1), when applicable to a prepaid health clinic~~.

(2) "Complaint" means an oral notification of dissatisfaction or concern with, or wrongdoing relating to, services provided or withheld which notification is directed to an organization or state agency by a subscriber or a provider as a part of the informal steps of a grievance procedure.

(3) "Emergency medical condition" means:

(a) A medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain or other acute symptoms, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

1. Serious jeopardy to the health of a patient, including a pregnant woman or fetus;

2. Serious impairment to bodily functions; or

3. Serious dysfunction of any bodily organ or part.

(b) With respect to a pregnant woman, that:

1. There is inadequate time to effect safe transfer to another hospital prior to delivery;

2. A transfer may pose a threat to the health and safety of the patient or fetus; or

3. There is evidence of the onset and persistence of uterine contractions or rupture of the membranes.

(4) "Emergency services and care" means medical screening, examination, or evaluation by a physician or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition exists, and, if it does, the care, treatment, or surgery for a covered service by a physician necessary to relieve or eliminate the emergency medical condition, within the service capability of a hospital.

(5)~~(2)~~ *"Geographic area" means the county or counties, or any portion of a county or counties, within which the health maintenance organization provides or arranges for comprehensive health care services to be available to its subscribers* ~~"Department" means the Department of Health and Rehabilitative Services~~.

(6) "Grievance" means a written notification submitted by a subscriber or provider expressing dissatisfaction or concern with, or wrongdoing relating to, services provided or withheld which notification is directed to an organization or state agency as a part of the formal steps of a grievance procedure.

(7)~~(3)~~ *"Health care services" means comprehensive health care services, as defined in s. 641.19, when applicable to a health maintenance organization; means basic services, as defined in s. 641.402(1), when applicable to a prepaid health clinic; and means limited health services, as defined in s. 636.003, when applicable to a prepaid limited health service organization* ~~"Geographic area" means the county or counties, or any portion of a county or counties, within which the health maintenance organization provides or arranges for comprehensive health care services to be available to its subscribers~~.

(9)~~(5)~~ "Organization" means *a* ~~any~~ health maintenance organization as defined in s. 641.19 *or a* ~~and any~~ prepaid health clinic as defined in s. 641.402(5).

Section 26. Section 641.48, Florida Statutes, is amended to read:

641.48 Purpose and application of part~~; exemption~~.—

~~(1)~~ The purpose of this part is to ensure that health maintenance organizations and prepaid health clinics deliver high-quality health care to their subscribers. To achieve this purpose, this part requires all *such* ~~health maintenance~~ organizations ~~and prepaid health clinics~~ to obtain a health care provider certificate from the *agency* ~~Department of Health and Rehabilitative Services~~ as a condition precedent to obtaining a certificate of authority to do business in Florida from the Department of Insurance, *under* ~~pursuant to~~ part I or part II of this chapter.

~~(2) Any person or entity which enters into a contract with the department on a prepaid per capita or prepaid aggregate fixed-sum basis for the provision of health care services or social services, or both, to persons determined eligible for such services shall be exempt from the provisions of this part and shall be governed by the standards set forth by the department unless the person or entity provides health care service on a prepaid basis to persons other than those for which the department has contracted. However, any person or entity which is not certified under the provisions of this chapter shall not use in its name, logo, contracts, or literature the phrases "health maintenance organization" or "prepaid health clinic" or the initials "HMO" or "PHC"; imply, directly or indirectly, that it is a health maintenance organization or prepaid health clinic; or hold itself out to be a health maintenance organization or prepaid health clinic. Subject to these restrictions, any such person or entity may advertise and market their prepaid health or social services using words or phrases similar to "prepaid health services" or "prepaid social services," so long as the services are accurately described and the advertisement and marketing literature clearly discloses that such services are available only to persons eligible for health care or social services through the department. The department shall set standards or promulgate rules for the conduct of a prepaid plan exempt under this subsection, which shall include provisions whereby the entity shall:~~

~~(a) Be organized primarily for the purpose of providing health care or other services of the type regularly offered to the department's enrolled clients.~~

~~(b) Ensure that services meet the standards set by the department for quality, appropriateness, and timeliness.~~

~~(c) Make provisions satisfactory to the department for insolvency protection and ensure that neither the department's enrolled clients nor the department shall be liable for the debts of the entity.~~

~~(d) Submit to the department, if a private entity, a financial plan that the department finds to be fiscally sound and that provides for working capital in the form of cash or equivalent liquid assets, excluding revenues from the department premium payments, equal to at least the first 3 months of operating expenses or $200,000, whichever is greater.~~

~~(e) Furnish evidence satisfactory to the department of adequate liability insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of health care.~~

~~(f) Provide, through contract or otherwise, for periodic review of its medical facilities, services, and records, as required by the department.~~

~~(g) Provide organizational, financial, and other information that may be required to ensure quality of care and financial solvency.~~

Section 27. Section 641.49, Florida Statutes, is amended to read:

641.49 Certification of health maintenance organization and prepaid health clinic as health care providers; application procedure.—

(1) No person or governmental unit shall establish, conduct, or maintain a health maintenance organization or a prepaid health clinic in this state without first obtaining a health care provider certificate under this part.

(2) The Department of Insurance shall not issue a certificate of authority under part I or part II of this chapter to any applicant which does not possess a valid health care provider certificate issued by the *agency under* ~~department pursuant to~~ this part.

(3) Each application for a health care provider certificate shall be on a form prescribed by the *agency* ~~department~~. The following information and documents shall be *submitted by an applicant and* maintained, *after certification under this part,* by *each* ~~the~~ organization and shall be available for inspection or examination *by the agency* at the offices of *an* ~~the~~ organization ~~by the department~~ at *any time* ~~anytime~~ during regular business hours. The *agency* ~~department~~ shall give reasonable notice to *an* ~~the~~ organization prior to any onsite inspection or examination *of its records or premises* conducted *under* ~~pursuant to~~ this section. The *agency* ~~department~~ may require that the following information or documents be submitted with the application:

(a) A copy of the articles of incorporation and all amendments *to the articles* ~~thereto~~.

(b) A copy of the bylaws, rules and regulations, or similar form of document, if any, regulating the conduct of the affairs of the applicant *or organization*.

(c) A list of the names, addresses, and official capacities with the *applicant or* organization of the persons who are to be responsible for the conduct of the affairs of the *applicant or* organization, including all officers and directors of the corporation. Such persons shall fully disclose to the *agency* ~~department~~ and the directors of the *applicant or* organization the extent and nature of any contracts or arrangements between them and the *applicant or* ~~health maintenance~~ organization, including any possible conflicts of interest.

(d) The name and address of the applicant and the name by which the *applicant or* organization is to be known.

(e) A statement generally describing the *applicant or* organization and its operations.

(f) A copy of the form for each group and individual contract, certificate, subscriber handbook, and any other similar documents issued to subscribers.

(g) A statement describing the manner in which health *care* services shall be regularly available.

(h) A statement that the applicant has an established network of health care providers which is capable of providing the health care services that are to be offered by the organization.

(i)~~(h)~~ The locations ~~of the facilities~~ at which health care services shall be regularly available to subscribers.

(j)~~(i)~~ The type of health care personnel engaged to provide the health care services and the quantity of the personnel of each type.

(k)~~(j)~~ A statement giving the present and projected number of subscribers to be enrolled yearly for the next 3 years.

(l)~~(k)~~ A statement indicating the source of emergency *services and* care on a 24-hour basis.

(m)~~(l)~~ A statement that the *organization will consult with a physician who is licensed under chapter 458 or chapter 459 prior to denying a claim for lack of medical necessity* ~~physicians employed by the applicant have been formally organized as a medical staff and that the applicant's governing body has designated a chief of medical staff~~.

(n)~~(m)~~ A statement describing the manner in which the *applicant or* organization assures the maintenance of a medical records system in accordance with accepted medical records' standards and practices.

(o)~~(n)~~ If general anesthesia is to be administered in a facility not licensed by the *agency* ~~department~~, a copy of architectural plans *that* ~~to~~ meet the requirements for institutional occupancy (NFPA 101 Life Safety Code, current edition as adopted by the State Fire Marshal).

(p)~~(o)~~ Description of the *applicant's or* organization's *internal* quality assurance program, including committee structure, *as required under* ~~criteria and procedures for corrective action which complies with~~ s. 641.51.

~~(p) For health maintenance organizations only:~~

(q)~~1.~~ A description and supporting documentation concerning how the applicant *or health maintenance organization* will comply with ~~the~~ internal risk management program requirements *under s. 641.55*.

(r)~~2.~~ An explanation of how coverage *for emergency services and care* is to be effected outside the *applicant's or* health maintenance organization's stated geographic area ~~for emergency services~~.

(s)~~(q)~~ A statement and map describing with reasonable accuracy the specific geographic area to be served.

(t) A final report of the findings of a comprehensive feasibility study as required under s. 641.512 for first-time applicants.

(u)~~(r)~~ A nonrefundable application fee of $1,000.

(v)~~(s)~~ Such additional information as the *agency* ~~department~~ may reasonably require.

Section 28. Section 641.495, Florida Statutes, is amended to read:

641.495 Requirements for issuance and maintenance of certificate.—

(1) The *agency* ~~department~~ shall issue a health care provider certificate to *an applicant* ~~any entity~~ filing a completed application in conformity with *ss.* ~~s.~~ 641.48 *and 641.49,* upon payment of the prescribed fee, and upon the *agency's* ~~department's~~ being satisfied that the applicant has the ability to provide quality of care consistent with the prevailing professional standards of care and which *applicant* ~~entity~~ otherwise meets the requirements of this part.

(2) A certificate, unless sooner suspended or revoked, shall automatically expire *3* ~~2~~ years from the date of issuance, *or at any time accreditation is withdrawn,* unless renewed by the organization. The certificate shall be renewed upon application for renewal and payment of a renewal fee of $1,000, provided that the organization is in compliance with the requirements of this part and *all* ~~any~~ rules adopted *under this part* ~~hereunder~~. An application for renewal of a certificate shall be made 90 days prior to expiration of the certificate, on forms provided by the *agency* ~~department~~. The renewal application shall not require the resubmission of any documents previously filed with the *agency* ~~department~~ if such documents have remained valid and unchanged since their original filing.

(3)~~(2)~~ The organization shall demonstrate its capability to provide health care services in the geographic area *that it proposes* ~~proposed~~ to service. In addition, each health maintenance organization shall notify the *agency* ~~department~~ of its intent to expand its geographic area at least 60 days prior to the date it *plans to begin* ~~begins~~ providing health care services in the new area. Prior to the date the health maintenance organization begins enrolling members in the new area, it must submit a notarized affidavit, signed by two officers of the organization who have the authority to *legally* bind the organization, to the *agency* ~~department~~ describing and affirming its existing and projected capability to provide health care services to its projected number of subscribers in the new area. The notarized affidavit shall further assure that, 15 days prior to providing *health care* services in the new area, the health maintenance organization shall be able, through documentation or otherwise, to demonstrate that it shall be capable of providing services to its projected subscribers for at least the first 60 days of operation. If the *agency* ~~department~~ determines that the organization is not capable of providing health care services to its projected number of subscribers in the new area, the *agency* ~~department~~ may issue an order *as required under* ~~pursuant to the procedures of~~ chapter 120 prohibiting the organization from expanding into the new area. In any proceeding *under* ~~pursuant to~~ chapter 120, the *agency* ~~department~~ shall have the burden of establishing that the organization is not capable of providing health care services to its projected number of subscribers in the new area.

(4)(a)~~(3)~~ The organization shall ensure that the health care services it provides to subscribers, including physician services as required by s. 641.19(7)(d) and (e), are accessible to the subscribers, with reasonable promptness, with respect to geographic location, hours of operation, provision of after-hours service, and staffing patterns within generally accepted industry norms for meeting the projected subscriber needs.

(b) An organization that has a Medicaid contract shall at least annually review each primary care physician's active patient load and shall ensure that additional Medicaid recipients are not assigned to physicians that have a total active patient load of more than 3,000 patients. As used in this paragraph, the term "active patient" means a patient who is seen by the same primary care physician, or by a physician assistant or advanced registered nurse practitioner under the supervision of the primary care physician, at least three times within a calendar year. Each primary care physician shall annually certify to the organization whether or not his or her patient load exceeds the limits established under this paragraph and the organization shall accept such certification on face value as compliance with this paragraph. The agency shall accept the organization's representations that it is in compliance with this paragraph based on the certification of its primary care physicians, unless the agency has an objective indication that access to primary care is being compromised, such as receiving complaints or grievances relating to access to care. If the agency determines that an objective indication exists that access to primary care is being compromised, it may verify the patient load certifications submitted by the organization's primary care physicians and that the organization is not assigning Medicaid recipients to primary care physicians who have an active patient load of more than 3,000 patients.

(5)~~(4)~~ The organization shall exercise reasonable care in assuring that *delivered health care* services ~~provided~~ are performed by *appropriately licensed* providers ~~who are licensed to provide such services~~.

(6)~~(5)~~ The organization shall have a system for verification and examination of the credentials of each of its providers. The organization shall maintain in a central file the credentials, including a copy of the current Florida license, of each of its physicians.

(7)~~(6)~~ Every organization shall establish standards and procedures reasonably necessary to provide for the maintenance of a readily accessible medical records system which is adequate to *accommodate* ~~provide~~ necessary information including an accurate documentation of all services provided for every enrolled *subscriber* ~~person~~.

(8)~~(7)~~ *Each organization's* ~~In the event that the organization employs providers to render health care to subscribers,~~ contracts, certificates, and subscriber handbooks shall contain a provision, if applicable, disclosing that, for certain types of described medical procedures, services may be provided by physician assistants, nurse practitioners, or other individuals who are not licensed physicians.

(9)~~(8)~~ Every organization shall have a subscriber grievance procedure, *including, as appropriate, a procedure for disenrolling for cause,* which is outlined in all master group and individual contracts as well as in any certificate or handbook provided to subscribers.

(10)~~(9)~~ The organization shall provide, through contract or otherwise, for periodic review of its medical facilities and services, *as required under s. 641.512.*

(11)~~(10)~~ The provisions of part I of chapter 395 do not apply to a health maintenance organization if, on or before January 1, 1991, the *health maintenance* organization *provided and continues to provide* ~~provides~~ not more than 10 outpatient holding beds for short-term and hospice-type patients in an ambulatory care facility for its *subscribers* ~~members~~, provided such health maintenance organization maintains current accreditation *as required under s. 641.512* ~~by the Joint Commission on Accreditation of Health Care Organizations, the Accreditation Association for Ambulatory Health Care, or the National Committee for Quality Assurance~~.

Section 29. Section 641.511, Florida Statutes, is amended to read:

641.511 Subscriber grievance reporting and resolution requirements.—

(1) *Each organization must have a grievance procedure available to its subscribers for the purpose of addressing dissatisfaction relating to the delivery of services and quality of care that it renders to its subscribers. Each organization must notify its subscribers that they may submit their grievances for review or for resolution to the Statewide Provider and Subscriber Assistance Panel as provided in s. 408.7056 only after they have received a final disposition of their grievances through the organization's grievance process, except that a grievance may be submitted to the panel for review concurrent with submitting it to arbitration, when arbitration is a requirement of the organization's grievance process. An* ~~The health maintenance~~ organization shall maintain records of all grievances and shall report annually to the *agency* ~~department a description of~~ the total number of grievances handled, a categorization of the cases underlying the grievances, and the *final disposition* ~~resolution~~ of the grievances.

(2) Each organization's grievance procedure, as required under subsection (1), must include, at a minimum:

(a) A procedure that is separate from the procedure for addressing provider dissatisfaction related to payments, reimbursements, or contracts.

(b) An explanation of how to pursue redress of a grievance.

(c) The names of the appropriate employees or a list of grievance departments that are responsible for implementing the organization's

grievance procedure. The list must include the address and the toll-free telephone number of each grievance department, the address of the agency and its toll-free telephone hotline number or local telephone number, and the address of the Statewide Provider and Subscriber Assistance Program and its toll-free telephone number.

(d) A notice that a subscriber may at any time contact the toll-free telephone hotline of the agency to inform it of the unresolved grievance, but that the agency may not impose any sanctions on behalf of the subscriber before the organization completes its grievance process.

(e) A procedure for establishing methods for classifying grievances as urgent or emergency grievances and for establishing time limits within which such grievances must be resolved. By July 1, 1996, the agency shall revise its rules to include guidelines for expedited review.

(3)~~(2)~~ Each ~~health maintenance~~ organization shall send to the *agency* ~~department~~ a copy of its annual and quarterly grievance reports submitted to the Department of Insurance *under* ~~pursuant to~~ s. 408.7056(2).

(4)~~(3)~~ The *agency* ~~department~~ shall investigate all reports of unresolved ~~quality of care~~ grievances received from:

(a) Annual and quarterly grievance reports submitted by the ~~health maintenance~~ organization to the Department of Insurance.

(b) *Review requests* ~~Appeals~~ of subscribers whose grievances remain unresolved after the subscriber has followed the full grievance procedure of the organization.

(5)(a) The organization must make a determination in resolving the grievance within 60 days, or within a maximum of 90 days if the grievance involves the collection of information outside the service area.

(b) The time limitations prescribed in paragraph (a) must be tolled after the organization has notified the subscriber, in writing, that additional information is required for proper review of the grievance. After the organization receives the requested information, the time allowed for completion of the grievance process commences.

(c) In response to a request by a subscriber for reconsideration of a final disposition, the organization shall make a determination within 10 business days after receipt of the request.

(6)(a)~~(4)~~ The *agency* ~~department~~ shall advise subscribers with grievances to follow *their* ~~the health maintenance~~ *organization's* ~~organization~~ formal grievance process for resolution prior to review by the *agency or Statewide Provider and Subscriber Assistance Program* ~~department~~. *The subscriber may, however, submit a copy of the grievance to the agency at any time during the process.*

(b) Requiring completion of the organization's grievance process before the agency's or the Statewide Provider and Subscriber Assistance Panel's review does ~~this shall~~ not preclude the *agency's* ~~department from~~ investigating any complaint *or grievance before the organization makes its final determination* ~~prior to completion of the health maintenance organization's formal grievance process~~.

(7)~~(5)~~ *Each organization must notify the subscriber in a final decision letter that the subscriber may request review of the organization's decision concerning the grievance by the Statewide Provider and Subscriber Assistance Program, as provided in s. 408.7056, if the grievance is not resolved to the satisfaction of the subscriber. The final decision letter must inform the subscriber that the request for review must be made within 60 days after receipt of the final decision letter, must explain how to initiate such a review, and must include the addresses and toll-free telephone numbers of the agency and of the Statewide Provider and Subscriber Assistance Program.* ~~A quality of care grievance which remains unresolved after a subscriber has followed the full grievance procedure of the organization, after review by the department, may be presented to the Statewide Subscriber Assistance Program Panel as set forth in s. 408.7056.~~

(8) A provider may, on behalf of a subscriber, pursue a complaint or a grievance that relates to quality of care by using the subscriber-grievance procedure provided under this section and identifying the provider as the filer.

(9) The agency may impose administrative sanctions, in accordance with ss. 408.7056 and 641.52, against an organization for noncompliance with this section.

Section 30. Section 641.512, Florida Statutes, is amended to read:

641.512 ~~Accreditation and~~ External *quality-assurance review* ~~quality assurance assessment.—~~

(1)(a) *In addition to the requirements of s. 641.49, and* to promote the quality of health care services provided by ~~health maintenance~~ organizations *certified under this part* ~~and prepaid health clinics in this state~~, the *agency* ~~department~~ shall require *a preliminary external quality-assurance review or accreditation of* each ~~health maintenance~~ organization. *The preliminary external quality-assurance review may be conducted by the agency under s. 641.495 or by an entity certified under subsection (2), as selected by the applicant. Each organization must* ~~and prepaid health clinic to~~ be accredited within *2 years of its* ~~1 year of the organization's~~ receipt of its certificate of authority and ~~to~~ maintain accreditation by an accreditation organization approved by the *agency* ~~department,~~ as a condition of doing business in the state. *An external quality-assurance review for accreditation must be conducted at least every 3 years or at any time when accreditation is withdrawn.*

(b) As a minimum guideline, the agency shall, by January 1, 1997, adopt by rule preliminary external quality-review standards that are consistent with s. 409.912(18) and (19), as appropriate, for purposes of evaluating a first-time applicant for issuance of its first health care provider certificate.

(c) A private and independent entity that meets the criteria of subsection (2) may conduct a comprehensive feasibility study as a preliminary external quality-assurance review. The entity must review each first-time applicant's proposed operations; policies and procedures relating to the delivery and quality of health care services; and plans for compliance with requirements under this part. The entity shall issue a report as required under subsection (6) which states its opinion as to whether the applicant's proposed operations, policies, procedures, and plans for compliance with requirements under this part would generally meet standards established under this part and by nationally recognized accrediting organizations. If the entity expresses an affirmative opinion concerning the applicant following review, which opinion may include recommendations relating to areas of activity which require improvement, and if the agency, after receipt of the report as required under subsection (6), determines that any areas of activity recommended for improvement will not materially compromise the applicant's ability to provide high-quality health care services consistent with the prevailing professional standards of care, a first-time applicant shall be deemed to have met the requirements of this section.

~~(b) In the event that no accreditation organization can be approved by the department, the department shall require each health maintenance organization and prepaid health clinic to have an external quality assurance assessment performed by a review organization approved by the department, as a condition of doing business in the state. The assessment shall be conducted within 1 year of the organization's receipt of its certificate of authority and every 2 years thereafter, or when the department deems additional assessments necessary.~~

(2) *Each organization shall submit a copy of an external quality-assurance review report as required under subsection (6). The agency shall accept such a report when the agency has certified that the reviewer:*

(a) Has ~~The accreditation or review organization must have~~ nationally recognized experience in *managed-care* ~~health maintenance organization~~ activities and, *specifically,* in the appraisal of medical practice and quality assurance in a health maintenance organization setting.

(b) Is ~~The accreditation or review organization shall~~ not currently ~~be~~ involved in the operation of the ~~health maintenance~~ organization *under review* or ~~prepaid health clinic, nor~~ in the delivery of health care services to its subscribers.

(c) Has ~~The accreditation or review organization shall~~ not ~~have~~ contracted or conducted consultations within the last 2 years, for other than accreditation *or preliminary external quality-assurance review* purposes, of the ~~health maintenance~~ organization *that is* ~~or prepaid health clinic~~ seeking accreditation or *preliminary external quality-assurance review* ~~under quality assurance assessment~~.

(d) Adopts minimum standards no less stringent than the requirements of paragraph (1)(b).

(3) A representative of the *agency may* ~~department shall~~ accompany the *accreditation or preliminary external quality-assurance reviewer* ~~accreditation or review organization~~ throughout the *review* ~~accreditation or assessment~~ process, but *may* ~~shall~~ not participate in the final *review* ~~accreditation or assessment~~ determination. The *agency and the accreditation or preliminary external quality-assurance reviewer* ~~accreditation or review organization~~ shall monitor and evaluate the quality and appropriateness of patient care, the organization's *pursuit* ~~pursuance~~ of opportunities to improve patient care and resolve identified problems, and the effectiveness of the internal *quality-assurance* ~~quality assurance~~ program required for *the organization's* ~~health maintenance organization and prepaid health clinic~~ certification *under 641.49(3)(p)* ~~pursuant to s. 641.49(3)(o)~~.

(4) *An external quality-assurance review conducted as a preliminary review or for accreditation under this section must* ~~The accreditation or assessment process shall~~ include *an examination* ~~a review~~ of:

(a) All documentation necessary to determine the current professional credentials of ~~employed health care~~ providers *delivering services* ~~or physicians providing service under contract to the health maintenance organization or prepaid health clinic~~.

(b) At least a representative sample of not fewer than 50 medical records of individual subscribers. When selecting a sample, any and all medical records may be subject to review. The sample of medical records shall be representative of all subscribers' records.

(5) Every organization shall submit its books, documentations, and medical records and take appropriate action as may be necessary to facilitate the *external quality-assurance review* ~~accreditation or assessment~~ process.

(6) The accreditation or *preliminary external quality-assurance reviewer* ~~review organization~~ shall issue a written report of its findings to the ~~health maintenance~~ organization's ~~or prepaid health clinic's~~ board of directors. A copy of the report shall be submitted to the *agency* ~~department~~ by the organization within 30 business days *after* ~~of~~ its receipt ~~by the health maintenance organization or prepaid health clinic~~.

(7) *Each organization is responsible for all* ~~The~~ expenses of the *preliminary external quality-assurance review or accreditation review. Any expenses paid by the applicant or organization under this subsection may be used to offset the calculation of the regulatory assessment authorized under s. 641.58* ~~accreditation or assessment process of each organization, including any expenses incurred pursuant to this section, shall be paid by the organization~~.

(8) Each external quality-assurance review must be coordinated with other state agencies and private reviewers in order to minimize disruption of business activities.

(9) The agency may investigate an organization whenever it reasonably considers an investigation to be necessary.

Section 31. Section 641.513, Florida Statutes, is created to read:

641.513 Requirements for providing emergency services and care.—In providing for emergency services and care as a covered service:

(1) A health maintenance organization shall not require prior authorization for the receipt of prehospital transport or treatment or emergency services and care; indicate that emergencies are not covered unless care is secured within a certain period of time; or deny payment based on the subscriber's, the hospital's, or the provider's failure to notify the health maintenance organization in advance or within a certain period of time after the care is given. A health maintenance organization shall not use terms such as "life-threatening" or "bona fide" to qualify the types of services that are covered.

(2) Emergency services and care to a subscriber of a health maintenance organization shall be provided pursuant to ss. 395.1041 and 401.45. Trauma services and care shall be provided pursuant to ss. 395.401-395.405.

(3)(a) When a subscriber is present at a hospital seeking emergency services and care, the determination of whether an emergency medical condition, as defined in s. 641.47, exists shall be made, for the purposes of treatment, by a physician of the hospital or, to the extent permitted by applicable law, by other appropriate licensed professional hospital personnel under the supervision of the hospital physician. The physician or the appropriate personnel shall indicate in the patient's chart the results of the screening, examination, and evaluation. The health maintenance organization shall compensate the provider for the screening, evaluation, and examination that is reasonably calculated to assist the health care provider in arriving at a determination of whether the patient's condition is an emergency medical condition. The health maintenance organization shall compensate the provider for emergency services and care. If a determination is made that an emergency medical condition does not exist, payment for services rendered subsequent to that determination is governed by the contract under which the subscriber is covered.

(b) If a determination has been made that an emergency medical condition exists and the subscriber has notified the hospital, or the hospital emergency personnel otherwise have knowledge that the patient is a subscriber of the health maintenance organization, the hospital must make a reasonable attempt to notify the subscriber's primary care physician, if known, or the health maintenance organization, if the health maintenance organization had previously requested in writing that the notification of the existence of the emergency medical condition be made directly to the health maintenance organization. If the primary care physician is not known or has not been contacted, the hospital must:

1. Notify the health maintenance organization as soon as possible prior to discharge of the subscriber from the emergency care area; or

2. Notify the health maintenance organization within 24 hours or on the next business day after admission of the subscriber as an inpatient to the hospital.

If notification required by this paragraph is not accomplished, the hospital must document its attempts to notify the health maintenance organization or the circumstances that precluded attempts to notify the health maintenance organization. A health maintenance organization may not deny payment for emergency services and care based on a hospital's failure to comply with the notification requirements of this paragraph. Nothing in this paragraph shall alter any contractual responsibility of a subscriber to contact the health maintenance organization, subsequent to receiving treatment for the emergency medical condition.

(c) If the subscriber's primary care physician responds to the notification, the hospital physician and the primary care physician may discuss the appropriate care and treatment of the subscriber. The health maintenance organization may have a member of the hospital staff with whom it has a contract participate in the treatment of the subscriber within the scope of the physician's hospital staff privileges. The subscriber may be transferred, in accordance with state and federal law, to a hospital that has a contract with the health maintenance organization and has the service capability to treat the subscriber's emergency medical condition. Notwithstanding any other state law, a hospital may request and collect from a patient, in accordance with federal law, insurance or financial information that is necessary to determine if the patient is a subscriber of a health maintenance organization, if emergency services and care are not delayed.

(4) A subscriber may be charged a reasonable copayment, as provided in s. 641.31(12), for the use of an emergency room, except for Medicaid recipients. Nothing in this section is intended to prohibit or limit application of a nominal copayment as provided in s. 409.9081 for the use of an emergency room for services other than emergency services and care.

(5) Reimbursement for services under this section provided to subscribers who are not Medicaid recipients by a provider for whom no contract exists between the provider and the health maintenance organization shall be the lesser of:

(a) The provider's charges;

(b) The usual and customary provider charges for similar services in the community where the services were provided; or

(c) The charge mutually agreed to by the health maintenance organization and the provider within 60 days after the submittal of the claim.

Such reimbursement shall be net of any applicable copayment authorized pursuant to subsection (4).

(6) Reimbursement for services under this section provided to subscribers who are Medicaid recipients by a provider for whom no contract exists between the provider and the health maintenance organization shall be the lesser of:

(a) The provider's charges;

(b) The usual and customary provider charges for similar services in the community where the services were provided;

(c) The charge mutually agreed to by the entity and the provider within 60 days after submittal of the claim; or

(d) The Medicaid rate.

Section 32. Section 641.515, Florida Statutes, is amended to read:

641.515 Investigation by the agency.—

(1) The agency shall investigate further any quality of care issue contained in recommendations and reports submitted *under* ~~pursuant to~~ ss. 408.7056 and 641.511. The agency shall also investigate further any information that indicates that the organization does not meet ~~accreditation standards or~~ the *requirements of this part or the* standards of the *surveying entity* ~~review organization~~ performing the external quality assurance *review* ~~assessment pursuant to reports submitted under s. 641.512~~. Every organization shall submit its books and records and take other appropriate action as may be necessary to facilitate *a review* ~~an examination~~. The agency shall have access to the organization's medical records of individuals and records of employed and contracted *providers* ~~physicians~~, with the consent of the subscriber or by court order, as necessary to carry out the provisions of this part.

(2) The reports and the records prepared or obtained under this section or s. 641.512 by the agency or by an outside source may be used *by* ~~solely for the purpose of~~ the agency in enforcing the requirements of this part and in disciplinary proceedings. Except as otherwise provided in this section, any *patient-identifying* ~~identifying~~ information contained in these records and reports is confidential and exempt from s. 119.07(1). ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(3) If the agency, through its examination or through any investigation, has a reasonable belief that conduct by a *provider,* staff member, or any other employee of an organization may constitute grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to such regulatory board.

(4) The agency shall *adopt* ~~promulgate~~ rules imposing upon *providers* ~~physicians and hospitals~~ performing services for *an* ~~a health maintenance~~ organization standards of care generally applicable to *such providers* ~~physicians and hospitals~~.

Section 33. Section 641.52, Florida Statutes, is amended to read:

641.52 ~~Suspension,~~ Revocation of certificate; *suspension of new enrollment; suspension of the health care provider certificate;* administrative fine; notice of action to the Department of Insurance; penalty for use of unlicensed providers.—

(1) The *agency* ~~department~~ may suspend the authority of an organization to enroll new subscribers or revoke the health care provider certificate of any organization, or order compliance within *a time certain* ~~60 days~~, if it finds that any of the following conditions exist:

(a) The organization is in substantial violation of its contracts.

(b) The organization is unable to fulfill its obligations under outstanding contracts entered into with its subscribers.

(c) The organization knowingly utilizes a provider who is furnishing or has furnished health care services and who does not have a subsisting license or other authority to practice or furnish health care services in this state.

(d) The organization no longer meets the requirements for the certificate as originally issued.

(e) The organization has violated any lawful rule or order of the *agency* ~~department~~ or any provision of this part.

(f) The organization has refused to be examined or to produce its accounts, records, and files for examination or to perform any other legal obligation as to such examination, when required by the *agency* ~~department~~.

(g) The organization has not, after given reasonable notice, maintained accreditation or received favorable external *quality-assurance reviews under* ~~quality assurance assessments pursuant to~~ s. 641.512 or, following an investigation *under* ~~pursuant to~~ s. 641.515, *has been determined to not materially meet requirements under this part.*

(2) Revocation of an organization's certificate shall be for a period of 2 years. After 2 years, the organization may apply for a new certificate by compliance with all application requirements applicable to first-time applicants.

(3) Suspension of an organization's authority to enroll new subscribers shall be for such period, not to exceed 1 year, as is fixed by the *agency* ~~department~~. The *agency* ~~department~~ shall, in its order suspending the authority of an organization to enroll new subscribers, specify the period during which the suspension is to be in effect and the conditions, if any, which must be met by the organization prior to reinstatement of its authority to enroll new subscribers. The order of suspension is subject to rescission or modification by further order of the *agency* ~~department~~ prior to the expiration of the suspension period. *Authority to enroll new subscribers* ~~Reinstatement~~ shall not be *reinstated* ~~made~~ unless requested by the organization; however, the *agency may* ~~department shall~~ not grant reinstatement if it finds that the circumstances for which the suspension *of authority to enroll new subscribers* occurred still exist or are likely to recur.

(4) *The agency may suspend the health care provider certificate issued to an organization. The agency shall, in its order suspending the health care provider certificate, specify the period during which the suspension is to be in effect and the conditions, if any, which must be met by the organization for reinstatement.* Upon expiration of the suspension period, the organization's certificate ~~shall~~ automatically *reinstates* ~~reinstate~~ unless the *agency* ~~department~~ finds that the causes of the suspension have not been removed or that the organization is otherwise not in compliance with ~~the requirements of~~ this part. If *the agency makes such a finding, the health care provider certificate shall not be reinstated and is considered* ~~not so automatically reinstated, the certificate shall be deemed~~ to have expired as of the end of the suspension period.

(5) If the *agency* ~~department~~ finds that one or more grounds exist for the revocation or suspension of a certificate issued under this part, the *agency* ~~department~~ may, in lieu of such revocation or suspension, impose a fine upon the organization. With respect to any nonwillful violation, *the* ~~such~~ fine *may* ~~shall~~ not exceed $2,500 per violation. ~~In no event shall~~ Such *fines may not* ~~fine~~ exceed an aggregate amount of *$25,000* ~~$10,000~~ for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of a lawful order or rule of the *agency* ~~department~~ or a provision of this part, the *agency* ~~department~~ may impose a fine upon the organization in an amount not to exceed $20,000 for each such violation. ~~In no event shall~~ Such *fines may not* ~~fine~~ exceed an aggregate amount of *$250,000* ~~$100,000~~ for all knowing and willful violations arising out of the same action. *The agency shall, by January 1, 1997, adopt by rule penalty categories that specify varying ranges of fines for willful violations and for nonwillful violations.*

(6) The *agency* ~~department~~ shall immediately notify the Department of Insurance whenever it issues an administrative complaint or an order or otherwise initiates legal proceedings resulting in or which may result in suspension or revocation of an organization's health care provider certificate *or suspension of new enrollment.*

(7) Any ~~health maintenance~~ organization *that* ~~which~~ knowingly utilizes the services of a provider who is not licensed or otherwise authorized by law to provide such services is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 34. Section 641.54, Florida Statutes, is amended to read:

641.54 Hospital and physician information disclosure.—

(1) Every ~~health maintenance~~ organization, *when appropriate,* shall maintain a current list, by geographic area, of all hospitals which are routinely and regularly used by the organization, indicating to which hospitals the organization may refer particular subscribers for nonemergency services. The list shall also include all physicians under the organization's direct employ or who are under contract or other arrangement with the organization to provide health care services to subscribers. The list shall contain the following information for each physician:

(a) Name.

(b) Office location.

(c) Medical area or areas of specialty.

(d) Board certification or eligibility in any area.

(e) License number.

(2) The list shall be made available, upon request, to the *agency* ~~department~~. The list shall also be made available, upon request:

(a) With respect to negotiation, application, or effectuation of a group health maintenance contract, to the employer or other person who will hold the contract on behalf of the subscriber group. The list may be restricted to include only physicians and hospitals in the group's geographic area.

(b) With respect to an individual health maintenance contract or any contract offered to a person who is entitled to have payments for health care costs made under *Medicaid or* Medicare~~,~~ *or* to *a* ~~the~~ person considering or making application to, or under contract with, the health maintenance organization. The list may be restricted to include only physicians and hospitals in the person's geographic area.

Section 35. Section 641.545, Florida Statutes, is created to read:

641.545 Subscriber risk assessments; requirements.—The agency shall require an organization, when providing services to Medicaid subscribers, to attempt, at least twice if necessary, to contact each new Medicaid subscriber within 3 months after the Medicaid subscriber enrolls, in order to perform a health-risk assessment. The health-risk-assessment instrument must include questions regarding early and periodic screening, diagnosis, and treatment history of Medicaid subscribers who are under 21 years of age and questions regarding pregnancy history. The organization must attempt to achieve a specific early and periodic screening, diagnosis, and treatment rate of at least 70 percent for those Medicaid subscribers who are continuously enrolled for at least 8 months. The agency shall develop a method by which the screening rate shall be calculated. The organization shall ask Medicaid subscribers to release to the plan or its providers medical records from providers who treated the Medicaid subscribers before their enrollment with the organization. The organization must use the health-risk assessments and the released medical records to identify Medicaid subscribers who have not received screenings in the past according to the agency-approved periodic schedule. The organization must contact, up to twice if necessary, any Medicaid subscriber who is more than 2 months behind in the periodic-screening schedule to urge that Medicaid subscriber or the Medicaid subscriber's responsible party to make an appointment for a screening visit. The agency shall require each organization, for its Medicaid subscribers, to report its early and periodic screening, diagnosis, and treatment rate, the trimester of pregnancy when prenatal care began, and the rate of low-birth-weight babies born to the organization's Medicaid subscribers. The agency shall monitor the organization's compliance with this section.

Section 36. Section 641.546, Florida Statutes, is created to read:

641.546 Maternity and newborn service requirements.—

(1) Each pregnant woman who is receiving prenatal care through an organization that is under contract with the agency must be given, and documentation in the medical record must indicate that she has been given:

(a) Healthy Start prenatal screening;

(b) Healthy Start care coordination;

(c) Healthy Start enhanced services in accordance with the results of the prenatal screening;

(d) Referral to the Special Supplemental Nutrition Program for Women, Infants, and Children;

(e) Counseling and services for family planning for the woman and her partner; and

(f) A scheduled postpartum visit that is for the purpose of voluntary family planning and that includes discussion of risks and benefits of all methods of contraception.

(2) Each infant who is born to a mother who is receiving health care through an organization that is under contract with the agency must be given, and documentation in the medical record must indicate that the infant has been given:

(a) Healthy Start infant screening;

(b) Healthy Start care coordination;

(c) Healthy Start enhanced services in accordance with the results of the infant screening; and

(d) Immunizations in accordance with standards set by the Centers for Disease Control and Prevention and the American Academy of Pediatrics.

Section 37. Section 641.55, Florida Statutes, is amended to read:

641.55 Internal risk management program.—

(1) Every ~~health maintenance~~ organization certified under this part shall, as a part of its administrative functions, establish an internal risk management program which shall include the following components:

(a) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents causing injury to patients;

(b) The development of appropriate measures to minimize the risk of injuries and adverse incidents to patients, including risk management and risk prevention education and training of all nonphysician personnel as follows:

1. Such education and training of all nonphysician personnel as part of their initial orientation; and

2. At least 1 hour of such education and training annually for all nonphysician personnel of the ~~health maintenance~~ organization who work in clinical areas and provide patient care;

(c) The analysis of patient grievances which relate to patient care and the quality of medical services; and

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all providers and all agents and employees of the ~~health maintenance~~ organization to report injuries and adverse incidents to the risk manager.

(2) The risk management program shall be the responsibility of the governing authority or board of the ~~health maintenance~~ organization. Every ~~health maintenance~~ organization which has an annual premium volume of $10 million or more and which directly provides health care in a building owned or leased by the ~~health maintenance~~ organization shall hire a risk manager, certified under ss. 626.941-626.945, who shall be responsible for implementation of the organization's risk management program required by this section. A part-time risk manager shall not be responsible for risk management programs in more than four organizations or facilities. Every ~~health maintenance~~ organization which does not directly provide health care in a building owned or leased by the ~~health maintenance~~ organization and every ~~health maintenance~~ organization with an annual premium volume of less than $10 million shall designate an officer or employee of the ~~health maintenance~~ organization to serve as the risk manager.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of medical malpractice and patient injury claims shall be encouraged and their

implementation and operation facilitated. Additional approaches may include extending risk management programs to provider offices or facilities.

(4) The *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ shall *adopt*~~, after consulting with the Department of Insurance, promulgate~~ rules necessary to carry out the provisions of this section, including rules governing the establishment of required internal risk management programs to meet the needs of individual *organizations and each specific organization type governed by this part* ~~establishments~~. The Department of Insurance shall assist the *agency* ~~Department of Health and Rehabilitative Services~~ in preparing these rules. Each internal risk management program shall include the use of incident reports to be filed with the risk manager. The risk manager shall have free access to all ~~health maintenance~~ organization or provider medical records. The incident reports shall be considered to be a part of the workpapers of the attorney defending the *organization* ~~establishment~~ in litigation relating *to a claim of malpractice or patient injury* ~~thereto~~ and shall be subject to discovery, but not be admissible as evidence in court, nor shall any person filing an incident report be subject to civil suit by virtue of the incident report and the matters it contains. As a part of each internal risk management program, the incident reports shall be utilized to develop categories of incidents which identify problem areas. Once identified, procedures *must* ~~shall~~ be adjusted to correct these problem areas.

(5)(a) Each ~~health maintenance~~ organization subject to this section must submit an annual report to the agency summarizing the incident reports that *were* ~~have been~~ filed in the ~~health maintenance~~ organization *during the preceding calendar* ~~for that~~ year pertaining to services rendered on the premises of the ~~health maintenance~~ organization. The report must be on a form prescribed by rule of the agency and must include, with respect to medical services rendered on the premises of the ~~health maintenance~~ organization:

1. The total number of adverse incidents causing injury to patients.

2. A listing, by category, of the types of operations, diagnostic or treatment procedures, or other actions causing the injuries and the number of incidents occurring within each category.

3. A listing, by category, of the types of injuries caused and the number of incidents occurring within each category.

4. The name of each provider or a code number using *each* ~~the~~ health care professional's license number and a separate code number identifying all other individuals directly involved in adverse incidents causing injury to *a patient* ~~patients~~, the relationship of the individual or provider to the ~~health maintenance~~ organization, and the number of incidents *with the organization* in which each individual or provider has been directly involved. Each ~~health maintenance~~ organization must maintain names of the health care professionals and individuals identified by code numbers for purposes of this section.

5. A description of all medical malpractice claims filed against the ~~health maintenance~~ organization or its providers, including the total number of pending and closed claims and the nature of the incident that led to, the persons involved in, and the status and disposition of each claim. Each report must update status and disposition for all prior reports.

6. A report of all disciplinary actions taken against any provider or any medical staff member of the ~~health maintenance~~ organization, including the nature and cause of the action.

(b) The information reported to the agency under paragraph (a) which relates to *providers* ~~persons~~ licensed under chapter 458, chapter 459, chapter 461, or chapter 466 must also be reported to the *agency* ~~Department of Business and Professional Regulation~~ quarterly. The *agency* ~~Department of Business and Professional Regulation~~ shall review the information and determine whether any of the incidents potentially involved conduct by a licensee that is subject to disciplinary action, in which case s. 455.225 applies.

(c) Except as otherwise provided in this subsection, any identifying information contained in the annual report and the quarterly reports under paragraphs (a) and (b) is confidential and exempt from s. 119.07(1). This information must not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency~~, the Department of Business and Professional Regulation,~~ or the appropriate regulatory board. However, the *agency* ~~Department of Business and Professional Regulation~~ shall make available, upon written request by a practitioner against whom probable cause has been found, any such information contained in the records that form the basis of the determination of probable cause *under* ~~pursuant to~~ s. 455.225. ~~The exemption from s. 119.07(1) provided in this subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(d) The annual report shall also contain the name of the risk manager of the ~~health maintenance~~ organization, a copy of its policy and procedures governing the measures taken by the organization and its risk manager to reduce the risk of injuries and adverse or untoward incidents, and the result of these measures.

(6) If an adverse or untoward incident, whether occurring in the facilities of the ~~health maintenance~~ organization or arising from health care prior to *enrollment by the organization or* admission to the facilities of the organization or in *a* ~~the~~ facility of one of its providers, results in:

(a) The death of a patient;

(b) Severe brain or spinal damage to a patient;

(c) A surgical procedure being performed on the wrong patient; or

(d) A surgical procedure unrelated to the patient's diagnosis or medical needs being performed on any patient,

the organization must report this incident to the agency within 3 working days after its occurrence. A more detailed followup report must be submitted to the agency within 10 days after the first report. The agency may require an additional, final report. Reports under this subsection must be sent immediately by the agency to the *appropriate regulatory board* ~~Department of Business and Professional Regulation~~ whenever they *contain references to* ~~involve~~ a ~~health care~~ provider licensed under chapter 458, chapter 459, chapter 461, or chapter 466. These reports are confidential and are exempt from s. 119.07(1). This information is not available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency~~, the Department of Business and Professional Regulation,~~ or the appropriate regulatory board. However, the *agency* ~~Department of Business and Professional Regulation~~ shall make available, upon written request by a practitioner against whom probable cause has been found, any such information contained in the records that form the basis of the determination of probable cause *under* ~~pursuant to~~ s. 455.225. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken by the ~~health maintenance~~ organization in response to the incident. The *agency* ~~Department of Business and Professional Regulation~~ shall review each incident and determine whether it potentially involved conduct by the licensee which is subject to disciplinary action, in which case s. 455.225 applies. ~~The exemptions from s. 119.07(1) provided in this subsection are subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(7) In addition to any penalty imposed *under* ~~pursuant to~~ s. 641.52, the *agency* ~~department~~ may impose an administrative fine, not to exceed $5,000, for any violation of the reporting requirements of subsection (5) or subsection (6).

(8) The agency and, upon subpoena issued under s. 455.223, the *appropriate regulatory board* ~~Department of Business and Professional Regulation~~ must be given access to all ~~health maintenance~~ organization records necessary to carry out the provisions of this section. Any identifying information contained in the records obtained under this section is confidential and exempt from s. 119.07(1). The identifying information contained in records obtained under s. 455.223 is exempt from s. 119.07(1) to the extent that it is part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the *agency* ~~Department of Business and Professional Regulation~~ or the appropriate regulatory board. However, the *agency* ~~Department of Business and Professional Regulation~~ must make available, upon written request by a practitioner against whom probable cause has been found, any such information contained in the records that form the basis of the determination of probable cause *under* ~~pursuant to~~ s. 455.225, except that, with respect to medical review committee records, s. 766.101 controls. ~~The exemption from s. 119.07(1) provided in this subsection is~~

~~subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(9) The *agency* ~~department~~ shall review, no less frequently than annually, the risk management program of each ~~health maintenance~~ organization regulated by this section to determine whether the program meets standards established in statutes and rules, whether the program is being conducted in a manner designed to reduce adverse incidents, and whether the program is appropriately reporting incidents under subsections (5) and (6).

(10) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any risk manager certified under part IX of chapter 626 for the implementation and oversight of the risk management program in *an* ~~a health maintenance~~ organization authorized under this chapter for any act or proceeding undertaken or performed within the scope of the function of such risk management program if the risk manager acts without intentional fraud.

(11) If the *agency* ~~department~~, through its receipt of the annual reports prescribed in subsection (5) or through any investigation, has a reasonable belief that conduct by a provider, staff member, or employee of *an* ~~a health maintenance~~ organization may constitute grounds for disciplinary action by the appropriate regulatory board, the *agency* ~~department~~ shall report this fact to the regulatory board.

(12) The agency shall send information bulletins to all ~~health maintenance~~ organizations as necessary to disseminate trends and preventive data derived from its actions under this section or under s. 395.0197.

The gross data compiled *under* ~~pursuant to~~ this section or s. 395.0197 shall be furnished by the *agency* ~~department~~ upon request to ~~health maintenance~~ organizations to be utilized for risk management purposes. The *agency shall adopt* ~~department may promulgate~~ rules necessary to carry out the provisions of this section.

Section 38. Section 641.56, Florida Statutes, is amended to read:

641.56 Rulemaking authority.—The *Agency for Health Care Administration* ~~department~~ is authorized to make rules, not inconsistent with law, which may be necessary to carry out the duties and authority conferred upon *it* ~~the department~~ by this part and to protect the health, safety, and welfare of the public.

Section 39. Section 641.57, Florida Statutes, is amended to read:

641.57 Disposition of moneys collected under this part.—Fees, administrative penalties, examination expenses, and other sums collected by the *Agency for Health Care Administration* ~~department~~ under this part shall be deposited to the credit of the Health Maintenance Organization Quality Care Trust Fund to be administered by the *agency* ~~department~~ and shall be used to defray the expenses of the *agency* ~~department~~ in the discharge of its administrative and regulatory powers and duties as prescribed by this part, including the maintaining of offices and necessary supplies ~~therefor~~, essential equipment and other materials, salaries and expenses of required personnel, and all other legitimate expenses relating to the discharge of the administrative and regulatory powers and duties imposed under such laws.

Section 40. Section 641.58, Florida Statutes, is amended to read:

641.58 ~~Health maintenance organization and prepaid health clinic~~ Regulatory assessment; levy and amount; use of funds; tax returns; penalty for failure to pay.—

(1) In addition to any other license or excise tax now or hereafter imposed, and such taxes as may be imposed under other statutes, there is hereby assessed and imposed upon every ~~health maintenance~~ organization ~~and every prepaid health clinic~~ authorized to engage in business in this state, an annual regulatory assessment not to exceed 0.1 percent of the gross amount of premiums collected by each organization ~~and clinic~~ on contracts or certificates issued to subscribers in this state. For the purpose of this section, "premium" shall include all prepaid per capita fees and prepaid aggregate fees, by whatever name called. The assessment shall be payable annually on or before April 1 to the *Agency for Health Care Administration* ~~department~~ by each organization ~~and clinic~~ on such premiums collected ~~by each~~ during the preceding calendar year, and shall be deposited into the Health Maintenance Organization Quality Care Trust Fund.

(2) The Department of Insurance shall determine the amount of gross premiums for the purposes of the regulatory assessment, *and then* ~~whereupon~~ the *agency* ~~department~~ shall determine on or before December 1 of each year the regulatory assessment percentage necessary to be imposed for that calendar year, payable on or before the following April 1, as herein prescribed, to provide the funds appropriated to the *agency* ~~department~~ to carry out the provisions of subsection (4).

(3) The *agency* ~~department~~ shall make and issue its order setting the regulatory assessment percentage for that calendar year, payable on or before April 1 of the following year, and shall mail a copy of such order to each ~~health maintenance~~ organization ~~and prepaid health clinic~~.

(4) The moneys so received and deposited into the Health Maintenance Organization Quality Care Trust Fund shall be used to defray the expenses of the *agency* ~~department~~ are ~~hereby~~ appropriated for use to defray the expenses of the *agency* ~~department~~ in the discharge of its administrative and regulatory powers and duties *under this* ~~as prescribed by~~ part ~~III of this chapter~~, including the maintaining of offices and necessary supplies ~~therefor~~, essential equipment and other materials, salaries and expenses of required personnel, and all other legitimate expenses ~~relating to the discharge of the administrative and regulatory powers and duties imposed under such part~~.

(5) If, at the end of any fiscal year, an unencumbered balance of funds received from the regulatory assessment imposed by this section remains in the Health Maintenance Organization Quality Care Trust Fund, such balance shall not revert to the General Revenue Fund of the state, but shall be retained in the Health Maintenance Organization Quality Care Trust Fund to be used for the purposes set forth above. The *agency* ~~department~~ shall take into account the amount of any such remaining funds when determining the regulatory assessment percentage for each calendar year.

(6) Tax returns with respect to the regulatory assessment prescribed by this section shall be made by each *organization* ~~entity~~ liable for payment of such tax on forms to be prescribed by the *agency* ~~department~~ and sworn to by one or more of the executive officers or other persons charged under the law with the management of the *organization* ~~entity~~. In the event of an overpayment on account of the assessment, a refund of the overpayment may be made to the remitter.

(7) If *an* ~~any health maintenance~~ organization ~~or prepaid health clinic~~ fails to pay the assessment required by this section on or before April 1 of each year, the *agency* ~~department~~ may suspend or revoke its health care provider certificate or impose ~~any~~ other *reasonable* administrative *sanctions or* penalties ~~provided under law~~.

Section 41. Section 641.61, Florida Statutes, is created to read:

641.61 Subscriber satisfaction assessment.—Each organization must establish systems for:

(1) Assessing subscriber satisfaction with providers, particularly primary care physicians;

(2) Sharing subscriber-satisfaction indicators and scores with providers;

(3) Publicly acknowledging providers with high positive subscriber-satisfaction scores;

(4) Addressing behaviors of providers with low subscriber-satisfaction scores; and

(5) Assessing subscriber access and physician availability.

Section 42. Section 641.62, Florida Statutes, is created to read:

641.62 Chronic diseases among subscriber populations.—Each organization must:

(1) Annually study its subscriber population to determine the most prevalent chronic diseases of its subscribers, design intervention strategies to reduce the morbidities and mortalities associated with at least two prevalent chronic diseases, measure the outcomes of the interventions implemented, and modify the interventions, if necessary, to improve their effectiveness;

(2) Request the input and assistance of its providers and share the information developed under subsection (1) with its providers and;

(3) Share the information developed under subsections (1) and (2) with subscribers identified as having these chronic diseases.

Section 43. The Legislature directs the Commissioner of Insurance, with assistance from the Agency for Health Care Administration, to commission the State University System to study current capitation arrangements and to make recommendations concerning current and future regulation of this manner of payment in the health care system. The study shall explore how health maintenance organizations and other insurers contract with both primary-care and specialty physicians, and other types of providers, and whether these contracts pose the risk of undue harm to the public or compromise medical or ethical values. In conducting its study the State University System shall be advised by representatives of the Insurance Commissioner, the Agency for Health Care Administration, the managed-care industry, the medical community, and hospital professionals. In addition, the State University System shall be advised by at least one medical ethicist. There shall be no travel expenses allowed for the advisors, and funding for the study shall come from the Insurance Regulatory Trust Fund and the Health Maintenance Organization Quality Care Trust Fund.

Section 44. (1) The Legislature recognizes that there is considerable overlap in the regulation of health maintenance organizations. Currently, the quality-review standards of private accrediting organizations, the federal Health Care Financing Administration, the Department of Insurance, and the Agency for Health Care Administration have considerable similarities and potential duplication. Since no agency has responsibility for coordination of inspection and review of health maintenance organizations, these various entities are conducting regular and periodic inspections and reviews that are frequently duplicative.

(2) In order to streamline the regulatory process, the Legislature directs the Commissioner of Insurance to convene a task force composed of regulators from the Agency for Health Care Administration, the Department of Insurance, accredited health maintenance organizations, and experts in private accreditation. Advisory assistance must be sought from federal regulators and private accrediting agencies. The task force shall make recommendations to the Legislature by January 1, 1997, concerning the coordination of inspections and reviews and the need to modify any statutes or rules to accomplish coordination.

(3) There shall be no expenses reimbursed for the advisors and funding for the task force activities shall come from the Insurance Regulatory Trust Fund and the Health Maintenance Organization Quality Care Trust Fund.

Section 45. Subsections (4) and (6) of section 641.225, Florida Statutes, are repealed.

Section 46. In order to implement the provisions of this act related to credentialing, HMO hotline, choice counseling, enrollment, fiscal agent changes and statewide subscribers assistance panel, there is hereby appropriated to the Agency for Health Care Administration $235,282 from the General Revenue Fund, $328,393 from the Administrative Trust Fund, $47,215 from the HMO Quality Care Trust Fund and 8 full time equivalent positions. In order to implement the provisions associated with choice counseling and enrollment, the agency is authorized to transfer up to $500,000 in General Revenue and $500,000 in Medical Care Trust Funds from Specific Appropriation 258 (Prepaid Health Plans/Health Maintenance Organizations) to cover the costs. In the event that a similar appropriation for this purpose is provided for in the General Appropriations Act or any other act which becomes law, this section is repealed.

Section 47. The sum of $95,017 is appropriated to the Department of Insurance from the Insurance Commissioner's Regulatory Trust Fund, and two additional positions are authorized, for the purposes of carrying out the provisions of this act.

Section 48. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to managed care; creating s. 381.0407, F.S.; creating the "Managed-Care and Publicly Funded Primary-Care-Program Coordination Act"; providing legislative findings and intent; providing definitions; requiring certain reimbursement requirements; providing for authorization and payment for certain services; specifying the reimbursement for services in certain disease emergency situations; amending s. 395.1041, F.S.; allowing hospitals to seek financial information from a patient, subject to certain conditions; amending s. 408.7056, F.S.; providing applicability of the Statewide Provider and Subscriber Assistance Program to prepaid health clinics, exclusive provider organizations, and prepaid limited health service organizations; amending s. 409.901, F.S.; defining the terms "agency," "managed care plan," and "MediPass"; and reorganizing defintions; amending s. 409.9071, F.S.; modifying required documentation of medical necessity for certain Medicaid eligible school children; amending s. 409.912, F.S., relating to the purchase of goods and services for Medicaid recipients; conforming provisions to the transfer of responsibilities for the Medicaid program from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; revising requirements for contracting with entities providing prepaid health and mental health services and for Department of Insurance certification of entities providing prepaid health care services; deleting the requirement that certain guaranteeing organizations be nonprofit entities; requiring certain entities to become licensed under the Insurance Code; providing certain notice requirements relating to Medicaid waiver requests; requiring certain entities to establish a restricted insolvency protection account; providing requirements for reimbursements to hospitals and physicians that provide services on a prepaid or fixed-sum basis; providing procedures for transfer or assignment of Medicaid contracts; authorizing additional benefits under certain circumstances; requiring the agency to adopt rules to implement a health care quality-improvement system for certain Medicaid prepaid plan providers and managed-care providers; specifying the elements of the system; requiring the agency to adopt rules to implement an enhanced managed-care quality-assurance oversight function; specifying the elements of the function; requiring Medicaid prepaid plan providers and MediPass providers to provide certain member services; requiring certain care, and documentation of care, to be provided to Medicaid prepaid plan and MediPass enrollee infants and pregnant women; limiting certain enrollment or selection incentives and activities; requiring the agency to publish a toll-free telephone number to receive certain consumer complaints; requiring the agency to have a MediPass enrollee grievance procedure; specifying the elements of the grievance procedure; requiring that the MediPass enrollee grievance procedure be detailed in the enrollee handbook; directing the agency to conduct recipient-satisfaction surveys; requiring publication of certain telephone numbers; authorizing agency contracts for program counseling, enrollment, and disenrollment services; providing for capitation rate adjustments; requiring the agency to comply with certain requirements in the provision of emergency services and care for MediPass recipients; amending s. 409.9122, F.S., relating to mandatory Medicaid managed-care enrollment; deleting a requirement for an evaluation of MediPass; revising legislative intent; requiring the agency to enroll Medicaid recipients into a managed care plan or MediPass; providing exceptions; providing procedures and requirements; prohibiting the agency from engaging in certain practices; providing primary care provider options; providing for limited extension of eligibility; providing marketing requirements in state offices; deleting obsolete language; creating s. 409.9123, F.S.; requiring the development of quality of care measures; creating s. 409.9125, F.S.; requiring a study of Medicaid alternative service networks; requiring a report; creating s. 409.9126, F.S., relating to children with special health care needs; providing definitions; requiring children eligible for the Children's Medical Services program and children with special health care needs to be served through the Children's Medical Services network of providers and facilities; authorizing provision of services to such children by school districts; providing for a payment methodology; requiring an evaluation and report; amending s. 641.18, F.S.; clarifying legislative intent that the Department of Insurance enforce health maintenance organization regulations to protect enrollees regardless of their source of payment; amending s. 641.19, F.S.; providing definitions; amending s. 641.2015, F.S.; providing an exemption from an incorporation requirement for certain public entities; creating s. 641.217, F.S.; requiring minority recruitment and retention plans from certain entities; providing standards; amending s. 641.22, F.S.; providing additional conditions for obtaining a certificate of authority; amending s. 641.225, F.S., relating to financial surplus requirements for health maintenance organizations; subjecting certain specified public managed-care providers to the surplus requirements unless they are backed by the full faith and credit of the county where located or surplus requirements as specified in s. 409.912(3)(c), F.S.; amending

s. 641.23, F.S.; providing for cancellation, revocation, and suspension of certificates of authority to operate a health maintenance organization; specifying a Medicaid medical loss ratio for certain health maintenance organizations that provide health care services to Medicaid recipients; requiring a corrective-action plan for failure to maintain the required ratio; requiring that the Agency for Health Care Administration be notified that a corrective-action plan has been requested; authorizing the Department of Insurance to impose certain specified sanctions; amending s. 641.25, F.S.; providing for an administrative penalty; amending s. 641.28, F.S., relating to civil remedy; conforming provisions to the transfer of responsibilities made by the act; amending s. 641.31, F.S.; requiring health maintenance contracts to contain definitions relating to emergency services and care; providing requirements relating to coverage for emergency services and care; amending s. 641.37, F.S.; increasing penalties for making false statements regarding health maintenance organization coverage; amending s. 641.386, F.S.; providing for inapplicability of an exemption from agent licensing and appointment; creating s. 641.3865, F.S.; regarding health maintenance organizations to use a specified form to pre-enroll Medicaid recipients; amending s. 641.3903, F.S., relating to unfair competition and trade practices; prohibiting certain discriminatory practices by health maintenance organizations; amending s. 641.47, F.S.; revising definitions; defining the terms "agency," "complaint," "emergency medical condition," "emergency services and care," and "grievance," deleting the definition of the term "department," and reorganizing definitions; amending s. 641.48, F.S., relating to the purpose and application of this part; deleting an exemption from health maintenance organization regulation for certain capitated reimbursed providers; amending s. 641.49, F.S., relating to an application procedure for certification of health maintenance organizations and prepaid health clinics; prescribing application requirements; requiring applicants to submit a statement with their application that the organization will consult with a Florida-licensed physician prior to denying certain claims; deleting a requirement that an organization designate a chief of medical staff; amending s. 641.495, F.S., relating to the issuance and maintenance of a health care provider certificate; specifying patient-physician ratios; specifying conditions under which a health maintenance organization is exempt from certain requirements; specifying when certificates automatically expire; amending s. 641.511, F.S.; prescribing subscriber grievance reporting and resolution requirements; amending s. 641.512, F.S., relating to accreditation and external quality-assurance assessment; requiring periodic external quality-assurance reviews of each health maintenance organization, prepaid health clinic, and prepaid limited health service organization; requiring the agency to adopt rules establishing certain external quality-assurance standards; providing for a comprehensive feasibility study as a preliminary quality-assurance review; requiring organizations to submit external quality-assurance review reports; revising guidelines for agency certification of private reviewers; providing for payment of expenses associated with review; excluding expenses paid from calculation of a specified regulatory assessment; requiring coordination of external quality-assurance reviews; authorizing the agency to investigate an organization when it considers it reasonably necessary; creating s. 641.513, F.S.; specifying requirements for provision of emergency services and care under a health maintenance organization contract; providing reimbursement procedures; amending s. 641.515, F.S.; providing for inspections; amending s. 641.52, F.S.; providing for disciplinary actions against health maintenance organizations, prepaid health clinics, and prepaid limited health service organizations; revising the aggregated maximum fines for violations of regulations; directing the agency to adopt rules that establish penalty categories that specify varying ranges of fines; amending s. 641.54, F.S.; providing for disclosure of hospital and physician information; creating s. 641.545, F.S.; providing for Medicaid subscriber risk assessments; requiring health maintenance organizations and prepaid health services to provide certain Medicaid subscriber services; requiring the agency to monitor compliance; creating s. 641.546, F.S.; providing requirements for maternity and newborn services; requiring certain care and documentation of care to be provided to pregnant subscribers and infant subscribers of health maintenance organizations and prepaid health clinics; amending s. 641.55, F.S.; providing for internal risk-management programs; amending s. 641.56, F.S.; prescribing rulemaking authority of the Agency for Health Care Administration; amending s. 641.57, F.S.; providing for the disposition of fees; amending s. 641.58, F.S.; providing for administration of regulatory assessments by the Agency for Health Care Administration; repealing s. 641.225(4) and (6), F.S., relating to financial surplus requirements for health maintenance organizations; requiring a study by the State University System concerning capitation arrangements; creating a task force to study overlapping regulations; creating s. 641.61, F.S.; providing for subscriber satisfaction assessments; creating s. 641.62, F.S.; providing for study of managed-care subscriber populations relating to chronic diseases and sharing of information pertaining to such populations; providing for a study of capitation arrangements; requiring recommendations to streamline the regulatory process; repealing s. 641.225(4), (6), F.S., relating to surplus requirements; providing appropriations; providing effective dates.

Senator Brown-Waite moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 13, line 3, delete "*if any*" and insert: *of any initial*

Amendment 1B—On page 13, lines 29 and 30, delete "~~, after legislative approval,~~" and insert: , after legislative approval,

Amendment 1C—On page 4, line 29 through page 8, line 6, delete those lines and insert:

Section 3. Section 408.7056, Florida Statutes, is amended to read:

408.7056 Statewide Provider and Subscriber Assistance Program.—

(1) The Agency for Health Care Administration shall adopt and implement a program to provide assistance to subscribers and providers, including those whose grievances are not ~~satisfactorily~~ resolved by the accountable health partnership, ~~or~~ health maintenance organization, *prepaid limited health service organization contracting with the agency under s. 409.912, or exclusive provider organization to the satisfaction of the subscriber or provider*. The panel shall not consider grievances which*:*

(a) Relate to an accountable health partnership's, ~~or~~ health maintenance organization's, *prepaid health clinics', Medicaid contract prepaid limited health service organization's, or exclusive provider organization's* refusal to accept a provider into its network of providers*;*

(b) Are a part of a reconsideration appeal through the Medicare appeals process;

(c) Are related to a health plan not regulated by the state such as an administrative services organization, third-party administrator, or federal employee health benefit program;

(d) Are related to appeals by in-plan suppliers and providers, unless related to quality of care provided by the plan; or

(e) Are part of a Medicaid fair hearing pursued pursuant to 42 C.F.R. s. 431.220 et seq.

(2) The program shall include the following:

(a) A review panel which may periodically review, consider, and recommend to the agency any actions the agency or the Department of Insurance should take concerning individual cases heard by the panel, as well as the types of grievances which have not been satisfactorily resolved after subscribers or providers have followed the full grievance procedures of the accountable health partnership, ~~or~~ health maintenance *organization, prepaid health clinic, prepaid limited health service organization contracting with the agency under s. 409.912, or exclusive provider organization* ~~organizations~~. The proceedings of the grievance panel shall not be subject to the provisions of chapter 120. The review panel shall consist of members employed by the agency and members employed by the Department of Insurance, chosen by their respective agencies. The agency may contract with a medical director and a primary care physician who shall provide additional technical expertise to the review panel. The medical director shall be selected from a health maintenance organization with a current certificate of authority to operate in Florida.

(b) A plan to disseminate information concerning the program to the general public as widely as possible.

(3)~~(2)~~ Every accountable health partnership, ~~or~~ health maintenance organization, *prepaid health clinic, prepaid limited health service organization contracting with the agency under s. 409.912, or exclusive provider organization* shall submit a quarterly report to the agency and the Department of Insurance listing the number and the nature of all subscribers' *and providers'* grievances which have not been resolved to the

satisfaction of the subscriber *or provider* after the subscriber *or provider* follows the full grievance procedure of the organization.

(4)~~(3)~~(a) The Agency for Health Care Administration may impose an administrative fine, after a formal investigation has been conducted on the accountable health partnership's, ~~or~~ health maintenance organization's, *prepaid health clinic's, Medicaid contract prepaid limited health service organization's, or exclusive provider organization's* failure to comply with quality of health services standards set forth in statute or rule. The Agency for Health Care Administration may initiate such an investigation based on the recommendations related to the quality of health services received from the Statewide Provider and Subscriber Assistance Panel pursuant to paragraph *(2)*~~(1)~~(a). The fine shall not exceed $2,500 per violation and in no event shall such fine exceed an aggregate amount of $10,000 for noncompliance arising out of the same action.

(b) In determining the amount to be levied for noncompliance under paragraph (a), the following factors shall be considered:

1. The severity of the noncompliance, including the probability that death or serious harm to the health or safety of the subscriber will result or has resulted, the severity of actual or potential harm and the extent to which provisions of this part were violated.

2. Actions taken by the accountable health partnership, ~~or~~ health maintenance organization, *prepaid health clinic, prepaid limited health service organization contracting with the agency under s. 409.912, or exclusive provider organization* to resolve or remedy any quality of care grievance.

3. Any previous incidences of noncompliance by the accountable health partnership, ~~or~~ health maintenance organization, *prepaid health clinic, prepaid limited health service organization contracting with the agency under s. 409.912, or exclusive provider organization*.

(c) All amounts collected pursuant to this subsection shall be deposited into the Health Maintenance Organization Quality Care Trust Fund.

(5)~~(4)~~ Any information which would identify a subscriber or the spouse, relative, or guardian of a subscriber and which is contained in a report obtained by the Department of Insurance pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Amendment 1D—On page 45, line 27 and on page 46, lines 3 and 22 before "*subscriber*" insert: *stock*

Amendment 1E—On page 25, line 23, delete "*under the supervision of the agency or its agents*"

Senator Jenne moved the following amendments to **Amendment 1** which were adopted:

Amendment 1F (with title amendment)—On page 43, between lines 26 and 27, insert:

Section 14. Paragraphs (h) and (i) of subsection (1) of section 641.21, Florida Statutes, are redesignated as paragraphs (i) and (j), respectively, and a new paragraph (h) is added to said subsection to read:

641.21 Application for certificate.—

(1) Before any entity may operate a health maintenance organization, it shall obtain a certificate of authority from the department. The department shall accept and shall begin its review of an application for a certificate of authority anytime after an organization has filed an application for a Health Care Provider Certificate pursuant to part III of this chapter. However, the department shall not issue a certificate of authority to any applicant which does not possess a valid Health Care Provider Certificate issued by the Department of Health and Rehabilitative Services. Each application for a certificate shall be on such form as the department shall prescribe, shall be verified by the oath of two officers of the corporation and properly notarized, and shall be accompanied by the following:

(h) As to any applicant whose business plan indicates that it will receive Medicaid or Medicare funds, a list of all contracts and agreements and any information relative to any payment or agreement to pay, directly or indirectly, a consultant fee, a broker fee, a commission, or other fee or charge related in any way to the application for a certificate of authority or the issuance of a certificate of authority, including, but not limited to, the name of the person or entity paying the fee; the name of the person or entity receiving the fee; the date of payment; and a brief description of the work performed. The contract, agreement, and related information shall, if requested, be provided to the department.

Section 15. Subsection (1) of section 641.234, Florida Statutes, is amended to read:

641.234 Administrative, provider, and management contracts.—

(1) The department may require a health maintenance organization to submit any contract for administrative services, contract with a provider other than an individual physician, contract for management services, and contract with an affiliated entity to the department~~, if the department has information and belief that the health maintenance organization has entered into a contract which requires it to pay a fee which is unreasonably high in relation to the service provided~~.

Section 16. Section 641.255, Florida Statutes, is amended to read:

641.255 Acquisition*, merger, or consolidation*.—

(1) Every *acquisition of a* health maintenance organization shall be subject to the provisions of s. 628.4615. However, in the case of a health maintenance organization organized as a for-profit corporation, the provisions of s. 628.451 govern with respect to any merger or consolidation; and, in the case of a health maintenance organization organized as a not-for-profit corporation, the provisions of s. 628.471 govern with respect to any merger or consolidation.

(2) In addition to the requirements set forth in ss. 628.451, 628.4615, and 628.471, each party to any transaction involving any licensee which, as indicated in its most recent quarterly or annual statement, derives income from Medicaid or Medicare funds shall in the filing made with the department identify:

(a) Any person who has received any payment from either party or any person on that party's behalf; or

(b) Any agreement entered into by either party or by any person on that party's behalf to pay a consultant fee, a broker fee, a commission, or other fee or charge,

which in any way relates to the acquisition, merger, or consolidation. The department may adopt a form to be made part of the application which is to be sworn to by an officer of the entity which made or will make the payment. The form shall include, but is not limited to, the name of the person or entity paying the fee; the name of the person or entity receiving the fee; the date of payment; and a brief description of the work performed.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 105, between lines 19 and 21, insert: s. 641.21, F.S.; specifying additional information to be provided to the Department of Insurance by certain applicants for a health maintenance organization certificate of authority; amending s. 641.234, F.S.; deleting a limitation on the department's authority to require copies of certain contracts; amending s. 641.255, F.S.; specifying that additional information relating to acquisition, merger, or consolidation of certain health maintenance organizations be provided to the department;

Amendment 1G (with title amendment)—On page 100, between lines 28 and 29, insert:

Section 45. Subsection (8) is added to section 641.225, Florida Statutes, to read:

641.225 Surplus requirements.—

(8) A surplus note shall not be used to initially capitalize a health maintenance organization.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 5, line 15, after the semicolon (;) insert: amending s. 641.225, F.S.; revising surplus requirements;

Senator Jones moved the following amendment to **Amendment 1** which failed:

Amendment 1H (with title amendment)—On page 101, between lines 15 and 16, insert:

Section 47. The Board of Massage and all of its statutory powers, duties, and functions and all of its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds are transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Division of Professions of the Department of Business and Professions of the Department of Business and Professional Regulation to the Division of Health Quality Assurance of the Agency for Health Care Administration.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 110, line 13, after the semicolon (;) insert: transferring the Board of Massage from the Department of Business and Professional Regulations to the Agency for Health Care Administration;

Senator Weinstein moved the following amendment to **Amendment 1** which failed:

Amendment 1I (with title amendment)—On page 53, lines 8-30, delete those lines and insert:

Section 20. Subsection (15) is added to section 627.6472, Florida Statutes, to read:

627.6472 Exclusive provider organizations.—

(15) Notwithstanding the provisions of this section, any exclusive provider organization which offers dermatological services shall provide direct access, for office visits and minor procedures and testing, to a dermatologist who is under contract with the exclusive provider organization. The exclusive provider organization shall, by July 1, 1996, develop criteria for compliance with the provisions of this section which do not impede or inhibit access to dermatological services for policyholders of the exclusive provider organization.

Section 21. Subsection (12) of section 641.31, Florida Statutes, is amended and subsection (26) is added to that section, to read:

641.31 Health maintenance contracts.—

(12) Each health maintenance contract, certificate, or member handbook shall state that emergency services shall be provided to subscribers in emergency situations not permitting treatment through the health maintenance organization's providers, without prior notification to and approval of the organization. Not less than 75 percent of the reasonable charges for covered services and supplies shall be paid by the organization, up to the subscriber contract benefit limits. Payment also may be subject to additional applicable copayment provisions, not to exceed $100 per claim. The health maintenance contract, certificate, or member handbook shall contain *the definitions* ~~a definition~~ of *"emergency services and care" and "emergency medical condition" as specified in s. 641.19* ~~emergency services~~, shall describe procedures for determination by the health maintenance organization of whether the services qualify for reimbursement as emergency services *and care* and shall contain specific examples of what does constitute an emergency. *In providing for emergency services and care as a covered service, an HMO shall be governed by s. 641.513.*

(26) Notwithstanding the provisions of this section, a health maintenance organization that offers dermatological services shall provide direct access, for office visits and minor procedures and testing, to a dermatologist who is under contract with the health maintenance organization. The health maintenance organization shall, by July 1, 1996, develop criteria for compliance with the provisions of this subsection that do not impede or inhibit access to dermatological services for policyholders of the health maintenance organization.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 106, line 25, after the semicolon (;) insert: prohibiting health maintenance organizations from requiring a referral for access to certain service providers; prohibiting such organizations from establishing adverse incentives against direct access to certain service providers; amending s. 627.6472, F.S.; prohibiting exclusive provider organizations from requiring a referral for access to certain service providers; prohibiting such organizations from establishing adverse incentives against direct access to certain service providers;

Amendment 1 as amended was adopted.

On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 979** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Dudley, by two-thirds vote—

CS for HB 2121—A bill to be entitled An act relating to liens; amending s. 713.05, F.S.; providing, with respect to persons in privity, for liens for money owed for labor, services, or materials furnished to improve public property under certain circumstances; amending s. 713.06, F.S.; providing, with respect to persons not in privity, for liens owed for labor, services, or materials furnished to improve public property, under certain circumstances, amending s. 713.08, F.S.; providing additional information which must be included on a claim for lien; amending s. 713.13, F.S.; revising language with respect to notice of commencement; amending s. 713.135, F.S.; revising language with respect to the notice of commencement and applicability of lien; requiring counties and municipalities to submit affidavits to the Advisory Council on Intergovernmental Relations with respect to building permits; amending s. 713.16, F.S.; revising language with respect to the demand for a copy of contract and status of account; amending s. 713.18, F.S., permitting service of notices or copies by fax; revising language with respect to the manner of serving notices and other instruments; amending s. 713.20, F.S.; providing the forms for waiver and release of lien upon progress or final payment; providing an effective date.

—a companion measure, was substituted for **CS for SB 1848** and by two-thirds vote read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for HB 2121** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 1734—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining "professional guardian"; amending s. 744.108, F.S.; requiring the petition for fees to include information on all prior fees paid or awarded; amending s. 744.202, F.S.; providing for petition to change venue under specified circumstances; amending s. 744.2025, F.S.; revising provisions relating to change of ward's residence; requiring prior court approval of relocation of the ward to a nonadjacent county; requiring certain notice to the court, and providing for court determination relating to venue, when the ward is relocated to an adjacent county; amending s. 744.309, F.S.; requiring a nonprofit corporate guardian to employ a professional guardian under certain circumstances when the nonprofit corporate guardian charges service fees against the ward's assets; amending s. 744.3215, F.S.; providing for right of persons determined incapacitated to be protected against exploitation; amending s. 744.331, F.S.; revising qualifications for members of the examining committee appointed by the court upon filing of petition for determination of incapacity; providing for the examining committee's fees to be paid by the guardian from property of the ward or, if indigent, by the county; amending s. 744.334, F.S.; prescribing contents of a petition for appointment of a professional guardian; amending s. 744.351, F.S.; providing for the court to require use of a financial institution under certain circumstances as an alternative to waiver of the guardian's bond; amending s. 744.367, F.S.; providing guidelines and time limits relating to filing of annual guardianship reports; amending s. 744.3675, F.S.; revising time limit relating to the physician's report included in the annual guardianship plan; amending s. 744.454, F.S.; providing that a guardian may purchase property or borrow money from the guardian's ward when authorized by the court; amending s. 28.241,

F.S.; eliminating a requirement for a county imposing certain public guardian fees, to match funds from county general revenue; reenacting s. 25.384(3), F.S., relating to the Court Education Trust Fund, to incorporate said amendment in a reference; amending s. 744.703, F.S.; revising staff qualifications for nonprofit corporations eligible for appointment as public guardians; amending s. 744.708, F.S.; providing that a chief judge may revise the staff-to-ward ratio for good cause; clarifying the term "professional" with respect to specified provisions relating to public guardians; amending s. 744.474, F.S.; providing additional grounds for removal of guardian; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for SB 1734** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB's 1626 and 1654—A bill to be entitled An act relating to administrative rules; amending s. 110.1128, F.S.; providing discretionary authority for the Department of Management Services to adopt rules necessary to carry out the administration of the requirements of selective service registration; amending s. 110.201, F.S.; requiring the department, in consultation with affected agencies, to develop personnel rules, guidelines, records, and reports relating to employees and positions in the career service; providing for review and approval by the Administration Commission; creating s. 110.1121, F.S.; providing that it is the policy of the state that sexual harassment is a form of discrimination; requiring the department to adopt uniform sexual harassment rules applicable to all executive agencies; requiring the rules to define sexual harassment in a manner consistent with the federal definition; amending s. 110.217, F.S.; requiring the department, in consultation with affected agencies, to develop uniform model appointment and promotion rules that must be used by employing agencies; authorizing exceptions; deleting a requirement that each employing agency is responsible for the establishment and maintenance of rules and guidelines for determining eligibility of applicants for appointments to positions in the career service; amending s. 110.503, F.S.; requiring each department or agency that uses the services of volunteers to comply with uniform rules adopted by the department; amending s. 255.25, F.S.; requiring the Department of Management Services to adopt, as a rule, uniform leasing procedures; deleting a requirement that each state agency develop procedures and adopt rules to ensure that the leasing practices of that agency are in substantial compliance with rules adopted by the department; amending s. 287.055, F.S.; deleting a requirement that agencies prescribe by rule procedures for the determination of a project involving a fixed capital outlay study or planning activity; deleting a requirement that each agency adopt rules for the evaluation of professional services; requiring the department to adopt rules for the award of design-build contracts to be followed by state agencies; requiring agencies to conduct a periodic review of their rules and to report to the Legislature; providing an effective date.

—was read the second time by title.

Senator Harris moved the following amendment:

Amendment 1 (with title amendment)—On page 2, line 26, insert:

Section 1. Personnel Pilot Projects.—

(1) It is the intent of the Legislature to encourage greater efficiency and effectiveness of state government through improvements in the delivery of services and the administration of government programs. Therefore, the Legislature intends to grant, on a pilot basis, managerial flexibility for the personnel programs of selected state agencies. An agency must have developed and submitted a performance-based budget, including performance measures, before submitting a plan for a personnel flexibility pilot project, unless such plan is otherwise approved for implementation by the Legislature.

(2) Each agency seeking managerial flexibility for its personnel programs shall develop a plan for its pilot project. A project may not exceed 3 years in duration absent specific legislative approval. The pilot project plan must include, at a minimum:

(a) The goals and objectives of the project;

(b) Baseline performance data on the personnel functions to be affected by the project, including a description of how the data will be measured and tracked throughout the project;

(c) A specific description of the current law, rule, or procedure that the pilot project is designed to address along with a proposal for changing the law, rule, or procedure; and

(d) A description of how the pilot program may be applicable to other state agencies.

(3) An agency shall submit its plans for a pilot project to the Legislature by February 1 in order for the project to be considered during the regular legislative session. The Legislature shall grant approval for the pilot project, either by general act, or through proviso in the General Appropriations Act.

(4) After the Legislature approves a plan for a personnel flexibility pilot project, the agency must prepare and submit a progress report to the Legislature and the Division of Personnel Management Services of the Department of Management Services every 6 months, or sooner, if so requested by the Legislature. Upon completion of the pilot project, the agency shall prepare and submit a final report on the project within 6 months of termination of the project.

Section 2. Subsection (2) of section 110.112, Florida Statutes, is amended to read:

110.112 Affirmative action; equal employment opportunity.—

(2)(a) The head of each executive agency shall develop and implement an affirmative action plan in accordance with rules adopted by the department and approved by a majority vote of the Administration Commission before their adoption.

(b) Each executive agency shall establish annual goals for ensuring full utilization of groups underrepresented in its workforce as compared to the relevant labor market, as defined by the agency. Each executive agency shall design its affirmative action plan to meet its established goals.

(c) An affirmative action-equal employment opportunity officer shall be appointed by the head of each executive agency. The affirmative action-equal employment opportunity officer's responsibilities must include determining annual goals, monitoring agency compliance, and providing consultation to managers regarding progress, deficiencies, and appropriate corrective action.

~~(d) Each executive agency shall submit its affirmative action plan and annual goals to the department on or before October 1 of each year for technical review and assistance.~~

(d)~~(e)~~ The department shall report *annually* ~~on or before February 1 of each year~~ to the Governor on the implementation, continuance, updating, and results of each executive agency's affirmative action plan for the previous fiscal year.

(e)~~(f)~~ The department shall provide to all supervisory personnel of the executive agencies training in the principles of equal employment opportunity and affirmative action, the development and implementation of affirmative action plans, and the establishment of annual affirmative action goals. The department may contract for training services, and each participating agency shall reimburse the department for costs incurred through such contract. After the department approves the contents of the training program for the agencies, the department may delegate this training to the executive agencies.

~~(g) Each executive agency shall submit to the department, as a part of its annual affirmative action plan, as provided in paragraph (d), a list of the supervisory personnel to be trained pursuant to paragraph (f) and the time period within which the training will be provided.~~

Section 3. Subsection (1) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.—

(1) Each employing agency~~, with the approval of the Department of Management Services,~~ shall designate such of its positions of state em-

ployment which, because of the special trust or responsibility or sensitive location of such positions, require that persons occupying such positions be subject to a security background check, including fingerprinting, as a condition of employment.

Section 4. Subsection (1) of section 110.114, Florida Statutes, is amended to read:

110.114 Employee wage deductions.—

(1) The state or any of its departments, bureaus, commissions, and officers are authorized and permitted, with the concurrence of the Department of Banking and Finance, to make deductions from the salary or wage of any employee or employees in such amount as shall be authorized and requested by such employee or employees and for such purpose as shall be authorized and requested by such employee or employees and shall pay such sums so deducted as directed by such employee or employees. The concurrence of the Department of Banking and Finance shall not be required for the deduction of a certified bargaining agent's membership dues deductions pursuant to s. 447.303 or any deductions *authorized* ~~required~~ by a collective bargaining agreement.

Section 5. Subsection (2) of section 110.117, Florida Statutes, is amended to read:

110.117 Paid holidays.—

(2) The *Governor* ~~department~~ may declare, when appropriate, a state day of mourning in observance of the death of a person in recognition of service rendered to the state or nation.

Section 6. Subsections (1) and (2) of section 110.124, Florida Statutes, are amended to read:

110.124 *Termination* ~~Retirement~~ or transfer of employees aged 65 or older.—

(1) An employee of the state who is within the Career Service System established by part II, or who is protected by any other merit system plan or system providing for tenure, may not be *terminated* ~~retired~~ by the agency or department in which he or she is employed solely because of attainment of age 65. Such employee may be *terminated* ~~retired~~ if the agency or department specifies charges or other cause for such *termination* ~~retirement~~. The attainment of age 65 or older shall not be considered as such specified cause for *termination* ~~retirement~~. If an employee continues in employment beyond age 65, the agency or department shall not be required to justify such continuation in employment.

(2) Whenever any employee who has attained age 65 is *terminated* ~~retired~~ by an agency or department *solely because the employee attains age 65*, the employee may apply for relief from the action to the Public Employees Relations Commission pursuant to s. 447.208. The employee shall continue in employment pending the outcome of the application. If the employee continues in employment following the decision of the commission, no further action shall be taken by the agency or department to *terminate* ~~retire~~ the employee for a period of 1 year following the date of the decision of the commission unless approved by the commission upon a showing by the agency or department that the employee's capability has changed to a sufficient extent that he or she is no longer able to perform any job within such agency or department.

Section 7. Subsection (1) and paragraph (f) of subsection (2) of section 110.1245, Florida Statutes, are amended to read:

110.1245 Meritorious service awards program.—

(1) The Department of Management Services shall set policy, develop procedures, and promote a program of meritorious service awards, incentives, and recognition to employees who:

(a) Propose procedures or ideas which are adopted and which will result in increasing productivity, in eliminating or reducing state expenditures or improving operations, or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority; or

(b) By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in the operations of the state government.

Every state agency, unless otherwise provided by law, shall participate in the program. The Chief Justice shall have the authority to establish a meritorious service awards program for employees of the judicial branch within the parameters established in this section. The component of the program specified in paragraph (a) shall apply to all employees within the Career Service System, the Selected Exempt Service System, and comparable employees within the judicial branch. The component of the program specified in paragraph (b) shall apply to all employees of the state. No award granted under the component of the program described in paragraph (a) shall exceed 10 percent of the first year's actual savings or actual revenue increase, up to *$25,000* ~~$5,000~~, plus applicable taxes, unless a larger award is made by the Legislature, and shall be paid from the appropriation available to the judicial branch or state agency affected by the award or from any specific appropriation therefor. No award granted under the component of the program described in paragraph (b) shall exceed $1,000 plus applicable taxes *per individual employee*. The judicial branch or an agency may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. In addition, the judicial branch or a state agency may award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award may not cost in excess of *$75* ~~$50~~ each plus applicable taxes.

(2) The department and the judicial branch shall submit to the President of the Senate and the Speaker of the House of Representatives by April 1 of each year a report which outlines each agency's level of participation in the meritorious service awards program. The report shall include, but not be limited to:

(f) The number of employees recognized for ~~continuous~~ satisfactory service to the state.

Section 8. Subsection (2) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(2) *An* ~~No~~ agency may employ any individual in other-personal-services temporary employment for ~~more than~~ 1,040 hours within any 12-month period ~~without the approval of the agency head. An agency head may extend such employment for no more than 1,040 hours~~. An extension beyond a total of *1,040* ~~2,080~~ hours within an agency for any individual *requires* ~~shall require~~ the approval of the *agency head or a designee* ~~department~~. Approval of extensions shall be made in accordance with criteria established by the department. Each agency shall maintain employee information as specified by the department regarding each extension of other-personal-services temporary employment. The time limitation established by this subsection does not apply to board members, consultants, seasonal employees, institutional clients employed as part of their rehabilitation, or bona fide, degree-seeking students in accredited secondary or postsecondary educational programs.

Section 9. Section 110.1523, Florida Statutes, is amended to read:

110.1523 Adoption of model rule.~~—The Department of Administration shall publish such model rule in the Florida Administrative Weekly by July 1, 1991, and proceed to adopt a model rule without undue delay pursuant to chapter 120.~~ The *model* rule shall be effective 20 days after having been filed with the Department of State and shall become part of the personnel rules of all applicable state agencies 150 days after the effective date of the rule to the extent that each agency does not, subsequent to such effective date, adopt a rule that sets forth the intent to specifically amend all or part of such model rule. Any employee or organization representing employees shall be considered a party for purposes of any rule required by ss. *110.1521-110.1523* ~~110.1521-110.1524~~, notwithstanding any provision of chapter 120 to the contrary.

Section 10. Paragraphs (c) and (d) of subsection (2) and paragraphs (e), (f), (l), and (m) of subsection (3) of section 110.171, Florida Statutes, are amended to read:

110.171 State employee telecommuting program.—

(2) The department shall:

~~(c) Adopt administrative rules necessary to administer the state employee telecommuting program.~~

~~(d) Develop telecommuting guidelines for state agencies to follow which, at a minimum, must include:~~

~~1. A description of the procedures and criteria to be used to identify employees that are to participate.~~

~~2. The proposed training requirements for those employees who will participate.~~

(3) By October 1, 1994, each state agency shall identify and maintain a current listing of the job classifications and positions that the agency considers appropriate for telecommuting. Agencies that adopt a state employee telecommuting program must:

(e) Provide that an employee *is not currently under a performance improvement plan* ~~have at least a current satisfactory performance appraisal~~ in order to participate in the program.

(f) Ensure that employees participating in the program are subject to the same rules regarding attendance, leave, performance *reviews* ~~appraisals~~, and separation action as are other employees.

~~(l) Require employees to arrange for a firesafety inspection of the home with the local fire department to be conducted within 30 days after signing a telecommuting agreement, including the submission of the inspection report to the employee's supervisor to be filed with the agreement, as well as the employee's installation of adequate smoke detectors and fire extinguishers in the proximity of the home office.~~

(l)~~(m)~~ Require a written agreement that specifies the terms and conditions of telecommuting, which *includes verification by the employee that the home office provides work space that is free of safety and fire hazards, together with an agreement which holds the state harmless against any and all claims, excluding workers' compensation claims, resulting from an employee working in the home office, and which* must be signed and agreed to by the telecommuter and the supervisor.

Section 11. Paragraph (b) of subsection (2) of section 110.207, Florida Statutes, is amended to read:

110.207 Classification plan.—

(2) The employing agency shall be responsible for the day-to-day application of classification rules promulgated by the department.

(b) The employing agency shall have the authority and responsibility to classify positions authorized by the Legislature or authorized pursuant to s. 216.262; to classify positions that are added in lieu of positions deleted pursuant to s. 216.262; and to reclassify established positions. Classification and reclassification actions taken by an employing agency shall be within the classes of positions established by the department, shall be funded within the limits of currently authorized appropriations, and shall be in accordance with the uniform procedures adopted by the department. ~~The employing agency shall notify the department prior to the effective date of any classification or reclassification action, as fixed by the agency and recorded on the position description.~~

Section 12. Paragraph (c) of subsection (2) of section 110.209, Florida Statutes, is amended to read:

110.209 Pay plan.—

(2)

(c) The department shall establish, by rule, guidelines with respect to, and shall delegate to the employing agencies the authority to administer, the following:

1. Shift differentials.

2. On-call fees.

3. Hazardous-duty pay.

4. Advanced appointment rates.

5. Salary increase and decrease corrections.

6. Lead worker pay.

7. Temporary special duties pay.

8. Trainer additive pay.

~~9. Workplace environment additive pay.~~

9.~~10.~~ Competitive area differentials.

10.~~11.~~ Coordinator pay.

The employing agency must use such pay additives as are appropriate within the guidelines established by the department and shall advise the department in writing of the plan for implementing such pay additives prior to the implementation date.

Section 13. Paragraph (a) of subsection (2) of section 110.21, Florida Statutes, is amended to read:

110.21 Shared employment.—In order to promote part-time career employment opportunities at all levels in the career service, the department shall establish and maintain a plan for shared employment applicable to all classes in the career service and shall be responsible for the overall review, coordination, and administration of the shared-employment plan.

(2) In accordance with rules adopted by the department, each employing agency may establish or convert a percentage of its career service positions, not to exceed 10 percent, for the shared-employment program. However:

(a) No agency shall *designate* ~~abolish~~ any position *which is* occupied by an employee *as a shared-employment position* without the ~~employee's~~ consent *of the incumbent, nor shall any agency designate a shared-employment position as full time without the consent of the incumbent or without a 90-day notice of such action* ~~in order to make the duties of such position available to be performed on a shared-employment basis~~.

Section 14. Section 110.2135, Florida Statutes, is amended to read:

110.2135 *Preference in employment, reemployment, promotion, and retention* ~~Exemption from examination and hiring procedures; eligible disabled veterans; probationary employment.—~~

(1) *Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran pursuant to ss. 295.07, 295.08, 295.085, 295.09, and 295.101* ~~An honorably discharged veteran who has wartime service as specified in s. 1.01(14), who has a service-connected disability rated at 30 percent or more by the United States Department of Veterans Affairs or its predecessor or the Armed Services of the United States, and who is a legal resident of this state is exempted from entrance examination requirements and hiring procedures administered by a state agency~~ as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

(2) A disabled veteran employed *as the result of being placed at the top of the appropriate employment list* under the provisions of *s. 295.08 or s. 295.085* ~~subsection (1)~~ shall be appointed for a probationary period of 1 year. At the end of such period, if the work of the veteran has been satisfactorily performed, the veteran will acquire permanent employment status and will be subject to the employment rules of the Department of Management Services and the veteran's employing agency.

Section 15. Subsection (3) of section 110.217, Florida Statutes, is amended to read:

110.217 Appointments and promotion.—

(3) Eligibility shall be based on possession of required *minimum qualifications for the job class and any required* entry-level knowledge, skills, and abilities, *and any certification and licensure required* for a particular position.

Section 16. Paragraph (c) of subsection (5) of section 110.219, Florida Statutes, is amended to read:

110.219 Attendance and leave; general policies.—

(5) Rules shall be adopted by the department in cooperation and consultation with the agencies to implement the provisions of this section; however, such rules must be approved by the Administration Commission prior to their adoption. Such rules must provide for, but need not be limited to:

(c) Holidays as provided in s. 110.117~~, which shall be observed as paid holidays~~.

Section 17. Subsection (4) and paragraph (a) of subsection (5) of section 110.227, Florida Statutes, are amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, and transfers.—

(4) Any permanent career service employee subject to reduction in pay, transfer, layoff, or demotion from a class in which he or she has permanent status in the Career Service System shall be notified in writing by the agency prior to its taking such action. *The* ~~Such~~ notice *may be delivered to the employee personally or may* ~~shall~~ be sent by certified mail with return receipt requested. Such actions shall be appealable to the Public Employees Relations Commission, pursuant to s. 447.208 and rules adopted by the commission.

(5)(a) Any permanent career service employee who is subject to suspension or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. Subsequent to such notice, and prior to the date the action is to be taken, the affected employee shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph *may be delivered to the employee personally or may* ~~shall~~ be sent by certified mail with return receipt requested. An employee who is suspended or dismissed shall be entitled to a hearing before the Public Employees Relations Commission or its designated agent pursuant to s. 447.208 and rules adopted by the commission.

Section 18. Subsection (1) of section 110.403, Florida Statutes, is amended to read:

110.403 Powers and duties of the Department of Management Services.—

(1) In order to implement the purposes of this part, the Department of Management Services, after approval by the Administration Commission, shall adopt and amend rules providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed 0.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

(b) A performance appraisal system which shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

(c) A classification plan and a salary and benefit plan that provides appropriate incentives for the recruitment and retention of outstanding management personnel and provides for salary increases based on performance. The Department of Management Services shall establish and implement recruiting procedures which ensure that vacancies are advertised or otherwise publicized outside the hiring agency.

(d) A system of rating duties and responsibilities for positions within the Senior Management Service and the qualifications of candidates for those positions.

~~(e) A program providing for periodic rotation of executive branch supervisory personnel into primary task or direct client contact positions within their unit of government. These assignments shall be of sufficient duration and variety so as to provide supervisors direct experience with actual performance of the duties of subordinates.~~

(e)~~(f)~~ A system for documenting actions taken on agency requests for approval of position exemptions and special pay increases.

(f)~~(g)~~ Requirements regarding recordkeeping by agencies with respect to Senior Management Service positions. Such records shall be audited periodically by the Department of Management Services to determine agency compliance with the provisions of this part and the rules of the Department of Management Services.

(g)~~(h)~~ Other procedures relating to personnel administration to carry out the purposes of this part.

(h)~~(i)~~ A program of affirmative and positive action that will ensure full utilization of women and minorities in Senior Management Service positions.

Section 19. Section 110.406, Florida Statutes, is amended to read:

110.406 Senior Management Service*; data collection* ~~annual report.—~~

(1) The *department* ~~secretary~~ shall *annually compile data*~~, no later than March 1 of each year, furnish to the President of the Senate and the Speaker of the House of Representatives a report~~ regarding the administration of the Senior Management Service.

(2) The *data* ~~annual report~~ required by this section shall include:

(a) A detailed description of the specific actions that have been taken by the department to implement the provisions of s. 110.403.

(b) Any recommendations and proposals for legislation which the secretary may have with respect to improving the operation and administration of the Senior Management Service.

(c) In addition, ~~in each even-numbered year,~~ the *data* ~~annual report shall also be furnished to the Executive Office of the Governor and~~ shall include:

1. A pricing analysis based on a market survey of positions comparable to those included in the Senior Management Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Senior Management Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Senior Management Service, indicating the mean salary for each classification within the Senior Management Service and the deviation from such mean with respect to each agency's salary practice in each classification; a review of the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and an opinion as to whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Senior Management Service.

(3) To assist in the preparation of the *data* ~~report~~ required by this section, the secretary may hire a consultant with expertise in the field of personnel management and may use the services of the advisory committee authorized in s. 110.405.

Section 20. Subsection (1) of section 110.407, Florida Statutes, is amended to read:

110.407 Performance audit of Senior Management Service.—

(1) The Auditor General shall ~~biennially~~ conduct a performance audit *every 4 years* of the Senior Management Service to determine whether the practices and procedures of the Department of Management Services comply with the provisions of this part and with sound principles of personnel management. The audit required by this section shall be completed and the report of such audit furnished to the President of the Senate and the Speaker of the House of Representatives no later than January 1 of *the* ~~each odd-numbered~~ year *following the year the audit was conducted*.

Section 21. Subsections (1) and (3) of section 110.605, Florida Statutes, are amended to read:

110.605 Powers and duties; personnel rules, records, reports, and performance appraisal.—

(1) The department shall adopt and administer uniform personnel rules, records, and reports ~~and a uniform performance appraisal system~~ relating to employees and positions in the Selected Exempt Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part. *A uniform performance appraisal system shall apply only to employees and positions in the Selected Exempt Service covered by a collective bargaining agreement.*

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, or appointment action or any additional transactions as the department may deem appropriate.

(b) It is the responsibility of the employing agency to maintain these records and all other records and reports prescribed in applicable rules on a current basis.

(c) The department shall periodically audit employing agency records to determine compliance with the provisions of this part and the rules of the department.

(d) The department shall develop a program of affirmative and positive actions that will ensure full utilization of women and minorities in Selected Exempt Service positions.

~~(3) The department shall establish and implement recruiting procedures which ensure that vacancies are advertised or otherwise publicized outside the hiring agency.~~

Section 22. Section 110.606, Florida Statutes, is amended to read:

110.606 Selected Exempt Service*; data collection* ~~annual report~~.—

(1) The *department* ~~secretary~~ shall *annually compile data*~~, no later than March 1 of each year, furnish to the President of the Senate and the Speaker of the House of Representatives a report~~ regarding the administration of the Selected Exempt Service.

(2) The *data* ~~annual report~~ required by this section shall include:

(a) A detailed description of the specific actions that have been taken by the department to implement the provisions of this part.

(b) Any recommendations and proposals for legislation which the secretary may have with respect to improving the operation and administration of the Selected Exempt Service.

(c) In addition, in each even-numbered year, the *data* ~~annual report shall also be furnished to the Executive Office of the Governor and~~ shall include:

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

(3) To assist in the preparation of the *data* ~~report~~ required by this section, the secretary may hire a consultant with expertise in the field of personnel management.

Section 23. Subsection (1) of section 110.607, Florida Statutes, is amended to read:

110.607 Performance audit of Selected Exempt Service.—

(1) The Auditor General shall~~, on a biennial basis,~~ conduct a performance audit of the Selected Exempt Service *every 4 years* to determine whether the practices and procedures of the Department of Management Services comply with the provisions of this part and with sound principles of personnel management. The audit required by this section shall be completed and the report of such audit furnished to the President of the Senate and the Speaker of the House of Representatives no later than January 1 of *the* ~~each odd-numbered~~ year *following the year the audit was conducted.*

Section 24. Paragraphs (d), (e), (f), and (g) of subsection (1) of section 216.262, Florida Statutes, are amended to read:

216.262 Authorized positions.—

(1)

(d) *An* ~~No~~ individual employed by a state agency or by the judicial branch may *not* hold more than one employment during his or her normal working hours with the state, such working hours to be determined by the head of the state agency affected, unless approved by the Department of Management Services*, or otherwise delegated to the agency head,* or by the Chief Justice of the Supreme Court, respectively.

(e) *An* ~~No~~ individual employed by a state agency or by the judicial branch may *not* fill more than a total of one full-time equivalent established position, receive compensation simultaneously from any appropriation other than appropriations for salaries, or receive compensation simultaneously from more than one state agency unless approved by the Department of Management Services*, or otherwise delegated to the agency head,* or by the Chief Justice, respectively, during each fiscal year.

(f) ~~No~~ Perquisites may *not* be furnished by a state agency or by the judicial branch unless approved by the *Department of* ~~Division of Personnel~~ Management Services*, or otherwise delegated to the agency head,* or by the Chief Justice, respectively, during each fiscal year. Whenever a state agency or the judicial branch is to furnish perquisites, the Department of Management Services *or the agency head to which the approval has been delegated* or the Chief Justice, respectively, must approve the kind and monetary value of such perquisites before they may be furnished.

(g) If goods and services are to be sold to officers and employees of a state agency or of the judicial branch rather than being furnished as perquisites, the kind and selling price thereof shall be approved by the Department of Management Services*, unless otherwise delegated to the agency head,* or by the Chief Justice, respectively, during each fiscal year before such sales are made. The selling price may be deducted from any amounts due by the state to any person receiving such things. The amount of cash so deducted shall be faithfully accounted for. This paragraph does not apply to sales to officers or employees of items generally sold to the public and does not apply to meals which may be provided without charge to volunteers under a volunteer service program approved by the Department of Management Services.

Section 25. Section 110.1232, Florida Statutes, is amended to read:

110.1232 Health insurance coverage for persons retired under state-administered retirement systems before January 1, 1976, and for spouses.—Notwithstanding any provisions of law to the contrary~~, or the provisions of s. 110.1231~~, the Department of Management Services shall provide health insurance coverage in the State Group Health Insurance Plan for persons who retired prior to January 1, 1976, under any of the state-administered retirement systems and who are not covered by social security and for the spouses and surviving spouses of such retirees who are also not covered by social security. Such health insurance coverage shall provide the same benefits as provided to other retirees who are entitled to participate under s. 110.123. The claims experience of this group shall be commingled with the claims experience of other members covered under s. 110.123.

Section 26. Section 110.1521, Florida Statutes, is amended to read:

110.1521 Short title.—Sections *110.1521-110.1523* ~~110.1521-110.1524~~ may be cited as the "Family Support Personnel Policies Act."

Section 27. Section 110.1522, Florida Statutes, is amended to read:

110.1522 Model rule establishing family support personnel policies.—The Department of Management Services shall develop a model rule establishing family support personnel policies for all executive branch agencies, excluding the State University System. "Family support personnel policies," for purposes of ss. *110.1521-110.1523* ~~110.1521-110.1524~~, means personnel policies affecting employees' ability to both work and devote care and attention to their families and includes policies on flexible hour work schedules, compressed time, job sharing, part-time employment, maternity or paternity leave for employees with a newborn or newly adopted child, and paid and unpaid family or administrative leave for family responsibilities.

Section 28. Paragraph (f) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(f) Establish and maintain systemwide personnel programs for all State University System employees, including a systemwide personnel classification and pay plan, notwithstanding provisions of law that grant authority to the Department of Management Services over such programs for state employees. The board shall consult with the legislative appropriations committees regarding any major policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities. The board may adopt rules delegating its authority to the Chancellor or the universities. The board shall submit, in a manner prescribed by law, any reports concerning State University System personnel programs as shall be required of the Department of Management Services for other state employees. The Department of Management Services shall retain authority over State University System employees for programs established in ss. 110.116, 110.123, ~~110.1231,~~ 110.1232, 110.1234, 110.1235, and 110.1238 and in chapters 121, 122, and 238. The board shall adopt only those rules necessary to provide for a coordinated, efficient systemwide program and shall delegate to the universities all authority necessary for implementation of the program consistent with these coordinating rules so adopted and applicable collective bargaining agreements. Notwithstanding the provisions of s. 216.181(7), the salary rate controls for positions in budgets under the Board of Regents shall separately delineate the general faculty and all other categories.

Section 29. Subsection (3) of section 17.325, Florida Statutes, is amended to read:

17.325 Governmental efficiency hotline; duties of Comptroller.—

(3) Each telephone call on the hotline shall be received by the office of the Comptroller, and a record of each suggestion or information received shall be entered into a log kept by the Comptroller. A call on the hotline may be anonymous and shall be confidential. If a caller discloses that he or she is a state employee, the Comptroller, in addition to maintaining a record as required by this section, may refer any information or suggestion from the caller to an existing state awards program administered by the Department of *Management Services* ~~Administration~~ or by the State University System. The Comptroller shall conduct a preliminary evaluation of the efficacy of any suggestion or information received through the hotline and shall make a preliminary determination of the amount of revenues the state might save by implementing the suggestion or making use of such information.

Section 30. Subsection (1) of section 110.1097, Florida Statutes, is amended to read:

110.1097 Personnel system improvements for Department of Health and Rehabilitative Services; intent; review, report.—

(1) Pursuant to s. 110.109(1), the Department of *Management Services* ~~Administration~~ is directed to assist the Department of Health and Rehabilitative Services in conducting a review of the personnel system of the Department of Health and Rehabilitative Services to identify problem areas and make recommendations for the improvement of productivity and human resources management. The review shall include an analysis of all pertinent statutes, policies, and rules affecting the personnel system of the Department of Health and Rehabilitative Services and an analysis of the recommendations of recent studies of the Department of Health and Rehabilitative Services, including, but not limited to, those by the National Academy of Public Administration (1986), the Child Welfare League of America (1990), and the House Committee on Health and Rehabilitative Services (1990). This review of personnel issues affecting the Department of Health and Rehabilitative Services shall be comprehensive and shall include an assessment of and recommendations with respect to at least the following issues:

(a) Salaries and benefits.

(b) Staff turnover.

(c) Recruitment and retention, particularly with respect to child welfare and health care workers.

(d) Employee professionalism and competence.

(e) Personnel qualifications.

(f) Preservice and inservice training.

(g) Salary rate control.

(h) The personnel classification system.

(i) Career ladder opportunities.

(j) The association between automated systems and worker productivity.

(k) The need for greater local flexibility with respect to personnel actions.

Section 31. Subsection (5) of section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.—

(5) The Department of *Management Services* ~~Administration~~, in consultation with the agencies and Florida's public postsecondary educational institutions, shall adopt rules to implement and administer this section.

Section 32. Subsection (2) of section 110.12315, Florida Statutes, is amended to read:

110.12315 Prescription drug program.—

(2)(a) Notwithstanding provisions of statute or agency administrative rules that may have been enacted or adopted prior to April 8, 1992, the Department of *Management Services* ~~Administration~~, in making provision for reimbursement for prescription medicines dispensed to members of the State Group Health Insurance Plan and their dependents, shall allow prescriptions written by health care providers under the plan to be filled by any licensed pharmacy pursuant to contractual claims-processing provisions. Retail pharmacies participating in this program shall be reimbursed at a uniform rate and subject to uniform conditions, according to the terms and conditions of the plan established by the Department of *Management Services* ~~Administration~~ and relevant provisions of the annual General Appropriations Act and implementing legislation. Nothing in this section shall be construed as prohibiting a mail order prescription drug program distinct from the service provided by retail pharmacies.

(b) The reimbursement schedule developed by the Department of *Management Services* ~~Administration~~ for a prescription pharmaceutical shall be based on the cost of the generic equivalent drug if a generic equivalent exists, unless the physician prescribing the pharmaceutical clearly states on the prescription that the brand name drug is medically necessary or that the drug product is included on the formulary of drug products that may not be interchanged as provided in chapter 465. In cases in which the physician indicates that a brand name drug is medically necessary, reimbursement shall be based on the cost of the brand name drug as specified in the reimbursement plan adopted by the Department of *Management Services* ~~Administration~~.

(c) Not later than October 1, 1992, the Department of *Management Services* ~~Administration~~ shall implement a prescription utilization review program. All pharmacies dispensing medicines to members of the State Group Health Insurance Plan and their dependents shall be required to make records available for this review as a condition of participation in the State Group Health Insurance Plan.

(d) The Department of *Management Services* ~~Administration~~ shall assure the prompt implementation of this section and may reject all existing contract bids, rebid a pharmaceutical contract, or amend any existing pharmaceutical contract, and exercise any option for terminating any contract that conflicts with these provisions. The Department of *Management Services* ~~Administration~~ shall incorporate additional cost savings and adjustments required to balance within appropriations provided, including, but not limited to, a trial or starter dose program and dispensing of long-term maintenance medication in lieu of acute therapy medication. This section does not authorize a reduction in the existing benefit configuration or allow premiums, deductions, or copayments to be raised above the levels specified in the 1992-1993 General Appropriations Act.

Section 33. Subsection (2) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental transfer and interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with the Federal Government, with another state, with another municipality or political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with the Federal Government, with another state, with a municipality or political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(2) The period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years. Upon agreement of the sending party and the receiving party and under the same or modified terms, an assignment or detail of 2 years may be extended by 3 months. However, agreements relating to faculty members of the State University System may be extended biennially upon approval by the Department of *Management Services* ~~Administration~~. If the appointing agency is the Governor or the Governor and Cabinet, the period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years plus an extension of 3 months or the number of years left in the term of office of the Governor, whichever is less.

Section 34. Paragraph (a) of subsection (2) of section 402.50, Florida Statutes, is amended to read:

402.50 Administrative infrastructure; legislative intent; establishment of standards.—

(1) LEGISLATIVE INTENT.—The Legislature finds evidence of deficiencies in the administrative infrastructure of the Department of Health and Rehabilitative Services, hereafter referred to as the "department," that may negatively affect the timeliness and quality of delivery of services. Particularly, the Legislature finds that inadequate client and management information systems have impeded integrated service delivery, that program evaluation activities have been insufficient, that workloads of administrative personnel are excessive, and that clients and service providers have been adversely affected by these administrative deficiencies. It is the intent of the Legislature that the administrative infrastructure of the department be established at levels necessary to support efficient and effective delivery of services. Further, it is the intent of the Legislature that contracts of the department with service providers include established levels of funding for administrative infrastructure to support efficient and effective delivery of contracted services.

(2) ADMINISTRATIVE INFRASTRUCTURE STANDARDS.—

(a) The department, in conjunction with the Department of *Management Services* ~~Administration~~ and the Governor's Office of Planning and Budgeting, shall develop standards for administrative infrastructure funding and staffing to support the department and contract service providers in the execution of their duties and responsibilities. A report of recommended standards shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the Senate and House, and the chairpersons of appropriate House and Senate committees by October 1, 1992.

Section 35. Section 760.04, Florida Statutes, is amended to read:

760.04 Commission on Human Relations, assigned to Department of *Management Services* ~~Administration~~.—The commission created by s. 760.03 is assigned to the Department of *Management Services* ~~Administration~~. The commission, in the performance of its duties pursuant to the Florida Civil Rights Act of 1992, shall not be subject to control, supervision, or direction by the Department of *Management Services* ~~Administration~~.

Section 36. Paragraph (a) of subsection (9) of section 447.207, Florida Statutes, is amended to read:

447.207 Commission; powers and duties.—

(9) Pursuant to s. 447.208, the commission or its designated agent shall hear appeals, and enter such orders as it deems appropriate, arising out of:

(a) Section 110.124, relating to *termination* ~~retirement~~ or transfer of State Career Service System employees aged 65 or older.

(b) Section 112.044(4), relating to age discrimination.

(c) Section 295.11, relating to reasons for not employing a preferred veteran applicant.

Section 37. Section 110.1231, Florida Statutes, as amended by chapter 94-249, Laws of Florida, and section 110.1524, Florida Statutes, are repealed.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, delete that line, and insert: An act relating to state government; authorizing state agencies to institute pilot projects for managerial flexibility in personnel programs; establishing qualifying criteria; requiring plans and reports; limiting the time for such projects; requiring approval; amending s. 110.112, F.S.; deleting submission of certain information relating to affirmative action; revising a reporting requirement; amending s. 110.1127, F.S.; deleting reference to the Department of Management Services with respect to employee security checks; amending s. 110.114, F.S.; clarifying provisions concerning employee wage deductions; amending s. 110.117, F.S.; providing for the Governor, instead of the Department of Management Services, to declare a day of mourning for a deceased state or federal employee; amending s. 110.124, F.S.; providing for termination of, rather than retirement of, certain employees aged 65 or older, under certain circumstances; amending s. 110.1245, F.S.; clarifying provisions governing grants of meritorious service awards; increasing certain award limits; amending s. 110.131, F.S.; removing the cap on total hours other-personal-services temporary employment may be extended; providing for agency head or designee approval; amending s. 110.1523, F.S.; deleting obsolete provisions relating to adoption of a model rule governing family support personnel policies; conforming a cross-reference; amending s. 110.171, F.S.; deleting a reference to rulemaking; revising provisions concerning the state employee telecommuting program and concerning elements required for adoption of the program; amending s. 110.207, F.S.; removing notification requirements concerning certain classification or reclassification actions; amending s. 110.209, F.S.; revising provisions governing guidelines for pay plans; amending s. 110.21, F.S.; prohibiting cer-

tain agency action concerning positions that are and are not shared-employment positions; amending s. 110.2135, F.S.; providing for preference in employment, reemployment, promotion, and retention; amending s. 110.217, F.S.; adding requirements for eligibility for appointment and promotion; amending s. 110.219, F.S.; removing redundant provisions; amending s. 110.227, F.S.; authorizing personal delivery of notice of suspension, dismissal, reduction in pay, demotion, layoff, or transfer to an employee; amending s. 110.403, F.S.; deleting certain rules for Senior Management Service; amending s. 110.406, F.S.; deleting requirements for Senior Management Service reports to the Legislature and Governor; amending s. 110.407, F.S.; requiring performance audits of the department every 4 years instead of biennially; amending s. 110.605, F.S.; applying a uniform performance appraisal system only to employees and positions in the Selected Exempt Service covered by a collective bargaining agreement; deleting provisions relating to recruiting procedures; amending s. 110.606, F.S.; deleting requirements for Selected Exempt Service reports to the Legislature and Governor; amending s. 110.607, F.S.; requiring performance audits of the Selected Exempt Service every 4 years instead of biennially; amending s. 216.262, F.S.; clarifying provisions; authorizing delegation of certain authority to agency heads concerning authorized positions in state government; amending ss. 110.1232, 110.1521, 110.1522, 240.209, F.S.; conforming cross-references; amending ss. 17.325, 110.1097, 110.1099, 110.12315, 112.24, 402.50, 760.04, F.S.; replacing references to Department of Administration, which was abolished by ch. 92-279, Laws of Florida, with Department of Management Services; amending s. 447.207, F.S., to conform; repealing s. 110.1231, F.S., relating to health care insurance for persons retired under state-administered retirement systems before January 1, 1976, and their surviving spouses; repealing s. 110.1524, F.S., relating to appointment and duties of advisory committee to agency heads concerning family support personnel policies;

Senator Gutman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 10, lines 21-23, delete those lines and insert:

Section 11. Paragraph (g) is added to subsection (1) of section 110.207, Florida Statutes, and paragraph (b) of subsection (2) of that section is amended to read:

110.207 Classification plan.—

(1) The department shall establish and maintain a uniform classification plan applicable to all positions in the career service and shall be responsible for the overall coordination, review, and maintenance of the plan.

(g) Effective July 1, 1996, the department is directed to review the model classification plan established by the Department of Transportation under s. 334.0445, to determine whether the plan is suitable for statewide implementation. The department shall identify and resolve those issues that may affect statewide implementation by all agencies and ensure that the system is compatible with program based budgeting as set forth in s. 216.0166. To assist in the review, the Secretary of the Department of Management Services may appoint a task force, which shall include a representative of the Department of Transportation and state agency representatives with personnel, classification, and compensation experience. The department shall prepare a report of recommendations which shall be forwarded to the Governor, the President of the Senate, the Speaker of the House of Representatives and appropriate legislative committees no later than January 15, 1997.

And the title is amended as follows:

On page 33, line 30, after the semicolon (;) insert: providing for a review by the Department of Management Services of the model classification plan established by the Department of Transportation; providing for a report;

Amendment 1 as amended was adopted.

Senator Thomas moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 7, between lines 24 and 25, insert:

Section 6. Paragraph (a) of subsection (7) of section 112.061, Florida Statutes, is amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(7) TRANSPORTATION.—

(a) All travel must be by a usually traveled route. In case a person travels by an indirect route for his or her own convenience, any extra costs shall be borne by the traveler; and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. The agency head shall designate the most economical method of travel for each trip, keeping in mind the following conditions:

1. The nature of the business.

2. The most efficient and economical means of travel (considering time of the traveler, *impact on the productivity of the traveler,* cost of transportation, and per diem or subsistence required). *When it is more efficient and economical to either the traveler or the agency head, jet service offered by any airline, whether on state contract or not, may be used when the cost is within an approved threshold determined by the agency head.*

3. The number of persons making the trip and the amount of equipment or material to be transported.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, delete that line and insert: amending s. 112.061, F.S.; authorizing state travelers to use jet airplane service under specified circumstances;

Senator Harden moved the following amendment which was adopted:

Amendment 3—On page 13, line 3, before the comma (,) insert: *or s. 240.209(3)*

Senator Harris moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 14, after line 31, insert:

Section 9. Subsection (1) of section 110.501, Florida Statutes, is amended to read:

110.501 Definitions.—As used in this act:

(1) "Volunteer" means any person who, of his or her own free will, provides goods or services to any state department or agency, *or nonprofit organization,* with no monetary or material compensation. A person registered and serving in Older American Volunteer Programs authorized by the Domestic Volunteer Service Act of 1973, as amended (Pub. L. No. 93-113), shall also be defined as a volunteer and *shall incur no civil liability as provided by s. 768.1355. A volunteer shall be* eligible for payment of volunteer benefits as specified in Pub. L. No. 93-113, this section, and s. 430.204.

Section 10. Subsection (3) of section 110.502, Florida Statutes, is amended to read:

110.502 Scope of act; status of volunteers.—

(3) Every department or agency utilizing the services of volunteers is hereby authorized to provide such incidental reimbursement *or benefit* consistent with the provisions of s. 110.504, including transportation costs, lodging, and subsistence, *recognition, and other accommodations* as the department or agency deems necessary to assist, *recognize, reward, or encourage* volunteers in performing their functions. No department or agency shall expend or authorize an expenditure therefor in excess of the amount provided for to the department or agency by appropriation in any fiscal year.

Section 11. Subsections (6) and (7) are added to section 110.504, Florida Statutes, to read:

110.504 Volunteer benefits.—

(6) Incidental recognition benefits or incidental nonmonetary awards may be furnished to volunteers serving in state departments to award, recognize, or encourage volunteers for their service.

(7) Volunteers, including volunteers receiving a stipend as provided by the Domestic Service Volunteer Act of 1973, as amended (Pub. L. No. 93-113), shall be covered by s. 768.1355, the Florida Volunteer Protection Act.

Section 12. Section 768.1355, Florida Statutes, is amended to read:

768.1355 Florida Volunteer Protection Act.—

(1) Any person who volunteers to perform any service for any nonprofit organization, including an officer or director of such organization, without compensation, except reimbursement for actual expenses, shall be considered an agent of such nonprofit organization when acting within the scope of any official duties performed under such volunteer services. Such person shall incur no civil liability for any act or omission by such person which results in personal injury or property damage if:

(a) Such person was acting in good faith within the scope of any official duties performed under such volunteer service and such person was acting as an ordinary reasonably prudent person would have acted under the same or similar circumstances; and

(b) The injury or damage was not caused by any wanton or willful misconduct on the part of such person in the performance of such duties.

1. For purposes of this act, the term "nonprofit organization" means any organization which is exempt from taxation pursuant to 26 U.S.C. s. 501, or any federal, state, or local governmental entity.

2. For purposes of this act, the term "compensation" does not include a stipend as provided by the Domestic Service Volunteer Act of 1973, as amended (Pub. L. No. 93-113), or other financial assistance, valued at less than two-thirds of the federal hourly minimum wage standard, paid to a person who would otherwise be financially unable to provide the volunteer service.

(2) Except as otherwise provided by law, if a volunteer is determined to be not liable pursuant to subsection (1), the nonprofit organization for which the volunteer was performing services when the damages were caused shall be liable for such damages to the same extent as the nonprofit organization would have been liable if the liability limitation pursuant to subsection (1) had not been provided.

(3) Members of elected or appointed boards, councils, and commissions of the state, counties, municipalities, authorities, and special districts shall incur no civil liability and shall have immunity from suit as provided in s. 768.28 for acts or omissions by members relating to members' conduct of their official duties. It is the intent of the Legislature to encourage our best and brightest people to serve on elected and appointed boards, councils, and commissions.

(4)~~(3)~~ This section may be cited as the "Florida Volunteer Protection Act."

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 23, after the semicolon (;) insert: amending s. 768.1355, F.S.; revising provisions of the Florida Volunteer Protection Act to provide that specified stipends and financial assistance do not constitute "compensation" for purposes of the act; providing specified immunity for certain elected and appointed members of boards, councils, and commissions; amending s. 110.501, F.S.; revising the definition of "volunteer"; amending s. 110.502, F.S.; revising provisions relative to the utilization of volunteer services by state departments and agencies; amending s. 110.504, F.S.; authorizing the provision of specified benefits and awards to certain volunteers; providing that volunteers under part IV of ch. 110, F.S., shall be covered by the Florida Volunteer Protection Act;

Senator Forman moved the following amendment which was adopted:

Amendment 5 (with title amendment)—Between page 14, line 31, and page 15, line 1, insert:

Section 1. Paragraph (l) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(1) CAREER POSITIONS.—The career service to which this part applies includes all positions not specifically exempted by this part, any other provisions of the Florida Statutes to the contrary notwithstanding.

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health and Rehabilitative Services and the Department of Corrections that are assigned primary duties of serving as the superintendent of an institution: positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(d)3. and (4)(d); and positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator*; and positions in the Department of Health and Rehabilitative Services that are assigned the duty of an Environmental Administrator.* Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

(Renumber subsequent section.)

And the title is amended as follows:

On page 2, line 23, after the semicolon (;) insert: amending s. 110.205, F.S.; amending the categories of exempt positions which are not covered by part II of ch. 110, F.S.;

On motion by Senator Harden, by two-thirds vote **CS for SB's 1626 and 1654** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

Consideration of **CS for SB 1058** was deferred.

On motions by Senator Jones, by two-thirds vote—

CS for HB 495—A bill to be entitled An act relating to physicians; amending s. 458.347, F.S., relating to physician assistants; allowing third-party payors to reimburse employers of physician assistants for covered services rendered by certified physician assistants; eliminating a continuing education requirement relating to the authority to prescribe certain medication; requiring a signed affidavit verifying completion of the required minimum continuing medical education for prescriptive privileges; authorizing educational institutions other than community colleges to offer physician assistant training programs for certain unlicensed physicians under certain circumstances; eliminating the requirement for students in programs at community colleges to cover the full cost of such instruction; authorizing the translation of the examination into other languages under certain circumstances; providing for a one-time extension of temporary certification; restricting the number of times the examination may be taken by certain applicants and providing requirements relating to retaking the examination; revising duties of the Agency for Health Care Administration, the Boards of Medicine and Osteopathic Medicine, and the Council on Physician Assistants with respect to certification and temporary certification of physician assistants; authorizing the boards to delegate powers and duties to the council; providing for reactivation of inactive or delinquent status certificates; providing for allocation of certain fees to the council; amending s. 459.022, F.S., relating to physician assistants under supervision of osteopathic physicians, to conform, as applicable; prohibiting certain health-related entities from discriminating against a licensee on the basis of licensure under ch. 458, F.S., or ch. 459, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 670** and by two-thirds vote read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 31, between lines 3 and 4, insert:

Section 3. Section 458.3115, Florida Statutes, is created to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency developed examination; restrictions on practice; full licensure.—

(1)(a) Notwithstanding any other provision of law, the agency shall provide procedures under which certain physicians who are or were foreign licensed and have practiced medicine no less than 2 years may take the USMLE or an agency developed examination to qualify for a restricted license to practice medicine in this state. The agency and board developed examination shall test the same areas of medical knowledge as the Federation of State Medical Boards (FLEX) previously administered by the Florida Board of Medicine to grant medical licensure in Florida. Said examination shall be in the same form and content and shall be administered in the same manner as the FLEX. A person eligible to take and elects to take the agency and board developed examination, who has previously passed part 1 or part 2 of the previously administered FLEX shall not be required to retake or pass the equivalent parts of the agency developed examination, and may sit for the agency and board developed examination 5 times within 5 years.

(b) A person eligible to take and elects to take the USMLE who has previously passed part 1 or part 2 of the previously administered FLEX shall not be required to retake or pass the equivalent parts of the USMLE up to the year 2,000.

(c) A person shall be eligible to take such examination for restricted licensure if the person:

1. Has taken, upon approval by the board, and completed, in November 1990 or November 1992, one of the special preparatory medical update course authorized by the board and the University of Miami Medical School and subsequently passed the final course examination; or upon approval by the Board to take the course completed in 1990 or in 1992, has a certificate of successful completion of that course from the University of Miami or the Stanley H. Kaplan course;

2. Applies to the agency and submits an application fee that is nonrefundable and equivalent to the fee required for full licensure;

3. Documents no less than 2 years of the active practice of medicine in another jurisdiction;

4. Submits an examination fee that is nonrefundable and equivalent to the fee required for full licensure plus the actual per-applicant cost to the agency to provide either examination described in this section;

5. Has not committed any act or offense in this or any other jurisdiction that would constitute a substantial basis for disciplining a physician under this chapter or chapter 455; and

6. Is not under discipline, investigation, or prosecution in this or any other jurisdiction for an act that would constitute a violation of this chapter or chapter 455 and that substantially threatened or threatens the public health, safety, or welfare.

(d) Every person eligible for restricted licensure under this section may sit for the USMLE or the agency and board developed examination five times within 5 calendar years. Applicants desiring to use portions of the FLEX and the USMLE may do so up to the year 2,000. However, notwithstanding (1)(c)3, applicants applying under this section who fail the examination up to a total of five times will only be required to pay the examination fee required for full licensure for the second and subsequent times they take the examination.

(e) The Agency for Health Care Administration and the board shall be responsible for working with one or more organizations to offer a medical refresher course designed to prepare applicants to take either licensure examination described in this section. The organizations may develop the medical refresher course, purchase such a course, or contract for such a course from a private organization that specializes in developing such courses.

(f) The course shall require no less than two 16 week semesters of 16 contact hours per week for a total of 256 contact hours per student for each semester. The cost is to be paid by the students taking the course.

(2)(a) Before the agency may issue a restricted license to an applicant under this section, the applicant must have passed either of the two examinations described in this section. However, the board may impose reasonable restrictions on the applicant's license to practice. These restrictions may include, but are not limited to:

1. Periodic and random agency audits of the licensee's patient records and review of those records by the board or the agency.

2. Periodic appearances of the licensee before the board or the agency.

3. Submission of written reports to the board or the agency.

(b) A restricted licensee under this section shall practice under the supervision of a full licensee approved by the board with the first year of the licensure period being under direct supervision as defined by board rule and the second year being under indirect supervision as defined by board rule.

(c) The board may adopt rules necessary to implement this subsection.

(3)(a) A restricted license issued by the agency under this section is valid for 2 years unless sooner revoked or suspended, and a restricted licensee is subject to the requirements of this chapter, chapter 455, and any other provision of law not in conflict with this section. Upon expiration of such restricted license, a restricted licensee shall become a full licensee if the restricted licensee:

1. Is not under discipline, investigation, or prosecution for a violation which poses a substantial threat to the public health, safety, or welfare; and

2. Pays all renewal fees required of a full licensee.

(b) The agency shall renew a restricted license under this section upon payment of the same fees required for renewal for a full license if the restricted licensee is under discipline, investigation, or prosecution for a violation which posed or poses a substantial threat to the public health, safety, or welfare and the board has not permanently revoked the restricted license. A restricted licensee who has renewed such restricted license shall become eligible for full licensure when the licensee is no longer under discipline, investigation, or prosecution.

(5) The Board shall adopt rules necessary to carry out the provisions of this section.

(Renumber subsequent section.)

And the title is amended as follows:

On page 2, line 11, after the semicolon (;) insert: creating s. 458.3115, F.S.; providing procedures for certain foreign-licenced physicians to obtain a restricted license;

On motion by Senator Jones, by two-thirds vote **CS for HB 495** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motion by Senator Jenne, by two-thirds vote **HB 573** was withdrawn from the Committee on Health Care.

On motion by Senator Jenne, by two-thirds vote—

HB 573—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 16.59, F.S.; renaming the Medicaid fraud control office as the Medicaid Fraud Control Unit and clarifying its investigative jurisdiction; amending s. 320.025, F.S.; substituting the Attorney General for the Auditor General as the head of the Medicaid Fraud Control Unit to conform with 1994 statutory changes; amending s. 409.910, F.S.; clarifying the location of the Medicaid Fraud Control Unit as being within the Attorney General's Office and substituting the Attorney General for the Auditor General as the head of the Medicaid Fraud Control

Unit to conform with 1994 statutory changes; amending s. 409.913, F.S.; renaming the Medicaid fraud control office of the Department of Legal Affairs as the Medicaid Fraud Control Unit of the Office of the Attorney General; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Agency for Health Care Administration; creating s. 409.9205, F.S.; making investigators employed by the Medicaid Fraud Control Unit who are certified under s. 943.1395, F.S., law enforcement officers of the state in matters of Medicaid fraud; providing an effective date.

—a companion measure, was substituted for **SB 676** and by two-thirds vote read the second time by title. On motion by Senator Jenne, by two-thirds vote **HB 573** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

SENATOR SILVER PRESIDING

SB 1150—A bill to be entitled An act relating to insurance; amending s. 324.021, F.S.; revising the definition of "owner/lessor" to provide alternative minimum limits on certain liability coverage for certain motor vehicle lease agreements under certain circumstances; amending s. 626.729, F.S.; revising the definition of "industrial fire insurance" to include certain additional types of coverage; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator McKay and adopted:

Amendment 1—On page 2, line 5, delete that line and insert: in effect, *whether the insurance is procured by the lessor or the lessee, provided that insurance obtained by the lessor includes combined coverage for bodily injury liability and property damage liability of at least $1,000,000.*

Senator Gutman moved the following amendments which were adopted:

Amendment 2 (with title amendment)—On page 2, between lines 25 and 26, insert:

Section 3. Subsections (1)(a),(b),(c),(2), and (3) of section 627.7282, Florida Statutes, are amended to read:

627.7282 Notice of additional premium; cancellation upon nonpayment.—

(1) Upon a determination by an insurer that, in accordance with its rate filings and the applicable laws of this state relating to private passenger motor vehicle insurance, a policyholder has been charged a premium that is incorrect for the coverage set forth in the insurance application, the insurer shall immediately provide notice to the policyholder of the amount of additional premium due to the insurer and that the policyholder has the following options:

(a) The policyholder has a period of 10 days, or a longer period if specified by the insurer, from ~~receipt~~ *the date* of the notice within which to pay the additional amount of premium due and thereby maintain the policy in full force under its original terms.

(b) The policyholder has a period of 10 days, or a longer period if specified by the insurer, from ~~receipt~~ *the date* of the notice within which to pay the additional amount of premium due and thereby maintain the policy in full force under its original terms.

(b) The policyholder has a period of 10 days, or a longer period if specified by the insurer, from ~~receipt~~ *the date* of the notice within which to cancel the policy and demand a refund of any unearned premiums.

(c) If the policyholder fails to timely respond to the notice, the insurer shall *promptly* cancel the policy and return any unearned premium to the insured. The date on which the policy will be canceled shall be stated in the notice *of cancellation given in accordance with s. 627.728 or s. 627.7281, whichever is applicable,* and shall in no case be ~~less~~ *more* than ~~14~~ *45* days after the date of ~~the~~ *such* notice. *The maximum 45 day time period shall not apply in the event the amount of the additional premium due is equal to or less than five percent (5%) of the current premium or in the event that the insurer is unable to provide notice within such time period.*

(2) The amount of *earned premium and the amount of* unearned premium due to the policyholder as a result of cancellation in accordance with subsection (1) shall be calculated on a pro rata basis, *as of the cancellation effective date, in accordance with the insurer's rate filings and the applicable laws of this state, for the coverage set forth in the insurance application.*

(3) No insurer shall unilaterally alter or modify the policy period for a private passenger automobile insurance policy to provide an expiration date that is prior to the date specified in the policyholder's application, except as provided in this section *or applicable provisions of the insurance code.*

Section 4. Subsection (1) of section 627.7283, Florida Statutes, is amended to read:

627.7283 Cancellation; return of premium.—

(1) If the insured or insurer cancels a policy of motor vehicle insurance, the insurer must return *to the insured, the agent, or the premium finance company* the unearned portion of any premium paid within 30 days after ~~issuance or receipt by the insurer of notice~~ *the effective date* of cancellation. If the unearned premium is not returned within the 30-day period, the insurer must pay *simple interest at the rate of* 8 percent ~~interest~~ *per year* on the amount ~~due~~ *of the overdue payment.* If the unearned premium is not returned within 45 days ~~after receipt of the notice~~ *of the effective date of cancellation,* the insured may bring an action against the insurer pursuant to s. 624.155. *For the purposes of calculating the extent to which the payment of any unearned premium is overdue, payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if not posted, on the date of delivery.*

Section 5. Subsections (3), (4), and (7) of section 627.7295, Florida Statutes, are amended to read:

627.7295 Motor vehicle insurance contracts.—

(3) Except as provided in s. 627.7282, an insured may not cancel a policy or binder *effective as of a date* during the first ~~two months~~ *60 days* immediately following the effective date of the policy except:

(a) Upon total destruction of the insured motor vehicle;

(b) Upon transfer of ownership of the insured motor vehicle; or

(c) After purchase of another policy or binder covering the motor vehicle that was covered under the policy being canceled.

(4) The insurer may cancel the policy in accordance with this code except that, notwithstanding s. 627.728, an insurer may not cancel a new policy or binder *effective as of a date* during the first 60 days immediately following the effective date of the policy or binder for nonpayment of premium unless the reason for the cancellation is the issuance of a check for the premium that is dishonored for any reason *or failure to pay additional premium as provided in s. 627.7282.*

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if the insurer or agent has collected from the insured an amount equal to ~~2 months'~~ *60 days'* premium. An insurer, agent, or premium finance company may not directly or indirectly take any action resulting in the insured having paid from the insured's own funds an amount less than the ~~2 months'~~ *60 days'* premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. This subsection does not apply if an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. This subsection does not apply to an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents.

Section 6. Subsections (1)(b),(c),(d), and (f) of section 627.848, Florida Statutes, are amended to read:

627.848 Cancellation of insurance contract upon default.—

(1) When a premium finance agreement contains a power of attorney or other authority enabling the premium finance company to cancel any insurance contract listed in the agreement, the insurance contract shall not be canceled unless cancellation is in accordance with the following provisions:

(b) Every ~~notice of~~ *request for* cancellation shall include, in type or print of which its face shall not be smaller than 12 points, a statement that, if the insurance contract or contracts provide motor vehicle liability insurance required by the financial responsibility law, proof of financial responsibility is required to be maintained continuously for a period of 3 years, pursuant to chapter 324, and the operation of a vehicle without such financial responsibility is unlawful.

(c) Upon receipt of a copy of *such request for* the cancellation ~~notice~~ by the insurer or insurers, the insurance contract shall be canceled *effective as of the date the insurer receives the notice, or such later date specified in the request,* with the same force and effect as if the ~~notice of~~ *request for* cancellation had been submitted by the insured himself, whether or not the premium finance company has complied with the notice requirement of this subsection, without requiring any further notice to the insured or the return of the insurance contract.

(d) All statutory, regulatory, and contractual restrictions providing that the insured may not cancel his insurance contract unless he or the insurer first satisfies such restrictions by giving a prescribed notice to a governmental agency, the insurance carrier, a mortgagee, an individual, or a person designated to receive such notice for such governmental agency, insurance carrier, or individual shall apply when cancellation is effected under the provisions of this section. The insurer, in accordance with such prescribed notice when it is required to give such notice in behalf of itself or the insured, shall give notice to such governmental agency, person, mortgagee, or individual; and it shall determine and calculate the effective date of cancellation from the day it receives the ~~copy of the notice of~~ *request for* cancellation from the premium finance company.

(f) If an insurance contract is canceled by an insurer upon the receipt of a copy of the *request for* cancellation ~~notice~~ from a premium finance company, and if such premium finance company has failed to provide the notice required by this ~~sub~~section, the insured shall have a cause of action against the premium finance company for damages caused by such failure to provide notice *and the insurer shall have no coverage obligation or other liability to the insured or premium finance company.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 627.7282, F.S.; clarifying the notice required; establishing the time for calculation of unearned premium; requiring notices to third parties as a part of the cancellation process; amending s. 627.7283, F.S.; clarifying the persons to whom the unearned premium is returned in the event of cancellation of motor vehicle insurance and the determination of an undue payment; amending s. 627.7295, F.S.; providing cancellation limitations for motor vehicle insurance, including nonpayment of additional premium; and, amending s. 627.848, F.S.; clarifying the nature of motor vehicle insurance cancellations by premium finance companies.

Amendment 3 (with title amendment)—On page 2, between lines 25 and 26, insert:

Section 3. Paragraph (i) is added to subsection (2) of section 627.062, Florida Statutes, to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(i) Except as otherwise specifically provided in this chapter, the department shall not prohibit any insurer, including any residual market plan or joint underwriting association, from paying acquisition costs based on the full amount of premium, as defined in s. 627.403, applicable to any policy, or prohibit any such insurer from including the full amount of acquisition costs in a rate filing.

The provisions of this subsection shall not apply to workers' compensation and employer's liability insurance and to motor vehicle insurance.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 627.062, F.S.; providing, with respect to rate standards, that the Department of Insurance may not prohibit acquisition costs;

Senator Harris moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 2, between lines 25 and 26, insert:

Section 3. Subsection (10) is added to section 624.4621, Florida Statutes, to read:

624.4621 Group self-insurance funds.—

(10) No person shall serve as a trustee of a group self-insurance fund, or as an officer or director of its administrator, management or service company or any of its subsidiaries or affiliates that are licensed pursuant to the Florida Insurance Code, who has served as an officer, director, trustee or administrator of any insurer, assessable mutual insurer, commercial self-insurance fund, group self-insurance fund or multiple-employer welfare arrangement that has been the subject of a judicially administered supervision, rehabilitation or liquidation proceeding, or if any corporation, partnership, firm, trust, or association in which the person was a director, officer, trustee, partner, or other official has been the subject of a judicially administered supervision, rehabilitation or liquidation proceedings, either during the time in which the person was a director, officer, trustee, partner or other official or within 12 months thereafter; provided, however, that the department may consent to such person's serving as a trustee of a group self-insurance fund, or as an officer or director of its administrator, management or service company or any of the subsidiaries or affiliates if the department, after a public hearing, determines that permitting such person to serve as a trustee, officer or director does not pose a danger to the policyholders of the insurer or the insurance-buying public.

Section 4. Subsection (4) of section 624.466, Florida Statutes, is amended to read:

624.466 Application requirements for certificate of authority.—All applications for a certificate of authority for a commercial self-insurance fund shall be on a form furnished by the department and shall include or have attached the following:

(4) The names and addresses of the trustees of the fund. The department shall not grant or continue approval as to any fund if the department determines any trustee to be incompetent or untrustworthy; that any trustee has been found guilty of, or has pled guilty or no contest to, a felony, a crime involving moral turpitude, or a crime punishable by imprisonment of 1 year or more under the law of any state, territory, or country, whether or not a judgment or conviction has been entered; or that any trustee has had any type of insurance license revoked in this or any other state. *No person shall serve as a trustee of a self-insurance fund, or as an officer or director of its administrator, management or service company or any of its subsidiaries or affiliates that are licensed pursuant to the Florida Insurance Code, who has served as an officer, director, trustee, or administrator of any insurer, assessable mutual insurer, commercial self-insurance fund, group self-insurance fund or multiple-employer welfare arrangement that has been the subject of a judicially administered supervision, rehabilitation or liquidation proceeding, or if any corporation, partnership, firm, trust, or association in which the person was a director, officer, trustee, partner, or other official has been the subject of a judicially administered supervision, rehabilitation or liquidation proceeding, either during the time in which the person was a director, officer, trustee, partner or other official or within 12 months thereafter; provided, however, that the department may consent to such person's serving as a trustee of a commercial self-insurance fund, or as an officer or director of its administrator, management or service company or any of the subsidiaries or affiliates if the department, after a public hearing, determines that permitting such person to serve as a trustee, officer or director does not pose a danger to the policyholders of the insurer or the insurance-buying public.*

Section 5. Paragraph (e) of subsection (1) of section 628.071, Florida Statutes, is redesignated subsection (f) and a new subsection (e) is added to read:

628.071 Granting, denial of permit.—

(1) The department shall expeditiously examine and investigate the application for a permit as referred to in s. 628.051. If the department finds that:

(e) None of the incorporators, directors, trustees of the insurer, nor any officer or director of its administrator, management or service company or any of its subsidiaries or affiliates that are licensed pursuant to the Florida Insurance Code has served as an officer, director, trustee or administrator of any insurer, assessable mutual insurer, commercial self-insurance fund, group self-insurance fund or multiple-employer welfare arrangement that has been the subject of a judicially administered supervision, rehabilitation or liquidation proceeding, nor has any corporation, partnership, firm, trust, or association in which the person was a director, officer, trustee, partner, or other official been the subject of a judicially administered supervision, rehabilitation or liquidation proceeding, either during the time in which the person was a director, officer, trustee, partner or other official or within 12 months thereafter; provided, however, that the department may consent to such person's serving as an incorporator, director or trustee, or as an officer or director of its administrator, management or service company or any of the subsidiaries or affiliates if the department, after a public hearing, determines that permitting such person to serve as an incorporator, trustee, officer or director does not pose a danger to the policyholders of the insurer or the insurance-buying public;

Section 6. Subsection (11) is added to section 628.6013, Florida Statutes, to read:

628.6013 Converted self-insurance fund; trade association; board of directors.—

(11) No person shall serve as an officer or director of an assessable mutual insurer, or of its management or service company or any of its subsidiaries or affiliates that are licensed under the Florida Insurance Code, who has served as an officer, director, trustee or administrator of any insurer, assessable mutual insurer, commercial self-insurance fund, group self-insurance fund or multiple-employer welfare arrangement that has been the subject of a judicially administered supervision, rehabilitation or liquidation proceeding, or if any corporation, partnership, firm, trust, or association in which the person was a director, officer, trustee, partner, or other official has been the subject of a judicially administered supervision, rehabilitation or liquidation proceeding either during the time in which the person was a director, officer, trustee, partner or other official or within 12 months thereafter; provided, however, that the department may consent to such person's serving as an officer or director of an assessable mutual insurer, its management or service company or any of its subsidiaries if the department, after a public hearing, determines that permitting such person to serve as an officer or director does not pose a danger to the policyholders of the insurer or the insurance-buying public.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 624.4621, F.S.; establishing standards for trustees of group self-insurance funds; amending s. 624.466, F.S.; providing additional standards for trustees of commercial self-insurance funds; amending s. 628.071; providing additional standards for officers and directors of stock and mutual insurers; amending s. 628.6013, F.S.; establishing standards for officers and directors of assessable mutual insurers;

Senator McKay moved the following amendment which was adopted:

Amendment 5—On page 2, lines 4 and 5, delete those lines and insert: as the insurance *meeting these requirements is* ~~required under such lease agreement remains~~ in effect. *The insurance meeting such requirements may be obtained by the lessor or lessee, provided, if such insurance is obtained by the lessor, the combined coverage for bodily injury liability and property damage liability shall contain limits of not less than $1,000,000 and may be provided by a lessor's blanket policy.*

On motion by Senator McKay, by two-thirds vote **SB 1150** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 258—A bill to be entitled An act relating to health care; amending s. 400.0060, F.S.; excluding certain facilities from the definition of "long-term care facility"; amending s. 651.011, F.S.; excluding certain entities from the definition of "provider"; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 258** to **HB 255**.

Pending further consideration of **SB 258** as amended, on motions by Senator Horne, the rules were waived and by two-thirds vote—

HB 255—A bill to be entitled An act relating to continuing and transitional care providers; amending s. 632.637, F.S.; excluding certain entities from provisions applying to fraternal benefit societies; amending s. 651.011, F.S.; excluding certain entities from the definition of "provider"; requiring certain disclosure of exemptions; amending s. 651.118, F.S.; authorizing extension of a certificate of need for sheltered nursing home beds, under specified conditions; requiring a report to the Legislature regarding the licensure and regulation of transitional living facilities; providing an effective date.

—a companion measure, was substituted for **SB 258** and by two-thirds vote read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 255** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 274—A bill to be entitled An act relating to homeowner's associations; amending s. 617.306, F.S.; providing that under certain circumstances any governing document of a homeowner's association may be amended by an affirmative vote of two-thirds of the voting interests of the association; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 1, between lines 29 and 30, insert:

(c) Unless otherwise provided in the governing documents as originally recorded, an amendment may not affect vested rights unless the record owner of the affected parcel and all record owners of liens on the affected parcels join in the execution of the amendment.

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing an exception;

Amendment 2—On page 1, line 27, after "law" insert: *and other than those matters set forth in (c)*

Senator Grant moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 1, line 11, insert:

Section 1. Paragraph (f) of subsection (2) of section 617.0202, Florida Statutes, is amended to read:

617.0202 Articles of incorporation; content.—

(2) The articles of incorporation may set forth:

(f) The distribution of assets upon dissolution or final liquidation *or, if otherwise permitted by law, upon partial liquidation*;

Section 2. Subsection (1) of section 617.0505, Florida Statutes, is amended to read:

617.0505 Payment of dividends and distribution of income to members prohibited; issuance of certificates of membership; effect of stock issued under prior law.—

(1) A dividend may not be paid, and any part of the income or profit of a corporation may not be distributed, to its members, directors, or officers. A corporation may pay compensation in a reasonable amount to its members, directors, or officers for services rendered, may confer benefits upon its members in conformity with its purposes, and, upon dissolution or final liquidation, may make distributions to its members as permitted by this act. *If expressly permitted by its articles of incorporation, a corporation may make distributions upon partial liquidation to its members, as permitted by this section.* Any such payment, benefit, or distribution does not constitute a dividend or a distribution of income or profit for purposes of this section. Any corporation which is a utility exempt from regulation under s. 367.022(7), whose articles of incorporation state that it is exempt from taxation under s. 501(c)(12) of the Internal Revenue Code, may make such refunds to its members, prior to a dissolution or liquidation, as its managing board deems necessary to establish or preserve its tax-exempt status. Any such refund does not constitute a dividend or a distribution of income or profit for purposes of this section.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, delete "homeowner's associations" and insert: amending s. 617.0202 and 617.0505, F.S.; authorizing the distribution of assets upon a partial liquidation;

Senator Gutman moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 1, line 11, insert:

Section 1. Subsection (1) of section 617.2103, Florida Statutes, is amended to read:

617.2103 Exemptions for certain corporations.—

(1) No corporation described in s. 501(c) of the Internal Revenue Code of 1986, as amended, shall be subject to the provisions of ~~s. 617.0808,~~ s. 617.1601, s. 617.1602, s. 617.1603, s. 617.1604, s. 617.1605, or s. 617.2102, unless the articles of incorporation or bylaws provide otherwise. *No corporation described in s. 501(c) of the Internal Revenue Code of 1986, as amended, except a charitable organization as defined in s. 496.404, is subject to the provisions of s. 617.0808.* For purposes of this subsection, if a current determination letter issued under the authority of the internal revenue laws of the United States of America determines that a particular corporation is or is not exempt from federal income taxation under s. 501(c) of the Internal Revenue Code of 1986, as amended, that shall be conclusive on the question whether the corporation is or is not described in s. 501(c) of the Internal Revenue Code of 1986, as amended.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, delete that line and insert: An act relating to corporations; amending s. 617.2103, F.S.; revising exemptions for certain corporations;

On motion by Senator Grant, by two-thirds vote **SB 274** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 1058—A bill to be entitled An act relating to Medicaid providers; amending s. 409.9081, F.S.; providing that a Medicaid provider is not required to bill or collect any copayment; providing that the Agency for Health Care Administration shall deduct the amount of the copayment from the Medicaid reimbursement to the provider, regardless of whether the provider bills or collects the copayment; amending s. 409.920, F.S.; providing a definition of the term "agency"; deleting the fraud offense of failure to bill or attempt to collect a Medicaid copayment; amending s. 921.0012, F.S.; modifying the sentencing guidelines offense severity ranking chart to include Medicaid provider fraud; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1058** to **CS for HB 99**.

Pending further consideration of **CS for SB 1058** as amended, on motion by Senator Hargrett, by two-thirds vote **CS for HB 99** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Hargrett—

CS for HB 99—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 921.0012, F.S.; ranking Medicaid provider fraud offenses in level 7 of the sentencing guidelines offense severity ranking chart; amending s. 409.920, F.S.; providing a definition of "agency"; restructuring the section and clarifying language; deleting language relating to conspiracy to commit Medicaid provider fraud; deleting exception to time limitation to commence prosecution; repealing a penalty for failure to collect or attempt to collect a Medicaid copayment; amending s. 775.15, F.S.; providing an exception to time limitation to commence prosecution for Medicaid provider fraud offenses; reenacting s. 895.02(1)(a), F.S., relating to the definition of "racketeering activity," to incorporate said amendment in a reference; amending s. 409.9081, F.S.; providing that a provider is not required to bill or collect a copayment from a Medicaid recipient; clarifying that the agency must still deduct the copayment from the Medicaid reimbursement made to the provider; providing an effective date.

—a companion measure, was substituted for **CS for SB 1058** and read the second time by title. On motion by Senator Hargrett, by two-thirds vote **CS for HB 99** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

Consideration of **CS for SB 316** was deferred.

On motions by Senator Dantzler, by two-thirds vote—

CS for HB 817—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; amending s. 370.01, F.S.; providing definitions; amending s. 370.092, F.S.; deleting the net transit permit program; providing for major violations; providing fines and penalties; providing for the development of corridors by rule; providing for the adoption of emergency rules; amending s. 370.0605, F.S.; providing procedures for the use of an authorization in lieu of a saltwater fishing license or permit; authorizing an additional charge for administrative costs; authorizing the issuance of temporary fishing licenses to certain organizations; allowing county tax collectors to retain part of the administrative charge; authorizing fees for replacement of certain licenses and permits; requiring county tax collectors to submit reports and payments at specified times; amending s. 370.0606, F.S.; providing procedures for the appointment of subagents; amending s. 370.0608, F.S.; revising the time for transfer of saltwater license fees to the trust fund; providing for the use of a portion of the funds; amending s. 370.0615, F.S.; replacing the term "stamp" with the term "permit"; amending s. 370.062, F.S.; providing for the transfer of tag fees; amending ss. 370.1111 and 370.14, F.S.; replacing the term "stamp" with the term "permit"; authorizing the commission, tax collectors, and subagents to sell permits; providing for the transfer of permit fees; amending s. 372.001, F.S.; redefining the term "resident" and defining the term "authorization"; amending s. 372.0222, F.S.; authorizing the commission to contract for certain advertising; amending s. 372.561, F.S.; changing stamp to permit; authorizing an administrative charge for certain licenses or permits; revising reporting requirements for county tax collectors; revising criteria for free licenses; amending s. 372.57, F.S.; providing procedures for the use of an authorization in lieu of a hunting or freshwater fishing license or permit; authorizing a short-term nonresident fishing license and fee; changing stamp to permit; amending s. 372.571, F.S.; changing stamp to permit; revising expiration dates of licenses; amending ss. 372.5712, 372.5715, 372.58, 372.581, 372.59, and 372.711, F.S.; changing stamp to permit; amending s. 372.574, F.S.; providing procedures and standards for the appointment of subagents; allowing subagents to charge a fee for credit card telephone sales; requiring recordkeeping and reports by subagents; providing penalties; amending s. 372.60, F.S.; providing procedures for replacement of licenses or permits; authorizing an administrative

charge for replacements; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 626** and by two-thirds vote read the second time by title.

Senators Thomas and Harden offered the following amendment which was moved by Senator Latvala and adopted:

Amendment 1 (with title amendment)—On page 50, between lines 4 and 5, insert:

Section 24. Section 1 of Chapter 24111, Laws of Florida (1947), as amended by Chapter 25423, Laws of Florida (1949), a rule of the Department of Environmental Protection pursuant to Chapter 83-134, Laws of Florida (1983), as amended by Chapter 84-121, Laws of Florida (1984), relating to shrimping in Bay, Washington, and Okaloosa Counties, is hereby repealed.

(Renumber subsequent section.)

And the title is amended as follows:

On page 2, line 30, after the semicolon (;) insert: repealing Section 1. of chapter 24111, Laws of Florida (1947) as amended relating to shrimping in Bay, Washington, and Okaloosa Counties;

On motion by Senator Dantzler, by two-thirds vote **CS for HB 817** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 1818—A bill to be entitled An act relating to golf carts; amending s. 316.212, F.S.; allowing golf carts to be operated on golf-cart ways under specified conditions; amending s. 316.2125, F.S.; conforming a reference; allowing a local government to condition the operation of golf carts on a roadway of local jurisdiction; amending s. 336.045, F.S.; allowing the Department of Transportation to adopt uniform minimum standards for the design, construction, and maintenance of golf-cart ways; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1818** to **CS for HB 1329**.

Pending further consideration of **CS for SB 1818** as amended, on motions by Senator Beard, the rules were waived and by two-thirds vote—

CS for HB 1329—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.075, F.S.; clarifying language with respect to the prohibition against right turns at certain stop lights; amending s. 316.193, F.S.; providing that certain testimony and evidence in an administrative proceeding shall not be admissible into evidence or for any other purpose in a criminal proceeding with respect to driving under the influence; amending s. 316.2074, F.S.; clarifying the use of all-terrain vehicles on public beaches; amending s. 316.212, F.S.; providing requirements for the designation of a city or county road for use by golf carts; amending s. 316.2125, F.S.; conforming to the act; amending s. 316.2295, F.S.; providing an exemption from taillamp, stop lamp, and turn signal requirements for agricultural product trailers; amending s. 316.650, F.S.; prohibiting the use of driver information contained on uniform traffic citations for commercial solicitation purposes; amending s. 318.15, F.S.; clarifying language with respect to failure to comply with certain civil penalties; providing for the removal of certain driver suspension records after 7 years; amending s. 318.18, F.S.; correcting a cross reference; amending s. 319.14, F.S.; providing definitions; providing reference to automobiles assembled from parts, combined automobiles, kit cars, replicas, glider kits, and flood vehicles, with respect to the requirement that the certificate of title indicate the nature of the motor vehicle titled; amending s. 319.21, F.S.; requiring a manufacturer's statement of origin for each stage of motor vehicle construction when the vehicle is built in two or more stages; amending s. 319.225, F.S.; correcting a cross reference; amending s. 319.23, F.S.; revising language with respect to certificate of title; amending s. 319.24, F.S.; providing for the electronic transfer of lien satisfactions on motor vehicle and mobile home certificates of title; amending s. 319.28, F.S.; providing that in the case of repossession, a mobile home is exempt from registration when the dwelling is not transferred or titled for occupancy and revising language relating to the transfer of ownership by operation of law; amending s. 319.323, F.S.; providing for expedited service for certificates of repossession; amending s. 320.01, F.S.; revising definitions; amending s. 320.031, F.S.; providing that a mail service charge is optional rather than mandatory; amending s. 320.05, F.S.; including reference to vessels along with motor vehicles with respect to lists and searches; providing for electronic digitizing of records; amending s. 320.055, F.S.; revising language with respect to registration periods; providing a registration period for certain apportioned motor vehicles; amending s. 320.06, F.S.; authorizing tax collectors to issue license plates with the words "Sunshine State" printed on the license plates; amending s. 320.06, F.S.; providing for the issuance of cab cards along with annual license plates for vehicles with an apportioned registration; amending s. 320.061, F.S.; providing that it is unlawful to alter a motor vehicle registration certificate; amending s. 320.065, F.S.; deleting obsolete language with respect to the registration of certain rental trailers for hire; amending s. 320.0657, F.S.; reducing the number of nonapportioned commercial motor vehicles required to obtain fleet license plates and correcting cross references; creating s. 320.0659, F.S.; providing for the permanent registration of trailers for hire and semitrailers; amending s. 320.0706, F.S.; correcting weight references with respect to the display of license plates on trucks; amending s. 320.072, F.S.; clarifying language regarding a fee imposed on certain motor vehicle registration transactions with respect to immediate family; amending s. 320.08, F.S.; revising language with respect to license taxes; amending s. 320.0815, F.S.; correcting cross references; amending s. 320.086, F.S.; providing for ancient, antique, and collectible motor vehicles; amending s. 320.08, F.S.; providing license taxes for ancient, antique, or collectible automobiles and trucks; amending s. 320.0805, F.S.; conforming to the act; amending s. 319.23, F.S.; providing title application requirements for ancient, antique, or collectible motor vehicles; amending s. 320.072, F.S.; exempting certain ancient or antique automobiles or trucks from certain additional fees; amending s. 320.089, F.S.; providing reference to retired members of the Florida National Guard for issuance of a license plate; amending s. 320.13, F.S.; deleting reference to certain dealer license plates; amending s. 320.131, F.S.; providing for temporary tags for use by licensed dealers; amending s. 320.18, F.S.; exempting repossessed mobile homes from registration under certain circumstances; amending s. 320.27, F.S.; authorizing retail sale of recreational vehicles; providing penalties for failure to honor a bank draft to a motor vehicle dealer; requiring verification of attendance at a licensed motor vehicle dealer training school; providing an exemption; requiring the department to establish curriculum and length of training; authorizing a fee; authorizing a pilot program; amending s. 320.771, F.S., authorizing recreational vehicle dealers to sell motor vehicles at retail when such vehicles are acquired in exchange for the sale of a motor vehicle; amending s. 320.8256, F.S., relating to the inspection of recreational vehicles; amending s. 321.245, F.S.; providing for the distribution of funds received from the seizure of license plates by recovery agents; amending s. 322.051, F.S.; providing for identification card applications in a format designated by the department; authorizing the Department of Highway Safety and Motor Vehicles to issue identification cards to individuals of any age; revising the requirements to obtain such cards and the expiration periods of such cards; amending s. 322.08, F.S.; providing for drivers' license applications in a format designated by the department; authorizing a discretionary fee; amending s. 322.13, F.S., relating to department authority to designate instructors of driver's education courses in public or private secondary schools as driver's license examiners; creating s. 322.135, F.S.; authorizing the department to contract with tax collectors for specified driver license services; amending s. 322.15, F.S.; requirements for the condition of drivers' licenses; creating s. 322.161, F.S.; requiring the department to restrict the driving privilege of Class D and E drivers who are 15 through 17 years of age when they accumulate four or more points; amending s. 322.56, F.S., relating to contracts for administration of the written and driving skills portion of the examination; amending s. 322.245, F.S.; providing for the effective date of certain driver's license suspensions; amending s. 322.28, F.S.; providing for the effective date of suspensions or revocations; amending s. 322.53, F.S.; providing for an additional exemption from commercial driver's license requirements; amending s. 327.03, F.S.; clarifying language with respect to the duties of the department concerning the administration of vessel registration and titling laws; amending s. 327.04, F.S.; providing for rules; amending s. 327.10, F.S.; revising language with respect to the operation of registered vessels; providing for required information on the bill of sale; amending s. 327.11, F.S.; providing for required information on the application for

vessel registration; revising requirements with respect to the required decal on a vessel; amending s. 327.15, F.S.; revising language with respect to vessel registration numbers; amending s. 327.16, F.S.; revising language with respect to reciprocity of nonresident or alien vessels; amending s. 327.17, F.S.; revising language with respect to registration of vessels by military personnel; amending s. 327.23, F.S.; deleting reference to the date of expiration of certain temporary registrations; amending s. 327.73, F.S.; providing for additional noncriminal infractions; amending s. 328.01, F.S.; providing for certain information to accompany the application for title; directing the department to retain the evidence of title presented by the applicant and upon which the title is issued; requiring notice of certain liens; providing language with respect to civil liability by certain owners; amending s. 328.03, F.S.; revising language with respect to certificates of title; amending s. 328.11, F.S.; providing for lost titles; directing the department to implement a system to verify that the title application is signed by an authorized person; amending s. 328.13, F.S.; requiring the statement of origin be in the English language or accompanied by an English translation; amending s. 328.15, F.S.; providing for the date of the filing of a notice of a lien on a vessel; providing who may place a lien on a vessel; creating s. 328.16, F.S.; providing for issuance of duplicate certificates of title; providing for delivery, liens, and encumbrances; creating s. 328.21, F.S.; providing for transfer without delivery of a certificate of title; providing for violations; providing penalties; amending s. 901.15, F.S.; providing for arrests by law enforcement officers without a warrant for violations of chapter 316, F.S., under certain circumstances; providing effective dates.

—a companion measure, was substituted for **CS for SB 1818** and by two-thirds vote read the second time by title.

Senator Beard moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 316.075, Florida Statutes, is amended to read:

316.075 Traffic control signal devices.—Except for automatic warning signal lights installed or to be installed at railroad crossings, whenever traffic, including municipal traffic, is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(3) STEADY RED INDICATION.—

(a) Vehicular traffic facing a steady red signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown; however:

1. The driver of a vehicle which is stopped at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection in obedience to a steady red signal may make a right turn, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at *the* ~~said~~ intersection, except that municipal and county authorities may prohibit any such right turn against a steady red signal at any intersection, which prohibition shall be effective when a sign giving notice thereof is *erected in a location visible to traffic approaching the* ~~attached to the traffic control signal device at said~~ intersection.

2. The driver of a vehicle on a one-way street *that* ~~which~~ intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red signal, but may then make a left turn into the one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that municipal and county authorities may prohibit any such left turn as described, which prohibition shall be effective when a sign giving notice thereof is attached to the traffic control signal device at the intersection.

Section 2. Effective October 1, 1996, subsection (10) is added to section 316.193, Florida Statutes, to read:

316.193 Driving under the influence; penalties.—

(10) The rulings of the Department of Highway Safety and Motor Vehicles under s. 322.2615 shall not be considered in any trial for a violation of this section. Testimony or evidence from the administrative proceedings or any written statement submitted by a person in his or her request for administrative review is inadmissible into evidence or for any other purpose in any criminal proceeding, unless timely disclosed in criminal discovery pursuant to the Florida Rules of Criminal Procedure 3.220.

Section 3. Subsection (6) of section 316.2074, Florida Statutes, is amended to read:

316.2074 All-terrain vehicles.—

(6) An all-terrain vehicle having four wheels may be used ~~only~~ by police officers on public beaches designated as public roadways for the purpose of enforcing the traffic laws of the state. *All-terrain vehicles may also be used by the police to* ~~This vehicle may~~ travel on public roadways within 5 miles of beach access only when getting to and from the beach.

Section 4. Section 316.212, Florida Statutes, is amended to read:

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(1) A golf cart may be operated only upon a county road *that* ~~which~~ has been designated by a county, or a city street *that* ~~which~~ has been designated by a city, for use by golf carts. *Prior to making such a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated road or street, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.*

~~(2) A golf cart may only be operated within a 1-mile radius of a bona fide golf course and only when being used to transport the owner or operator between his or her residence and the golf course.~~

(2)~~(3)~~ A golf cart may ~~only~~ be operated on a part of the State Highway System *only* under the following conditions:

(a) To cross a portion of the State Highway System which intersects a county road or city street that has been designated for use by golf carts if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(c) ~~The provisions of subsection (2) notwithstanding,~~ A golf cart may be operated on a state road *that* ~~which~~ has been designated for transfer to a local government unit pursuant to *s. 335.0415* ~~s. 335.04~~ if the Department of Transportation determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. The department may authorize the operation of golf carts on such a road if:

1. The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and

2. The speed, volume, and character of motor vehicular traffic using the road is considered in making such *a* determination.

Upon its determination that golf carts may be operated on a given road, the department shall post appropriate signs on the road to indicate that such operation is allowed.

(3)~~(4)~~ Any other provision of this section to the contrary notwithstanding, a golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of

the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway shall review and approve the location of the crossing and require implementation of any traffic controls needed for safety purposes. This subsection shall apply only to residents or guests of the mobile home park. Any other provision of law to the contrary notwithstanding, if notice is posted at the entrance and exit to any mobile home park that residents of the park utilize golf carts or electric vehicles within the confines of the park it shall not be necessary that the park have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.

(4)~~(5)~~ A golf cart may ~~only~~ be operated *only* during the hours between sunrise and sunset, *unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.*

(5)~~(6)~~ A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

Section 5. In addition to the powers granted by ss. 316.212 and 316.2125, Florida Statutes, municipalities older than 400 years old are hereby authorized to utilize golf carts, as defined in s. 320.01, Florida Statutes, upon any state, county, or municipal roads located within the corporate limits of such municipalities, subject to the following conditions:

(1) Golf carts operated beyond the authority granted in ss. 316.212 and 316.2125, Florida Statutes, may only be operated by municipal employees for municipal purposes, including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities.

(2) In addition to the safety equipment required in s. 316.212(6), Florida Statutes, such golf carts must be equipped with sufficient lighting and turn signal equipment.

(3) The golf carts may only be operated on state roads that have a posted speed limit of 30 miles per hour or less.

Section 6. Subsection (1) of section 316.2125, Florida Statutes, is amended to read:

316.2125 Operation of golf carts within a retirement community.—

(1) Notwithstanding the provisions of s. 316.212, the reasonable operation of a golf cart, equipped as provided in *s. 316.212(5)* ~~s. 316.212(6)~~, within any self-contained retirement community is permitted unless prohibited under subsection (2).

Section 7. Subsection (7) is added to section 316.2295, Florida Statutes, to read:

316.2295 Lamps, reflectors and emblems on farm tractors, farm equipment and implements of husbandry.—

(7) Except during the period of times stated in s. 316.217(1), an agricultural product trailer which is less than 10 feet in length and narrower than the hauling vehicle is not required to have taillamps, stop lamps, and turn signals and may use the hauling vehicle's lighting apparatus to meet the requirements of s. 316.221 and s. 316.222. However, the load of the agricultural product trailer must be contained within the trailer and must not in anyway obstruct the hauling vehicle's lighting apparatus.

Section 8. Effective October 1, 1996, subsection (1) of section 318.15, Florida Statutes, is amended to read:

Section 9. Subsection (11) is added to section 316.650, Florida Statutes, to read:

316.650 Traffic citations.—

(11) Driver information contained in a uniform traffic citation, which includes but is not limited to, the accused person's name and address, shall not be used for commercial solicitation purposes. However, the use of such driver information contained in a uniform traffic citation shall not be considered a commercial purpose when used for publication in a newspaper or other news periodical, when used for broadcast by radio or television, or when used to inform a person of the availability of driver safety training.

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1) If a person fails to comply with the civil penalties provided in s. 318.18 within the time period specified in s. 318.14(4), fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court shall notify the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles of such failure within 5 days after such failure. Upon receipt of such notice, the department shall immediately issue an order suspending the driver's license and privilege to drive of such person *effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6)* ~~as of the date of such failure and shall send such person notice of such suspension~~. *Any such suspension of the driving privilege which has not been reinstated, including a similar suspension imposed outside Florida, shall remain on the records of the department for a period of seven years from the date imposed and shall be removed from the records after the expiration of seven years from the date it is imposed.*

Section 10. Paragraphs (b) and (c) of subsection (1) and subsections (2), (3), and (6) of section 319.14, Florida Statutes, are amended to read:

319.14 Sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt vehicles.—

(1)

(b) No person shall knowingly offer for sale, sell, or exchange a rebuilt vehicle until the department has stamped in a conspicuous place on the certificate of title for the vehicle words stating that the vehicle has been rebuilt, *assembled from parts, or combined, or is a kit car, glider kit, replica, or flood vehicle* unless proper application for a certificate of title for a ~~rebuilt~~ vehicle *that is rebuilt, assembled from parts, or combined, or is a kit car, glider kit, replica, or flood vehicle* has been made to the department in accordance with this chapter and the department has conducted the physical examination of the vehicle to assure the identity of the vehicle.

(c) As used in this section:

1. "Police vehicle" means a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

2. "Lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one person for a period of 12 months or longer or to one or more persons from time to time for a period of less than 12 months.

3. "Rebuilt vehicle" means a motor vehicle or mobile home built from salvage or junk, as defined in s. 319.30(1).

4. "Assembled from parts" means a motor vehicle or mobile home assembled from parts of motor vehicles or mobile homes, new or used. "Assembled from parts" does not mean a motor vehicle defined as a "rebuilt vehicle" in s. 319.14(1)(c)3., which has been declared a total loss pursuant to s. 319.30.

5. "Combined" means assembled by combining two motor vehicles neither of which has been titled and branded as "Salvage Unrebuildable."

6. "Kit car" means a motor vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated motor vehicle with a new body kit.

7. "Glider kit" means a vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated truck or truck tractor.

8. "Replica" means a complete new motor vehicle manufactured to look like an old vehicle.

9. "Flood vehicle" means a motor vehicle or mobile home that has been declared to be a total loss pursuant to s. 319.30(3)(a) resulting from damage caused by water.

(2) No person shall knowingly sell, exchange, or transfer a vehicle referred to in subsection (1) without, prior to consummating the sale,

exchange, or transfer, disclosing in writing to the purchaser, customer, or transferee the fact that the vehicle has previously been titled, registered, or used as a taxicab, police vehicle, or lease vehicle or is a ~~rebuilt~~ vehicle *that is rebuilt, assembled from parts, or combined, or is a kit car, glider kit, replica, or flood vehicle,* as the case may be.

(3) Any person who, with intent to offer for sale or exchange any vehicle referred to in subsection (1), knowingly or intentionally advertises, publishes, disseminates, circulates, or places before the public in any communications medium, whether directly or indirectly, any offer to sell or exchange the vehicle shall clearly and precisely state in each such offer that the vehicle has previously been titled, registered, or used as a taxicab, police vehicle, or lease vehicle or that the vehicle or mobile home is a ~~rebuilt~~ vehicle *that is rebuilt, assembled from parts, or combined, or is a kit car, glider kit, replica, or flood vehicle,* as the case may be. Any person who violates this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) This section applies to a mobile home, travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer only when such mobile home or vehicle is a rebuilt vehicle *or is assembled from parts.*

Section 11. Present subsections (2) and (3) of section 319.21, Florida Statutes, are renumbered as subsections (3) and (4), respectively, and a new subsection (2) is added to that section to read:

319.21 Necessity of manufacturer's statement of origin and certificate of title.—

(2) When a motor vehicle is built in two or more stages, each manufacturer must provide a manufacturer's statement of origin for each stage.

Section 12. Subsection (3) of section 319.225, Florida Statutes, is amended to read:

319.225 Transfer and reassignment forms; odometer disclosure statements.—

(3) Each certificate of title issued by the department must contain on its reverse side as many forms as space allows for reassignment of title by a licensed dealer as permitted by *s. 319.21(3)* ~~s. 319.21(2)~~, which form or forms shall contain an odometer disclosure statement in the form required by 49 C.F.R. s. 580.5. When all dealer reassignment forms provided on the back of the title certificate have been filled in, a dealer may reassign the title certificate by using a separate dealer reassignment form issued by the department in compliance with 49 C.F.R. ss. 580.4 and 580.5, which form shall contain two carbon copies one of which shall be submitted directly to the department by the dealer within 5 business days after the transfer and one of which shall be retained by the dealer in his or her records for 5 years. The provisions of this subsection shall also apply to vehicles not previously titled in this state and vehicles whose title certificates do not contain the forms required by this section.

Section 13. Subsection (1) of section 319.23, Florida Statutes, is amended to read:

319.23 Application for, and issuance of, certificate of title.—

(1) Application for a certificate of title shall be made upon a form prescribed by the department, shall be filed with the department, and shall be accompanied by the fee prescribed in this chapter. If a certificate of title has previously been issued for a motor vehicle or mobile home in this state, the application for a certificate of title shall be accompanied by the certificate of title duly assigned, or assigned and reassigned, unless otherwise provided for in this chapter. If the motor vehicle or mobile home for which application for a certificate of title is made is a new motor vehicle or new mobile home for which *one or more manufacturers' statements* ~~a manufacturer's statement~~ of origin *are* ~~is~~ required by the provisions of *s. 319.21,* ~~s. 319.21(1)~~ the application for a certificate of title shall be accompanied by *all* such *manufacturers' statements* ~~manufacturer's statement~~ of origin.

Section 14. Present subsection (9) of section 319.24, Florida Statutes, is renumbered as subsection (10), and a new subsection (9) is added to that section, to read:

319.24 Issuance in duplicate; delivery; liens and encumbrances.—

(9) Notwithstanding any requirements in this section or in s. 319.27 indicating that a lien on a motor vehicle or mobile home shall be noted on the face of the Florida certificate of title, if there are one or more liens or encumbrances on the motor vehicle or mobile home, the department may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions may be electronically transmitted to the department and shall include the name and address of the person or entity satisfying the lien. When electronic transmission of liens and lien satisfactions are used, the issuance of a certificate of title may be waived until the last lien is satisfied and a clear certificate of title is issued to the owner of the vehicle. In subsequent transfer of ownership of the motor vehicle it shall be presumed that the motor vehicle title is subject to a lien as set forth in s. 319.225(6)(a) until the title to be issued pursuant to this subsection is received by the person or entity satisfying the lien.

Section 15. Paragraph (d) is added to subsection (1), paragraph (b) of subsection (2), and subsection (3) of section 319.28, Florida Statutes, are amended to read:

319.28 Transfer of ownership by operation of law.—

(1)

(d) A mobile home that is repossessed is exempt from registration if the mobile home is not transferred or titled for occupancy.

(2)

(b) In case of repossession of a motor vehicle or mobile home pursuant to the terms of a security agreement or similar instrument, an affidavit by the party to whom possession has passed stating that the vehicle or mobile home was repossessed upon default in the terms of the security agreement or other instrument shall be considered satisfactory proof of ownership and right of possession. *At least 5 days prior to selling the repossessed vehicle, any subsequent lienholder named in the last issued certificate of title shall be sent notice of the repossession by certified mail, on a form prescribed by the department. If such notice is given and no written protest to the department is presented by a subsequent lienholder within 15 days from the date on which the notice was mailed, the certificate of title or the certificate of repossession shall be issued showing no liens. If the former owner or any subsequent lienholder files a written protest under oath within such 15 day period, the department shall not issue the certificate of title or certificate of repossession for 10 days thereafter. If within the 10-day period no injunction or other order of a court of competent jurisdiction has been served on the department commanding it not to deliver the certificate of title or certificate of repossession to the applicant or as may otherwise be directed in the application showing no other liens than those shown in the application. Any lienholder who has repossessed a vehicle in compliance with the provisions of this section may apply to the tax collector's office or to the department for a certificate of repossession or to the department for a certificate of title pursuant to s. 319.323. Proof of the required notice to subsequent lienholders shall be submitted together with regular title fees. A lienholder to whom a certificate of repossession has been issued may assign the certificate of title to the subsequent owner. Any person found guilty of violating any requirements of this paragraph shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

~~(3) If, from the records of the department, there appears to be any other lien on the motor vehicle or mobile home, the certificate of title shall contain a statement of such lien, unless the application for a certificate of title is either accompanied by proper evidence of its satisfaction or extinction or contains a statement certifying that any lienholder named on the last-issued certificate of title has been sent notice by certified mail, at least 5 days prior to the filing of the application, of the applicant's intention to seek repossessed title. If such notice is given and no written protest to the department is presented by a subsequent lienholder within 15 days from the date on which the notice was mailed, the certificate of title shall be issued showing no liens. If the former owner or any subsequent lienholder files a written protest under oath within such 15-day period, the department shall not issue the repossessed certificate for 10 days thereafter. If, within the 10-day period, no injunction or other order of a court of competent jurisdiction has been served on the department commanding it not to deliver the certificate, the department shall deliver the repossessed certificate to the applicant or as may otherwise be directed in the application showing no other liens than those shown in the application.~~

Section 16. Section 319.323, Florida Statutes, is amended to read:

319.323 Expedited service; applications; fees.—The department shall establish a separate title office which may be utilized by private citizens and licensed motor vehicle dealers to receive expedited service on title transfers, title issuances, duplicate titles, and recordation of liens, *and certificates of repossession*. A fee of $7 shall be charged for this service, which fee is in addition to the fees imposed by s. 319.32. Application for such expedited service may be made by mail or in person. The department shall issue each title applied for pursuant to this section within 5 working days after receipt of the application except for an application for a duplicate title certificate covered by s. 319.23(4), in which case the title must be issued within 5 working days after compliance with the department's verification requirements.

Section 17. Subsections (2) and (3) of section 320.05, Florida Statutes, are amended to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(2)(a) The department is authorized, upon application of any person and payment of the proper fees, to prepare and furnish lists containing motor vehicle *or vessel* information in such form as the department may authorize, to search the records of the department and make reports thereof, and to make photographic copies of the department records and attestations thereof.

(b) Fees therefor shall be charged and collected as follows:

1. For providing lists of motor vehicle *or vessel* records for the entire state, or any part or parts thereof, divided according to counties, a sum computed at a rate of not less than 1 cent nor more than 5 cents per item.

2. For providing noncertified photographic copies of motor vehicle *or vessel* documents, $1 per page.

3. For providing noncertified photographic copies of micrographic records, $1 per page.

4. For providing certified copies of motor vehicle *or vessel* records, $3 per record.

5. For providing noncertified computer-generated printouts of motor vehicle *or vessel* records, 50 cents per record.

6. For providing certified computer-generated printouts of motor vehicle *or vessel* records, $3 per record.

7. For providing electronic access to motor vehicle, *vessel,* and mobile home registration data requested by tag, vehicle identification number, title number, or decal number, 50 cents per item.

8. For providing electronic access to driver's license status report by name, sex, and date of birth or by driver license number, 50 cents per item.

9. For providing lists of licensed mobile home dealers and manufacturers and recreational vehicle dealers and manufacturers, $15 per list.

10. For providing lists of licensed motor vehicle dealers, $25 per list.

11. For each copy of a videotape record, $15 per tape.

12. For each copy of the Division of Motor Vehicles Procedures Manual, $25.

(c) Fees collected pursuant to paragraph (b) shall be deposited into the Highway Safety Operating Trust Fund.

(d) The department shall furnish such information without charge to any court or governmental entity.

(e) When motor vehicle, *vessel,* or mobile home registration data is provided by electronic access through a tax collector's office, a fee for the electronic access is not required to be assessed. However, at the tax collector's discretion, a fee equal to or less than the fee charged by the department for such information may be assessed by the tax collector for the electronic access. Notwithstanding paragraph (c), any funds collected by the tax collector as a result of providing such access shall be retained by the tax collector.

(3) The department is authorized to ~~photograph, microphotograph, or~~ reproduce ~~on film~~ such documents, records, and reports as required to meet the requirements of the law and the needs of the public*, either by photographing, microphotographing, or reproducing on film the document, record, or report, or by using an electronic digitizing process capable of reproducing a true and correct image of the original source document*. The photographs, ~~or~~ microphotographs*, or electronic digitized copy* ~~in the form of film or print~~ of any records made in compliance with the provisions of this section shall have the same force and effect as the originals thereof and shall be treated as originals for the purpose of their admissibility into evidence. Duly certified or authenticated reproductions of such photographs, ~~or~~ microphotographs*, or electronically digitized records* shall be admitted into evidence equally with the original photographs, ~~or~~ microphotographs*, or electronically digitized records*.

Section 18. Section 320.086, Florida Statutes, is amended to read:

320.086 Ancient*, antique, or collectible* motor vehicles; "horseless carriage,"* antique, collectible,* or historical license plates.—

(1) The owner of *an automobile or truck for private use manufactured in 1927 or earlier, equipped with an engine manufactured in 1927 or earlier or manufactured to the specifications of the original engine, and operated on the streets and highways of this state* ~~a motor vehicle of the age of 35 years or more from the date of manufacture, equipped with an engine of the age of 35 years or more from the date of manufacture, and operated or moved over the highway primarily for the purpose of historical exhibition or for any other similar purpose~~ shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax *for an ancient motor vehicle* prescribed by s. 320.08(2)(a) *or (3)(e),* be issued a special license plate for such motor vehicle. The license plate shall be permanent and valid for use without renewal so long as the vehicle is in existence. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1," and the plates shall be of a distinguishing color.

(2) The owner of an automobile or truck for private use manufactured between 1928 and 1945, inclusive, with an engine manufactured between 1928 and 1945, inclusive, or manufactured to the specifications of the original engine and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax prescribed by s. 320.08(2)(a) or (3)(e), be issued a special license plate for such motor vehicle. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Antique Vehicle No. 1," and the plates shall be of a distinguishing color.

(3)(a) The owner of an automobile or truck for private use of the age of 20 years or more from the date of manufacture, equipped with an engine of the age of 20 years or more from the date of manufacture, and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax prescribed by s. 320.08(2)(a) or (3)(e), be issued a special license plate for such motor vehicle. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Collectible No. 1," and the plates shall be of a distinguishing color.

(b) Motor vehicles with a model year of 1946-1960, registered as ancient prior to July 1, 1996, shall be grandfathered to maintain a permanent license plate unless the vehicle is transferred to a new owner. Upon transfer of a vehicle with a model year of 1946-1960, after July 1, 1996, the vehicle shall be registered as a collectible and required to renew annually as prescribed by s. 320.08.

(4) Any person who is the registered owner of an ancient, antique, or collectible motor vehicle as defined in s. 320.086 may apply to the department for permission to use a historical Florida license plate which clearly represents the model year of the vehicle as a personalized prestige license plate. This plate shall be furnished by such person and shall be presented to the department with a reasonable fee to be determined by the department for approval and for authentication that the historic license plate and any applicable decals were issued by this state in the same year as the model year of the car or truck. The requirements of s. 320.0805(8)(b) do not apply to historical plates authorized under this subparagraph.

~~(2) Any person who qualifies for and receives the special "horseless carriage" plate under subsection (1) for an ancient motor vehicle may display a historical Florida license plate from or representing the model year of the vehicle, furnished by such person, in lieu of the current and valid "horseless carriage" vehicle plate issued under said subsection, if the valid and current "horseless carriage" vehicle plate and registration certificate issued to the ancient motor vehicle are simultaneously carried within the vehicle and are available for inspection.~~

Section 19. Paragraphs (f) and (g) of subsection (4) and paragraph (a) of subsection (5) and paragraph (a) of subsection (2) and paragraph (e) of subsection (3) of section 320.08, Florida Statutes, are amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(2) AUTOMOBILES FOR PRIVATE USE.—

(a) An *ancient,* antique, *or collectible* automobile *as defined in s. 320.086* or street rod as defined in s. 320.0863: $7.50 flat. ~~An "antique automobile" is any passenger automobile manufactured more than 20 years prior to the current date and equipped with an engine manufactured more than 20 years prior to the current date or an engine manufactured to the specifications of the original engine.~~

(3) TRUCKS.—

(e) An *ancient,* antique, *or collectible* truck *as defined in s. 320.086*: $7.50 flat. ~~An "antique truck" is any truck with a net weight of not more than 3,000 pounds manufactured more than 20 years prior to the current date and equipped with an engine manufactured more than 20 years prior to the current date or an engine manufactured to the specifications of the original engine.~~

(4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.—

(f) Gross vehicle weight of 20,000 pounds or more, but less than *26,001* ~~26,000~~ pounds: $186 flat.

(g) Gross vehicle weight of *26,001* ~~26,000~~ pounds or more, but less than 35,000: $240 flat.

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(a)*1.* A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $10 flat per registration year or any part thereof.

2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: $50 flat per permanent registration.

Section 20. Paragraph (a) of subsection (8) of section 320.0805, Florida Statutes, is amended to read:

320.0805 Personalized prestige license plates.—

(8)(a) Personalized prestige license plates shall consist of four types of plates as follows:

1. A plate imprinted with numerals only. Such plates shall consist of numerals from 1 to 999, inclusive.

2. A plate imprinted with capital letters only. Such plates shall consist of capital letters "A" through "Z" and shall be limited to a total of seven of the same or different capital letters. A hyphen may be added in addition to the seven letters.

3. A plate imprinted with both capital letters and numerals. Such plates shall consist of no more than a total of seven characters, including both numerals and capital letters, in any combination, except that a hyphen may be added in addition to the seven characters if desired or needed. However, on those plates issued to, and bearing the names of, organizations, the letters and numerals shall be of such size, if necessary, as to accommodate a maximum of 18 digits for automobiles, trucks, and recreational vehicles and 7 digits for motorcycles. Plates consisting of the four capital letters "PRES" preceded or followed by a hyphen and numerals of 1 to 999 shall be reserved for issuance only to applicants who qualify as members of the press and who are associated with, or are employees of, the reporting media.

~~4. Any person who is the registered owner of an antique motor vehicle as defined in s. 320.08(2)(a) or (3)(e), or an antique motorcycle as defined in s. 320.08(1)(e), may apply to the department for permission to use a historical Florida license plate from or representing the model year of the vehicle as a personalized prestige license plate. This plate shall be furnished by such person and shall be presented to the department with a reasonable fee to be determined by the department for approval and for authentication that the historic license plate was issued by this state in the same year as the model year of the car or truck. The requirements of paragraph (b) do not apply to historical plates authorized under this subparagraph.~~

Section 21. Subsection (3) of section 319.23, Florida Statutes, is amended to read:

319.23 Application for, and issuance of, certificate of title.—

(3) If a certificate of title has not previously been issued for a motor vehicle or mobile home in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a certificate of title, bill of sale, or other evidence of ownership required by the law of the state or county from which the motor vehicle or mobile home was brought into this state. The application shall also be accompanied by:

(a)1. A sworn affidavit from the seller and purchaser verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle; or

2. An appropriate departmental form evidencing that a physical examination has been made of the motor vehicle by the owner and by a duly constituted law enforcement officer in any state, a licensed motor vehicle dealer, a license inspector as provided by s. 320.58, or a notary public commissioned by this state and that the vehicle identification number shown on such form is identical to the vehicle identification number shown on the motor vehicle; and

(b) If the vehicle is a used car original, a sworn affidavit from the owner verifying that the odometer reading shown on the affidavit is identical to the odometer reading shown on the motor vehicle in accordance with the requirements of 49 C.F.R. s. 580.5 at the time that application for title is made. For the purposes of this section, the term "used car original" means a used vehicle coming into and being titled in this state for the first time.

(c) If the vehicle is an ancient, antique, or collectible vehicle as defined in s. 320.086, the application shall be accompanied either by a certificate of title; a notarized bill of sale and a registration; or a notarized bill of sale, an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vehicle description to include the vehicle identification or engine number, year make, color, selling price, and signatures of the seller and purchaser.

Verification of the vehicle identification number shall not be required for any new motor vehicle sold in this state by a licensed motor vehicle dealer; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

Section 22. Paragraph (g) is added to subsection (2) of section 320.072, Florida Statutes, to read:

320.072 Additional fee imposed on certain motor vehicle registration transactions.—

(1) A fee of $100 is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(2) The fee imposed by subsection (1) shall not apply to:

(g) Any ancient or antique automobile or truck for private use registered pursuant to s. 320.086(1) or (2).

Section 23. Subsection (1) of section 320.089, Florida Statutes, is amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; special license plates; fee.—

(1) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active *or retired* member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, or an active member of any branch of the United States Armed Forces Reserve shall, upon application to the department, accompanied by proof of active membership *or retired status* in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, or proof of active membership in any branch of the Armed Forces Reserve, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers prescribed by s. 320.06, shall be stamped the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve," as appropriate, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 24. Subsection (1) of section 322.08, Florida Statutes, is amended, and paragraph (c) is added to subsection (7) of said section, to read:

322.08 Application for license.—

(1) Each application for a driver's license ~~or duplicate thereof~~ shall be made *in a format designated* ~~upon a form to be furnished~~ by the department and sworn to or affirmed by the applicant as to the truth of the statements made in the application.

(7) The application form for a driver's license or duplicate thereof shall include language permitting the following:

(c) A voluntary contribution of $1 per applicant, which contribution shall be distributed to the Florida Council of the Blind.

A statement providing an explanation of the purpose of the trust funds shall also be included.

Section 25. Subsections (1) and (3) of section 322.15, Florida Statutes, are amended to read:

322.15 License to be carried and exhibited on demand; fingerprint to be imprinted upon a citation.—

(1) Every licensee shall have his or her driver's license, *which must be fully legible with no portion of such license faded, altered, mutilated, or defaced,* in his or her immediate possession at all times when operating a motor vehicle and shall display the same upon the demand of a law enforcement officer or an authorized representative of the department.

(3) No person charged with violating this section shall be convicted if, prior to or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending a driver's license theretofore issued to him or her *which complies with the requirements of subsection (1),* and valid at the time of his or her arrest. The clerk of the court is authorized to dismiss such case at any time prior to the defendant's appearance in court. The clerk of the court may assess a fee of $5 for dismissing the case under this subsection.

Section 26. Section 321.245, Florida Statutes, is amended to read:

321.245 Disposition of certain funds in the Highway Safety Operating Trust Fund.—*The Director of the Florida Highway Patrol, after receiving recommendations from the Commander of the Auxiliary, is authorized to purchase uniforms and equipment for auxiliary law enforcement officers as defined in s. 321.24 from funds described in s. 627.733(7). The amounts expended under this section shall not exceed $50,000 in any one fiscal year.* ~~Auxiliary law enforcement officers as defined in s. 321.24 are entitled to a one-time payment of $250 from funds described in s. 627.733(7) to reimburse them for expenses incurred in taking required courses, purchasing uniforms and weapons, and becoming auxiliary law enforcement officers. The $250 payment is to be made to persons who have been auxiliary law enforcement officers for no more than 5 years prior to October 1, 1995, and who are law enforcement officers on October 1, 1995. Any person who becomes an auxiliary law enforcement officer after October 1, 1995, must serve a 1-year probationary period before being eligible for the $250 payment. The total amount disbursed under this section may not exceed $50,000 in any one fiscal year.~~

Section 27. Subsections (2) and (5) of section 322.53, Florida Statutes, are amended to read:

322.53 License required; exemptions.—

(2) The following persons are exempt from the requirement to obtain a commercial driver's license:

(a) Drivers of authorized emergency vehicles.~~;~~

(b) Military personnel driving military vehicles.~~;~~

(c) Farmers transporting farm supplies or farm machinery within 150 miles of their farm, or transporting agricultural products to or from the first place of storage or processing or directly to or from market, within 150 miles of their farm.~~;~~

(d) Drivers of recreational vehicles, as defined in s. 320.01.~~;~~

(e) Drivers who operate straight trucks, as defined in s. 316.003, that are exclusively transporting their own tangible personal property which is not for sale.~~; and~~

(f) An employee of a publicly owned transit system who is limited to moving vehicles for maintenance or parking purposes exclusively within the restricted-access confines of a transit system's property.

(g) A driver operating any bus owned and operated by a church, when the driver does not receive any form of compensation for operating the bus, and when the bus is used to transport people to or from church-related activities at no charge.

(5) A resident who is exempt from obtaining a commercial driver's license pursuant to paragraph (b), paragraph (d), paragraph (e), ~~or~~ paragraph (f), *or paragraph (g)* of subsection (2) may drive a commercial motor vehicle pursuant to the exemption granted in paragraph (b), paragraph (d), paragraph (e), ~~or~~ paragraph (f), *or paragraph (g)* if he or she possesses a valid Class D or Class E driver's license or a military license.

Section 28. Effective October 1, 1996, section 322.161, Florida Statutes, is created to read:

322.161 High-risk drivers; restricted licenses.—

(1)(a) Notwithstanding any provision of law to the contrary, the department shall restrict the driving privilege of any Class D or Class E licensee who is age 15 through 17 and who has accumulated four or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period.

(b) Upon determination that any person has accumulated four or more points, the department shall notify the licensee and issue the licensee a restricted license for business purposes only. The licensee must appear before the department within 10 days after notification to have this restriction applied. The period of restriction shall be for a period of no less than 1 year beginning on the date it is applied by the department.

(c) The restriction shall be automatically withdrawn by the department after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of restriction shall be extended 90 days for each point. The restriction shall also be automatically withdrawn upon the licensee's 18th birthday if no other grounds for restriction exist. The licensee must appear before the department to have the restriction removed and a duplicate license issued.

(2)(a) Any Class E licensee who is age 15 through 17 and who has accumulated four or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period shall not be eligible to obtain a Class D license for a period of no less than 1 year. The period of ineligibility shall begin on the date of conviction for the violation that results in the licensee's accumulation of four or more points.

(b) The period of ineligibility shall automatically expire after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of ineligibility shall be extended 90 days for each point. The period of ineligibility shall also automatically expire upon the licensee's 18th birthday if no other grounds for ineligibility exist.

(3) Any action taken by the department pursuant to this section shall not be subject to any formal or informal administrative hearing or similar administrative procedure.

(4) The department shall adopt rules to carry out the purposes of this section.

Section 29. Subsections (21) and (26) of section 320.01, Florida Statutes, are amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(21) "Renewal period" means *the* ~~a~~ period ~~of 30 days~~ during which renewal of a motor vehicle registration or mobile home registration is required, *as provided in s. 320.055* ~~except as otherwise provided by law~~.

(26) "Commercial motor vehicle" means any vehicle which is not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight ~~in excess~~ of 26,001 pounds *or more,* or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,001 pounds gross vehicle weight.

Section 30. Subsection (2) of section 320.031, Florida Statutes, is amended to read:

320.031 Mailing of registration certificates, license plates, and validation stickers.—

(2) A mail service charge *may* ~~shall~~ be collected for each registration certificate, license plate, mobile home sticker, and validation sticker mailed by the department or any tax collector. Each registration certificate, license plate, mobile home sticker, and validation sticker shall be mailed by first-class mail unless otherwise requested by the applicant. The amount of the mail service charge shall be the actual postage required, rounded to the nearest 5 cents, plus a 25-cent handling charge. The mail service charge is in addition to the service charge provided by s. 320.04.

(3) The department is authorized to ~~photograph, microphotograph, or~~ reproduce ~~on film~~ such documents, records, and reports as required to meet the requirements of the law and the needs of the public, *either by photographing, microphotographing, or reproducing on film the document, record, or report, or by using an electronic digitizing process capable of reproducing a true and correct image of the original source document.* The photographs, ~~or~~ microphotographs, *or electronic digitized copy* ~~in the form of film or print~~ of any records made in compliance with the provisions of this section shall have the same force and effect as the originals thereof and shall be treated as originals for the purpose of their admissibility into evidence. Duly certified or authenticated reproductions of such photographs, ~~or~~ microphotographs, *or electronically digitized records* shall be admitted into evidence equally with the original photographs, ~~or~~ microphotographs, *or electronically digitized records.*

Section 31. Subsections (1), (2), (3), (5), and (6) of section 320.055, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(1) For a motor vehicle subject to registration under s. 320.08(1), (2), (3)(a), (b), (c), (d), or (e), (5)(b), (c), (d), or (e), (6)(a), (7), (8), ~~or~~ (9), *or (10)* and owned by a natural person, the registration period begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If such vehicle is registered in the name of more than one person, the birth month of the person whose name first appears on the registration shall be used to determine the registration period. For a vehicle subject to this registration period, the renewal period is the 30-day period ending at midnight on the vehicle owner's date of birth.

(2) For a vehicle subject to registration under s. 320.08*(11)*~~(10)~~, the registration period begins January 1 and ends December 31. For a vehicle subject to this registration period, the renewal period is the *31-day* ~~30-day~~ period beginning January 1.

(3) For a vehicle subject to registration under s. 320.08*(12)*~~(11)~~, the registration period runs concurrently with the licensing period. For a vehicle subject to this registration period, the renewal period is the first *month* ~~30 days~~ of the licensing period.

(5) For a vehicle subject to registration under s. 320.08(4), (5)(a)*1.*, or (6)(b), the registration period *shall be a period of 12 months beginning in a month designated by the department and ending on the last day of the 12th month* ~~begins December 1 and ends November 30~~. *For a vehicle subject to this registration period, the renewal period is the last month of the registration period. The registration period may be shortened or extended at the discretion of the department, on receipt of the appropriate prorated fees, in order to evenly distribute such registrations on a monthly basis.* ~~For a vehicle subject to this registration period, the renewal period is the 31-day period beginning December 1.~~

(6) For those vehicles subject to registration under s. 320.08(6)(a) *which* ~~that~~ are not short-term rental vehicles, the department shall develop and implement a registration renewal system that, where practicable, evenly distributes the registration renewal period throughout the year. *For a vehicle subject to this registration period, the renewal period is the first month of the assigned registration period.*

(7) For a vehicle subject to registration under s. 320.065, the registration period begins December 1 and ends November 30. For a vehicle subject to this registration period, the renewal period is the 31-day period beginning December 1.

Section 32. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 5-year period. At the end of said 5-year period, upon renewal, the plate shall be replaced and the department shall determine the replacement date for plates issued prior to October 1, 1985. The fee for such replacement shall be $10, $2 of which shall be paid each year before the plate is replaced, to be credited towards the next $10 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund shall not be given for any prior years' payments of such prorated replacement fee when the plate is replaced or surrendered before the end of the 5-year period. With each license plate, there shall be issued a validation sticker showing the owner's birth month or the appropriate renewal period if the owner is not a natural person. This validation sticker shall be placed on the upper left corner of the license plate and shall be issued one time during the life of the license plate, or upon request when it has been damaged or destroyed. There shall also be issued with each license plate a serially numbered validation sticker showing the year of expiration, which sticker shall be placed on the upper right corner of the license plate. Such license plate and validation stickers shall be issued based on the applicant's appropriate renewal period. The registration period shall be a period of 12 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate *and a cab card that denote the* ~~which denotes its~~

declared gross vehicle weight *for each apportioned jurisdiction in which the vehicle is authorized to operate* ~~where applicable~~.

(3)(a) Registration license plates shall be of metal specially treated with a retroreflective material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and shall be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers shall be treated with a retroreflective material, shall be of such size as specified by the department, and shall adhere to the license plate. The registration license plate shall be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate shall also be imprinted with the word "Florida" at the top and the name of the county in which it is sold at the bottom, except that apportioned license plates shall have the word "Apportioned" at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b), (c), or (d), (12), or (14) shall have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom, except that gross-vehicle-weight vehicles owned by a licensed motor vehicle dealer may be issued a license plate with the word "Restricted." Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The words "Sunshine State" shall be printed in lieu thereof. *In those counties where the county commission has not removed the county name from the license plate the tax collector may, in addition to issuing license plates with the county name printed on the license plate, also issue license plates with the words "Sunshine State" printed on the license plate subject to the approval of the department and a legislative appropriation for the additional license plates.* A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

Section 33. Section 320.061, Florida Statutes, is amended to read:

320.061 Unlawful to alter *motor vehicle registration certificate,* license plates, mobile home stickers, or validation stickers; penalty.—No person shall alter the original appearance of any registration license plate, mobile home sticker, ~~or~~ validation sticker, *or vehicle registration certificate* issued for and assigned to any motor vehicle or mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. Any person who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 34. Subsection (2) of section 320.065, Florida Statutes, is amended to read:

320.065 Registration of certain rental trailers for hire and semitrailers used to haul agricultural products.—

(2) Payment of registration license tax and fees shall be made annually ~~commencing December 1, 1986,~~ and be evidenced only by the issuance of a single receipt by the department. ~~Half-year registrations and fees shall be provided and assessed to those trailers or semitrailers registering July 1, 1987, for the June 1, 1987, through November 30, 1987, semiannual registration period.~~ No annual validation sticker is required.

Section 35. Paragraphs (a) and (c) of subsection (1) of section 320.0657, Florida Statutes, are amended to read:

320.0657 Permanent registration; fleet license plates.—

(1)(a) The owner or lessee of *250* ~~1,000~~ or more nonapportioned commercial motor vehicles licensed under s. 320.08(2), (3), (4), (5)(a)*1.* and (b), and (7), who has posted a bond as prescribed by department rules, may apply via magnetically encoded computer tape reel or cartridge which is machine readable by the installed computer system at the department for permanent license plates. All vehicles with a fleet license plate shall have the company's name or logo and unit number displayed so that they are readily identifiable. The provisions of s. 320.0605 shall not apply to vehicles registered in accordance with this section, and no annual validation sticker is required.

(c) In addition to the license tax prescribed by s. 320.08(2), (3), (4), (5)(a)*1.* and (b), and (7), an annual fee of $6 shall be charged for each vehicle registered hereunder. Of this $6 fee, $2.50 shall be retained as a service charge by the tax collector, if the registration occurs at such office, or by the department, if the registration occurs at offices of the department. Receipts from the $6 fee not retained by tax collectors shall be deposited into the Highway Safety Operating Trust Fund. Payment of registration license tax and fees shall be made annually and be evidenced only by the issuance of a single receipt by the department. Half-year registrations shall not be available for vehicles registered in accordance with the provisions of this section. The provision of s. 320.06(1)(b) shall not apply to the fleet renewal process.

Section 36. Section 320.0659, Florida Statutes, is created to read:

320.0659 Permanent registration of trailer for hire and semitrailers.—

(1) A permanent license plate may be issued for any semitrailer classified under s. 320.08(5)(a)2. All such license plates shall be of a distinctive color, and shall be imprinted with the words "Permanent Trl" at the bottom. Such plates shall be displayed as required by s. 316.605 and shall be removed upon the sale of the vehicle or upon the vehicle's being removed from service. If the plate is lost, mutilated, or destroyed, the plate may be replaced as provided by s. 320.0607. The use of such plate on any vehicle other than the one to which it is issued is prohibited. No refunds shall be issued for this plate.

(2) If apportionment is required for a permanent semitrailer, the apportionment must be indicated by means of a serially numbered decal, or decals, with the name of the state for which apportionment is granted and the year for which the apportionment is valid. The apportionment must be for 1 calendar year and must be renewed as necessary. For jurisdictions that do not require additional trailer fees, the fee provided in s. 320.08(5)(a)2. applies.

Section 37. Section 320.0706, Florida Statutes, is amended to read:

320.0706 Display of license plates on trucks.—The owner of any commercial truck of gross vehicle weight of *26,001* ~~26,000~~ pounds or more shall display the registration license plate on both the front and rear of the truck in conformance with all the requirements of s. 316.605 that do not conflict with this section. However, the owner of a truck tractor shall be required to display the registration license plate only on the front of such vehicle.

Section 38. Paragraph (c) of subsection (2) of section 320.072, Florida Statutes, is amended to read:

320.072 Additional fee imposed on certain motor vehicle registration transactions.—

(2) The fee imposed by subsection (1) shall not apply to:

(c) Any initial registration resulting from transfer of title between coowners as provided by s. 319.22, transfer of ownership by operation of law as provided by s. 319.28, or transfer of title from a person to a member of that person's immediate family as defined in s. 657.002 *who resides in the same household.*

Section 39.

320.0815 Mobile homes and recreational vehicle-type units required to have appropriate license plates or stickers.—

(1) Recreational vehicle-type units taxed under s. 320.08 (9) *and (10)* shall be issued appropriate license plates, except as provided in subsection (2).

(2) A mobile home or recreational vehicle-type unit which is permanently affixed to the land shall be issued a mobile home sticker at the fee prescribed in *s. 320.08(11)* ~~s. 320.08(10)~~ unless the mobile home or recreational vehicle-type unit is qualified and taxed as real property, in which case the mobile home or recreational vehicle-type unit shall be issued an "RP" series sticker. Series "RP" stickers shall be provided by the department to the tax collectors, and such a sticker will be issued by the tax collector to the registered owner of such a mobile home or recreational vehicle-type unit upon the production of a certificate of the respective property appraiser that such mobile home or recreational vehi-

cle-type unit is included in an assessment of the property of such registered owner for ad valorem taxation. An "RP" series sticker shall be issued by the tax collector for an aggregate fee of $3 each, to be distributed as follows: $2.50 shall be retained by the tax collector as a service charge; 25 cents shall be remitted to the property appraiser; and 25 cents shall be remitted to the department to defray the cost of manufacture and handling. Mobile home stickers and "RP" series stickers shall be of a size to be determined by the department. A mobile home sticker or "RP" series sticker shall be affixed to the lower left corner of the window closest to the street or road providing access to such residence.

Section 40. Subsection (4) of section 320.13, Florida Statutes, is repealed.

Section 41. Paragraph (k) is added to subsection (1) of section 320.131, Florida Statutes, to read:

320.131 Temporary tags.—

(1) The department is authorized and empowered to design, issue, and regulate the use of temporary tags to be designated "temporary tags" for use in the following cases:

(k) For use by licensed dealers to transport motor vehicles and recreational vehicles from the dealer's licensed location to an off-premise sales location and return. Temporary tags used for such purposes shall be issued to the licensed dealer who owns the vehicles.

Further, the department is authorized to disallow the purchase of temporary tags by licensed dealers, common carriers, or financial institutions in those cases where abuse has occurred.

Section 42. Subsection (3) is added to section 320.18, Florida Statutes, to read:

320.18 Withholding registration.—

(3) In the case of repossession, a mobile home is exempt from registration when the dwelling is not transferred or titled for occupancy.

Section 43. Paragraph (c) of subsection (1), subsection (4), and paragraph (s) of subsection (9) of section 320.27, Florida Statutes, are amended, and paragraph (u) is added to subsection (9), to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair motor vehicles pursuant to an agreement as defined in s. 320.60(1). Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may, at *retail or* wholesale, sell a recreational vehicle as described in *s. 320.01(1)(b)1. through 6. and 8.* ~~s. 320.771~~, acquired in exchange for the sale of a motor vehicle, provided such acquisition is incidental to the principal business of being a motor vehicle dealer. However, a motor vehicle dealer may not buy a recreational vehicle for the purpose of resale unless licensed as a recreational vehicle dealer pursuant to s. 320.771. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), (c), and (d), using a manufacturer's statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

1. "Franchised motor vehicle dealer" means any person who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. "Motor vehicle auction" means any person offering motor vehicles or recreational vehicles for sale to the highest bidder where both sellers and buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

5. "Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail, wholesale, or auction, unless otherwise restricted. A manufacturer of fire trucks, ambulances, or school buses may sell such vehicles directly to governmental agencies or to persons who contract to perform or provide firefighting, ambulance, or school transportation services exclusively to governmental agencies without processing such sales through dealers if such fire trucks, ambulances, school buses, or similar vehicles are not presently available through motor vehicle dealers licensed by the department.

(4) LICENSE CERTIFICATE.—

(a) A license certificate shall be issued by the department in accordance with such application when the application is regular in form and in compliance with the provisions of this section. The license certificate may be in the form of a document or a computerized card as determined by the department. The actual cost of each original, additional, or replacement computerized card shall be borne by the licensee and is in addition to the fee for licensure. Such license, when so issued, entitles the licensee to carry on and conduct the business of a motor vehicle dealer. Each license issued to a franchise motor vehicle dealer expires annually on December 31 unless revoked or suspended prior to that date. Each license issued to an independent or wholesale dealer or auction expires annually on April 30 unless revoked or suspended prior to that date. Not less than 60 days prior to the license expiration date, the department shall deliver or mail to each licensee the necessary renewal forms. Any licensee who does not file his or her application and fees and any other requisite documents, as required by law, with the department at least 30 days prior to the license expiration date shall cease to engage in business as a motor vehicle dealer on the license expiration date. A renewal filed with the department within 45 days after the expiration date shall be accompanied by a delinquent fee of $100. Thereafter, a new

application is required, accompanied by the initial license fee. A license certificate duly issued by the department may be modified by endorsement to show a change in the name of the licensee, provided, as shown by affidavit of the licensee, the majority ownership interest of the licensee has not changed or the name of the person appearing as franchisee on the sales and service agreement has not changed. Modification of a license certificate to show any name change as herein provided shall not require initial licensure or reissuance of dealer tags; however, any dealer obtaining a name change shall transact all business in and be properly identified by that name. All documents relative to licensure shall reflect the new name. In the case of a franchise dealer, the name change shall be approved by the manufacturer, distributor, or importer. A licensee applying for a name change endorsement shall pay a fee of $25 which fee shall apply to the change in the name of a main location and all additional locations licensed under the provisions of subsection (5). Each initial license application received by the department shall be accompanied by verification that, within the preceding 6 months, the applicant, or one or more of his or her designated employees, has attended a training and information seminar conducted by the department. Such seminar shall include, but is not limited to, statutory dealer requirements, which requirements include required bookkeeping and recordkeeping procedures, requirements for the collection of sales and use taxes, and such other information that in the opinion of the department will promote good business practices. No seminar may exceed 8 hours in length.

(b) Each initial license application received by the department for licensure under s. 320.27(1)(c)2. must be accompanied by verification that, within the preceding 6 months, the applicant (owner, partner, officer of the corporation, or director) has successfully completed training conducted by a licensed motor vehicle dealer training school. Such training must include training in titling and registration of motor vehicles, laws relating to unfair and deceptive trade practices, laws relating to financing with regard to buy-here, pay-here operations, and such other information that in the opinion of the department will promote good business practices. Successful completion of this training shall be determined by examination administered at the end of the course and attendance of no less that 90 percent of the total hours required by such school. Any applicant who had held a valid motor vehicle dealer's license within the past 2 years and who remains in good standing with the department is exempt from the requirements of this paragraph. In the case of nonresident applicants, the requirement to attend such training shall be placed on any employee of the licensee who holds a responsible management-level position and who is employed full-time at the motor vehicle dealership. The department shall have the authority to adopt any rule necessary for establishing the training curriculum; length of training, which shall not exceed 8 hours for required department topics and shall not exceed an additional 24 hours for topics related to other regulatory agencies' instructor qualifications; and any other requirements under this section. The curriculum for other subjects shall be approved by any and all other regulatory agencies having jurisdiction over specific subject matters; however, the overall administration of the licensing of these dealer schools and their instructors shall remain with the department. Such schools are authorized to charge a fee. This privatized method for training applicants for dealer licensing pursuant to s. 320.27(1)(c)2. is a pilot program that shall be evaluated by the department after it has been in operation for a period of 2 years.

(9) DENIAL, SUSPENSION, OR REVOCATION.—The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771, upon proof that a licensee has failed to comply with any of the following provisions with sufficient frequency so as to establish a pattern of wrongdoing on the part of the licensee:

(s) When a motor vehicle dealer is convicted of a crime which results in his or her being prohibited from continuing in that capacity, the dealer may not continue in any capacity within the industry. The offender shall have no financial interest, management, sales, or other role in the operation of a dealership. Further, the offender may not derive income from the dealership beyond reasonable compensation for *the sale of* his or her ownership interest in the business.

(u) Failure to honor a bank draft or check given to a motor vehicle dealer for the purchase of a motor vehicle by another motor vehicle dealer within 10 days after notification that the bank draft or check has been dishonored. A single violation of this paragraph is sufficient for revocation or suspension. If the transaction is disputed, the maker of the bank draft or check shall post a bond in accordance with the provisions of s. 559.917, and no proceeding for revocation or suspension shall be commenced until the dispute is resolved.

Section 44. Paragraph (a) of subsection (1) of section 320.771, Florida Statutes, is amended to read:

320.771 License required of recreational vehicle dealers.—

(1) DEFINITIONS.—As used in this section:

(a) "Dealer" means any person engaged in the business of buying, selling, or dealing in recreational vehicles or offering or displaying recreational vehicles for sale. The term "dealer" includes a recreational vehicle broker. Any person who buys, sells, deals in, or offers or displays for sale, or who acts as the agent for the sale of, one or more recreational vehicles in any 12-month period shall be prima facie presumed to be a dealer. The terms "selling" and "sale" include lease-purchase transactions. The term "dealer" does not include banks, credit unions, and finance companies that acquire recreational vehicles as an incident to their regular business and does not include mobile home rental and leasing companies that sell recreational vehicles to dealers licensed under this section. A licensed dealer may transact business in recreational vehicles with a motor vehicle auction as defined in s. 320.27(1)(c)4. *Further, a licensed dealer may, at retail or wholesale, sell a motor vehicle, as described in s. 320.01(1)(a), acquired in exchange for the sale of a recreational vehicle, if such acquisition is incidental to the principal business of being a recreational vehicle dealer. However, a recreational vehicle dealer may not buy a motor vehicle for the purpose of resale unless licensed as a motor vehicle dealer pursuant to s. 320.27.*

Section 45. Subsection (1) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(1) Any person 12 years of age or older may be issued an identification card by the department upon completion of an application and payment of an application fee. The application shall include the full name (first, middle or maiden, and last), sex, race, residence address and mailing address, proof of birth satisfactory to the department, and other data the department may require. Applications for identification cards shall be signed and verified by the applicant *in a format designated by the department* before a person authorized to administer oaths. The fee for an identification card shall be $3, including payment for the color photograph or digital image of the applicant.

Section 46. *The department is authorized to issue identification cards to persons under 12 years of age, upon receipt of an application and payment of an application fee, as a pilot program in Citrus, and two other counties to be determined by the department at a cost of $6 per year per identification card. The pilot project shall be reviewed by the Legislature after it has been in operation for 1 year.*

Section 47. Subsection (1) of section 322.13, Florida Statutes, is amended to read:

322.13 Driver's license examiners.—

(1)(a) The department shall designate persons to serve as driver's license examiners who, upon accepting such designation, shall conduct examinations hereunder, perform other assigned duties, and make factual reports of findings and recommendations to the department as it may require. In the course of his or her duties, an examiner is authorized to administer oaths or have persons affirm as to the truth of statements filed before him or her.

(b)~~1. The department shall by rule establish procedures and requirements for the designation of instructors of driver's education courses in public or private secondary schools as driver's license examiners. Such instructors may include both instructional personnel of the school system or private school who are certified by the Department of Education to teach the required course of study and instruct in the safe and lawful operation of an automobile and instructors certified under chapter 488 with whom the district school board or private school has contracted to teach such a course. The duties of such persons as driver's license examiners are limited to conducting examinations of applicants for an original driver's license only, do not extend to the conduct of reexaminations, and are also limited to instructing applicants who are currently enrolled in a driver's education course at the school by which the instructor is employed.~~

~~2.~~ Those persons serving as driver's license examiners are not liable for actions taken within the scope of their employment or designation, except as provided by s. 768.28. ~~The schools at which such examinations are made and the school boards by which such designated examiners are employed also are not liable for any action brought as the result of such examination program.~~

Section 48. Section 322.135, Florida Statutes, is created to read:

322.135 Driver's license agents.—

(1) The department may, upon application, authorize any or all of the tax collectors in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver's license services.

(a) These services shall be limited to the issuance of driver's licenses and identification cards as authorized by this chapter.

(b) Each tax collector who is authorized by the department to provide driver's license services shall bear all costs associated with providing those services.

(c) A fee of $5.25 is to be charged, in addition to the fees set forth in this chapter, for any driver's license issued or renewed by a tax collector. One dollar of the $5.25 fee must be deposited into the Highway Safety Operating Trust Fund.

(2) Each tax collector is required to give a good and sufficient surety bond, payable to the department, conditioned upon his or her faithfully and truly performing the duties imposed upon him or her according to the requirements of law and the rules of the department and upon his or her accounting for all materials, records, and other property and money that comes into his or her possession or control by reason of performing these duties.

(a) The amount of the bond must be determined by the department as an amount not less than 10 percent above the average of the daily deposits of each tax collector.

(b) If a tax collector is also an agent of the department for purposes of s. 320.03, the amount of the bond must be at least 10 percent above the average of the total daily deposits of all funds received by the tax collector on behalf of the department.

(c) Notwithstanding the provisions of s. 320.03, only one bond is required in order for a tax collector to serve as an agent of the department under chapters 320 and 322.

(3) Each tax collector shall keep a full and complete record of all materials, records, and other properties received by him or her from the department, or from any other source, and shall make prompt remittance of moneys collected by him or her at such times and in such manner as prescribed by law, in accordance with departmental rules.

(4) A tax collector may not issue or renew a driver's license if he or she has any reason to believe that the licensee or prospective licensee is physically or mentally unqualified to operate a motor vehicle. The tax collector shall direct any such licensee to the department for examination or reexamination under s. 322.221.

Section 49. Section 322.56, Florida Statutes, is amended to read:

322.56 Contracts for administration of *driver's license* ~~driving skills portion of~~ examination.—

(1) The department may, by contract, interagency agreement, or interlocal agreement, authorize a person, an entity of the state government, *a subdivision of state government, a public or private corporation, a firm, an organization, a school,*or an entity of a local government to administer the *written and* driving skills *portions* ~~portion~~ of an examination for *all classes and types of driver's licenses* ~~a commercial driver's license~~, the results of which may be accepted in lieu of the results of a *written and* driving skills examination given by the department.

(2) Any test given by a *third-party administrator* ~~third party~~ under contract with the state must be the same as the test *that* ~~which~~ the state would otherwise give.

(3) The contract or agreement between the *third-party administrator* ~~third party~~ and the state must, at a minimum, contain provisions that:

(a) Allow the Federal Highway Administration, or its representative, to conduct random examinations, inspections, and audits without prior notice;

(b) Allow the department, or its representative, to conduct random examinations, inspections, and audits without prior notice;

(c) *Allow* ~~Require~~ the department to conduct onsite inspections at least annually;

(d) Require that all third-party *administrators* ~~examiners~~ meet the same qualifications and education and training standards as department examiners, to the extent necessary to conduct the *written and* driving skills *portions* ~~portion~~ of the examination;

(e) *Allow* ~~Require that~~ the department *to* test, at least annually, a random sample of the drivers approved by the third party for licensure; and

(f) Reserve to the department the right to take prompt and appropriate action against a third party that fails to comply with state or federal standards for a ~~commercial~~ driver's license examination or that fails to comply with any terms of the contract.

(4) The department shall monitor examinations administered under the authority of this section. Such monitoring shall, at a minimum, satisfy the requirements of paragraphs (b), (c), (d), and (e) of subsection (3).

(5) An applicant who successfully completes a *written and* driving skills examination administered by an authorized *third-party administrator* ~~third party~~ shall provide evidence of such fact to the department prior to licensure.

(6) *To qualify as a third-party administrator, a person, an entity of state government, a subdivision of state government, a public or private corporation, a school, or an entity of a local government must demonstrate to the satisfaction of the department that it has the necessary qualified personnel, equipment, and facilities to administer the written and driving skills portions of the driver's license examination.* ~~A person or entity must own or lease 5 or more commercial motor vehicles, or employ 5 or more commercial motor vehicle operators at any one time, or contract, for a period of more than 6 months, with 5 or more commercial motor vehicle operators at any one time to qualify as a third-party examiner and must have adequate facilities to perform the driving skills test.~~

(7) ~~Nothing in~~ This section *does not exempt* ~~exempts~~ a person from the requirement that he or she successfully complete ~~a test of his or her knowledge administered by the department or~~ any other test required for licensure under ~~the provisions of~~ this chapter.

Section 50. Subsection (3) of section 322.245, Florida Statutes, is amended to read:

322.245 Suspension of license upon failure of person charged with specified offense under chapter 316, chapter 320, or this chapter to comply with directives ordered by traffic court or upon failure to pay child support in non-IV-D cases as provided in chapter 61.—

(3) If the person fails to comply with the directives of the court within the 30-day period, or, in non-IV-D cases, fails to comply with the requirements of s. 61.13016 within the 15-day period specified in that statute, the depository or the clerk of the court shall notify the department of such failure within 5 days. Upon receipt of the notice, the department shall immediately *issue an order suspending the person's driver's license and privilege to drive effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6)* ~~suspend the driver's license of the person~~.

Section 51. Paragraph (a) of subsection (2) of section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

(2) In a prosecution for a violation of s. 316.193 or former s. 316.1931, the following provisions apply:

(a) Upon conviction of the driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted, *effective on the date of conviction,* and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon a first conviction for a violation of the provisions of s. 316.193, except a violation resulting in death, the driver's license or driving privilege shall be revoked for not less than 180 days or more than 1 year.

2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 5 years.

3. Upon a third conviction within a period of 10 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 10 years.

For the purposes of this paragraph, a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood alcohol level, or any other alcohol-related or drug-related traffic offense similar to the offense of driving under the influence as proscribed by s. 316.193 will be considered a previous conviction for violation of s. 316.193, and a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is considered a conviction for violation of s. 316.193.

Section 52. Subsection (2) of section 327.03, Florida Statutes, is amended to read:

327.03 Administration of vessel registration and titling laws; records.—

(2) The Department of Highway Safety and Motor Vehicles shall *keep records* ~~record all accidents~~ and perform such other clerical duties *pertaining to vessel registration and titling* as required.

Section 53. Section 327.04, Florida Statutes, is amended to read:

(1) The department may adopt rules, other than rules pertaining to vessel registration or titling, which are necessary for carrying out the administrative powers and duties conferred on the department by this chapter.

(2) The Department of Highway Safety and Motor Vehicles *may* ~~shall make,~~ adopt~~,~~ ~~amend, or repeal~~ rules *pertaining to vessel registration and titling* ~~and regulations~~ necessary for carrying out the administrative duties, obligations, and powers conferred on *that* ~~the~~ department by this chapter *and chapter 328.*

Section 54. Section 327.10, Florida Statutes, is amended to read:

327.10 Operation of registered vessels.—

(1) Every vessel that is required to be registered and that is using the waters of this state shall be registered and numbered within 30 days after purchase by the owner except as specifically exempt. During this 30-day period, the *operator* ~~owner~~ is required to have aboard the vessel *and available for inspection a bill of sale* ~~proof of the date of purchase~~. *The bill of sale for the vessel shall serve as the temporary certificate of number that is required by federal law and must contain the following information:*

(a) Make of the vessel.

(b) Length of the vessel.

(c) Type of propulsion.

(d) Hull identification number.

(e) A statement declaring Florida to be the state where the vessel is principally used.

(f) Name of the purchaser.

(g) Address of the purchaser, including ZIP code.

(h) Signature of the purchaser.

(i) Name of the seller.

(j) Signature of the seller.

(k) Date of the sale of the vessel. The date of sale shall also serve as the date of issuance of the temporary certificate of number.

(l) Notice to the purchaser and operator that the temporary authority to use the vessel on the waters of this state is invalid after 30 days following the date of sale of the vessel.

(2) No person shall operate or give permission for the operation of any such vessel on such waters unless:

(a)~~(1)~~ Such vessel is registered within 30 days after purchase by the owner and numbered with the identifying number set forth in the certificate of registration, displayed:

1.~~(a)~~ In accordance with s. 327.11*(4)*~~(7)~~, except, if the vessel is an airboat, the registration number may be displayed on each side of the rudder; or

2.~~(b)~~ In accordance with *section 173.27 of title 33 of the Code of Federal Regulations* ~~applicable federal law~~ or with a federally approved numbering system of another state; and

(b)~~(2)~~ The certificate of registration *or temporary certificate of number* awarded to such vessel is in full force and effect.

Section 55. Paragraph (a) of subsection (1) and subsection (5) of section 327.11, Florida Statutes, are amended to read:

327.11 Vessel registration, application, certificate, number, decal, duplicate certificate.—

(1)(a) The owner of each vessel required by this law to pay a registration fee and secure an identification number shall file an application with the county tax collector. The application shall provide the owner's name and address*;*~~,~~ residency status*;*~~,~~ *personal or business identification, which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number;* and a complete description of the vessel, and shall be accompanied by payment of the applicable fee required in s. 327.25. *Registration is not required for any vessel that is not used on the waters of this state.*

(5) A decal signifying the year or years during which the certificate is valid shall be furnished by the Department of Highway Safety and Motor Vehicles with each registration certificate issued. The decal issued to an undocumented vessel shall be displayed by affixing it to the ~~hull of the~~ port (left) side of the vessel *within 6 inches* ~~either~~ before or after the registration number. The decal issued to a documented vessel *shall be placed on the port (left) side of the vessel and* may be affixed to a window or the windshield on the port *(left)* side of the vessel *in lieu of being placed on the hull.* A decal issued to a dealer shall be affixed, with the registration number, to a removable sign pursuant to s. 327.13(2). Any decal for a previous year shall be removed from a vessel operating on the waters of the state.

Section 56. Section 327.15, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 327.15, F.S., for present text.)

327.15 Vessel registration number.—Each vessel that is operated on the waters of the state must display a commercial or noncommercial Florida registration number, unless it is:

(1) A vessel used exclusively on private lakes and ponds.

(2) A vessel owned by the United States.

(3) A vessel used exclusively as a ship's lifeboat.

(4) A non-motor-powered vessel.

(5) A federally documented vessel.

(6) A vessel already covered by a registration number in full force and effect which has been awarded to it pursuant to a federally approved numbering system of another state or by the United States Coast Guard in a state without a federally approved numbering system, if the vessel has not been within this state for a period in excess of 90 consecutive days.

(7) A vessel operating under a valid temporary certificate of number.

(8) A vessel from a country other than the United States temporarily using the waters of this state.

(9) An undocumented vessel used exclusively for racing.

Section 57. Section 327.16, Florida Statutes, is amended to read:

327.16 Reciprocity of nonresident or alien vessels.—The owner of any vessel already covered by a *registration* number in full force and effect which has been awarded*:*

(1) By another state pursuant to ~~it pursuant to the operative federal law or~~ a federally approved numbering system of another state*;*

(2) By the United States Coast Guard in a state without a federally approved numbering system; or

(3) By the United States Coast Guard for a federally documented vessel with a valid registration in full force and effect from another state

shall record the number *with the Department of Highway Safety and Motor Vehicles* prior to operating the vessel on the waters of this state in excess of the 90-day reciprocity period provided for in this chapter. Such recordation shall be pursuant to the procedure required for the award of an original *registration* number, except that no additional or substitute *registration* number shall be issued if the vessel owner maintains the previously awarded *registration* number in full force and effect.

Section 58. Section 327.17, Florida Statutes, is amended to read:

327.17 Military personnel; registration; penalties.—

~~(1)~~ Any military personnel on active duty in this state operating a vessel that has a ~~valid certificate of~~ registration *number in full force and effect which has been awarded to it* pursuant to ~~the operative federal law or~~ a federally approved numbering system of another state *or by the United States Coast Guard in a state without a federally approved numbering system, or a federally documented vessel with a valid registration in full force and effect from another state* shall not be required to register his or her vessel in this state while such certificate of registration remains valid; but, at the expiration of such registration certificate, all registration and titling shall be issued by this state. *In the case of a federally documented vessel, the issuance of a title is not required by chapter 328.*

~~(2) A person who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 59. Subsection (2) of section 327.23, Florida Statutes, is amended to read:

327.23 Exemption of vessels and outboard motors from personal property tax; temporary certificate of registration; vessel registration certificate fee.—

(2) A temporary certificate of registration may be issued to a vessel for which the owner has made application to the United States Coast Guard for documentation and has paid the applicable registration certificate fee pursuant to s. 327.25(1). A temporary certificate of registration shall only be issued upon proof that all applicable state sales taxes have been paid and that the application for documentation is on file with the United States Coast Guard. ~~Said temporary registration shall expire on June 30 of each year.~~ Any reregistration of such a vessel without the submission of the vessel's documentation papers shall require written verification from the United States Coast Guard as to the current status of the application for the vessel's documentation. Upon receipt of the vessel's documentation papers, the owner shall bring them to the agent issuing the temporary certificate for official recording of information.

Section 60. Subsection (1) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the *vessel* ~~boating~~ laws of this state are noncriminal infractions:

(a) Section 327.10, relating to operation of unregistered and unnumbered vessels.

(b)~~(a)~~ *Section 327.11(4)* ~~Section 327.11(5)~~, relating to display of number and possession of registration certificate.

(c)~~(b)~~ *Section 327.11(5)* ~~Section 327.11(7)~~, relating to display of decal.

(d)~~(c)~~ Section 327.13(2), relating to display of number.

(e)~~(d)~~ Section 327.14, relating to spacing of digits and letters of identification number.

(f) Section 327.17, relating to military personnel and registration of vessels.

(g)~~(e)~~ *Section 327.25(14)* ~~Section 327.25(10)~~, relating to operation without a current registration.

(h)~~(f)~~ Section 327.33(2), relating to careless operation.

(i)~~(g)~~ Section 327.37, relating to water skiing, aquaplaning, and similar activities.

(j)~~(h)~~ Section 327.44, relating to interference with navigation.

(k)~~(i)~~ Violations relating to restricted areas and speed limits:

1. Established by the department pursuant to s. 327.46.

2. Established by local governmental authorities pursuant to s. 327.22 or s. 327.60.

3. Speed limits established pursuant to s. 370.12(2).

(l)~~(j)~~ Section 327.48, relating to regattas and races.

(m)~~(k)~~ Section 327.50(1) and (2), relating to required safety equipment, lights, and shapes.

(n)~~(l)~~ Section 327.65, relating to muffling devices.

(o)~~(m)~~ Section 327.33(3)(b), relating to navigation rules.

(p)~~(n)~~ Section 327.39(1), (2), (3), and (5), relating to personal watercraft.

(q)~~(o)~~ Section 327.53(1), (2), and (3), relating to marine sanitation.

(r)~~(p)~~ Section 327.53(4), (5), and (7), relating to marine sanitation, for which the civil penalty is $250.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is $50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 61. Paragraph (a) of subsection (1), paragraph (e) of subsection (2), and paragraph (b) of subsection (3) of section 328.01, Florida Statutes, are amended, and paragraph (d) is added to subsection (3) of that section, to read:

328.01 Application for certificate of title.—

(1)(a) The owner of a vessel which is required to be titled shall apply to the county tax collector for a certificate of title. The application shall

include the true name of the owner, the residence or business address of the owner, and the complete description of the vessel, including the hull identification number, except that an application for a certificate of title for a homemade vessel shall state all the foregoing information except the hull identification number. The application shall be signed by the owner and shall be accompanied by *personal or business identification, which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number, and* the prescribed fee.

(2)

(e) The owner of a vessel titled in another state or country for which an application for title is made in this state shall not be issued a title unless and until all existing titles to the vessel are surrendered to the Department of Highway Safety and Motor Vehicles. *The department shall retain the evidence of title which is presented by the applicant and on the basis of which the certificate of title is issued. The department shall use reasonable diligence in ascertaining whether the facts in the application are true; and, if satisfied that the applicant is the owner of the vessel and that the application is in the proper form, the department shall issue a certificate of title.*

(3)

(b) If the application for transfer of title is based upon a contractual default, the recorded lienholder shall establish proof of right to ownership by submitting with the application the original certificate of title and a copy of the applicable contract upon which the claim of ownership is made. If the claim is based upon a court order or judgment, a copy of such document shall accompany the application for transfer of title. *If, on the basis of departmental records, there appears to be any other lien on the vessel, the certificate of title must contain a statement of such a lien, unless the application for a certificate of title is either accompanied by proper evidence of the satisfaction or extinction of the lien or contains a statement certifying that any lienholder named on the last-issued certificate of title has been sent notice by certified mail, at least 5 days before the application was filed, of the applicant's intention to seek a repossessed title. If such notice is given and no written protest to the department is presented by a subsequent lienholder within 15 days after the date on which the notice was mailed, the certificate of title shall be issued showing no liens. If the former owner or any subsequent lienholder files a written protest under oath within the 15-day period, the department shall not issue the repossessed certificate for 10 days thereafter. If, within the 10-day period, no injunction or other order of a court of competent jurisdiction has been served on the department commanding it not to deliver the certificate, the department shall deliver the repossessed certificate to the applicant, or as is otherwise directed in the application, showing no other liens than those shown in the application.*

(d) An owner or coowner who has made a bona fide sale or transfer of a vessel and has delivered possession thereof to a purchaser shall not, by reason of any of the provisions of this chapter, be considered the owner or coowner of the vessel so as to be subject to civil liability for the operation of the vessel thereafter by another if the owner or coowner has fulfilled either of the following requirements:

1. The owner or coowner has delivered to the department, or has placed in the United States mail, addressed to the department, either the certificate of title, properly endorsed, or a notice in the form prescribed by the department; or

2. The owner or coowner has made proper endorsement and delivery of the certificate of title as provided by this chapter. As used in this subparagraph, the term "proper endorsement" means:

a. The signature of one coowner if the vessel is held in joint tenancy, signified by the vessel's being registered in the names of two or more persons as coowners in the alternative by the use of the word "or." In a joint tenancy, each coowner is considered to have granted to each of the other coowners the absolute right to dispose of the title and interest in the vessel, and, upon the death of a coowner, the interest of the decedent in the jointly held vessel passes to the surviving coowner or coowners. This sub-subparagraph is applicable even if the coowners are husband and wife; or

b. The signatures of every coowner or of the respective personal representatives of the coowners if the vessel is registered in the names of two or more persons as coowners in the conjunctive by the use of the word "and."

The department shall adopt suitable language that must appear upon the certificate of title to effectuate the manner in which the interest in or title to the vessel is held.

Section 62. Subsection (1) of section 328.03, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 328.03(1), F.S., for present text.)

328.03 Certificate of title required.—

(1) Each vessel that is operated on the waters of this state must be titled by this state pursuant to this chapter, unless it is:

(a) A vessel used exclusively on private lakes and ponds.

(b) A vessel owned by the United States Government.

(c) A non-motor-powered vessel less than 16 feet in length.

(d) A federally documented vessel.

(e) A vessel already covered by a registration number in full force and effect which was awarded to it pursuant to a federally approved numbering system of another state or by the United States Coast Guard in a state without a federally approved numbering system, if the vessel is not located in this state for a period in excess of 90 consecutive days.

(f) A vessel from a country other than the United States temporarily using the waters of this state for a period that is not in excess of 90 days.

(g) An amphibious vessel for which a vehicle title is issued by the Department of Highway Safety and Motor Vehicles.

(h) A vessel used solely for demonstration, testing, or sales promotional purposes by the manufacturer or dealer.

(i) A vessel owned and operated by the state or a political subdivision thereof.

Section 63. Subsections (3) and (4) are added to section 328.11, Florida Statutes, to read:

328.11 Duplicate certificate of title.—

(3) If, following the issuance of an original, duplicate, or corrected certificate of title by the department, the certificate is lost in transit and is not delivered to the addressee, the owner of the vessel or the holder of a lien thereon may, within 90 days after the date of issuance of the title, apply to the department for reissuance of the certificate of title. An additional fee may not be charged for reissuance under this subsection.

(4) The department shall implement a system to verify that the application is signed by a person authorized to receive a duplicate title certificate under this section if the address shown on the application is different from the address shown for the applicant on the records of the department.

Section 64. Subsection (1) of section 328.13, Florida Statutes, is amended to read:

328.13 Manufacturer's statement of origin to be furnished.—

(1) Any person selling a new vessel in this state shall furnish a manufacturer's statement of origin to the purchaser of the vessel. The statement shall be signed and dated by an authorized representative of the manufacturer and shall indicate the complete name and address of the purchaser. The statement shall provide a complete description of the vessel, which shall include, but is not limited to, the hull identification number, hull length, hull material, type of propulsion, and model year of the vessel. *The statement of origin shall be in English or accompanied by an English translation if the vessel was purchased outside the United States, and shall contain as many assignments thereon as may be necessary to show title in the name of the purchaser.*

Section 65. Subsection (1) of section 328.15, Florida Statutes, is amended, present paragraph (b) of subsection (2) is redesignated as

paragraph (c), a new paragraph (b) is added to subsection (2) of that section, and subsection (8) is added to that section, to read:

328.15 Notice of lien on vessel; recording.—

(1) No lien for purchase money or as security for a debt in the form of retain title contract, conditional bill of sale, chattel mortgage, or otherwise on a *vessel* ~~motorboat~~ shall be enforceable in any of the courts of this state against creditors or subsequent purchasers for a valuable consideration and without notice unless a sworn notice of such lien is recorded. The lien certificate shall contain the following information:

(a) Name and address of the registered owner;

(b) Date of lien;

(c) Description of the *vessel* ~~motorboat~~ to include make, type, motor and serial number; and

(d) Name and address of lienholder.

The lien shall be recorded by the Department of Highway Safety and Motor Vehicles and shall be effective as constructive notice when filed. *The date of filing of the notice of lien is the date of its receipt by the department's central office in Tallahassee, if first filed there, or otherwise by the office of a county tax collector or of the tax collector's agent.*

(2)

(b) When a vessel is registered in the names of two or more persons as coowners in the alternative by the use of the word "or," whether or not the coowners are husband and wife, each coowner is considered to have granted to any other coowner the absolute right to place a lien or encumbrance on the vessel, and the signature of one coowner constitutes proper execution of the notice of lien. When a vessel is registered in the names of two or more persons as coowners in the conjunctive by the use of the word "and," the signature of each coowner is required in order to place a lien or encumbrance on the vessel.

(8) If the original lienholder sells and assigns his or her lien to some other person, and if the assignee desires to have his or her name substituted on the certificate of title as the holder of the lien, he or she may, after delivering the original certificate of title to the department and providing a sworn statement of the assignment, have his or her name substituted as a lienholder. Upon substitution of the assignee's name as lienholder, the department shall deliver the certificate of title to the assignee as the first lienholder.

Section 66. Section 328.16, Florida Statutes, is created to read:

328.16 Issuance in duplicate; delivery; liens and encumbrances.—

(1) The department shall assign a number to each certificate of title and shall issue each certificate of title and each corrected certificate in duplicate. The database record shall serve as the duplicate title certificate.

(2) An authorized person must sign the original certificate of title and each corrected certificate and, if there are no liens or encumbrances on the vessel, as shown in the records of the department or as shown in the application, must deliver the certificate to the applicant or to another person as directed by the applicant or person, agent, or attorney submitting the application. If there are one or more liens or encumbrances on the vessel, the department must deliver the certificate to the first lienholder as shown by department records. The department shall deliver to the first lienholder, along with the certificate, a form to be subsequently used by the lienholder as a satisfaction. If the application for certificate of title shows the name of a first lienholder which is different from the name of the first lienholder as shown by the records of the department, the certificate shall not be issued to any person until after the department notifies all parties who appear to hold a lien and the applicant for the certificate, in writing by certified mail. If the parties do not amicably resolve the conflict within 10 days after the date the notice was mailed, the department shall serve notice in writing by certified mail on all persons that appear to hold liens on that particular vessel, including the applicant for the certificate, to show cause within 15 days after the date the notice is mailed why it should not issue and deliver the certificate to the person indicated in the notice of lien filed by the lienholder whose name appears in the application as the first lienholder without showing any lien or liens as outstanding other than those appearing in the application or those filed subsequent to the filing of the application for the certificate of title. If, within the 15-day period, any person other than the lienholder shown in the application or a party filing a subsequent lien, in answer to the notice to show cause, appears in person or by a representative, or responds in writing, and files a written statement under oath that his or her lien on that particular vessel is still outstanding, the department shall not issue the certificate to anyone until after the conflict has been settled by the lien claimants involved or by a court of competent jurisdiction. If the conflict is not settled amicably within 10 days after the final date for filing an answer to the notice to show cause, the complaining party shall have 10 days to obtain a ruling, or a stay order, from a court of competent jurisdiction. If a ruling or stay order is not issued and served on the department within the 10-day period, the department shall issue the certificate showing no liens, except those shown in the application or thereafter filed, to the original applicant if there are no liens shown in the application and none are thereafter filed, or to the person indicated in the notice of lien filed by the lienholder whose name appears in the application as the first lienholder if there are liens shown in the application or thereafter filed. A duplicate certificate or corrected certificate must show only such lien or liens as were shown in the application and subsequently filed liens that may be outstanding.

(3) Except as provided in s. 328.15(8), the certificate of title shall be retained by the first lienholder. The first lienholder is entitled to retain the certificate until the first lien is satisfied.

Section 67. Effective October 1, 1996, section 328.21, Florida Statutes, is created to read:

328.21 Transfer without delivery of certificate; operation or use without certificate; failure to surrender; other violations.—A person who:

(1) Except as otherwise provided for in this chapter, purports to sell or transfer a vessel for which a certificate of title is required without delivering to the purchaser or transferee thereof a certificate of title thereto which is duly assigned to the purchaser as provided in this chapter or who operates or uses in this state a vessel for which a certificate of title is required, without the certificate having been obtained in accordance with this chapter, or upon which the certificate of title has been canceled;

(2) Fails to surrender any certificate of title, certificate of registration, or sticker upon cancellation of the same by the department and notice thereof as prescribed in this chapter;

(3) Fails to surrender the certificate of title to the department as provided in this chapter when the vessel has been destroyed, dismantled, or changed so that it is not the vessel described in the certificate of title; or

(4) Violates any of the other provisions of this chapter, or any lawful rule adopted under this chapter,

is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for each offense.

Section 68. Subsection (5) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(5) A violation of chapter 316 has been committed in the presence of the officer. Such an arrest may be made immediately or in fresh pursuit. *Any law enforcement officer, upon receiving information relayed to him or her from a fellow officer stationed on the ground or in the air that a driver of a vehicle has violated chapter 316, may arrest the driver for violation of those laws when reasonable and proper identification of the vehicle and the violation has been communicated to the arresting officer.*

Section 69. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Highway Safety and Motor

Vehicles; amending s. 316.075, F.S.; clarifying language with respect to the prohibition against right turns at certain stop lights; amending s. 316.193, F.S.; providing that certain testimony and evidence in an administrative proceeding is inadmissible in a criminal proceeding with respect to driving under the influence; amending s. 316.2074, F.S.; clarifying the use of all-terrain vehicles on public beaches; amending s. 316.212, F.S.; providing requirements for the designation of a city or county road for use by golf carts; authorizing operations at night; allowing the use of golf carts for municipal purposes on state, county, and municipal roadways within the corporate limits of municipalities older than 400 years old; providing for safety equipment; limiting golf cart operation on state roads; amending s. 316.2125, F.S.; conforming to the act; amending s. 316.2295, F.S.; providing an exemption from taillamp, stop lamp, and turn signal requirements for agricultural product trailers; amending s. 316.650, F.S.; prohibiting the use of driver information contained on uniform traffic citations for commercial solicitation purposes; amending s. 318.15, F.S.; clarifying provisions relating to failure to comply with certain civil penalties; conforming a cross-reference; providing for the removal of certain records after 7 years; amending s. 319.14, F.S.; providing definitions; providing reference to automobiles assembled from parts, combined automobiles, kit cars, replicas, and glider kits with respect to the requirement that the certificate of title indicate the nature of the motor vehicle titled; amending s. 319.21, F.S.; requiring a manufacturer's statement of origin for each stage of motor vehicle construction when the vehicle is built in two or more stages; amending s. 319.225, F.S.; conforming a cross-reference; amending s. 319.23, F.S.; revising provisions relating to certificate of title; amending s. 319.24, F.S.; providing for electronic transmission of liens; amending s. 319.28, F.S.; providing that in the case of repossession, a mobile home is exempt from registration when the dwelling is not transferred or titled for occupancy; providing notification to subsequent lienholders which the first lienholder repossesses a vehicle; providing a process for settling disputed liens; providing for a certificate of repossession; providing penalties; amending s. 319.323, F.S.; providing for expedited service certificates of repossession; amending s. 320.05, F.S.; including reference to vessels along with motor vehicles with respect to lists and searches; providing for electronic digitizing of records; amending s. 320.086, F.S.; providing for ancient, antique, and collectible motor vehicles; amending s. 320.08, F.S.; providing license taxes for ancient, antique, or collectible automobiles and trucks; amending s. 320.0805, F.S.; conforming to the act; amending s. 319.23, F.S.; providing title application requirements for ancient, antique, or collectible motor vehicles; amending s. 320.072, F.S.; exempting certain ancient or antique automobiles or trucks from certain additional fees; amending 320.089, F.S.; authorizes retired members of National Guard to purchase speciality license plates; amending s. 320.08, F.S.; revising provisions relating to license taxes; providing for driver's license applications in a format designated by the department; amending s. 322.15, F.S.; requirements for the condition of drivers' licenses; amending s. 321.245, F.S.; providing for the distribution of funds received from the seizure of license plates by recovery agents; amending s. 322.53, F.S.; providing for an additional exemption from commercial driver's license requirements; creating s. 322.161, F.S.; requiring the department to restrict the driving privilege of Class D and E drivers who are 15 through 17 years of age when they accumulate four or more points; amending s. 320.01, F.S.; revising definitions; amending s. 320.031, F.S.; making the charging of a mail service charge optional; amending s. 320.055, F.S.; revising registration periods; amending s. 320.06, F.S.; providing for the issuance of cab cards along with annual license plates for vehicles with an apportioned registration; amending s. 320.061, F.S.; providing that it is unlawful to alter a motor vehicle registration certificate; amending s. 320.065, F.S.; deleting obsolete provisions relating to the registration of certain rental trailers for hire; amending s. 320.0657, F.S.; authorizing owners or lessees of a specified number of commercial motor vehicles to obtain registration by electronic submission; conforming cross-references; creating s. 320.0659, F.S.; providing for the permanent registration of trailers for hire and semitrailers; amending s. 320.0706, F.S.; correcting weight references with respect to the display of license plates on trucks; amending s. 320.072, F.S.; clarifying provisions regarding a fee imposed on certain motor vehicle registration transactions with respect to immediate family; amending s. 320.0815, F.S.; conforming cross-references; repealing s. 320.13(4), F.S., relating to certain dealer license plates; amending s. 320.131, F.S.; providing for temporary tags for use by licensed dealers; amending s. 320.18, F.S.; exempting repossessed mobile homes from registration under certain circumstances; amending s. 320.27, F.S.; authorizing retail sale of recreational vehicles; providing penalties for failure to honor a bank draft to a motor vehicle dealer; requiring verification of attendance at a licensed motor vehicle dealer training school; providing an exemption; requiring the department to establish curriculum and length of training; authorizing a fee; authorizing a pilot program; amending s. 320.771, F.S.; authorizing retail sale of motor vehicles under specified circumstances; amending s. 322.051, F.S.; providing for identification card applications in a format designated by the department; amending s. 322.13, F.S.; amending provisions relating to the department's authority to designate instructors of driver's education courses in public or private secondary schools as driver's license examiners; creating s. 322.135, F.S.; authorizing the department to contract with tax collectors for specified driver's license services; amending s. 322.56, F.S.; amending provisions relating to contracts for administering the written and driving skills portions of the examination; amending s. 322.245, F.S.; providing for the effective date of certain driver's license suspensions; amending s. 322.28, F.S.; providing for the effective date of suspensions or revocations; amending s. 327.03, F.S.; clarifying the duties of the department concerning the administration of vessel registration and titling laws; amending s. 327.04, F.S.; providing for rules; amending s. 327.10, F.S.; revising provisions relating to the operation of registered vessels; providing for required information on the bill of sale; amending s. 327.11, F.S.; providing for required information on the application for vessel registration; revising requirements with respect to the required decal on a vessel; amending s. 327.15, F.S.; revising provisions relating to vessel registration numbers; amending s. 327.16, F.S.; revising provisions relating to reciprocity of nonresident or alien vessels; amending s. 327.17, F.S.; revising provisions relating to registration of vessels by military personnel; amending s. 327.23, F.S.; deleting reference to the date of expiration of certain temporary registrations; amending s. 327.73, F.S.; providing for additional noncriminal infractions; amending s. 328.01, F.S.; providing for certain information to accompany the application for title; directing the department to retain the evidence of title which is presented by the applicant and upon which the title is issued; requiring notice of certain liens; amending provisions relating to civil liability by certain owners; amending s. 328.03, F.S.; amending provisions relating to certificates of title; amending s. 328.11, F.S.; providing for lost titles; directing the department to implement a system to verify that the title application is signed by an authorized person; amending s. 328.13, F.S.; requiring the statement of origin be in English or accompanied by an English translation; amending s. 328.15, F.S.; providing for the date of the filing of a notice of a lien on a vessel; providing who may place a lien on a vessel; creating s. 328.16, F.S.; providing for the issuance of duplicate certificates of title; providing for delivery, liens, and encumbrances; creating s. 328.21, F.S.; providing for transfer without delivery of a certificate of title; providing for violations; providing penalties; amending s. 901.15, F.S.; providing for arrests by law enforcement officers without a warrant for violations of chapter 316, F.S., under certain circumstances; providing effective dates.

On motion by Senator Beard, by two-thirds vote **CS for HB 1329** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

On motions by Senator Thomas, the rules were waived and by two-thirds vote—

CS for HB 751—A bill to be entitled An act relating to administrative procedures; amending s. 120.54, F.S.; revising language with respect to the impact of a proposed adoption, amendment, or repeal of a rule with respect to small businesses, small counties, and small municipalities; providing an effective date.

—a companion measure, was substituted for **CS for SB 316** and by two-thirds vote read the second time by title.

Senator Thomas moved the following amendment which was adopted:

Amendment 1—On page 2 of House Amendment 1, line 14, after "qualification" insert: until it exceeds a population of 75,000

On motion by Senator Thomas, by two-thirds vote **CS for HB 751** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 2462—A bill to be entitled An act relating to education; creating s. 233.059, F.S.; requiring education in "family life and parenthood"; establishing components of the the curriculum; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Turner and adopted:

Amendment 1—On page 1, line 17, delete that line and insert: :

Amendment 2—On page 2, lines 5 and 6, delete those lines and insert: Schools may present the

On motion by Senator Turner, by two-thirds vote **SB 2462** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motion by Senator Ostalkiewicz, by two-thirds vote **HB 559** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Ostalkiewicz—

HB 559—A bill to be entitled An act relating to education; amending s. 230.2316, F.S., relating to dropout prevention; requiring assignment of a student to a second chance school if the school district has a second chance school and if specified criteria are met; providing an effective date.

—a companion measure, was substituted for **SB 2228** and read the second time by title. On motion by Senator Ostalkiewicz, by two-thirds vote **HB 559** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 1148—A bill to be entitled An act relating to the tax on pollutants; amending s. 206.9925, F.S.; redefining the terms "pollutants" and "consume" to exclude solvent mixtures; amending s. 206.9935, F.S.; excluding solvent mixtures from the substances that are subject to the imposition of the tax; amending ss. 206.9941, 206.9942, F.S.; removing references to solvent mixtures; repealing s. 206.9925(7), F.S., which defines "solvent mixture"; repealing s. 206.9942(4), F.S., which provides for tax credits and refunds; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **SB 1148** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

Consideration of **SB 1062** was deferred.

SB 948—A bill to be entitled An act relating to limited surety agents, professional bail bond agents, and interns; amending s. 648.25, F.S.; revising definitions; revising chapter 648 to provide for application to limited surety agents, professional bail bond agents, and interns; providing for temporary licenses; authorizing the Department of Insurance to review certain records and books; prohibiting certain activities; providing penalties; requiring the department to deposit appointment taxes and fees into certain funds for certain purposes; requiring internship for certain applicants; authorizing continuation of licenses of certain runners under certain circumstances; providing for reexaminations and reexamination fees; providing requirements; revising specified prohibited activities; revising provisions relating to collateral security; providing for liability for failing to return certain collateral; providing requirements; revising license or appointment denial, suspension, revocation, or refusal to renew provisions; providing for taking possession of records of persons whose license is terminated or revoked; amending ss. 648.27, 648.29, 648.295, 648.30, 648.31, 648.315, 648.33, 648.34, 648.35, 648.36, 648.365, 648.37, 648.38, 648.381, 648.382, 648.383, 648.384, 648.39, 648.40, 648.41, 648.42, 648.421, 648.43, 648.44, 648.441, 648.442, 648.4425, 648.45, 648.46, 648.48, 648.49, 648.50, 648.55, and 648.571, F.S., to conform; creating s. 648.285, F.S.; requiring identification; creating s. 648.385, F.S.; requiring continuing education; providing exceptions; providing requirements; providing penalties; creating s. 648.386, F.S.; specifying qualifications for continuing education schools and instructors; providing instructor's duties; repealing s. 648.265, F.S., relating to the Bail Bond Advisory Council; amending ss. 648.26 and 648.266, F.S., to conform; repealing s. 648.51(3), F.S., relating to delivery to the department of certain expired licenses; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 948** to **CS for HB 1029**.

Pending further consideration of **SB 948** as amended, on motions by Senator Williams, by two-thirds vote—

CS for HB 1029—A bill to be entitled An act relating to bail bond agents and runners; revising provisions of chapter 648, F.S., to provide for application to bail bond agents and runners; amending s. 648.25, F.S.; providing definitions; creating s. 648.279, F.S.; providing for scope of licenses; amending s. 648.30, F.S.; prohibiting certain activities; providing penalties; amending s. 648.34, F.S.; prohibiting certain examinations absent a criminal history report; creating s. 648.355, F.S.; providing for temporary limited licenses under certain circumstances; providing requirements; providing for license fees; providing criteria; amending s. 648.37, F.S.; authorizing continuation of licenses of certain runners under certain circumstances; amending s. 648.381, F.S.; providing for reexaminations and reexamination fees; providing requirements; creating s. 648.385, F.S.; requiring continuing education; providing exceptions; providing requirements; providing penalties; creating s. 648.386, F.S.; specifying qualifications for continuing education schools and instructors; providing instructor's duties; amending s. 648.44, F.S.; revising specified prohibited activities; amending s. 648.442, F.S.; revising provisions relating to collateral security; providing for liability for failing to return certain collateral; providing requirements; providing penalties; revising license or appointment denial, suspension, revocation, or refusal to renew provisions; amending s. 648.49, F.S.; requiring designation of a licensed and appointed bail bond agent to administer bail bonds of a licensee whose license is terminated; amending s. 648.51, F.S.; providing for surrender of licenses; amending s. 648.571, F.S.; providing for discharge of certain bonds under certain circumstances; amending ss. 648.27, 648.29, 648.31, 648.315, 648.33, 648.35, 648.36, 648.365, 648.38, 648.382, 648.383, 648.384, 648.39, 648.40, 648.41, 648.42, 648.421, 648.43, 648.441, 648.4425, 648.45, 648.48, 648.50, and 648.55, F.S., to conform; repealing s. 648.265, F.S., relating to the Bail Bond Advisory Council; amending ss. 648.26, 648.266, and 648.46, F.S., to conform; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 948** and by two-thirds vote read the second time by title. On motion by Senator Williams, by two-thirds vote **CS for HB 1029** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **SB 2224** was deferred.

THE PRESIDENT PRESIDING

RECONSIDERATION OF BILL

On motion by Senator Williams, the Senate reconsidered the vote by which—

CS for HB 751—A bill to be entitled An act relating to administrative procedures; amending s. 120.54, F.S.; revising language with respect to the impact of a proposed adoption, amendment, or repeal of a rule with respect to small businesses, small counties, and small municipalities; providing an effective date.

—as amended passed this day.

Senator Williams moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (with title amendment)—On page 299 of House Amendment 1, between lines 28 and 29, insert:

Section 326. Subsection (1) of section 120.60, Florida Statutes, as amended by Ch. 96-159, Laws of Florida, is amended to read:

120.60 Licensing.—

(1) Upon receipt of an application for a license, an agency shall examine the application and, within 30 days after such receipt, notify the applicant of any apparent errors or omissions and request any additional information the agency is permitted by law to require. An agency shall not deny a license for failure to correct an error or omission or to supply additional information unless the agency timely notified the applicant within this 30-day period. An application shall be considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. Every application for a license shall be approved or denied within 90 days after receipt of a completed application *unless a shorter period of time for agency action is provided by law*. The 90-day time period shall be tolled by the initiation of a proceeding under ss. 120.569 and 120.57. *An application for a license must be approved or denied within the 90 day or shorter time period, within 15 days after the conclusion of a public hearing held on the application, or within 45 days after a recommended order is submitted to the agency and the parties, whichever is later* ~~and shall resume 10 days after the recommended order is submitted to the agency and the parties, 10 days after an informal hearing pursuant to s. 120.57(2), or 45 days after either event if the agency head is a collegial body~~. The agency must approve any application for a license or for an examination required for licensure if the agency has not approved or denied the application within the time periods prescribed by this subsection.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 300, line 17, after the semicolon (;) insert: amending s. 120.60, F.S., as amended; providing for the time period for license approval;

On motion by Senator Williams, **CS for HB 751** as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motions by Senator Bronson, by two-thirds vote—

CS for HB 2119—A bill to be entitled An act relating to securities transactions; amending s. 517.051, F.S.; clarifying application of a securities registration exemption; exempting additional securities from certain registration requirements; amending s. 517.061, F.S.; exempting from certain registration requirements securities transactions effected by or through a person in compliance with Canada's dealer registration requirements; amending s. 517.082, F.S.; exempting certain securities from requirements for registration by notification; specifying that failure to provide certain information is a violation of law; providing for filing securities applications with the Securities Registration Depository; amending s. 517.101, F.S.; clarifying consent to service requirements; amending s. 517.12, F.S.; increasing an assessment fee for associated persons; requiring continuing education for certain persons; authorizing certain persons to effect transactions in securities involving persons from Canada; providing for registration of dealers who are registered in Canada; amending s. 517.122, F.S.; revising arbitration agreement provisions; amending s. 517.131, F.S.; limiting an assessment against associated persons for certain purposes; increasing certain fiscal limitation provisions relating to the Securities Guaranty Fund; providing for allocating additional amounts from certain assessment fees to the Securities Guaranty Fund for certain purposes; providing criteria; providing procedures; providing limitations; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 2678** and by two-thirds vote read the second time by title. On motion by Senator Bronson, by two-thirds vote **CS for HB 2119** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motion by Senator Forman, by two-thirds vote **SB 3130** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Forman, by unanimous consent—

SB 3130—A bill to be entitled An act relating to Broward County; creating the "City of Weston Charter"; providing for the corporate name and purpose of the Charter; establishing territorial boundaries of the municipality; providing powers of the municipality and of certain officers; providing for election and terms of office of a City Commission, including the Mayor; providing for qualifications, powers, and duties of its membership; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; providing a procedure for establishing compensation and expense reimbursement for the Mayor and City Commission; providing for a City Manager, City Clerk, and City Attorney and powers and duties of each; authorizing establishment of City boards and agencies; providing for Commission meetings, rules, and recordkeeping and voting at meetings; providing for certain prohibitions; providing for emergency ordinances; providing for budget adoption and establishing a fiscal year; providing for appropriation amendments during the fiscal year; providing procedures for authentication, recording and disposition of ordinances, resolutions and charter amendments; establishing the right to determine, order, levy, assess, and collect taxes; providing for borrowing by the City; providing for an annual independent audit; establishing election guidelines; providing procedures for initiative and referendum; providing for Charter amendments and review; providing for severability; providing for transition, including a referendum on incorporation, a special referendum for annexation, initial election and terms, date of creation, and establishment of the municipality, eliminating transition elements, providing for an interim governing body and interim adoption of codes and ordinances, payment of certain revenues, and transitional comprehensive plan and land development regulations; entitling the City to state shared and local option gas tax revenues; establishing a plan of transfer and termination of the Indian Trace Community Development District and providing for the continuation of the West Lauderdale Water Control District; providing effective dates.

—was taken up out of order and read the second time by title. On motion by Senator Forman, by two-thirds vote **SB 3130** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote **HB 709** was withdrawn from the Committee on Commerce and Economic Opportunities and by two-thirds vote placed on the Special Order Calendar.

On motions by Senator Weinstein, by two-thirds vote—

CS for HB 1423—A bill to be entitled An act relating to viatical settlements; creating the "Viatical Settlement Act"; providing definitions; requiring licensure of viatical settlement providers and brokers; providing procedures for applying for licensure; imposing a license fee; requiring the Department of Insurance to investigate applicants for licensure; providing for issuance and renewal of licenses; providing a limitation; providing for an annual statement by providers; providing fees; providing for revoking or suspending a license; providing administrative fines; providing for probation; requiring licensed brokers to use licensed providers and licensed providers to use licensed brokers; requiring filing and approval of forms; authorizing the department to examine the business affairs of licensees and applicants; requiring licensees to disclose certain information to viators; providing procedures and specifying criteria for entering into viatical settlement contracts; requiring use of a trustee or escrow agent; authorizing the department to adopt rules to implement the act; providing that rate regulation is not authorized; specifying that violations are unfair trade practices; authorizing injunctions; providing civil cause of action; providing for damages; providing court costs and attorney's fees; providing requirements for acquisition of

a provider or broker; providing a grace period for certain providers and brokers; limiting a viator's ability to viaticate certain portions of a policy under certain circumstances; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 2224** and by two-thirds vote read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On page 18, lines 28-31, delete those lines and renumber subsequent sections.

Amendment 2—On page 22, line 15, delete that line and insert:

Section 23. This act shall take effect October 1, 1996.

Senator Gutman moved the following amendments which failed:

Amendment 3—On page 3, line 8, delete that line and insert:

(6) "Viatical settlement provider" means a person or an insurer as defined in section 624.03, Florida Statutes, who,

Amendment 4 (with title amendment)—On page 6, between lines 19 and 20, insert:

(6) No insurer as defined in section 624.03, Florida Statutes, shall be eligible to obtain a viatical settlement provider license pursuant to this section.

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: prohibiting insurers from acting as viatical settlement providers;

Amendment 5 (with title amendment)—On page 16, line 25 through page 17, line 7 delete those lines and insert:

Section 13. Examination.—All accounts, records, documents, files, and other

And the title is amended as follows:

On page 1, lines 18-20, delete those lines and insert: of forms; requiring records of viatical settlement contracts to be open to inspection by the department; requiring licensees to disclose;

Senator Dudley moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 22, between lines 14 and 15, insert:

Section 23. New subsections (11), (12), (13) and (14) are added to section 624.424, Florida Statutes, to read:

624.424 Annual statement and other information.

(11) Each domestic mutual property and casualty insurer's annual statement must contain information disclosing compensation paid to certain officers, directors, or trustees of the insurer during the preceding calendar year, which information shall include:

(a) the amount of salary, bonuses, other annual compensation, restricted stock awards, securities underlying options, stock acquisition rights, payouts from long-term investment plans, and all other compensation, paid to the chief executive officer and the other four most highly compensated officers as determined by reference to the salary and bonuses paid or deferred during the previous calendar year;

(b) the existence and amounts of any standard or special arrangements pursuant to which directors of the insurer are compensated for services provided as a director, including any amounts payable for committee participation or special assignments;

(c) where the insurer during the preceding year employed or contracted for the management or administration of the insurer with a service company, management company, administrator, or managing general agency, the amount of salary, bonuses, and other compensation paid to each officer, director or trustee of such service company, management company, administrator or managing general agency whether paid by such service company, management company, administrator, or managing general agency or by the insurer, which were such person an officer, director, or trustee of the insurer, would require the insurer to report such person's compensation under this paragraph;

(d) where the insurer has paid any of the compensation described above to an officer, director, or trustee of a subsidiary of the insurer who performs policymaking functions for the insurer, the amount of salary, bonuses, and other compensation as if such person were an officer, director, or trustee of the insurer; and

(e) the amount of salary, bonuses, and other compensation received by any of the persons identified above as a result of any transaction involving the insurer or an affiliate, the primary purpose of which was to provide such compensation.
"Other compensation" required to be reported hereunder includes without limitation above-market or preferential earnings on restricted stock, stock options, deferred compensation, long-term incentive plan compensation, amounts reimbursed during the preceding calendar year for the payment of taxes, perquisites and other personal benefits, securities or property. The department shall adopt rules permitting insurers to file Item 402 of Regulation S-K of the United States Securities and Exchange Commission in lieu of the information required hereunder.

(12) Each domestic mutual property and casualty insurer required to report information under subsection (11) shall notify the department of any increase in the total of the salary and bonuses to be paid to any officer, director, or trustee where such increase exceeds ten percent of the total compensation reported under this section for the previous calendar year.

(13) Each domestic mutual property and casualty insurer's annual statement must also disclose related party or interested party transactions. Such information shall include a description of the nature of each transaction occurring during the preceding calendar year between or among the insurer and its affiliates or any other entities under common ownership or control which transaction would be required to be reported under the part III of chapter 628, F.S. and the rules promulgated thereunder were such insurer a member of a holding company system. Such transactions shall be governed by the following standards:

1. the terms shall be fair and reasonable;

2. the charges or fees for services performed shall be reasonable;

3. the expenses incurred and payment received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;

4. the books, accounts, and records of each party to all such transactions shall be so maintained as to clearly and accurately disclose the precise nature and details of the transactions including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties; and

5. the compensation, fees, dividends, distributions, or other transfer of funds to any affiliate or company under common ownership is reasonable in relation to the insurer's outstanding liabilities and its financial needs.

14. The department may promulgate rules to carry out the purposes of subsections (12), (13) and (14).

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 4, after the second semicolon (;) insert: amending s. 624.424, F.S.; requiring disclosure of compensation paid to officers and directors of domestic mutual insurers; requiring disclosure of certain related party transactions;

On motion by Senator Weinstein, by two-thirds vote **CS for HB 1423** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 1062—A bill to be entitled An act relating to dietetics and nutrition; amending s. 468.502, F.S.; providing legislative intent with respect to the practice of nutrition counseling; amending s. 468.503, F.S.; providing, revising, and removing definitions; amending s. 468.504, F.S.; requiring persons practicing nutrition counseling for remuneration to be licensed; amending s. 468.505, F.S.; revising provisions relating to exemption from regulation under part X of chapter 468, F.S., relating to dietetics and nutrition, to conform; amending s. 468.506, F.S.; requiring that powers and duties delegated to the Dietetics and Nutrition Practice Council by the Board of Medicine encompass both dietetics and nutrition practice and nutrition counseling; amending s. 468.51, F.S.; providing for future repeal of a grandfather provision for the licensing of nutrition counselors; providing for future renewal of licensure of nutrition counselors licensed under such provision; amending s. 468.517, F.S.; applying penalties to nutrition counseling; amending s. 468.518, F.S.; revising grounds for disciplinary action to provide applicability to nutrition counseling and to clarify applicability with respect to previously issued orders and subpoenas, for which there are penalties; prohibiting the advertising of methods of assessment or treatment that are experimental or without generally accepted scientific validation; providing penalties; amending ss. 468.501, 468.507, 468.508, 468.509, 468.511, 468.512, 468.513, 468.514, 468.515, and 468.516, F.S.; revising terminology and references, to conform; providing an effective date.

—was read the second time by title.

An amendment to **SB 1062** was considered and failed.

Pending further consideration of **SB 1062**, on motion by Senator Brown-Waite, by two-thirds vote **HB 819** was withdrawn from the Committees on Health Care; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Brown-Waite—

HB 819—A bill to be entitled An act relating to dietetics and nutrition; amending s. 468.502, F.S.; providing legislative intent with respect to the practice of nutrition counseling; amending s. 468.503, F.S.; providing, revising, and removing definitions; amending s. 468.504, F.S.; requiring persons practicing nutrition counseling for remuneration to be licensed; amending s. 468.505, F.S.; revising provisions relating to exemption from regulation under part X of chapter 468, F.S., relating to dietetics and nutrition, to conform; amending s. 468.506, F.S.; requiring that powers and duties delegated to the Dietetics and Nutrition Practice Council by the Board of Medicine encompass both dietetics and nutrition practice and nutrition counseling; amending s. 468.51, F.S.; providing for future repeal of a grandfather provision for the licensing of nutrition counselors; providing for future renewal of licensure of nutrition counselors licensed under such provision; amending s. 468.517, F.S.; applying penalties to nutrition counseling; amending s. 468.518, F.S.; revising grounds for disciplinary action to provide applicability to nutrition counseling and to clarify applicability with respect to previously issued orders and subpoenas, for which there are penalties; prohibiting the advertising of methods of assessment or treatment that are experimental or without generally accepted scientific validation; providing penalties; amending ss. 468.501, 468.507, 468.508, 468.509, 468.511, 468.512, 468.513, 468.514, 468.515, and 468.516, F.S.; revising terminology and references, to conform; providing an effective date.

—a companion measure, was substituted for **SB 1062** and read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **HB 819** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

RECONSIDERATION OF BILL

On motion by Senator McKay, the Senate reconsidered the vote by which—

SB 1150—A bill to be entitled An act relating to insurance; amending s. 324.021, F.S.; revising the definition of "owner/lessor" to provide alternative minimum limits on certain liability coverage for certain motor vehicle lease agreements under certain circumstances; amending s. 626.729, F.S.; revising the definition of "industrial fire insurance" to include certain additional types of coverage; providing an effective date.

—as amended passed this day.

On motion by Senator McKay, by two-thirds vote the Senate reconsidered the vote by which **SB 1150** was read the third time.

On motion by Senator McKay, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** failed.

On motion by Senator McKay, the Senate reconsidered the vote by which **Amendment 2** was adopted. **Amendment 2** was withdrawn.

On motion by Senator McKay, by two-thirds vote **SB 1150** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

SENATOR SILVER PRESIDING

SB 2692—A bill to be entitled An act relating to the Florida National Guard; amending s. 250.73, F.S.; increasing the fines that may be imposed in certain courts-martial; amending s. 250.06, F.S.; authorizing the Governor to use the National Guard to provide certain law enforcement support and humanitarian relief; amending s. 250.24, F.S.; providing for the Adjutant General to authorize certain pay and expenses for troops ordered out in active service; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 2692** to **HB 1085**.

Pending further consideration of **SB 2692** as amended, on motion by Senator Horne, by two-thirds vote **HB 1085** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Horne—

HB 1085—A bill to be entitled An act relating to military affairs; amending s. 250.35, F.S.; increasing fines with respect to courts-martial; amending s. 250.06, F.S.; authorizing the Governor to authorize the organized militia to provide extraordinary support to law enforcement and to provide certain humanitarian relief; amending s. 250.24, F.S.; revising language with respect to pay and expenses of the militia to provide for payroll approval by the Adjutant General under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 2692** and read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 1085** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

RECONSIDERATION OF BILL

The motion by Senator Crist, that the Senate reconsider the vote by which—

SB 584—A bill to be entitled An act relating to convention development taxes; amending s. 212.0305, F.S.; amending the list of ways in which a consolidated county may use the proceeds from such a tax that is levied by the county; providing an effective date.

—as amended passed this day, was taken up and adopted.

On motion by Senator Bankhead, by two-thirds vote the Senate reconsidered the vote by which **SB 584** was read the third time.

On motion by Senator Bankhead, the Senate reconsidered the vote by which **Amendment 3** was adopted. **Amendment 3** was withdrawn.

On motion by Senator Bankhead, the Senate reconsidered the vote by which **Amendment 6** was adopted. **Amendment 6** was withdrawn.

Senator Bankhead moved the following amendment which was adopted:

Amendment 7 (with title amendment)—On page 3, between lines 29 and 30, insert:

Section 2. Section 72.031, Florida Statutes, is amended to read:

72.031 Actions under s. 72.011(1); parties; service of process.—

(1) In any action brought in circuit court pursuant to s. 72.011(1), the person initiating the action shall be the plaintiff and the Department of Revenue shall be the defendant, except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be the defendant, ~~and except that~~ for actions contesting an assessment or denial of refund under chapters 210, 550, 561, 562, 563, 564, and 565 the Department of Business and Professional Regulation shall be the defendant, *and for actions contesting an assessment or denial of refund of a tax imposed under s. 125.0104 or s. 212.0305 by a county that has elected under s. 125.0104(10) or s. 212.0305(5), respectively, to administer the tax, the defendant shall be the county and the Department of Revenue.* It shall not be necessary for the Governor and Cabinet, constituting the Department of Revenue, to be named as party defendants or named separately as individual parties; nor shall it be necessary for the executive director of the department to be named as an individual party.

(2) Service of process on the applicable department *or county* shall be perfected by service pursuant to s. 48.111, notwithstanding the provisions of s. 48.121.

Section 3. Subsections (1) and (3) of section 120.575, Florida Statutes, are amended to read:

120.575 Taxpayer contest proceedings.—

(1) In any administrative proceeding brought pursuant to this chapter as authorized in s. 72.011(1), the taxpayer or other substantially affected party shall be designated the "petitioner" and the Department of Revenue shall be designated the "respondent," except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be designated the "respondent," ~~and~~ for actions contesting an assessment or denial of refund under chapters 210, 550, 561, 562, 563, 564, and 565 the Department of Business and Professional Regulation shall be designated the "respondent,~~.~~" *and for actions contesting an assessment or denial of refund of a tax imposed under s. 125.0104 or s. 212.0305 by a county that has elected under s. 125.0104(10) or s. 212.0305(5), respectively, to administer the tax, the respondent shall be the county and the Department of Revenue.*

(3)(a) Before a taxpayer may file a petition under this chapter, he or she shall pay to the applicable department *or county* the amount of taxes, penalties, and accrued interest assessed by that department *or county* which are not being contested by the taxpayer. Failure to pay the uncontested amount shall result in the dismissal of the action and imposition of an additional penalty of 25 percent of the amount taxed.

(b) The requirements of s. 72.011(2) and (3)(a) are jurisdictional for any action under this chapter to contest an assessment or denial of refund by the Department of Revenue, the Department of Highway Safety and Motor Vehicles, ~~or~~ the Department of Business and Professional Regulation, *or a county*.

Section 4. Subsection (2), paragraphs (l) and (o) of subsection (3), paragraph (e) of subsection (4), paragraph (a) of subsection (5), and paragraph (c) of subsection (10) of section 125.0104, Florida Statutes, are amended, and paragraph (d) is added to subsection (5), to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(2) APPLICATION*; DEFINITIONS*.—

(a) Application.—The provisions contained in chapter 212 apply to the administration of any tax levied pursuant to this section.

(b) Definitions.—For purposes of this section:

1. "Promotion" means marketing or advertising designed to increase tourist-related business activities.

2. "Tourist" means a person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient accommodations as described in paragraph (3)(a).

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds.

2. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center, *and to pay the planning and design costs incurred prior to the issuance of such bonds*.

3. Only counties that have elected to levy the tax *initially for the purposes* authorized in *subparagraph 1*. ~~this paragraph~~ may use the tax for the purposes enumerated in subparagraph 2.

The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a) through (d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(o) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162. A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the construction, reconstruction, or renovation of that facility. *The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a).* Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

(4) ORDINANCE LEVY TAX; PROCEDURE.—

(e) The governing board of each county which levies and imposes a tourist development tax under this section shall appoint an advisory council to be known as the ". . . (name of county). . . Tourist Development Council." The council shall be established by ordinance and composed of nine members who shall be appointed by the governing board. The chair of the governing board of the county or any other member of the governing board as designated by the chair shall serve on the council. Two members of the council shall be elected municipal officials, *at least* one of whom shall be from the most populous municipality in the county or

subcounty special taxing district in which the tax is levied. ~~Three members of the council shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax.~~ *Six* ~~Three~~ members of the council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, *of which members, not less than three nor more than four shall be* ~~but who are not~~ owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax. All members of the council shall be electors of the county. The governing board of the county shall have the option of designating the chair of the council or allowing the council to elect a chair. The chair shall be appointed or elected annually and may be reelected or reappointed. The members of the council shall serve for staggered terms of 4 years. The terms of office of the original members shall be prescribed in the resolution required under paragraph (b). The council shall meet at least once each quarter and, from time to time, shall make recommendations to the county governing board for the effective operation of the special projects or for uses of the tourist development tax revenue and perform such other duties as may be prescribed by county ordinance or resolution. The council shall continuously review expenditures of revenues from the tourist development trust fund and shall receive, at least quarterly, expenditure reports from the county governing board or its designee. Expenditures which the council believes to be unauthorized shall be reported to the county governing board and the Department of Revenue. The governing board and the department shall review the findings of the council and take appropriate administrative or judicial action to ensure compliance with this section. The changes in the composition of the membership of the tourist development council mandated by chapter 86-4, Laws of Florida, *and this act* shall not cause the interruption of the current term of any person who is a member of a council on *October 1, 1996* ~~May 7, 1986~~.

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums, or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied. Tax revenues received pursuant to this section may also be used for promotion of zoological parks that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public. However, these purposes may be implemented through service contracts and leases with lessees with sufficient expertise or financial capability to operate such facilities;

2. To promote and advertise tourism in the State of Florida and nationally and internationally*; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists*;

3. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the chambers of commerce or similar associations in the county, *which may include any indirect administrative costs for services performed by the county on behalf of the promotion agency*; or

4. To finance *beach park facilities or* beach improvement, maintenance, renourishment, restoration, and erosion control, including shoreline protection, enhancement, cleanup, or restoration of inland lakes and rivers to which there is public access *as those uses relate to the physical preservation of the beach, shoreline, or inland lake or river. In counties of less than 100,000 population, no more than 10 percent of the revenues from the tourist development tax may be used for beach park facilities.*

(d) Any use of the local option tourist development tax revenues collected pursuant to this section for a purpose not expressly authorized by paragraph (l) or paragraph (o) of subsection (3) or paragraph (a), paragraph (b), or paragraph (c) of this subsection is expressly prohibited.

(10) LOCAL ADMINISTRATION OF TAX.—

(c) A county adopting an ordinance providing for the collection and administration of the tax on a local basis shall also adopt an ordinance electing either to assume all responsibility for auditing the records and accounts of dealers, and assessing, collecting, and enforcing payments of delinquent taxes, or to delegate such authority to the Department of Revenue. If the county elects to assume such responsibility, it *shall be bound by all rules promulgated by the Department of Revenue pursuant to paragraph (3)(k), as well as those rules pertaining to the sales and use tax on transient rentals imposed by s. 212.03. The county* may use any power granted in this section to the department to determine the amount of tax, penalties, and interest to be paid by each dealer and to enforce payment of such tax, penalties, and interest. If the county delegates such authority to the department, the department shall distribute any collections so received, less costs of administration, to the county. The amount deducted for costs of administration by the department shall be used only for those costs which are solely and directly attributable to auditing, assessing, collecting, processing, and enforcing payments of delinquent taxes authorized in this section. If a county elects to delegate such authority to the department, the department shall audit only those businesses in the county that it audits pursuant to part I of chapter 212.

Section 5. The amendment to paragraph (o) of subsection (3) of section 125.0104, Florida Statutes, provided by this act shall not affect the validity of any bonds heretofore issued by a county that are secured by a pledge of and lien upon the additional tax imposed by that paragraph.

Section 6. Paragraph (m) of subsection (3) of section 125.0104, Florida Statutes, is hereby repealed.

Section 7. Paragraph (c) of subsection (5) of section 212.0305, Florida Statutes, is amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(5) LOCAL ADMINISTRATION OF TAX.—

(c) A county adopting an ordinance providing for the collection and administration of the tax on a local basis shall also adopt an ordinance electing either to assume all responsibility for auditing the records and accounts of dealers, and assessing, collecting, and enforcing payments of delinquent taxes, or to delegate such authority to the Department of Revenue. If the county elects to assume such responsibility, it *shall be bound by the rules promulgated by the Department of Revenue pursuant to paragraph (3)(f), as well as those rules pertaining to the sales and use tax on transient rentals imposed by s. 212.03. The county* may use any power granted in this part to the department to determine the amount of tax, penalties, and interest to be paid by each dealer and to enforce payment of such tax, penalties, and interest. If the county delegates such authority to the department, the department shall distribute any collections so received, less costs of administration, to the county. The amount deducted for costs of administration by the department shall be used only for those costs which are solely and directly attributable to auditing, assessing, collecting, processing, and enforcing payments of delinquent taxes authorized in this section. If a county elects to delegate such authority to the department, the department shall audit only those businesses in the county that it audits pursuant to this part.

Section 8. Subsections (2) and (3) of section 72.011, Florida Statutes, are amended to read:

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

(2)*(a) An* ~~No~~ action may *not* be brought to contest an assessment of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1) *more than* ~~after~~ 60 days *after* ~~from~~ the date the assessment becomes final. *An* ~~No~~ action may *not* be brought to contest a denial of refund of any tax, interest, or penalty paid under a section or chapter specified in subsection (1) *more than* ~~after~~ 60 days *after* ~~from~~ the date the denial becomes final.

(b) The date on which an assessment or a denial of refund becomes final and a procedure by which a taxpayer must be notified of the assessment or of the denial of refund must be established:

1. By rule adopted by the Department of Revenue*;* ~~or,~~

2. With respect to assessments or refund denials under chapter 207, *by rule adopted by* the Department of Highway Safety and Motor Vehicles*;* ~~or,~~

3. With respect to assessments or refund denials under chapters 210, 550, 561, 562, 563, 564, and 565, *by rule adopted by* the Department of Business and Professional Regulation*; or*

4. With respect to taxes that a county collects or enforces under s. 125.0104(10) or s. 212.0305(5), by an ordinance that may additionally provide for informal dispute resolution procedures in accordance with s. 213.21.~~, shall establish by rule when an assessment or refund denial becomes final for purposes of this section and a procedure by which a taxpayer shall be notified of the assessment or refund denial. It is not necessary for~~

(c) The applicable department *or county need not* ~~to~~ file or docket *an* ~~any~~ assessment or *a* refund denial with the agency clerk *or county official designated by ordinance* in order for *the* ~~such~~ assessment or refund denial to become final for purposes of an action initiated *under* ~~pursuant to~~ this chapter or chapter 120.

(3) In any action filed in circuit court contesting the legality of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1), the plaintiff must:

(a) Pay to the applicable department *or county* the amount of the tax, penalty, and accrued interest assessed by *the* ~~such~~ department *or county* which is not being contested by the taxpayer; and either

(b)1. Tender into the registry of the court with the complaint the amount of the contested assessment complained of, including penalties and accrued interest, unless this requirement is waived in writing by the executive director of the applicable department *or by the county official designated by ordinance*; or

2. File with the complaint a cash bond or a surety bond for the amount of the contested assessment endorsed by a surety company authorized to do business in this state, or by any other security arrangement as may be approved by the court, and conditioned upon payment in full of the judgment, including the taxes, costs, penalties, and interest, unless this requirement is waived in writing by the executive director of the applicable department *or by the county official designated by ordinance.*

Failure to pay the uncontested amount as required in paragraph (a) shall result in the dismissal of the action and imposition of an additional penalty in the amount of 25 percent of the tax assessed. Provided, however, that if, at any point in the action, it is determined or discovered that a plaintiff, due to a good faith de minimis error, failed to comply with any of the requirements of paragraph (a) or paragraph (b), the plaintiff shall be given a reasonable time within which to comply before the action is dismissed. For purposes of this subsection, there shall be a rebuttable presumption that if the error involves an amount equal to or less than 5 percent of the total assessment the error is de minimis and that if the error is more than 5 percent of the total assessment the error is not de minimis.

(Renumber subseqent section.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending ss. 72.031 and 120.575, F.S.; providing that a county that administers a local option tourist development tax or convention development tax locally shall be named a codefendant or corespondent in any circuit court action or administrative proceeding to contest an assessment or denial of a refund of the tax; amending s. 125.0104, F.S.; providing definitions; correcting a reference; authorizing use of revenue from an additional local option tourist development tax for convention center planning and design costs; providing for a waiver of the prohibition against levying more than 2-percent local option tourist development tax in counties that levy a specified convention development tax if such counties levy a second additional tax for financing professional sports franchise facilities; providing for the validity of currently issued bonds; revising membership criteria for tourist development councils; providing requirements applicable to activities, services, venues, and events for which tourist development tax revenues are expended; providing for use of tax revenues for certain tourism promotion agency administrative costs; revising requirements relating to the use of such tax revenues for beach improvement and erosion control and authorizing use for beach park facilities; providing that any use of local option tourist development tax revenues not expressly authorized is prohibited; specifying rules applicable to a county that has elected to assume audit, assessment, collection, and enforcement responsibility for such tax; repealing s. 125.0104(3)(m), F.S., which authorizes certain counties to levy an additional 2-percent tax to retire bonded indebtedness for certain economic development projects; amending s. 212.0305, F.S.; specifying rules applicable to a county that has elected to assume audit, assessment, collection, and enforcement responsibility for a convention development tax; amending s. 72.011, F. S.; requiring counties that locally administer a local option tourist development tax or convention development tax to provide certain requirements and procedures by ordinance with respect to a taxpayer's contest of an assessment or denial of refund and providing for application of requirements relating thereto to such counties;

On motion by Senator Bankhead, by two-thirds vote **SB 584** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 2786—A bill to be entitled An act relating to the Florida National Guard; amending s. 250.482, F.S.; providing employment protection for members of the Florida National Guard who are called into state service; providing for enforcement; providing for attorney's fees; providing for fines; prescribing conditions precedent to bring suit; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 2786** to **CS for HB 2391**.

Pending further consideration of **SB 2786** as amended, on motion by Senator Bronson, by two-thirds vote **CS for HB 2391** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Bronson—

CS for HB 2391—A bill to be entitled An act relating to the Florida National Guard; amending s. 250.482, F.S.; providing certain enforcement provisions to ensure employment protection of members of the Florida National Guard when ordered into state active service; providing for civil damages; providing for damages; providing for a prerequisite to filing lawsuits; providing an effective date.

—a companion measure, was substituted for **SB 2786** and read the second time by title. On motion by Senator Bronson, by two-thirds vote **CS for HB 2391** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 2674—A bill to be entitled An act relating to housing; amending s. 420.5092, F.S., relating to the Florida Affordable Housing Guarantee Program; revising the definition of the term "affordable housing guarantee"; providing for contractual provisions to foster the reimbursement of guarantees made under the program; providing that certain tax proceeds distributed to the State Housing Trust Fund must be transferred to deficient bond-reserve accounts to maintain the annual debt service reserve and to the guarantee fund to maintain its rating; providing that funds in the guarantee fund must be used as the primary resource to support such guarantees; revising requirements for the feasibility study relating to risk-exposure of funds in the guarantee fund; increasing the maximum amount of revenue bonds the agency may issue to capitalize the guarantee fund; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 2674** to **HB 999**.

Pending further consideration of **SB 2674** as amended, on motions by Senator Kurth, by two-thirds vote—

HB 999—A bill to be entitled An act relating to affordable housing; amending s. 420.504, F.S.; revising the membership of the Florida Housing Finance Agency; amending s. 420.5092, F.S.; revising the definition of the term "affordable housing guarantee" with respect to the Florida Affordable Housing Guarantee Program; providing for contractual provisions to foster reimbursement of guarantees; providing that certain tax proceeds distributed to the State Housing Trust Fund shall be transferred to the fund to meet certain claims payment obligations; providing that funds in the guarantee fund shall be used as the primary resource to support housing guarantees; revising requirements with respect to the feasibility study on the risk exposure of funds in the guarantee fund; increasing the maximum amount of revenue bonds the agency may issue to capitalize the guarantee fund; amending s. 420.9071, F.S.; redefining the term "affordable"; providing an effective date.

—a companion measure, was substituted for **SB 2674** and by two-thirds vote read the second time by title. On motion by Senator Kurth, by two-thirds vote **HB 999** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

THE PRESIDENT PRESIDING

The Senate resumed consideration of—

CS for CS for SB 958—A bill to be entitled An act relating to economic development; creating s. 14.2015, F.S.; creating the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor and prescribing its powers and duties; repealing s. 20.17, F.S., which creates the Department of Commerce; transferring the personnel and property of the Welcome Center Section of the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce to the Department of Transportation; transferring the duties, personnel, property, and unexpended balances of appropriations for the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce to the Department of Transportation; amending s. 120.54, F.S.; providing for rulemaking and rule-adoption procedures; amending ss. 159.803, 159.8081, 159.8083, F.S.; conforming provisions; amending s. 163.3177, F.S.; clarifying that maintenance may be used as a reason to facilitate deepwater commercial navigation; amending s. 163.3178, F.S.; providing definitions and contract agreements; amending s. 166.231, F.S.; clarifying terms; exempting certain services from tax imposed; amending s. 212.08, F.S.; exempting certain machinery and equipment from tax imposed; providing conditions; exempting charges for electricity used in production of certain items or used in association with such production from tax imposed; creating s. 414.029, F.S.; providing conditions; creating the WAGES Program Business Registry; requiring reporting; amending s. 212.096, F.S.; providing for computation of the jobs credit against sales tax; exempting a portion of wages for the credit provided; creating ss. 212.098, 212.097, F.S.; creating the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; creating s. 220.189, F.S.; allowing credit for the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; amending s. 220.181, F.S.; providing for computation of wages for purposes of the enterprise zone jobs credit; exempting a portion of the wages from the exemption provided; amending s. 220.02, F.S.; specifying the order in which credits may be taken; amending s. 220.13, F.S.; requiring an add-back for the credit pursuant to s. 220.189, F.S.; amending ss. 212.20, 216.136, 220.03, 220.183, F.S.; conforming provisions; amending s. 239.249, F.S.; requiring school districts and community colleges to participate in the performance-based, incentive funding program for vocational and technical education; authorizing a different baseline year for newly participating education agencies; authorizing the Workforce Development Board of Enterprise Florida, Inc., to designate conditions under which technical education programs may be offered to improve the economic development or welfare transition programs of a region; providing for participation by independent postsecondary education institutions; amending s. 272.11, F.S.; creating a capitol information center within the Tourism Office of the Office of Tourism, Trade, and Economic Development; amending s. 287.012, F.S.; providing definitions; amending s. 287.0943, F.S.; designating responsibility for the Minority Business Certification Task Force to the Department of Labor and Employment Security; defining the term "acting as a conduit"; amending s. 287.09431, F.S.; providing for approval of certification core criteria by the department; repealing s. 287.0945, F.S., which provides powers, duties, and functions of the Commission on Minority Economic and Business Development; creating s. 287.09451, F.S.; transferring the Minority Business Advocacy and Assistance Office to the Department of Labor and Employment Security and redefining its powers, duties, and responsibilities; amending s. 287.0947, F.S.; renaming the Florida Council on Small and Minority Business Development as the Florida Advisory Council on Small and Minority Businesses; reducing the number of members on the council; requiring the council to report to the Secretary of the Department of Labor and Employment Security; redefining the powers and duties of the council; amending s. 288.012, F.S.; providing for the establishment of foreign tourism offices; amending s. 288.017, F.S.; establishing within the Tourism Office the cooperative advertising matching grants program; amending s. 288.018, F.S.; creating the Regional Rural Development Grants Program within the Office of Tourism, Trade, and Economic Development; amending s. 288.021, F.S.; providing for the establishment of an economic development liaison within agencies to be the primary point of contact for the agency with the Office of Tourism, Trade, and Economic Development; amending ss. 288.0251, 288.035, F.S.; conforming provisions; amending s. 288.041, F.S.; providing duties of Enterprise Florida, Inc., and of the Department of Community Affairs relating to the solar energy industry; repealing s. 288.045, F.S., relating to the review of rules affecting the motion picture, television, recording, and video industries; amending s. 288.047, F.S.; providing for costs and expenditures for the Quick-Response Training Program to be documented and separated from those incurred by the training provider; conforming provisions; amending ss. 288.053, 288.054, 288.055, F.S.; conforming provisions; amending s. 288.063, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to make expenditures for direct costs of transportation projects; creating s. 288.065, F.S.; establishing the Rural Community Development Revolving Loan Fund; amending s. 288.095, F.S.; providing for the administration of the Economic Development Trust Fund by the Office of Tourism, Trade, and Economic Development; amending s. 288.106, F.S.; revising the Qualified Target Industry Business Tax Refund Program and providing for its transfer to the Office of Tourism, Trade, and Economic Development; amending ss. 288.1162, 288.1168, 288.1185, F.S.; conforming provisions; amending s. 288.122, F.S.; transferring the Tourism Promotional Trust Fund to the Office of Tourism, Trade, and Economic Development; amending s. 288.1221, F.S.; providing for the creation of a 4-year marketing plan for tourism promotion; amending s. 288.1222, F.S.; providing for definitions with regard to the Florida Commission on Tourism, Inc.; amending s. 288.1223, F.S.; creating the Florida Commission on Tourism, Inc.; creating s. 288.12235, F.S.; providing for the purpose and duties of the Florida Commission on Tourism, Inc.; amending s. 288.1224, F.S.; providing for the powers and duties of the board of directors of the Florida Commission on Tourism, Inc.; creating s. 288.1227, F.S.; providing for an annual report, audits, and confidentiality for the Florida Commission on Tourism, Inc.; creating s. 288.1228, F.S.; providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization to assist in the promotion and development of entertainment industries; creating s. 288.1229, F.S.; providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization to assist in the promotion and development of sports and sports-related industries; amending s. 288.124, F.S.; creating a convention grants program within the Office of Tourism, Trade, and Economic Development; appropriating funds from the Tourism Promotional Trust Fund; creating s. 288.7011, F.S.; providing for assistance to certified development corporations; amending s. 288.703, F.S.; revising and providing definitions relating to small and minority business assistance act; amending s. 288.705, F.S.; deleting a requirement that the Small Business Development Center report to the Department of Commerce and the Commission on Minority Economic and Business Development regarding the statewide contracts register; amending s. 288.707, F.S.; placing the Florida Black Business Investment Board under the Office of Tourism, Trade, and Economic Development; amending s. 288.7091, F.S.; prescribing duties of the Florida Black Business Investment Board; creating s. 288.7095, F.S.; providing for duties of black business investment corporations; creating s. 288.7096, F.S.; establishing the Black Business Investment Corporations Advisory Council; providing for oversight of black business investment corporations by the Office of Tourism, Trade, and Economic Development; amending s. 288.714, F.S.; requiring annual reports to the Secretary of the Department of Labor and Employment Security; repealing s. 288.803, F.S., which creates the Florida International Affairs Commission; amending ss. 288.772, 288.773, 288.776, 288.8155, 288.816, 288.8175, 288.826, F.S.; conforming provisions to the transfer of responsibilities made by the act; amending s. 288.809, F.S.; renaming the Florida International Affairs Foundation as the Florida Intergovernmental Relations Foundation; providing that the

foundation is organized to support intergovernmental relations programs; replacing references to the Florida International Affairs Commission with the Department of State; amending s. 288.901, F.S.; restructuring the board of Enterprise Florida, Inc.; creating s. 288.9015, F.S.; providing for Enterprise Florida, Inc., to be the principal economic development organization for the state; amending s. 288.902, F.S.; revising membership and duties of the Enterprise Florida Nominating Council; amending s. 288.903, F.S.; providing for powers and duties of the board of directors and the president of Enterprise Florida, Inc.; amending s. 288.904, F.S.; establishing the powers of the board of directors of Enterprise Florida, Inc.; amending s. 288.905, F.S.; providing for duties of the board of directors of Enterprise Florida, Inc.; providing for the development of a strategic plan for economic development for the state; amending s. 288.906, F.S.; providing for annual reports, audits, and confidentiality for Enterprise Florida, Inc.; creating s. 288.9412, F.S.; creating the Business and Economic Development Board within Enterprise Florida, Inc.; creating s. 288.9413, F.S.; providing for the organization of the board of directors; creating s. 288.9414, F.S.; establishing the powers and authority of the board of directors; amending s. 288.9511, F.S.; prescribing definitions; defining the term "board" to mean the Technology Development Board; amending s. 288.9512, F.S.; providing for the creation, purpose, and membership of the Technology Development Board; amending s. 288.9513, F.S.; providing for the organization of the board of directors for the Technology Development Board; amending s. 288.9514, F.S.; providing for powers and authority of the board of directors for the Technology Development Board; amending s. 288.9515, F.S.; providing for the authorization of programs by the Technology Investment Board; amending s. 288.9516, F.S.; providing for the annual report of the Technology Development Board; amending s. 288.9517, F.S.; providing for audits and confidentiality for the Technology Development Board; repealing s. 288.9518, F.S., relating to the indemnification of officers, directors, employees, and agents against personal liability or accountability; amending s. 288.9519, F.S.; authorizing a not-for-profit organization to promote high-technology business and industry in this state; amending s. 288.9520, F.S.; continuing a public records exemption for the Technology Development Board; amending s. 288.9603, F.S.; providing definitions relating to the Florida Development Finance Corporation; amending s. 288.9604, F.S.; conforming provisions; amending s. 288.9607, F.S.; revising limitations on loan size; revising requirements related to the guaranty of bond issues; amending s. 288.9608, F.S.; providing for deposits of cash equivalents in guaranty account; amending s. 288.9611, F.S.; establishing a capital development board within Enterprise Florida, Inc.; amending s. 288.9612, F.S.; providing for the organization of the capital development board; amending s. 288.9613, F.S.; prescribing the power and authority of the capital development board; amending s. 288.9614, F.S.; providing for the authorization of programs for the capital development board; amending s. 288.9615, F.S.; providing for the annual report of the capital development board; amending s. 288.9616, F.S.; providing for audits and confidentiality for the capital development board; repealing s. 288.9617, F.S., relating to the indemnification of officers, directors, employees, and agents; transferring, renumbering, and amending s. 288.0475, F.S.; providing for the creation of the Workforce Development Board within Enterprise Florida, Inc.; prescribing legislative intent with respect to transfers of responsibilities made by the act; providing employment preferences for displaced employees of the Department of Commerce; providing appropriations; amending ss. 288.973, 288.975, 288.980, 289.031, 290.004, 290.0056, 290.0066, F.S.; conforming provisions; providing for the designation of additional enterprise zones; amending s. 290.0055, F.S.; providing a method for changing the boundaries of an approved enterprise zone; amending s. 290.0058, F.S.; providing a presumption of pervasive poverty for certain census geographic block groups; amending s. 290.0065, F.S.; authorizing the Department of Commerce to amend the boundaries of state designated enterprise zones under certain circumstances; providing for the designation of certain areas as enterprise zones; providing criteria areas; amending s. 290.0075, F.S.; revising the Enterprise Zone Linked Deposit Program; amending ss. 290.009, 290.014, 311.09, F.S.; conforming provisions; amending s. 311.07, F.S.; providing for program funds to be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade information that will assist Florida's seaports and international trade; creating s. 311.105, F.S.; providing for the creation of the Florida Seaport Environmental Management Committee and its duties; amending s. 311.11, F.S.; conforming provisions; amending s. 320.08058, F.S.; providing for the transfer of proceeds from the Florida Professional Sports Team License Plate into the Professional Sports Development Trust Fund; amending s. 370.28, F.S.; providing exceptions to certain enterprise zone requirements for net ban communities; assigning designation responsibility to the Office of Tourism, Trade, and Economic Development; changing application and effective dates; providing for the designation of an additional net ban enterprise zone; amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund; proscribing the manner in which such funds may be used; providing technical changes; amending s. 374.976, F.S.; providing that financial assistance for port projects not be included in calculating ad valorem taxes of the county in which the port is located; amending s. 380.24, F.S.; providing that all permitting and enforcement of dredged-material management be done through the Department of Environmental Protection; amending s. 403.021, F.S.; providing for the Department of Environmental Protection to recognize that the maintenance of water depths is an ongoing and necessary activity and that the permitting and enforcement of dredging and other port-related activities be consolidated within the Division of Environmental Resource Permitting; amending s. 403.061, F.S.; providing for the Department of Environmental Protection to enter into an agreement with the Florida Ports Council to provide a supplemental permitting process; creating an expedited permitting process; providing eligibility criteria for projects; providing legislative intent to foster the economic growth of Florida's deepwater seaports; providing that the act does not affect the regulation of a port by a local government having jurisdiction over the port; amending s. 403.953, F.S.; simplifying the eligibility criteria for the Job Siting Act; amending s. 624.5105, F.S.; conforming provisions; providing for the Office of Tourism, Trade, and Economic Development to be substituted for the Department of Commerce as a party in interest in pending proceedings; continuing binding contracts; providing for severability; prohibiting a state agency, political subdivision of the state, or other entity doing business with a state entity, receiving state funds, or claiming a credit against state taxes from traveling or doing business with a country that lacks diplomatic relations with the United States; creating an International Trade Grants Program; amending s. 313.01, F.S.; relating to the position of harbormaster; repealing ss. 286.21, 288.011, 288.015, 288.025, 288.03, 288.045, 288.0575, 288.06, 288.07, 288.08, 288.09, 288.115, 288.116, 288.117, 288.121, 288.1226, 288.701, 288.775, 288.779, 288.801, 288.802, 288.803, 288.8032, 288.804, 288.8041, 288.805, 288.806, 288.807, 288.808, 288.810, 288.811, 288.813, 288.814, 288.815, 288.817, 288.8185, 288.819, 288.820, 288.822, 288.823, 288.824, 288.825, F.S., relating to programs and duties of the Department of Commerce; providing a contingent effective date for sections in this act that provide additional jobs credits, provide additional sales tax exemptions, and expand tax credits within enterprise zones; providing an effective date.

—having been amended and read the third time on March 21.

On motion by Senator McKay, by two-thirds vote the Senate reconsidered the vote by which **CS for CS for SB 958** was read the third time.

Senator McKay moved the following amendment to the bill as engrossed:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 14.2015, Florida Statutes, is created to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development is created within the Executive Office of the Governor. The director of the Office of Tourism, Trade, and Economic Development shall be appointed by and serve at the pleasure of the Governor.

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

(a) Contract, notwithstanding the provisions of part I of chapter 287, with Enterprise Florida, Inc., to guide, stimulate, and promote the economic and trade development of the state.

(b) Contract with the Florida Commission on Tourism to guide, stimulate, and promote the travel and leisure development of the state.

(c) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1228, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, to guide, stimulate, and promote the entertainment industry in the state.

(d) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state.

(e) Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; and rural community development.

(f) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development projects designed to create, expand, and retain Florida businesses and to recruit worldwide business.

(g) Assist the Governor, in cooperation with Enterprise Florida, Inc., and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(h) Plan and conduct quarterly meetings of leaders in business, government, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(i) Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the Florida Jobs Siting Act under ss. 403.950-403.972, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grant Program under s. 288.018, the Florida State Rural Development Council, and the Rural Economic Development Initiative.

(j) Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appropriate direct-support organizations. Such contracts may be multi-year and shall include specific performance measures for each year. The office shall provide the President of the Senate and the Speaker of the House of Representatives with a report by February 1 of each year on the status of these contracts, including the extent to which specific contract performance measures have been met by these contractors.

(k) Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Black Business Investment Board, and the direct-support organizations created to promote the entertainment and sports industries.

(3) The Chief Inspector General, as defined in s. 14.32:

(a) Shall advise public-private partnerships in their development, utilization, and improvement of internal control measures necessary to ensure fiscal accountability.

(b) May conduct, direct, and supervise audits relating to the programs and operations of public-private partnerships.

(c) Shall receive and investigate complaints of fraud, abuses, and deficiencies relating to programs and operations of public-private partnerships.

(d) May request and have access to any records, data, and other information of public-private partnerships that the Chief Inspector General deems necessary to carry out his or her responsibilities with respect to accountability.

(e) Shall monitor public-private partnerships for compliance with the terms and conditions of contracts with the Office of Tourism, Trade, and Economic Development and report noncompliance to the Governor.

(f) Shall advise public-private partnerships in the development, utilization, and improvement of performance measures for the evaluation of their operations.

(g) Shall review and make recommendations for improvements in the actions taken by public-private partnerships to meet performance standards.

(4) The director of the Office of Tourism, Trade, and Economic Development shall designate a position within the office to advocate and coordinate the interests of minority businesses. The person in this position shall report to the director and shall be the primary point of contact for the office on issues and projects important to the recruitment, creation, preservation, and growth of minority businesses.

(5) The director of the Office of Tourism, Trade, and Economic Development shall designate a position within the office to advocate and coordinate the interests of rural communities in the state. The person in this position shall report to the director and shall be the primary point of contact for the office on issues and projects important to the economic capacity of Florida's rural communities.

(6)(a) In order to improve the state's regulatory environment, the Office of Tourism, Trade, and Economic Development shall consider the impact of agency rules on businesses, provide one-stop permit information and assistance, and serve as an advocate for businesses, particularly small businesses, in their dealings with state agencies.

(b) As used in this subsection, the term "permit" means any approval of an agency required as a condition of operating a business in this state, including, but not limited to, licenses and registrations.

(c) The office shall have powers and duties to:

1. Review proposed agency actions for impacts on small businesses and offer alternatives to mitigate such impacts, as provided in s. 120.54.

2. In consultation with the Governor's rules ombudsman, make recommendations to agencies on any existing and proposed rules for alleviating unnecessary or disproportionate adverse effects to businesses.

3. Make recommendations to the Legislature and to agencies for improving permitting procedures affecting business activities in the state. By October 1, 1997, and annually thereafter, the Office of Tourism, Trade, and Economic Development shall submit a report to the Legislature containing the following:

a. An identification and description of methods to eliminate, consolidate, simplify, or expedite permits.

b. An identification and description of those agency rules repealed or modified during each calendar year to improve the regulatory climate for businesses operating in the state.

c. A recommendation for an operating plan and funding level for establishing an automated one-stop permit registry to provide the following services:

(I) Access by computer network to all permit applications and approval requirements of each state agency.

(II) Assistance in the completion of such applications.

(III) Centralized collection of any permit fees and distribution of such fees to agencies.

(IV) Submission of application data and circulation of such data among state agencies by computer network.

If the Legislature establishes such a registry, subsequent annual reports must cover the status and performance of this registry.

4. Serve as a clearinghouse for information on which permits are required for a particular business and on the respective application process, including criteria applied in making a determination on a permit application. Each state agency that requires a permit, license, or registration for a business shall submit to the Office of Tourism, Trade, and Economic Development by August 1 of each year a list of the types of businesses and professions that it regulates and of each permit, license, or registration that it requires for a type of business or profession.

5. Obtain information and permit applications from agencies and provide such information and permit applications to the public.

6. Arrange, upon request, informal conferences between a business and an agency to clarify regulatory requirements or standards or to identify and address problems in the permit-review process.

7. Determine, upon request, the status of a particular permit application.

8. Receive complaints and suggestions concerning permitting policies and activities of governmental agencies which affect businesses.

(d) Use of the services authorized in this subsection does not preclude a person or business from dealing directly with an agency.

(e) In carrying out its duties under this subsection, the Office of Tourism, Trade, and Economic Development may consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021.

(f) The office shall clearly represent that its services are advisory, informational, and facilitative only. Advice, information, and assistance rendered by the office does not relieve any person or business from the obligation to secure a required permit. The office is not liable for any consequences resulting from the failure to issue or to secure a required permit. However, an applicant who uses the services of the office and who receives a written statement identifying required state permits relating to a business activity may not be assessed a penalty for failure to obtain a state permit that was not identified, if the applicant submits an application for each such permit within 60 days after written notification from the agency responsible for issuing the permit.

(7) Notwithstanding any provision of law to the contrary, the Office of Tourism, Trade, and Economic Development may enter into contracts for assistance in administering programs or carrying out functions that are specifically assigned to the office. No more than 1 percent of the funds appropriated for a particular program or function may be used for such a contract related to that program or function. This subsection does not apply to contracts that the office enters into with Enterprise Florida, Inc., the Florida Commission on Tourism, or any direct-support organization.

(8) The Office of Tourism, Trade, and Economic Development shall develop performance measures, standards, and sanctions for each program it administers under this act and, in conjunction with the applicable entity, for each program for which it contracts with another entity under this act. The performance measures, standards, and sanctions shall be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions shall be included and made a part of each contract entered into for delivery of programs authorized by this act.

(9) The Office of Tourism, Trade, and Economic Development shall ensure that the contract between the Florida Commission on Tourism and the commission's direct-support organization contains a provision to provide the data on the visitor counts and visitor profiles used in revenue estimating, employing the same methodology used in fiscal year 1995-1996 by the Department of Commerce. The Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism must reach agreement with the Consensus Estimating Conference principals before making any changes in methodology used or information gathered.

Section 2. Section 20.17, Florida Statutes, as amended by section 1 of chapter 95-146, Laws of Florida, and section 80 of chapter 95-147, Laws of Florida, is repealed effective December 31, 1996.

Section 3. Welcome centers.—

(1) The responsibilities, duties, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Welcome Center section of the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce are transferred, effective no later than December 31, 1996, by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Transportation as a separate program component and renamed the Welcome Centers Office. Employees of the office shall remain in the career service system.

(2) The Welcome Centers Office is assigned to the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the Department of Transportation.

(3) The Florida Commission on Tourism shall provide direction for the administration of the Welcome Centers Office and direction for the operation of the welcome centers. Funding for the office shall be solely from the rental car surcharge provided to the Tourism Promotional Trust Fund pursuant to section 212.0606(2), Florida Statutes, through a nonoperating transfer to the State Transportation Trust Fund or contract with the commission or the commission's direct-support organization.

Section 4. Appointment of rules ombudsman; duties.—The Governor shall appoint a rules ombudsman, as defined in section 288.703, Florida Statutes, in the Executive Office of the Governor, for considering the impact of agency rules on the state's citizens and businesses. In carrying out duties as provided by law, the ombudsman shall consult with Enterprise Florida, Inc., at which point the office may recommend to improve the regulatory environment of this state. The duties of the rules ombudsman are to:

(1) Carry out the responsibility provided in section 120.54(2), Florida Statutes, with respect to small businesses.

(2) Review state agency rules that adversely or disproportionately impact businesses, particularly those relating to small and minority businesses.

(3) Make recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to businesses.

(4)(a) By December 1, 1997, and annually thereafter, submit a report to the Legislature identifying and describing the extent to which rules of state agencies adversely impact trade promotion, economic growth and diversification in Florida, business profitability and viability, and, in particular, the start-up of new businesses. The report must specifically identify and describe those agency rules repealed or modified during each calendar year in order to improve the regulatory climate for businesses operating in this state. The report must also identify those proposed rules for review and possible repeal or modification in the next calendar year.

(b) The report must also specifically identify and describe the use and impact of state economic development incentives on minority-owned businesses. The report must detail how many minority-owned businesses received state economic development incentives administered by the Office of Tourism, Trade, and Economic Development, including private activity bonds, and the JOBs benefit.

(5) Each state agency shall cooperate fully with the rules ombudsman in identifying such rules. Further, each agency shall take the necessary steps to waive, modify, or otherwise minimize such adverse effects of any such rules. However, nothing in this section authorizes any state agency to waive, modify, provide exceptions to, or otherwise alter any rule that is:

(a) Expressly required to implement or enforce any statutory provision or the express legislative intent thereof;

(b) Designed to protect persons against discrimination on the basis of race, color, national origin, religion, sex, age, handicap, or marital status; or

(c) Likely to prevent a significant risk or danger to the public health, the public safety, or the environment of the state.

(6) The modification or waiver of any such rule pursuant to this section must be accomplished in accordance with the provisions of chapter 120, Florida Statutes.

Section 5. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 120.54, Florida Statutes, are amended to read:

120.54 Rulemaking; adoption procedures.—

(2)(a) Each agency, prior to the adoption, amendment, or repeal of any rule, shall consider the impact of such proposed action on small business as defined in s. 288.703 and, whenever possible, shall tier such rule to reduce disproportionate impacts on small business and to avoid regulating businesses which do not contribute significantly to the problem the rule is designed to regulate. An agency may define "small business" to include more than *100* ~~50~~ persons if it finds that such a definition is necessary to adapt any rule to the needs and problems of small business. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small business:

1. Establishing less stringent compliance or reporting requirements in the rule for small business.

2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.

3. Consolidating or simplifying the rule's compliance or reporting requirements for small business.

4. Establishing performance standards to replace design or operational standards in the rule for small business.

5. Exempting small business from any or all requirements of the rule.

(3)

(b) If the agency determines that the proposed action will affect small business as defined by the agency as provided in paragraph (2)(a), the agency shall send written notice of such rule to the *Office of Tourism, Trade, and Economic Development* ~~Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce~~ not less than 21 days prior to the intended action.

1. Within the 21-day period after written notice has been sent and the day on which the intended action is to take place, the agency shall give the *Office of Tourism, Trade, and Economic Development* ~~Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce~~ an opportunity to present evidence and argument and to offer alternatives regarding the impact of the rule on small business.

2. Each agency shall adopt those alternatives offered pursuant to this subsection which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small business.

3. If an agency does not adopt all alternatives offered pursuant to this subsection, it shall, prior to rule adoption or amendment and pursuant to subsection (11), file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days of the filing of such notice, the agency shall send a copy of such notice to the *Office of Tourism, Trade, and Economic Development* ~~Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce~~.

Section 6. Subsection (11) of section 159.803, Florida Statutes, is amended to read:

159.803 Definitions.—As used in this part, the term:

(11) "Florida First Business project" means any project which is certified by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ as eligible to receive an allocation from the Florida First Business allocation pool established pursuant to s. 159.8083. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ may certify those projects meeting the criteria set forth in s. 288.106(4)(b) or any project providing a substantial economic benefit to this state.

Section 7. Subsection (2) of section 159.8081, Florida Statutes, is amended to read:

159.8081 Manufacturing facility bond pool.—

(2)*(a)* The first 75 percent of this pool shall be available on a first come, first served basis*, except that 10 percent of the state volume limitation allocated to this pool shall be available as provided in paragraph (b).* Prior to issuing any written confirmations for the remaining 25 percent of this pool, the director shall forward all notices of intent to issue which are received by the division for manufacturing facility projects to the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ and the Department of Community Affairs shall decide, after receipt of the notices of intent to issue, which notices will receive written confirmations. Such decision shall be communicated in writing by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ to the director within 10 days of receipt of such notices of intent to issue. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, in consultation with the Department of Community Affairs, *may* ~~shall~~ develop rules to ensure that allocation of the remaining 25 percent is consistent with the state's economic development policy.

(b) For the first 6 months of each year, 10 percent of such pool shall be available only for manufacturing facility projects located within a county that has a population less than 75,000 residents, or within any county that has a population less than 125,000 residents and is contiguous with a county that has a population less than 75,000 residents, as determined by the most current decennial census, residing in incorporated and unincorporated areas of the county. Any portion of such allocation for which a written confirmation has not been issued by the director or for which an issuance report for bonds using such an allocation has not been received by the division before the end of the first 6 months of each year must be allocated pursuant to paragraph (a).

Section 8. Section 159.8083, Florida Statutes, is amended to read:

159.8083 Florida First Business allocation pool.—The Florida First Business allocation pool is hereby established. The Florida First Business allocation pool shall be available solely to provide written confirmation for private activity bonds to finance Florida First Business projects certified by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ as eligible to receive a written confirmation. Allocations from such pool shall be awarded statewide pursuant to procedures specified in s. 159.805, except that the provisions of s. 159.805(2), (3), and (6) do not apply. Florida First Business projects that are eligible for a carryforward shall not lose their allocation on November 16 if they have applied and have been granted a carryforward. In issuing written confirmations of allocations for Florida First Business projects, the division shall use the Florida First Business allocation pool. If allocation is not available from the Florida First Business allocation pool, the division shall issue written confirmations of allocations for Florida First Business projects pursuant to s. 159.806 or s. 159.807, in such order. For the purpose of determining priority within a regional allocation pool or the state allocation pool, notices of intent to issue bonds for Florida First Business projects to be issued from a regional allocation pool or the state allocation pool shall be considered to have been received by the division at the time it is determined by the division that the Florida First Business allocation pool is unavailable to issue confirmation for such Florida First Business project. If the total amount requested in notices of intent to issue private activity bonds for Florida First Business projects exceeds the total amount of the Florida First Business allocation pool, the director shall forward all timely notices of intent to issue, which are received by the division for such projects, to the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ which shall render a decision as to which notices of intent to

issue are to receive written confirmations. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, in consultation with the division, shall develop rules to ensure that the allocation provided in such pool is available solely to provide written confirmations for private activity bonds to finance Florida First Business projects and that such projects are feasible and financially solvent.

Section 9. Paragraph (g) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(g) For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the policies that shall guide the local government's decisions and program implementation with respect to the following objectives:

1. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.

2. Continued existence of viable populations of all species of wildlife and marine life.

3. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.

4. Avoidance of irreversible and irretrievable loss of coastal zone resources.

5. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.

6. Proposed management and regulatory techniques.

7. Limitation of public expenditures that subsidize development in high-hazard coastal areas.

8. Protection of human life against the effects of natural disasters.

9. The orderly development, *maintenance,* and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.

10. Preservation, including sensitive adaptive use of historic and archaeological resources.

Section 10. Subsections (2), (3), and (5) of section 163.3178, Florida Statutes, are amended to read:

163.3178 Coastal management.—

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environmental, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; barrier islands, including beach and dune systems; unique wildlife habitat; historical and archaeological sites; and other fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

(d) A component which outlines principles for hazard mitigation and protection of human life against the effects of natural disaster, including population evacuation, which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element in the event of an impending natural disaster.

(e) A component which outlines principles for protecting existing beach and dune systems from human-induced erosion and for restoring altered beach and dune systems.

(f) A redevelopment component which outlines the principles which shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

(g) A shoreline use component which identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities, including marinas, along shoreline areas.

(h) Designation of high-hazard coastal areas, which for uniformity and planning purposes herein, are defined as category 1 evacuation zones. However, application of mitigation and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

(i) A component which outlines principles for providing that financial assurances are made that required public facilities will be in place to meet the demand imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(k) A component which includes the comprehensive master plan prepared by each deepwater port listed in s. *311.09(1)* ~~403.021(9)~~, which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port *and proposed expansion areas.* Such component shall be submitted to the appropriate local government at least 6 months prior to the due date of the local plan and shall be integrated with, and shall meet all criteria specified in, the coastal management element. "The appropriate local government" means the municipality having the responsibility for the area in which the deepwater port lies, except that where no municipality *has responsibility, where a municipality and a county each have responsibility, or where* ~~or~~ two or more municipalities each have responsibility for the area in which the deepwater port lies, "the appropriate local government" means the county which has responsibility for the area in which the deepwater port lies. Failure by a deepwater port which is not part of a local government to submit its component to the appropriate local government shall not result in a local government being subject to sanctions pursuant to ss. 163.3184 and 163.3167. However, a deepwater port which is not part of a local government shall be subject to sanctions pursuant to s. 163.3184.

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities *of* ~~within~~ ports listed in s. 403.021(9)*, port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3),* shall not be developments of regional impact where such expansions, *projects or facilities* are consistent with comprehensive master plans that are in compliance with this section.

(5) The appropriate dispute resolution process provided under s. 186.509 must be used to reconcile inconsistencies between port master plans and local comprehensive plans. In recognition of the state's commitment to deepwater ports, ~~the growth management portion of~~ the state comprehensive plan must include goals, objectives, and policies

that establish a statewide strategy for enhancement of existing deepwater ports, ensuring that priority is given to water-dependent land uses. As an incentive for promoting plan consistency, ~~a deepwater~~ port *facilities as defined in s. 315.02(6) on lands owned or controlled by a deepwater port as defined in s. 311.09(1), as of the effective date of this act shall not be subject to development of regional impact review provided the port either* ~~may opt out of the development of regional impact review program if it~~ successfully completes an alternative comprehensive development agreement with a local government pursuant to ss. 163.3220-163.3243 *or successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032. Port facilities as defined in s. 315.02(6) on lands not owned or controlled by a deepwater port as defined in s. 311.09(1) as of the effective date of this act shall not be subject to development of regional impact review provided the port successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032.*

Section 11. Subsection (1) of section 166.231, Florida Statutes, is amended, present subsections (6) through (9) are redesignated as subsections (7) through (10), respectively, and a new subsection (6) is added to that section to read:

166.231 Municipalities; public service tax.—

(1)(a) A municipality may levy a tax on the purchase of electricity, *metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled* ~~metered or bottled gas (natural liquefied petroleum gas or manufactured)~~, and water service. The tax shall be levied only upon purchases within the municipality and shall not exceed 10 percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service. Municipalities imposing a tax on the purchase of cable television service as of May 4, 1977, may continue to levy such tax to the extent necessary to meet all obligations to or for the benefit of holders of bonds or certificates which were issued prior to May 4, 1977.

(b) The tax imposed by paragraph (a) shall not be applied against any fuel adjustment charge, and such charge shall be separately stated on each bill. The term "fuel adjustment charge" means all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility subsequent to October 1, 1973.

(6) A municipality may exempt from the tax imposed by this section any amount up to, and including, the total amount of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, or manufactured gas either metered or bottled purchased per month, or reduce the rate of taxation on the purchase of such electricity or gas when purchased by an industrial consumer which uses the electricity or gas directly in industrial manufacturing, processing, compounding or a production process, at a fixed location in the municipality, of items of tangible personal property for sale. The municipality shall establish the requirements for qualification for this exemption in the manner prescribed by ordinance. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption. Any municipality granting an exemption pursuant to this subsection shall grant the exemption to all companies classified in the same SIC Industry Major Group Number.

Section 12. Subsection (7) is added to section 199.185, Florida Statutes, to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(7) A national bank that has its principal place of business in another state, processes credit card credit applications in this state or performs customer service or collection operations in this state, and is not a bank under 12 U.S.C. s. 1941(c)(2)(F), is exempt from paying tax on credit card receivables owed to the bank by a credit card holder domiciled outside this state.

Section 13. Paragraph (b) of subsection (5) and paragraph (w) of subsection (7) of section 212.08, Florida Statutes, are amended, and paragraph (ii) is added to subsection (7) of that section, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for use in new businesses which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2. Industrial machinery and equipment purchased for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of *$50,000* ~~$100,000~~ per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, ~~printing or~~ publishing firms *that do not export at*

least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of the manufacturing, processing, compounding, or producing for sale, or for exclusive use in spaceport activities as defined in s. 212.02, of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

7. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.

(7) MISCELLANEOUS EXEMPTIONS.—

(w) *Certain newspaper, magazine, and newsletter subscriptions* ~~Newspapers~~, shoppers, and community newspapers.—Likewise exempt are *newspaper, magazine, and newsletter subscriptions in which the product is delivered to the customer by mail* ~~newspapers~~. Also exempt are free, circulated publications *that* ~~which~~ are published on a regular basis, the content of which is primarily advertising, and *that* ~~which~~ are distributed through the mail, home delivery, or newsstands. *The exemption for newspaper, magazine, and newsletter subscriptions which is provided in this paragraph applies only to subscriptions entered into after March 1, 1997.*

(ii) Charges for electricity used directly and exclusively at a fixed location in this state to operate machinery and equipment that is used to manufacture, process, compound, or produce items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt from the tax imposed by this part as provided in subparagraph 2. The exemption provided for herein is applicable if the electricity that is used for the exempt purposes is separately metered, or if it is not separately metered, it is irrevocably presumed that 50 percent of the charge for electricity is for nonexempt purposes. This exemption only applies to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the municipality shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption. Such exemption shall be applied as follows:

1. Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt.

2. Beginning July 1, 1997, 40 percent of the charges for such electricity shall be exempt.

3. Beginning July 1, 1998, 60 percent of the charges for such electricity shall be exempt.

4. Beginning July 1, 1999, 80 percent of the charges for such electricity shall be exempt.

5. Beginning July 1, 2000, 100 percent of the charges for such electricity shall be exempt.

Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business. In order to determine whether the exemption provided in this paragraph from the tax on charges for electricity has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Governmental Accountability shall periodically monitor and report on the industries receiving the exemption. The first report shall be submitted no later than January 1, 1997, and must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996, and the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996. The second report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in this paragraph, whether it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so. Both reports shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

Section 14. Section 414.029, Florida Statutes, is created to read:

414.029 WAGES Program Business Registry.—Each local WAGES coalition created pursuant to s. 414.028 must establish a business registry for business firms committed to assist in the effort of finding jobs for WAGES program participants. Registered businesses agree to work with the coalition and to hire WAGES program participants to the maximum extent possible consistent with the nature of their business. Each quarter, the coalition must publish a list of businesses registered as a prerequisite for receiving a tax exemption and the number of jobs each has provided for program participants.

Section 15. Subsections (2) and (5) of section 212.096, Florida Statutes, are amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(2)(a) It is the legislative intent to encourage the provision of meaningful employment opportunities which will improve the quality of life of those employed and to encourage economic expansion of enterprise zones and the state. Therefore, beginning July 1, 1995, upon an affirmative showing by a business to the satisfaction of the department that the requirements of this section have been met, the business shall be allowed a credit against the tax remitted under this chapter.

(b) The credit shall be computed as *follows:*

1. Ten ~~10~~ percent of the monthly wages paid in this state to each new employee *whose wages do not exceed $1,500 a month.*~~, or,~~ If no less than

20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 15 percent of the monthly wages paid in this state to each new employee*;*

2. Five percent of the first $1,500 of actual monthly wages paid in this state for each new employee whose wages exceed $1,500 a month; or

3. Fifteen percent of the first $1,500 of actual monthly wages paid in this state for each new employee who is a WAGES Program participant pursuant to chapter 414.

For purposes of this paragraph, monthly wages shall be computed as one-twelfth of the expected annual wages paid to such employee. *The amount paid as wages to a new employee is the compensation paid to such employee that is subject to unemployment tax.* The credit shall be allowed for up to 12 consecutive months, beginning with the first tax return due pursuant to s. 212.11 after approval by the department.

(5) The credit provided in this section does not apply:

(a) For any new employee who is an owner, partner, or stockholder of an eligible business.

~~(b) For any new employee whose actual monthly wages exceed $1,500 a month. The amount paid as wages to a new employee is the compensation paid to such employee that is subject to unemployment tax.~~

(b)~~(c)~~ For any new employee who is employed for any period less than 3 full calendar months.

Section 16. Section 212.098, Florida Statutes, is created to read:

212.098 Rural Job Tax Credit Program.—

(1) It is the intent of the Legislature to encourage the provision of meaningful employment opportunities that will improve the quality of life of those employed and to encourage economic expansion of new and existing businesses in rural areas of this state. Upon an affirmative showing by a business to the satisfaction of the Department of Revenue that the requirements of this section have been met, the business shall be allowed a credit against the tax remitted under this chapter.

(2) As used in this section, the term:

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01 through SIC 09 (agriculture, forestry, and fishing); SIC 20 through SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(b) "Qualified employee" means any employee of an eligible business who performs duties in connection with the operations of the business on a regular, full-time basis for an average of at least 36 hours per week for at least 3 months within the qualified county in which the eligible business is located. An owner or partner of the eligible business is not a qualified employee.

(c) "Qualified county" means a county that has a population of fewer than 50,000 persons, or any county that has a population of 100,000 or less and is contiguous to a county that has a population of less than 50,000, selected in the following manner: every third year, the Office of Tourism, Trade, and Economic Development shall rank and tier the state's counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.

2. Lowest per capita income for the most recent 36-month period.

3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.

4. Average weekly manufacturing wage, based upon the most recent data available.

Tier-one qualified counties are those ranked 1 through 5 and represent the state's least-developed counties according to this ranking. Tier-two qualified counties are those ranked 6 through 10, and tier-three counties are those ranked 11 through 15.

(d) "New business" means any eligible business first beginning operation on a site in a qualified county and clearly separate from any other commercial or business operation of the business entity within a qualified county. A business entity that operated an eligible business within a qualified county within the 48 months before the application date shall not be considered a new business.

(e) "Existing business" means any eligible business that does not meet the criteria for a new business.

(3) A new eligible business may apply for a tax credit under this subsection once at any time during its first year of operation. A new eligible business in a tier-one qualified county which has at least 10 qualified employees on the date of application shall receive a $1,500 tax credit for each such employee. A new eligible business in a tier-two qualified county which has at least 20 qualified employees on the date of application shall receive a $1,000 tax credit for each such employee. A new eligible business in a tier-three qualified county which has at least 30 qualified employees on the date of application shall receive a $500 tax credit for each such employee.

(4) An existing eligible business may apply for a tax credit under this subsection at any time it is entitled to such credit, except as restricted by this subsection. An existing eligible business in a tier-one qualified county which on the date of application has at least 5 more qualified employees than it had 1 year prior to its date of application shall receive a $1,500 tax credit for each such additional employee. An existing eligible business in a tier-two qualified county which on the date of application has at least 10 more qualified employees than it had 1 year prior to its date of application shall receive a $1,000 credit for each such additional employee. An existing business in a tier-three qualified county which on the date of application has at least 15 more qualified employees than it had 1 year prior to its date of application shall receive a $500 tax credit for each such additional employee. An existing eligible business may apply for the credit under this subsection no more than once in any 12-month period. Any existing eligible business that received a credit under subsection (3) may not apply for the credit under this subsection sooner than 12 months after the application date for the credit under subsection (3).

(5) For any new eligible business receiving a credit pursuant to subsection (3), an additional $500 credit shall be provided for any qualified employee who is a WAGES Program participant pursuant to chapter 414. For any existing eligible business receiving a credit pursuant to subsection (4), an additional $500 credit shall be provided for any qualified employee who is a WAGES Program participant pursuant to chapter 414. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the county. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the department.

(6) To be eligible for a tax credit under subsection (4), the number of qualified employees employed 1 year prior to the application date must be no lower than the number of qualified employees on the application date on which a credit under this section was based for any previous application, including an application under subsection (3).

(7)(a) In order to claim this credit, an eligible business must file under oath with the Department of Revenue a statement that includes the name and address of the eligible business, the starting salary or hourly wages paid to the new employee, and any other information that the Department of Revenue requires.

(b) Within 30 working days after receipt of an application for credit, the Department of Revenue shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to the provisions of paragraph (c), the Department of Revenue shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.

(c) The maximum credit amount that the department may approve during any calendar year is $5 million. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

(8) If the application is insufficient to support the credit authorized in this section, the Department of Revenue shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

(9) If the credit under this section is greater than can be taken on a single tax return, excess amounts may be taken as credits on any tax return submitted within 12 months after the approval of the application by the department.

(10) It is the responsibility of each business to affirmatively demonstrate to the satisfaction of the Department of Revenue that it meets the requirements of this section.

(11) Any person who fraudulently claims this credit is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit and is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12) A corporation may take the credit under this section against its corporate income tax liability, as provided in s. 220.189. However, a corporation that uses its job tax credit against the tax imposed by chapter 220 may not receive the credit provided for in this section. A credit may be taken against only one tax.

(13) Applications for a credit under this section may be submitted on or after January 1, 1997.

Section 17. Section 212.097, Florida Statutes, is created to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

(1) It is the intent of the Legislature to encourage the provision of meaningful employment opportunities that will improve the quality of life of those employed, and to encourage economic expansion of new and existing businesses in urban high-crime areas of this state. Upon an affirmative showing by a business to the satisfaction of the Department of Revenue that the requirements of this section have been met, the business shall be allowed a credit against the tax remitted under this chapter.

(2) As used in this section, the term:

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01 through SIC 09 (agriculture, forestry, and fishing); SIC 20 through SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified high-crime area and the tier ranking of that area must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(b) "Qualified employee" means any employee of an eligible business who performs duties in connection with the operations of the business on a regular, full-time basis for an average of at least 36 hours per week for at least 3 months within the qualified high-crime area in which the eligible business is located. An owner or partner of the eligible business is not a qualified employee.

(c) "New business" means any eligible business first beginning operation on a site in a qualified high-crime area and clearly separate from any other commercial or business operation of the business entity within a qualified high-crime area. A business entity that operated an eligible business within a qualified high-crime area within the 48 months before the application date shall not be considered a new business.

(d) "Existing business" means any eligible business that does not meet the criteria for a new business.

(e) "Qualified high-crime area" means an area selected by the Office of Tourism, Trade, and Economic Development in the following manner: every third year, the office shall rank and tier those areas nominated under subsection (6), according to the following criteria:

1. Highest overall index crime rate for the geographic area;

2. Highest overall index crime volume for the area;

3. Highest percentage of reported index crimes that are violent in nature;

4. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism; and

5. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, disorderly conduct, vandalism, and other public-order offenses.

Tier-one areas are ranked 1 through 5 and represent the highest crime areas according to this ranking. Tier-two areas are ranked 6 through 10 according to this ranking. Tier-three areas are ranked 11 through 15.

(3) A new eligible business may apply for a tax credit under this subsection once at any time during its first year of operation. A new eligible business in a tier-one qualified high-crime area which has at least 10 qualified employees on the date of application shall receive a $1,500 tax credit for each such employee. A new eligible business in a tier-two qualified high-crime area which has at least 20 qualified employees on the date of application shall receive a $1,000 tax credit for each such employee. A new eligible business in a tier-three qualified high-crime area which has at least 30 qualified employees on the date of application shall receive a $500 tax credit for each such employee.

(4) An existing eligible business may apply for a tax credit under this subsection at any time it is entitled to such credit, except as restricted by this subsection. An existing eligible business in a tier-one qualified high-crime area which on the date of application has at least 5 more qualified employees than it had 1 year prior to its date of application shall receive a $1,500 tax credit for each such additional employee. An existing eligible business in a tier-two qualified high-crime area which on the date of application has at least 10 more qualified employees than it had 1 year prior to its date of application shall receive a $1,000 credit for each such additional employee. An existing business in a tier-three qualified high-crime area which on the date of application has at least 15 more qualified employees than it had 1 year prior to its date of application shall receive a $500 tax credit for each such additional employee. An existing eligible business may apply for the credit under this subsection no more than once in any 12-month period. Any existing eligible business that received a credit under subsection (3) may not apply for the credit under this subsection sooner than 12 months after the application date for the credit under subsection (3).

(5) For any new eligible business receiving a credit pursuant to subsection (3), an additional $500 credit shall be provided for any qualified employee who is a WAGES Program participant pursuant to chapter 414. For any existing eligible business receiving a credit pursuant to subsection (4), an additional $500 credit shall be provided for any qualified employee who is a WAGES Program participant pursuant to chapter 414. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other

credits pursuant to this section regardless of the tier-level of the high-crime area. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the department.

(6) To be eligible for a tax credit under subsection (4), the number of qualified employees employed 1 year prior to the application date must be no lower than the number of qualified employees on the application date on which a credit under this section was based for any previous application, including an application under subsection (3).

(7) Any county or municipality, or a county and one or more municipalities together, may apply to the Office of Tourism, Trade, and Economic Development for the designation of an area as a high-crime area after the adoption by the governing body or bodies of a resolution that:

(a) Finds that a high-crime area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

(b) Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such a high-crime area is necessary in the interest of the health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

(c) Determines that the revitalization of such a high-crime area can occur if the public sector or private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

(8) The governing body of the entity nominating the area shall provide to the Office of Tourism, Trade, and Economic Development the following:

(a) The overall index crime rate for the geographic area;

(b) The overall index crime volume for the area;

(c) The percentage of reported index crimes that are violent in nature;

(d) The reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism; and

(e) The arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, disorderly conduct, vandalism, and other public-order offenses.

(9) A municipality, or a county and one or more municipalities together, may not nominate more than one high-crime area. However, any county as defined by s. 125.011(1) may nominate more than one high-crime area.

(10) An area nominated by a county or municipality, or a county and one or more municipalities together, for designation as a high-crime area shall be eligible only if it meets the following criteria:

(a) The selected area does not exceed 20 square miles and either has a continuous boundary or consists of not more than three noncontiguous parcels;

(b) The selected area does not exceed the following mileage limitation:

1. For communities having a total population of 150,000 persons or more, the selected area does not exceed 20 square miles.

2. For communities having a total population of 50,000 persons or more, but less than 150,000 persons, the selected area does not exceed 10 square miles.

3. For communities having a total population of 20,000 persons or more, but less than 50,000 persons, the selected area does not exceed 5 square miles.

4. For communities having a total population of less than 20,000 persons, the selected area does not exceed 3 square miles.

(11)(a) In order to claim this credit, an eligible business must file under oath with the Department of Revenue a statement that includes the name and address of the eligible business and any other information that the Department of Revenue requires.

(b) Within 30 working days after receipt of an application for credit, the Department of Revenue shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to the provisions of paragraph (c), the Department of Revenue shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.

(c) The maximum credit amount that the department may approve during any calendar year is $5 million. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

(12) If the application is insufficient to support the credit authorized in this section, the Department of Revenue shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

(13) If the credit under this section is greater than can be taken on a single tax return, excess amounts may be taken as credits on any tax return submitted within 12 months after the approval of the application by the department.

(14) It is the responsibility of each business to affirmatively demonstrate to the satisfaction of the Department of Revenue that it meets the requirements of this section.

(15) Any person who fraudulently claims this credit is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit and is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(16) A corporation may take the credit under this section against its corporate income tax liability, as provided in s. 220.189. However, a corporation that applies its job tax credit against the tax imposed by chapter 220 may not receive the credit provided for in this section. A credit may be taken against only one tax.

(17) Applications for a credit under this section may be submitted on or after January 1, 1997.

Section 18. Subsection (1) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(1)(a) Beginning July 1, 1995, there shall be allowed a credit against the tax imposed by this chapter to any business located in an enterprise zone which employs one or more new employees. The credit shall be computed as *follows:*

1. Ten ~~10~~ percent of the actual monthly wages paid in this state to each new employee *whose wages do not exceed $1,500 a month*~~, or,~~ If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 15 percent of the actual monthly wages paid in this state to each new employee, for a period of up to 12 consecutive months*;*

2. Five percent of the first $1,500 of actual monthly wages paid in this state for each new employee whose wages exceed $1,500 a month; or

3. Fifteen percent of the first $1,500 of actual monthly wages paid in this state for each new employee who is a WAGES Program participant pursuant to chapter 414.

(b) This credit applies only with respect to wages subject to unemployment tax and ~~does not apply for any new employee whose wages exceed $1,500 a month. This credit~~ does not apply for any new employee who is employed for any period less than 3 full months.

(c) If this credit is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year after applying the other credits and unused credit carryovers in the order provided in s. 220.02(10).

Section 19. Section 220.189, Florida Statutes, is created to read:

220.189 Rural Jobs Credit and Urban High-Crime Area Credit.—There shall be allowed a credit against the tax imposed by this chapter amounts approved by the Department of Revenue pursuant to the Rural Jobs Tax Credit Program in s. 212.098 and the Urban High-Crime Area Job Tax Credit Program in s. 212.097. A corporation that uses its credit against the tax imposed by this chapter may not take the credit against the tax imposed by chapter 212. If any credit granted under this section is not fully used in the first year for which it becomes available, the unused amount may be carried forward for a period not to exceed 5 years. The carryover may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(10).

Section 20. Subsection (10) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(10) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 220.68, those enumerated in s. 631.719(1), those enumerated in s. 631.705, those enumerated in s. 220.18, those enumerated in s. 631.828, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, *those enumerated in s. 220.189*, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, and those enumerated in s. 220.188.

Section 21. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 2005.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on June 30, 2005.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.189.

Section 22. Paragraph (g) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this part shall be as follows:

(g) The proceeds of all other taxes and fees imposed pursuant to this part shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this part shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.664 percent for the remaining months of fiscal year 1992-1993, and 9.653 percent thereafter, of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.054 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. Of the remaining proceeds:

a. Beginning July 1, 1992, $166,667 shall be distributed monthly by the department to each applicant that has been certified ~~by the Department of Commerce~~ as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162 and $41,667 shall be distributed monthly by the department to each applicant that has been certified ~~by the Department of Commerce~~ as a "new spring training franchise facility" pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification ~~by the Department of Commerce~~.

b. Beginning 30 days after notice by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

6. All other proceeds shall remain with the General Revenue Fund.

Section 23. Paragraph (b) of subsection (10) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(10) OCCUPATIONAL FORECASTING CONFERENCE.—

(b) Principals.—The Commissioner of Education, the Executive Office of the Governor, the *director of the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~, the Secretary of Labor, and the director of the Division of Economic and Demographic Research of the Joint Legislative Management Committee, or their designees, are the principals of the Occupational Forecasting Conference. The Commissioner of Education, or the commissioner's designee, shall preside over the sessions of the conference.

Section 24. Paragraph (f) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(f)~~1.~~ "Department" means the Department of Revenue of this state.

~~2. "Department," for the purposes of s. 220.183, means the Department of Commerce. The provisions of this subparagraph shall expire and be void on June 30, 2005.~~

Section 25. Paragraph (d) of subsection (3), paragraph (c) of subsection (4), and subsections (5) and (6) of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.—

(3) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(d) All proposals for the granting of the tax credit shall require the prior approval of the *Office of Tourism, Trade, and Economic Development* ~~secretary~~.

(4) ELIGIBILITY REQUIREMENTS.—

(c) The project must be undertaken by an "eligible sponsor," defined here as:

1. A community action program;

2. A community development corporation;

3. A neighborhood housing services corporation;

4. A local housing authority, created pursuant to chapter 421;

5. A community redevelopment agency, created pursuant to s. 163.356;

6. The Florida Industrial Development Corporation;

7. An historic preservation district agency or organization;

8. A private industry council;

9. A direct-support organization as provided in s. 240.551;

10. An enterprise zone development agency created pursuant to s. 290.0057; or

11. Such other agency as the *Office of Tourism, Trade, and Economic Development* ~~secretary~~ may, from time to time, designate by rule.

In no event shall a contributing business firm have a financial interest in the eligible sponsor.

(5) APPLICATION REQUIREMENTS.—

(a) Any eligible sponsor wishing to participate in this program must submit a proposal to the *Office of Tourism, Trade, and Economic Development* ~~department~~ which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which it is located certifying that the project is consistent with local plans and regulations.

(b) Any business wishing to participate in this program must submit an application for tax credit to the *Office of Tourism, Trade, and Economic Development* ~~department~~, which application sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its willingness to receive the contribution, which verification indicate its willingness to receive the contribution, which verification shall be in writing and shall accompany the application for tax credit.

(c) The business firm must submit a separate application for tax credit for each individual contribution which it proposes to contribute to each individual project.

(6) ADMINISTRATION.—

(a) The *Office of Tourism, Trade, and Economic Development* ~~department~~ is authorized to promulgate all rules necessary to administer this section, including rules for the approval or disapproval of proposals by business firms.

(b) The decision of the *Office of Tourism, Trade, and Economic Development* ~~secretary~~ shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the business firm. A copy of the decision shall be transmitted to the Executive Director of the Department of Revenue, who shall apply such credit to the tax liability of the business firm.

(c) The *Office of Tourism, Trade, and Economic Development* ~~department~~ shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less often than once every 2 years.

(d) The Department of Revenue shall promulgate any rules necessary to ensure the orderly implementation and administration of this section.

Section 26. Section 239.249, Florida Statutes, is amended to read:

239.249 ~~Voluntary,~~ Market-driven, performance-based incentive funding for vocational and technical education programs.—

(1) The Legislature finds that education to prepare adults to enter specific occupations most benefits the state when the programs respond to the needs of business and industry, encourage economic development, improve the self-sufficiency of people who might otherwise require public assistance, or significantly increase the earning potential of state residents. It is the intent of the Legislature that funding methodologies be available to provide incentive awards to area technical centers and community colleges for meeting these goals. It is further the intent of the Legislature to direct and redirect funding to better prepare people to enter occupations that benefit robust new and emerging industries, and to increase the numbers of at-risk people who benefit from the programs.

(2) The *workforce development board of Enterprise Florida, Inc.*, ~~Jobs and Education Partnership~~ shall provide oversight and advice to improve the outcomes of associate in science degree education and certificate technical education provided by public school districts and community colleges. Annually, the *board* ~~partnership~~ shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational and technical education programs.

(3) In any year in which the Legislature designates funds for performance-based incentive funding for vocational and technical education programs provided by school districts or community colleges, the Division of Applied Technology and Adult Education and the Division of Community Colleges shall provide the *workforce development board* ~~Jobs and Education Partnership~~ with recommended formulae, criteria, timeframes, and mechanisms for distributing funds. The *board* ~~partnership~~ shall adopt a formula and advise the Division of Community Colleges and the Division of Applied Technology and Adult Education of the expected incentive award earnings of participating school districts or colleges. The *board* ~~partnership~~ shall base these calculations on formulae that would provide incentive awards or grants for:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the *workforce development board* ~~Jobs and Education Partnership~~. Local school district superintendents, community college presidents, and private industry councils shall receive the Occupational Forecasting Conference results for their respective geographic areas to assess local applicability. At a minimum, performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996. *However, the workforce development board may designate a different baseline year for an educational agency whose participation in the program begins after the 1995-1996 school year.*

(b) Programs that successfully prepare people who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated for the enrollment of people identified in this paragraph, completion of such people, and placement of such people upon program completion. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996. *However, the workforce development board may designate a different baseline year for an educational agency whose participation in the program begins after the 1995-1996 school year.*

(c) Programs identified by the *board* ~~Jobs and Education Partnership~~ as increasing the effectiveness and cost-efficiency of education.

(4) The Legislature shall specify annually in the General Appropriations Act the percentage that is set aside from the Florida Education Finance Program and Community College Program Fund, respectively, for the purpose of providing incentive awards. Unless otherwise specified in the General Appropriations Act, the set-aside shall be no less than the amount specified in subsection (5). In implementing this section, funds set aside from the Florida Education Finance Program shall not be commingled with funds set aside from the Community College Program Fund.

(5) At least 60 percent of funds designated for performance-based incentive awards for public school district technical centers must be derived from a source other than the Florida Education Finance Program, and at least 60 percent of funds designated for such awards for community colleges shall be derived from a source other than the Community College Program Fund. Calculations of program cost for appropriations purposes pursuant to s. 236.081 shall not include funds from sources other than the Florida Education Finance Program for the purposes of this section. Funds derived from sources other than the Florida Education Finance Program and Community College Program Fund shall not supplant current revenue levels appropriated through the General Revenue Fund or Educational Enhancement Trust Fund.

(6) If the Legislature appropriates funds for performance incentives from discretionary federal funds authorized in the Job Training Reform Amendments of 1992, Pub. L. No. 102-367, the Legislature and appropriate state and local agencies must ensure that:

(a) The total amount derived from those sources does not exceed $18 million annually.

(b) Any use of federal job training funds to implement this section does not prevent required formula-generated funds from passing through to local service delivery areas and private industry councils that provide services directly or through community-based organizations. This section must not interfere with federal requirements pertaining to local discretion and control.

(c) ~~Participating~~ Community colleges, school districts, and private industry councils must collaborate to ensure that clients eligible under the Job Training Partnership Act receive the following services efficiently and without unwarranted duplication: education, training, intake, assessment, referral, counseling, support, case management, and placement.

(7) The Department of Education shall award 80 percent of funds derived from the Florida Education Finance Program and the Community College Program Fund and designated for performance-based incentive funding to participating institutions at the beginning of the fiscal year. If a program earns more than its allocation of incentive funds, the Department of Education must allocate to each participating institution its proportionate share of the remaining funds for that sector. Incentive funds awarded in excess of those set aside through the Florida Education Finance Program and Community College Program Fund shall be awarded at 2 times the value of those awarded through the set-aside.

(8) A school district or community college that earns an incentive award for its performance must use the money to benefit the vocational and technical education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in program improvement. The school board or community college board of trustees may not withhold any portion of the incentive earnings for indirect costs. Funds awarded pursuant to this section may be carried across fiscal years and shall not revert to any other fund maintained by the school board or community college board of trustees.

(9) A school district or community college may abstain from participation in the market-driven, performance-based incentive funding program *until July 1, 1997, if, on June 1, 1996, the school district or community college was not offering any programs identified by the 1995-1996 Occupational Forecasting Conference created by s. 216.136 or any other programs approved by the workforce development board for the 1995-1996 fiscal year.* ~~If a district or community college decides to terminate its participation, it must notify the Jobs and Education Partnership 3 years prior to that termination. This subsection may not be waived.~~

(10) The *workforce development board* ~~Department of Commerce~~ shall administer the funds derived from sources other than the Community College Program Fund and the Florida Education Finance Program and shall distribute funds appropriated to participating colleges and school districts according to a formula adopted annually by the *workforce development board* ~~Jobs and Education Partnership~~. To allow time for documentation of program performance, funds allocated for the incentives must be carried forward to the next fiscal year and must be awarded to school districts and community colleges for their current year's performance, unless federal law requires the funds to revert at the year's end. The formula must provide consistency in giving awards to programs. Programs at a community college must not be held to a different standard from those at a school district, and programs at one school district or community college must not be held to a different standard from those of another.

(11) The *workforce development board* ~~Jobs and Education Partnership~~, upon the joint recommendation of local elected officials, a private industry council, and a ~~participating~~ local education agency, may expand the occupations that are included in the incentive funding program. Occupations so identified must meet needs created by local emergencies or plant closings.

(12) The *board* ~~Jobs and Education Partnership~~ may add occupations to the list of recommendations produced by the Occupational Forecasting Conference if the Quick-Response Advisory Committee recommends them as emerging occupations according to s. 288.047.

(13) The *board* ~~Jobs and Education Partnership~~ shall recommend rules necessary to implement this section to the State Board for Vocational Education.

Section 27. (1) If the workforce development board of Enterprise Florida, Inc., or a regional workforce development board designated by that board determines that competition and return-on-investment would be served by a free-market selection process for training providers for economic development and welfare-to-work programs, sections 239.109, 239.205(2), and 240.301, Florida Statutes, shall be held in abeyance.

(2) Members appointed to regional workforce development boards shall include representatives from licensed private postsecondary education institutions participating in vocational and job training programs

within the state. Licensed postsecondary education institutions are eligible to provide education and job training to recipients of public assistance (WAGES) for welfare-to-work and workforce development programs. Regional boards will consider performance and costs in their selection of providers. The board shall adopt measures of success that are uniform among public and independent educational institutions, so that the public will be able to fairly compare the relative success or failure of an institution in terms of positive outcomes, including cost of education, completion rates, job placement rates, and successful completion of applicable licensure examinations.

(3) The wage threshold for incentive payments to recipients of public assistance (WAGES) under section 239.249, Florida Statutes, must reflect the reduction in public assistance payments.

Section 28. Section 272.11, Florida Statutes, is amended to read:

272.11 Capitol information center.—The *Florida Commission on Tourism* ~~Division of Tourism of the Department of Commerce~~ shall establish, maintain, and operate a Capitol information center somewhere within the area of the Capitol Center and employ personnel or enter into contracts to maintain same.

Section 29. Subsection (20) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(20) "Office" means the Minority Business Advocacy and Assistance Office of the *Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~.

Section 30. Paragraphs (d), (e), (g), and (j) of subsection (1), paragraph (e) of subsection (2), and paragraph (a) of subsection (4) of section 287.0943, Florida Statutes, are amended to read:

287.0943 Certification of minority business enterprises.—

(1)

(d) A final list of the criteria and procedures proposed by the task force shall be considered ~~for adoption~~ by ~~majority vote of~~ the *secretary* ~~Commission on Minority Economic and Business Development~~. The task force may seek technical assistance from qualified providers of technical, business, and managerial expertise to ensure the reliability of the certification criteria developed.

(e) In assessing the status of ownership and control, certification criteria shall, at a minimum:

1. Link ownership by a minority person, as defined in s. 288.703(3), or as dictated by the legal obligations of a certifying organization, to day-to-day control and financial risk by the qualifying minority owner, and to licensure of a minority owner in any trade or profession that the minority business enterprise will offer to the state when certified; however, the minority licenseholder need not be the controlling owner of the enterprise, but must hold an ownership interest. Minority business enterprises presently certified by the state will not be subject to the licensure requirement until 5 years after the effective date of this act.

2. If present ownership was obtained by transfer, require the minority person on whom eligibility is based to have owned at least 51 percent of the applicant firm for a minimum of 2 years, when any previous majority ownership interest in the firm was by a nonminority who is or was a relative, former employer, or current employer of the minority person on whom eligibility is based. This requirement shall not apply to minority persons who are otherwise eligible who take a 51-percent-or-greater interest in a firm that requires professional licensure to operate and who will be the qualifying licenseholder for the firm when certified.

3. Require that prospective certified minority business enterprises be currently performing a useful business function. A "useful business function" is defined as a business function which results in the provision of materials, supplies, equipment, or services to customers other than state or local government. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. *As used in this section, the term, "acting as a conduit" means, in part, not acting as a regular dealer by making sales of material, goods, or supplies from items bought, kept in stock and regularly sold to the public in the usual course of business. Brokers, manufacturer's representatives, sales representatives, and nonstocking distributors are considered as conduits that do not perform a useful business function, unless normal industry practice dictates.*

(g) The certification criteria approved by the task force and adopted by the *Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~ shall be included in a statewide and interlocal agreement as defined in s. 287.09431 and, in accordance with s. 163.01, shall be executed according to the terms included therein.

(j) The statewide and interlocal agreement shall be guided by the terms and conditions found therein and may be amended at any meeting of the task force and subsequently adopted by *the Secretary of the Department of Labor and Employment Security* ~~majority vote of the Commission on Minority Economic and Business Development~~. The amended agreement must be enacted, initialed, and legally executed by at least two-thirds of the certifying entities party to the existing agreement and adopted by the state as originally executed in order to bind the certifying entity.

(2)

(e) Any participating program receiving three or more challenges to its certification decisions pursuant to subsection (3) from other organizations that are executors to the statewide and interlocal agreement, shall be subject to a review by the office, as provided in paragraphs (a) and (b), of the organization's capacity to perform under such agreement and in accordance with the core criteria established by the task force. The office shall submit a report to the *Secretary of the Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~ regarding the results of the review.

(4)(a) The *Secretary of the Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~ shall execute the statewide and interlocal agreement established under s. 287.09431 on behalf of the state ~~by adoption on a majority vote~~. The office shall certify minority business enterprises in accordance with the agreement and, by affidavit, shall recertify such minority business enterprises not less than once each year.

Section 31. Section 287.09431, Florida Statutes, is amended to read:

287.09431 Statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise.—The statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise is hereby enacted and entered into with all jurisdictions or organizations legally joining therein. If, within 2 years from the date that the certification core criteria are approved by the *Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~, the agreement included herein is not executed by a majority of county and municipal governing bodies that administer a minority business assistance program on the effective date of this act, then the Legislature shall review this agreement. It is the intent of the Legislature that if the agreement is not executed by a majority of the requisite governing bodies, then a statewide uniform certification process should be adopted, and that said agreement should be repealed and replaced by a mandatory state government certification process.

ARTICLE I

PURPOSE, FINDINGS, AND POLICY.—

(1) The parties to this agreement, desiring by common action to establish a uniform certification process in order to reduce the multiplicity of applications by business concerns to state and local governmental programs for minority business assistance, declare that it is the policy of each of them, on the basis of cooperation with one another, to remedy social and economic disadvantage suffered by certain groups, resulting in their being historically underutilized in ownership and control of commercial enterprises. Thus, the parties seek to address this history by increasing the participation of the identified groups in opportunities afforded by government procurement.

(2) The parties find that the State of Florida presently certifies firms for participation in the minority business assistance programs of the state. The parties find further that some counties, municipalities, school

boards, special districts, and other divisions of local government require a separate, yet similar, and in most cases redundant certification in order for businesses to participate in the programs sponsored by each government entity.

(3) The parties find further that this redundant certification has proven to be unduly burdensome to the minority-owned firms intended to benefit from the underlying purchasing incentives.

(4) The parties agree that:

(a) They will facilitate integrity, stability, and cooperation in the statewide and interlocal certification process, and in other elements of programs established to assist minority-owned businesses.

(b) They shall cooperate with agencies, organizations, and associations interested in certification and other elements of minority business assistance.

(c) It is the purpose of this agreement to provide for a uniform process whereby the status of a business concern may be determined in a singular review of the business information for these purposes, in order to eliminate any undue expense, delay, or confusion to the minority-owned businesses in seeking to participate in the minority business assistance programs of state and local jurisdictions.

ARTICLE II

DEFINITIONS.—As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

(1) "Awarding organization" means any political subdivision or organization authorized by law, ordinance, or agreement to enter into contracts and for which the governing body has entered into this agreement.

(2) *"Department" means the Department of Labor and Employment Security* ~~"Commission" means the Commission on Minority Economic and Business Development as provided for in s. 287.0945~~.

(3) "Minority" means a person who is a lawful, permanent resident of the state, having origins in one of the minority groups as described and adopted by ~~vote related to this agreement of~~ the *Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~, hereby incorporated by reference.

(4) "Minority business enterprise" means any small business concern as defined in subsection (5) that meets all of the criteria described and adopted by ~~vote related to this agreement of~~ the *Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~, hereby incorporated by reference.

(5) "Participating state or local organization" means any political subdivision of the state or organization designated by such that elects to participate in the certification process pursuant to this agreement, which has been approved according to s. 287.0943(2) and has legally entered into this agreement.

(6) "Small business concern" means an independently owned and operated business concern which is of a size and type as described and adopted by vote related to this agreement of the commission, hereby incorporated by reference.

ARTICLE III

STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

(1) All awarding organizations shall accept a certification granted by any participating organization which has been approved according to s. 287.0943(2) and has entered into this agreement, as valid status of minority business enterprise.

(2) A participating organization shall certify a business concern that meets the definition of minority business enterprise in this agreement, in accordance with the duly adopted eligibility criteria.

(3) All participating organizations shall issue notice of certification decisions granting or denying certification to all other participating organizations within 14 days of the decision. Such notice may be made through electronic media.

(4) No certification will be granted without an onsite visit to verify ownership and control of the prospective minority business enterprise, unless verification can be accomplished by other methods of adequate verification or assessment of ownership and control.

(5) The certification of a minority business enterprise pursuant to the terms of this agreement shall not be suspended, revoked, or otherwise impaired except on any grounds which would be sufficient for revocation or suspension of a certification in the jurisdiction of the participating organization.

(6) The certification determination of a party may be challenged by any other participating organization by the issuance of a timely written notice by the challenging organization to the certifying organization's determination within 10 days of receiving notice of the certification decision, stating the grounds therefor.

(7) The sole accepted grounds for challenge shall be the failure of the certifying organization to adhere to the adopted criteria or the certifying organization's rules or procedures, or the perpetuation of a misrepresentation or fraud by the firm.

(8) The certifying organization shall reexamine its certification determination and submit written notice to the applicant and the challenging organization of its findings within 30 days after the receipt of the notice of challenge.

(9) If the certification determination is affirmed, the challenging agency may subsequently submit timely written notice to the firm of its intent to revoke certification of the firm.

ARTICLE IV

APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement shall be construed to repeal or otherwise modify any ordinance, law, or regulation of a party relating to the existing minority business assistance provisions and procedures by which minority business enterprises participate therein.

ARTICLE V

TERM.—The term of the agreement shall be 5 years, after which it may be reexecuted by the parties.

ARTICLE VI

AGREEMENT EVALUATION.—The designated state and local officials may meet from time to time as a group to evaluate progress under the agreement, to formulate recommendations for changes, or to propose a new agreement.

ARTICLE VII

OTHER ARRANGEMENTS.—Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party in order to comply with federal law.

ARTICLE VIII

EFFECT AND WITHDRAWAL.—

(1) This agreement shall become effective when properly executed by a legal representative of the participating organization, when enacted into the law of the state and after an ordinance or other legislation is enacted into law by the governing body of each participating organization. Thereafter it shall become effective as to any participating organization upon the enactment of this agreement by the governing body of that organization.

(2) Any party may withdraw from this agreement by enacting legislation repealing the same, but no such withdrawal shall take effect until one year after the governing body of the withdrawing party has given notice in writing of the withdrawal to the other parties.

(3) No withdrawal shall relieve the withdrawing party of any obligations imposed upon it by law.

ARTICLE IX

FINANCIAL RESPONSIBILITY.—

(1) A participating organization shall not be financially responsible or liable for the obligations of any other participating organization related to this agreement.

(2) The provisions of this agreement shall constitute neither a waiver of any governmental immunity under Florida law nor a waiver of any defenses of the parties under Florida law. The provisions of this agreement are solely for the benefit of its executors and not intended to create or grant any rights, contractual or otherwise, to any person or entity.

ARTICLE X

VENUE AND GOVERNING LAW.—The obligations of the parties to this agreement are performable only within the county where the participating organization is located, and statewide for the Minority Business Advocacy and Assistance Office, and venue for any legal action in connection with this agreement shall lie, for any participating organization except the Minority Business Advocacy and Assistance Office, exclusively in the county where the participating organization is located. This agreement shall be governed by and construed in accordance with the laws and court decisions of the state.

ARTICLE XI

CONSTRUCTION AND SEVERABILITY.—This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the State Constitution or the United States Constitution, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the State Constitution, the agreement shall remain in full force and effect as to all severable matters.

Section 32. Section 287.0945, Florida Statutes, is hereby repealed.

Section 33. Section 287.09451, Florida Statutes, is created to read:

287.09451 Minority Business Advocacy and Assistance Office; powers, duties, and functions.—

(1) The Legislature finds that there is evidence of a systematic pattern of past and continuing racial discrimination against minority business enterprises and a disparity in the availability and use of minority business enterprises in the state procurement system. It is determined to be a compelling state interest to rectify such discrimination and disparity. Based upon statistical data profiling this discrimination, the Legislature has enacted race-conscious and gender-conscious remedial programs to ensure minority participation in the economic life of the state, in state contracts for the purchase of commodities and services, and in construction contracts. The purpose and intent of this section is to increase participation by minority business enterprises accomplished by encouraging the use of minority business enterprises and the entry of new and diversified minority business enterprises into the marketplace.

(2) The Minority Business Advocacy and Assistance Office is established within the Department of Labor and Employment Security to assist minority business enterprises in becoming suppliers of commodities, services, and construction to state government.

(3) The secretary shall appoint an executive director for the Minority Business Advocacy and Assistance Office, who shall serve at the pleasure of the secretary.

(4) The Minority Business Advocacy and Assistance Office shall have the following powers, duties, and functions:

(a) To adopt rules to determine what constitutes a "good faith effort" for purposes of state agency compliance with the minority business enterprise procurement goals set forth in s. 287.042. Factors which shall be considered by the Minority Business Enterprise Assistance Office in determining good faith effort shall include, but not be limited to:

1. Whether the agency scheduled presolicitation or prebid meetings for the purpose of informing minority business enterprises of contracting and subcontracting opportunities.

2. Whether the contractor advertised in general circulation, trade association, or minority-focus media concerning the subcontracting opportunities.

3. Whether the agency effectively used services and resources of available minority community organizations; minority contractors' groups; local, state, and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons.

4. Whether the agency provided written notice to a reasonable number of minority business enterprises that their interest in contracting with the agency was being solicited in sufficient time to allow the minority business enterprises to participate effectively.

(b) To adopt rules to determine what constitutes a "good faith effort" for purposes of contractor compliance with contractual requirements relating to the use of services or commodities of a minority business enterprise under s. 287.094(2). Factors which shall be considered by the Minority Business Advocacy and Assistance Office in determining whether a contractor has made good faith efforts shall include, but not be limited to:

1. Whether the contractor attended any presolicitation or prebid meetings that were scheduled by the agency to inform minority business enterprises of contracting and subcontracting opportunities.

2. Whether the contractor advertised in general circulation, trade association, or minority-focus media concerning the subcontracting opportunities.

3. Whether the contractor provided written notice to a reasonable number of specific minority business enterprises that their interest in the contract was being solicited in sufficient time to allow the minority business enterprises to participate effectively.

4. Whether the contractor followed up initial solicitations of interest by contacting minority business enterprises or minority persons to determine with certainty whether the minority business enterprises or minority persons were interested.

5. Whether the contractor selected portions of the work to be performed by minority business enterprises in order to increase the likelihood of meeting the minority business enterprise procurement goals, including, where appropriate, breaking down contracts into economically feasible units to facilitate minority business enterprise participation.

6. Whether the contractor provided interested minority business enterprises or minority persons with adequate information about the plans, specifications, and requirements of the contract or the availability of jobs.

7. Whether the contractor negotiated in good faith with interested minority business enterprises or minority persons, not rejecting minority business enterprises or minority persons as unqualified without sound reasons based on a thorough investigation of their capabilities.

8. Whether the contractor effectively used the services of available minority community organizations; minority contractors' groups; local, state, and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons.

(c) To adopt rules and do all things necessary or convenient to guide all state agencies toward making expenditures for commodities, contractual services, construction, and architectural and engineering services with certified minority business enterprises in accordance with the minority business enterprise procurement goals set forth in s. 287.042.

(d) To monitor the degree to which agencies procure services, commodities, and construction from minority business enterprises in conjunction with the Department of Banking and Finance as specified in s. 17.11.

(e) To receive and disseminate information relative to procurement opportunities, availability of minority business enterprises, and technical assistance.

(f) To advise agencies on methods and techniques for achieving procurement objectives.

(g) To provide a central minority business enterprise certification process which includes independent verification of status as a minority business enterprise.

(h) To develop procedures to investigate complaints against minority business enterprises or contractors alleged to violate any provision related to this section or s. 287.0943, that may include visits to worksites

or business premises, and to refer all information on businesses suspected of misrepresenting minority status to the Department of Labor and Employment Security for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the Department of Labor and Employment Security shall refer the matter to the office of the Attorney General, Department of Legal Affairs, for prosecution.

(i) To maintain a directory of all minority business enterprises which have been certified and provide this information to any agency or business requesting it.

(j) To encourage all firms which do more than $1 million in business with the state within a 12-month period to develop, implement, and submit to this office a minority business development plan.

(k) To communicate on a monthly basis with the Small and Minority Business Advisory Council to keep the council informed on issues relating to minority enterprise procurement.

(l) To serve as an advocate for minority business enterprises, and coordinate with the small and minority business ombudsman, as defined in s. 288.703, which duties shall include:

1. Ensuring that agencies supported by state funding effectively target the delivery of services and resources, as related to minority business enterprises.

2. Establishing standards within each industry with which the state government contracts on how agencies and contractors may provide the maximum practicable opportunity for minority business enterprises.

3. Assisting agencies and contractors by providing outreach to minority businesses, by specifying and monitoring technical and managerial competence for minority business enterprises, and by consulting in planning of agency procurement to determine how best to provide opportunities for minority business enterprises.

4. Integrating technical and managerial assistance for minority business enterprises with government contracting opportunities.

(m) To certify minority business enterprises, as defined in s. 288.703, and as specified in ss. 287.0943 and 287.09431, and shall recertify such minority businesses not less than once a year. Minority business enterprises must be recertified annually by affidavit.

(n)1. To develop procedures to be used by an agency in identifying commodities, contractual services, architectural and engineering services, and construction contracts, except those architectural, engineering, construction, or other related services or contracts subject to the provisions of chapter 339, that could be provided by minority business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services during the previous fiscal year, except for the state university construction program which shall be based upon public education capital outlay projections for the subsequent fiscal year, and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703(2), or approved joint ventures. However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:

a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic-Americans, and 11 percent for American women.

b. For architectural and engineering contracts: 9 percent for Hispanic-Americans, 1 percent for Asian-Americans, and 15 percent for American women.

c. For commodities: 2 percent for black Americans, 4 percent for Hispanic-Americans, 0.5 percent for Asian-Americans, 0.5 percent for Native Americans, and 17 percent for American women.

d. For contractual services: 6 percent for black Americans, 7 percent for Hispanic-Americans, 1 percent for Asian-Americans, 0.5 percent for Native Americans, and 36 percent for American women.

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, "minority business enterprise" has the same meaning as provided in s. 288.703. "Minority person" has the same meaning as in s. 288.703(3). In order to ensure that the goals established under this paragraph for contracting with certified minority business enterprises are met, the division, with the assistance of the Minority Business Advocacy and Assistance Office, shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations shall be based on statistical data indicating the availability of and disparity in the use of minority businesses contracting with the state. The results of the first updated disparity study must be presented to the Legislature no later than December 1, 1996.

3. In determining the base amounts for assessing compliance with this paragraph, the Minority Business Advocacy and Assistance Office may develop, by rule, guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, guidelines for calculation of base amounts, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Minority Business Advocacy and Assistance Office, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

4. To determine guidelines for the use of price preferences, weighted preference formulas, or other preferences, as appropriate to the particular industry or trade, to increase the participation of minority businesses in state contracting. These guidelines shall include consideration of:

a. Size and complexity of the project.

b. The concentration of transactions with minority business enterprises for the commodity or contractual services in question in prior agency contracting.

c. The specificity and definition of work allocated to participating minority business enterprises.

d. The capacity of participating minority business enterprises to complete the tasks identified in the project.

e. The available pool of minority business enterprises as prime contractors, either alone or as partners in an approved joint venture that serves as the prime contractor.

5. To determine guidelines for use of joint ventures to meet minority business enterprises spending goals. For purposes of this section, "joint venture" means any association of two or more business concerns to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills, and knowledge. The guidelines shall allow transactions with joint ventures to be eligible for credit against the minority business enterprise goals of an agency when the contracting joint venture demonstrates that at least one partner to the joint venture is a certified minority business enterprise as defined in s. 288.703, and that such partner is responsible for a clearly defined portion of the work to be performed, and shares in the ownership, control, management, responsibilities, risks, and profits of the joint venture. Such demonstration shall be by verifiable documents and sworn statements and may be reviewed by the Minority Business Advocacy and Assistance Office at or before the time a contract bid is submitted. An agency may count toward its minority business enterprise goals a portion of the total dollar amount of a contract equal to the percentage of the ownership and control held by the qualifying certified minority business partners in the contracting joint venture, so long as the joint venture meets the guidelines adopted by the office.

(o)1. To establish a system to record and measure the use of certified minority business enterprises in state contracting. This system shall maintain information and statistics on certified minority business enterprise participation, awards, dollar volume of expenditures and agency goals, and other appropriate types of information to analyze progress in the access of certified minority business enterprises to state contracts and to monitor agency compliance with this section. Such reporting must include, but is not limited to, the identification of all subcontracts in state contracting by dollar amount and by number of subcontracts and the identification of the utilization of certified minority business enterprises as prime contractors and subcontractors by dollar amounts of

contracts and subcontracts, number of contracts and subcontracts, minority status, industry, and any conditions or circumstances that significantly affected the performance of subcontractors. Agencies shall report their compliance with the requirements of this reporting system at least annually and at the request of the office. All agencies shall cooperate with the office in establishing this reporting system. Except in construction contracting, all agencies shall review contracts costing in excess of CATEGORY FOUR as defined in s. 287.017 to determine if such contracts could be divided into smaller contracts to be separately bid and awarded, and shall, when economical, offer such smaller contracts to encourage minority participation.

2. To report agency compliance with the provisions of subparagraph 1. for the preceding fiscal year to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of the Department of Labor and Employment Security on or before February 1 of each year. The report must contain, at a minimum, the following:

a. Total expenditures of each agency by industry.

b. The dollar amount and percentage of contracts awarded to certified minority business enterprises by each state agency.

c. The dollar amount and percentage of contracts awarded indirectly to certified minority business enterprises as subcontractors by each state agency.

d. The total dollar amount and percentage of contracts awarded to certified minority business enterprises, whether directly or indirectly, as subcontractors.

e. A statement and assessment of good faith efforts taken by each state agency.

f. A status report of agency compliance with subsection (6), as determined by the Minority Business Enterprise Office.

(5)(a) Each agency shall, at the time the specifications or designs are developed or contract sizing is determined for any proposed procurement costing in excess of CATEGORY FOUR, as defined in s. 287.017, forward a notice to the Minority Business Advocacy and Assistance Office of the proposed procurement and any determination on the designs of specifications of the proposed procurement that impose requirements on prospective vendors, no later than 30 days prior to the issuance of a solicitation, except that this provision shall not apply to emergency acquisitions. The 30-day notice period shall not toll the time for any other procedural requirements.

(b) If the Minority Business Advocacy and Assistance Office determines that the proposed procurement will not likely allow opportunities for minority business enterprises, the office may, within 20 days after it receives the information specified in paragraph (a), propose the implementation of minority business enterprise utilization provisions or submit alternative procurement methods that would significantly increase minority business enterprise contracting opportunities.

(c) Whenever the agency and the Minority Business Advocacy and Assistance Office disagree, the matter shall be submitted for determination to the head of the agency or the senior-level official designated pursuant to this section as liaison for minority business enterprise issues.

(d) Should the proposed procurement proceed to competitive bidding, the office is hereby granted standing to protest, pursuant to this section, in a timely manner, any contract award in competitive bidding for contractual services and construction contracts that fail to include minority business enterprise participation, if any responding bidder has demonstrated the ability to achieve any level of participation, or, any contract award for commodities where, a reasonable and economical opportunity to reserve a contract, statewide or district level, for minority participation was not executed or, an agency failed to adopt an applicable preference for minority participation. The bond requirement shall be waived for the office purposes of this subsection.

(e) An agency may presume that a bidder offering no minority participation has not made a good faith effort when other bidders offer minority participation of firms listed as relevant to the agency's purchasing needs in the pertinent locality or statewide to complete the project.

(f) Paragraph (a) will not apply when the Minority Business Advocacy and Assistance Office determines that an agency has established a work plan to allow advance consultation and planning with minority business enterprises and where such plan clearly demonstrates:

1. A high level of advance planning by the agency with minority business enterprises.

2. A high level of accessibility, knowledge, and experience by minority business enterprises in the agency's contract decisionmaking process.

3. A high quality of agency monitoring and enforcement of internal implementation of minority business utilization provisions.

4. A high quality of agency monitoring and enforcement of contractor utilization of minority business enterprises, especially tracking subcontractor data, and ensuring the integrity of subcontractor reporting.

5. A high quality of agency outreach, agency networking of major vendors with minority vendors, and innovation in techniques to improve utilization of minority business enterprises.

6. Substantial commitment, sensitivity, and proactive attitude by the agency head and among the agency minority business staff.

(6) Each state agency shall coordinate its minority business enterprise procurement activities with the Minority Business Advocacy and Assistance Office. At a minimum, each agency shall:

(a) Adopt a minority business enterprise utilization plan for review and approval by the Minority Business Advocacy and Assistance Office which should require meaningful and useful methods to attain the legislative intent in assisting minority business enterprises.

(b) Designate a senior-level employee in the agency as a minority enterprise assistance officer, responsible for overseeing the agency's minority business utilization activities, and who is not also charged with purchasing responsibility. A senior-level agency employee and agency purchasing officials shall be accountable to the agency head for the agency's minority business utilization performance. The Minority Business Advocacy and Assistance Office shall advise each agency on compliance performance.

(c) If an agency deviates significantly from its utilization plan in 2 consecutive or 3 out of 5 total fiscal years, the Minority Business Advocacy and Assistance Office may review any and all solicitations and contract awards of the agency as deemed necessary until such time as the agency meets its utilization plan.

Section 34. Subsections (1), (5), and (6) of section 287.0947, Florida Statutes, are amended to read:

287.0947 Florida Council on Small and Minority Business Development; creation; membership; duties.—

(1) On or after October 1, *1996* ~~1994~~, the *Secretary of the Department of Labor and Employment Security* ~~Commission on Minority Business Economic and Business Development~~ may create the Florida *Advisory* Council on Small and Minority Business Development with the purpose of advising and assisting the *secretary* ~~commission~~ in carrying out *the secretary's* ~~its~~ duties *with respect to minority businesses and economic and business development*. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of *19* ~~21~~ persons, each of whom is or has been actively engaged in small and minority business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall consist of members representing all regions of the state and shall include at least one member from each group identified within the definition of "minority person" in s. 288.703(3), considering also gender and nationality subgroups, and shall consist of the following:

~~(a) The Secretary of Commerce, the Secretary of Community Affairs, the Secretary of Management Services, and the Secretary of Labor and Employment Security, or their respective designees.~~

(a)~~(b)~~ Four members consisting of representatives of local and federal small and minority business assistance programs or community development programs.

(b)~~(c)~~ *Eight* ~~Seven~~ members composed of representatives of the minority private business sector, including certified minority business enterprises and minority supplier development councils, among whom at least two shall be women and at least four shall be minority persons.

(c)~~(d)~~ Two representatives of local government, one of whom shall be a representative of a large local government, and one of whom shall be a representative of a small local government.

(d)~~(e)~~ Two representatives from the banking and insurance industry.

(e)~~(f)~~ Two members from the private business sector, representing the construction and commodities industries.

(f) The chairperson of the Black Business Investment Board or the chairperson's designee.

A candidate for appointment may be considered if eligible to be certified as an owner of a minority business enterprise, or if otherwise qualified under the criteria above. Vacancies may be filled by appointment of the *secretary* ~~commission~~, in the manner of the original appointment.

(5) The powers and duties of the council include, but are not limited to: researching and reviewing the role of small and minority businesses in the state's economy; reviewing issues and emerging topics relating to small and minority business economic development; studying the ability of financial markets and institutions to meet small business credit needs and determining the impact of government demands on credit for small businesses; assessing the implementation of s. 187.201(22), requiring a state economic development comprehensive plan, as it relates to small and minority businesses; assessing the reasonableness and effectiveness of efforts by any state agency or by all state agencies collectively to assist minority business enterprises; and advising the Governor, *the secretary, and* the Legislature~~, and the commission~~ on matters relating to small and minority business development which are of importance to the international strategic planning and activities of this state.

(6) On or before January 1 of each year, the council shall present an annual report to the *secretary* ~~commission~~ that sets forth in appropriate detail the business transacted by the council during the year and any recommendations to the *secretary* ~~commission~~, including those to improve business opportunities for small and minority business enterprises.

Section 35. Section 288.012, Florida Statutes, is amended to read:

288.012 Foreign offices.—

(1) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ is authorized to:

(a) Establish and operate offices in foreign countries *for the purpose of* ~~in the execution of its responsibilities for~~ promoting the *trade and economic* development of ~~tourism, the economic development of~~ the state, and *promoting* the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements *with governmental and private-sector entities* ~~necessary~~ to establish and operate *offices* ~~an office~~ in ~~a~~ foreign *countries* ~~country~~ containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by the *Office of Tourism, Trade, and Economic Development* ~~department~~ to meet such obligations shall be subject only to s. 216.311.

(2) The *Office of Tourism, Trade, and Economic Development* ~~department~~, in connection with the establishment, operation, and management of any of its offices located in a foreign country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.111 relating to communications, and from all statutory provisions relating to state employment~~, if the laws, administrative code, or business practices or customs of the foreign country, or political or administrative subdivision thereof, in which such office is located are in conflict with these provisions~~.

(a) The *Office of Tourism, Trade, and Economic Development* ~~department~~ may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified foreign office, such action shall constitute continuing authority for the *Office of Tourism, Trade, and Economic Development* ~~department~~ to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means a compilation of the specific policies and procedures encompassing the entire scope of the operation and management of an office established by the *Office of Tourism, Trade, and Economic Development* ~~department~~ in a foreign country.

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the *Office of Tourism, Trade, and Economic Development* ~~department~~ shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(3) Where feasible and appropriate, and subject to s. 288.1224(10), foreign offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, and subject to s. 288.1224(10), such offices may also be collocated with other foreign offices of the state.

(4) The Office of Tourism, Trade, and Economic Development is authorized to make and to enter into contracts with Enterprise Florida, Inc., and the Florida Commission on Tourism to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., and the Florida Commission on Tourism to the same degree and subject to the same conditions as applied to the Office of Tourism, Trade, and Economic Development.

Section 36. Section 288.017, Florida Statutes, is amended to read:

288.017 Cooperative advertising matching grants program.—

(1) The *Florida Commission on Tourism* ~~Department of Commerce~~ is authorized to establish a cooperative advertising matching grants program and, pursuant thereto, to make expenditures and enter into contracts with local governments and nonprofit corporations for the purpose of publicizing the ~~agricultural, industrial, and~~ tourism advantages of the state. *The Office of Tourism, Trade, and Economic Development, based on recommendations from the Florida Commission on Tourism, shall have final approval of grants awarded through this program. The commission may contract with its direct-support organization to administer the program.*

(2) *The total annual allocation of funds for this grant program may not exceed $40,000.* Each grant awarded under the program shall be limited to no more than $2,500 and shall be matched by nonstate dollars. All grants shall be restricted to local governments and nonprofit corporations serving and located in municipalities having a population of 50,000 persons or less or in counties with an unincorporated area having a population of 200,000 persons or less.

(3) The *Florida Commission on Tourism* ~~department~~ shall conduct an annual competitive selection process for the award of grants under the program. In determining *its recommendations for the* grant awards, the *commission* ~~department~~ shall consider the demonstrated need of the applicant for advertising assistance, the feasibility and projected benefit of the applicant's proposal, the amount of nonstate funds that will be leveraged, and such other criteria as the *commission* ~~Secretary of Commerce~~ deems appropriate. *In evaluating grant applications, the office*

shall consider recommendations from the Florida Commission on Tourism. The office, however, has final approval authority for any grant under this section.

~~(4) The department is authorized to expend up to $80,000 each fiscal year of paid advertising and promotion funds for the purposes outlined in this section and s. 288.124.~~

~~(5) The department shall promulgate rules governing the program pursuant to chapter 120.~~

Section 37. Section 288.018, Florida Statutes, is created to read:

288.018 Regional Rural Development Grants Program.—

(1) The Office of Tourism, Trade, and Economic Development shall establish a matching-grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. The Office of Tourism, Trade, and Economic Development is authorized to approve grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be $20,000 and must be matched each year by an equivalent amount of nonstate resources.

(2) In approving the participants, the Office of Tourism, Trade, and Economic Development shall consider the demonstrated need of the applicant for assistance and require the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.

(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.

(d) Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(e) Demonstration of the manner in which the organization is or will coordinate its efforts with those of other local and state organizations.

(3) The Office of Tourism, Trade, and Economic Development may expend up to $100,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section.

Section 38. Subsection (1) of section 288.021, Florida Statutes, is amended to read:

288.021 Economic development liaison.—

(1) The heads of ~~the Department of Commerce,~~ the Department of Transportation, the Department of Environmental Protection and an additional member appointed by the secretary of the department, the Department of Labor and Employment Security, the Department of Education, the Department of Community Affairs, the Department of Management Services, and the Game and Fresh Water Fish Commission shall designate a high-level staff member from within such agency to serve as the economic development liaison for the agency. This person shall report to the agency head and have general knowledge both of the state's permitting and other regulatory functions and of the state's economic goals, policies, and programs. This person shall also be the primary point of contact for the agency *with the Office of Tourism, Trade, and Economic Development* on issues and projects important to the economic development of Florida, including its rural areas, to expedite project review, to ensure a prompt, effective response to problems arising with regard to permitting and regulatory functions, and to work closely with the other economic development liaisons to resolve interagency conflicts.

Section 39. Section 288.0251, Florida Statutes, is amended to read:

288.0251 *International development* ~~Education~~ outreach activities in Latin America and Caribbean Basin.—The *Office of Tourism, Trade, and Economic Development may* ~~Department of Commerce shall~~ contract for the implementation of Florida's international volunteer corps to provide short-term training and technical assistance activities in Latin America and the Caribbean Basin. The entity contracted under this section must require that such activities be conducted by qualified volunteers who are citizens of the state. The contracting agency must have a statewide focus and experience in coordinating international volunteer programs. ~~The Department of Commerce, in cooperation with the Florida International Affairs Commission, shall evaluate the results of the activities. Any contract issued under the authority of this section must be approved by the Florida International Affairs Commission.~~

Section 40. Subsection (1) of section 288.035, Florida Statutes, is amended to read:

288.035 Economic development activities.—

(1) The Florida Public Service Commission may authorize public utilities to recover reasonable economic development expenses. For purposes of this section, recoverable "economic development expenses" are those expenses described in subsection (2) which are consistent with criteria to be established by rules adopted by the Department of Commerce *as of June 30, 1996, or as those criteria are later modified by the Office of Tourism, Trade, and Economic Development*. ~~Expenses associated with activities for which the department is not authorized to expend public funds shall not be a recoverable economic development expense.~~

Section 41. Subsections (3) and (5) of section 288.041, Florida Statutes, are amended to read:

288.041 Solar energy industry; legislative findings and policy; promotional activities.—

(3) *Enterprise, Florida, Inc., and its boards,* ~~The Division of Economic Development of the Department of Commerce~~ shall assist in the expansion of the solar energy industry in this state. *Such efforts shall be undertaken* in cooperation with the Department of Community Affairs, the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, *and shall include*~~. The department may make expenditures to~~:

(a) Providing assistance and support to new and existing photovoltaic companies, with special emphasis on attracting one or more manufacturers of photovoltaic products to locate within this state.

(b) Sponsoring initiatives which aid and take full advantage of the export market potential of solar technologies.

(c) Informing the business sector of this state about opportunities for cost effective commercial applications of solar technologies.

(d)~~(a)~~ *Encouraging* ~~Encourage~~ employment of residents of this state by solar energy companies.

~~(b) Solicit new and existing photovoltaic companies to locate within this state.~~

(e)~~(c)~~ *Retaining* ~~Retain~~ existing solar energy companies and *supporting* ~~support~~ their expansion efforts in this state.

(f)~~(d)~~ *Supporting* ~~Support~~ the promotion of solar energy by sponsoring workshops, seminars, conferences, and educational programs on the benefits of solar energy.

~~(e) Sponsor programs which facilitate the use of solar technologies by the business sector of this state.~~

~~(f) Sponsor programs which aid the export market potential of solar technologies.~~

(g) *Recognizing* ~~Recognize~~ outstanding developments and achievements in, and contributions to, the solar energy industry.

(h) *Collecting* ~~Collect~~ and *disseminating* ~~disseminate~~ solar energy information *relevant to the promotion of solar energy applications* ~~and initiate advertising campaigns promoting solar energy~~.

(i) *Enlisting* ~~Enlist~~ the support of persons, civic groups, the solar energy industry, and other organizations to promote and improve solar energy products and services.

(5) By January 15 of each year, the Department *of Community Affairs* shall report to the Governor, the President of the Senate, and the

Speaker of the House of Representatives on the impact of the solar energy industry on the economy of this state and shall make any recommendations on initiatives to further promote the solar energy industry as the department deems appropriate. *For purposes of the 1997 legislative session, the department's report shall specifically address the job creation and export potential of an expanded solar energy industry in Florida.*

Section 42. Section 288.047, Florida Statutes, is amended to read:

288.047 Quick-response training for economic development.—

(1) The Quick-Response Training Program is created to meet the workforce-skill needs of existing, new, and expanding industries. The program shall be administered by *Enterprise Florida, Inc.,* ~~the Department of Commerce,~~ in conjunction with the Department of Education. *Enterprise Florida, Inc.,* ~~The Department of Commerce~~ shall adopt *guidelines* ~~rules pursuant to chapter 120~~ for the administration of this program. *Enterprise Florida, Inc.,* ~~The Department of Commerce~~ shall provide technical services and shall identify businesses that seek services through the program. The Department of Education shall provide services related to the development and implementation of instructional programs.

(2)(a) A Quick-Response Advisory Committee, composed of the Director of the Division of Applied Technology and Adult Education of the Department of Education; the Director of the Division of Community Colleges of the Department of Education; and the Director of the Division of Jobs and Benefits of the Department of Labor and Employment Security, or their respective designees, and four private sector members, shall review training funded through this program and shall provide policy advice to *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ in the implementation of this program. The committee shall elect a chair from among its members. Members of the committee may receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(b) The four private sector members appointed to the Quick-Response Advisory Committee must be selected from a slate of nominees submitted by the board of directors of Enterprise Florida, Inc. The *President of Enterprise Florida, Inc.,* ~~Secretary of Commerce~~ shall appoint private sector members from this slate for terms of 4 years, except that in making the initial appointments, the *president* ~~secretary~~ shall appoint members for staggered terms, one for 1 year, 2 years, 3 years, and 4 years, respectively. To the maximum extent possible, the *president* ~~secretary~~ shall select private sector members who are representative of diverse industries and regions of the state. The importance of minority representation must be considered when making appointments for each private sector position. Private sector members may be removed for cause. Absence from three consecutive meetings results in the automatic removal of a private sector member.

(c) The Quick-Response Advisory Committee shall meet at the call of its chair, at the request of a majority of the membership, at the request of *Enterprise Florida, Inc.,* ~~the Department of Commerce,~~ or at times prescribed by its rules. The committee shall serve to advise *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ regarding the administration of the Quick-Response Training Program.

(3) *Enterprise Florida, Inc.,* ~~The Department of Commerce~~ shall ensure that instruction funded pursuant to this section is not available through the local community college, school district, or private industry council and that the instruction promotes economic development by providing specialized entry-level skills to new workers or supplemental skills to current employees whose job descriptions are changing. Such funds may not be expended to subsidize the ongoing staff development program of any business or industry or to provide training for instruction related to retail businesses.

(4) Requests for funding through the Quick-Response Training Program may be produced through inquiries from a specific business or industry, inquiries from a school district director of career education or community college occupational dean on behalf of a business or industry, or through official state economic development efforts. In allocating funds for the purposes of the program, *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ shall establish criteria for approval of requests for funding and shall select the entity that provides the most efficient, cost-effective instruction meeting such criteria. Program funds may be allocated to any area technical center, community college, or state university. Program funds may be allocated to private postsecondary institutions only upon a review that includes, but is not limited to, accreditation and licensure documentation and prior approval by a majority of the advisory committee. Instruction funded through the program must terminate when participants demonstrate competence at the level specified in the request; however, instruction may not exceed 18 months. *Costs and expenditures for the Quick-Response Training Program must be documented and separated from those incurred by the training provider.* ~~Program participants may not be included in calculations of full-time equivalent enrollments for state funding purposes.~~

(5) For the first 6 months of each fiscal year, *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ shall set aside 30 percent of the amount appropriated for the Quick-Response Training Program by the Legislature to fund instructional programs for businesses located in an enterprise zone or to instruct residents of an enterprise zone. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide funding for any program qualifying for funding pursuant to this section.

(6) Prior to the allocation of funds for any request pursuant to this section, *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ shall prepare a grant agreement between the business or industry requesting funds, the educational institution receiving funding through the program, and *Enterprise Florida, Inc.* ~~the Department of Commerce.~~ Such agreement must include, but is not limited to:

(a) An identification of the facility in which the instruction will be conducted and the respective responsibilities of the parties for paying costs associated with facility use.

(b) An identification of the equipment necessary to conduct the program, the respective responsibilities of the parties for paying costs associated with equipment purchase, maintenance, and repair, as well as an identification of which party owns the equipment upon completion of the instruction.

(c) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.

(d) An identification of the estimated length of the instructional program. Such program may not exceed 12 months of full-time instruction or 18 months of total instruction.

(e) An identification of special program requirements that are not addressed otherwise in the agreement.

(f) Permission to access information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes. Information which, if released, would disclose the identity of the person to whom the information pertains or disclose the identity of the person's employer is confidential and exempt from the provisions of s. 119.07(1). ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~ The agreement must specify that any evaluations published subsequent to the instruction may not identify the employer or any individual participant.

(7) For the purposes of this section, *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ may accept grants of money, materials, services, or property of any kind from any agency, corporation, or individual.

(8) *Enterprise Florida, Inc.,* ~~The Department of Commerce~~ may procure equipment as necessary to meet the purposes of this section. Title to and control of such equipment is vested in the Department of Education. Upon the conclusion of instruction, the Department of Education may transfer title to the district school board, community college district board of trustees, or Board of Regents on behalf of a specific state university, where the equipment is physically located. The department may also lease such equipment to the district school board, community college district board of trustees, or Board of Regents for a maximum of 1 year. Such lease may provide for automatic renewal. Either party to a lease has the right to cancel the lease upon a 60-day notice in writing. Any equipment for which no title transfer or lease exists must be returned to a warehouse reserve and be available for use by an instructional program in any area of the state.

(9) In providing instruction pursuant to this section, materials that relate to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, produced, ascertained, or discovered by employees of the respective departments, district school boards, community college district boards of trustees, or other personnel employed for the purposes of this section is confidential and exempt from the provisions of s. 119.07(1). ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~ The state may seek copyright protection for all instructional materials and ancillary written documents developed wholly or partially with state funds as a result of instruction provided pursuant to this section.

Section 43. Subsection (1) of section 288.053, Florida Statutes, is amended to read:

288.053 Florida Film and Television Investment Board; creation; purpose; membership.—

(1) There is hereby created within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ a body politic and corporate known as the Florida Film and Television Investment Board, hereinafter referred to as the "board." The board is constituted as a public instrumentality and shall be deemed to be performing an essential governmental function.

Section 44. Paragraph (q) of subsection (1) and subsections (2) and (3) of section 288.054, Florida Statutes, are amended to read:

288.054 Administration; powers.—

(1) The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(q) Hire an executive director, subject to the provisions of part V of chapter 110, and all necessary employees of the board who shall be exempt from the provisions of part II of chapter 110. ~~The hiring of the executive director by the board shall be made upon the recommendation of the Secretary of Commerce.~~

(2) The executive director or, prior to the appointment of an executive director, the *director of the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~ or a designee, shall be the chief administrative and operational officer of the board and shall direct and supervise administrative affairs and the general management of the board. The chief administrative and operational officer:

(a) May contract with or employ financial, legal, or technical experts and such other consultants and employees, permanent or temporary.

(b) Shall attend meetings of the board.

(c) Shall cause copies to be made of all minutes and other records or documents of the board.

(3) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ may provide administrative funding, provide investment funding pursuant to legislative appropriation, and perform the administrative functions and responsibilities for the board.

Section 45. Subsection (6) of section 288.055, Florida Statutes, is amended to read:

288.055 Florida Film and Television Investment Trust Fund.—

(6) The trust fund will be funded primarily from contributions, gifts, scholarships, grants, and fundraising activities of the board and the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. Additionally, the trust fund is authorized to accept any contributions from the Legislature, when so appropriated.

Section 46. Section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(1) *The Office of Tourism, Trade, and Economic Development* ~~The Division of Economic Development~~ is authorized to make, *and based on a recommendation from Enterprise Florida, Inc., to approve,* expenditures and enter into contracts for direct costs of transportation projects with the appropriate governmental body. *The Office of Tourism, Trade, and Economic Development has final approval authority for any project under this section.*

(2) Any contract with a governmental body for construction of any transportation project executed by the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ shall:

(a) Specify and identify the transportation project to be constructed for a new or expanding business and the number of full-time permanent jobs that will result from the project.

(b) Require that the appropriate governmental body award the construction of the particular transportation project to the lowest and best bidder in accordance with applicable state and federal statutes or regulations unless the project can be constructed with existing local government employees within the contract period specified by the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~.

(c) Require that the appropriate governmental body provide the *Office of Tourism, Trade, and Economic Development* ~~division~~ with quarterly progress reports. Each quarterly progress report shall contain a narrative description of the work completed according to the project schedule, a description of any change orders executed by the appropriate governmental body, a budget summary detailing planned expenditures versus actual expenditures, and identification of minority business enterprises used as contractors and subcontractors. Records of all progress payments made for work in connection with such transportation projects, and any change orders executed by the appropriate governmental body and payments made pursuant to such orders, shall be maintained by that governmental body in accordance with accepted governmental accounting principles and practices and shall be subject to financial audit as required by law. In addition, the appropriate governmental body, upon completion and acceptance of the transportation project, shall make certification to the *Office of Tourism, Trade, and Economic Development* ~~division~~ that the project has been completed in compliance with the terms and conditions of the contractual agreements between the *Office of Tourism, Trade, and Economic Development* ~~division~~ and the appropriate governmental body and meets minimum construction standards established in accordance with s. 336.045.

(d) Specify that the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ shall transfer funds upon receipt of a request for funds from the local government, on no more than a quarterly basis, consistent with project needs. A contract totaling less than $200,000 is exempt from this transfer requirement. The *Office of Tourism, Trade, and Economic Development* ~~division~~ shall not transfer any funds unless construction has begun on the facility of the business on whose behalf the award was made. Local governments shall expend funds in a timely manner.

(e) Require that program funds be used only on those transportation projects that have been properly reviewed and approved in accordance with the criteria set forth in this section.

(f)~~(e)~~ Require that the governing board of the appropriate local governmental body agree by resolution to accept future maintenance and other attendant costs occurring after completion of the transportation project if the project is construction on a county or municipal system.

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1988, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state. The *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities.

(4) The *Office of Tourism, Trade, and Economic Development may adopt* ~~Division of Economic Development shall adopt rules, pursuant to chapter 120, setting forth the~~ criteria by which transportation projects are to be specified and identified~~, and providing for the administration of this section~~. In *approving* ~~selecting~~ transportation projects for funding, the *Office of Tourism, Trade, and Economic Development* ~~division~~ shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a community development corporation service area as defined in s. 290.035(2); the unemployment rate of the surrounding area; the poverty rate of the community; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j). *The Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.*

~~(5) The factors specified in subsection (4) shall be considered by a committee composed of the Secretary of Commerce, the Secretary of Transportation, the Secretary of Community Affairs, the Secretary of Labor and Employment Security, the Secretary of Environmental Protection, the chair of the Economic Development Advisory Council, and the executive administrator of the Commission on Minority Economic and Business Development or their designees. The committee members shall provide a written record of their individual votes on each project considered. Four members present shall constitute a quorum for decisionmaking. Meetings of the committee shall be called by the Secretary of Commerce as needed.~~

(5)~~(6)~~ No project that has not been specified and identified by *the Office of Tourism, Trade, and Economic Development* ~~the division~~ in accordance with *subsection* ~~subsections~~ (4) ~~and (5)~~ prior to the initiation of construction shall be eligible for funding.

(6)~~(7)~~ The Department of Transportation may be the contracting agency when the project is on the State Highway System. In addition, upon request by the appropriate governmental body, the department may advise and assist it or plan and construct other such transportation projects for it.

(7)~~(8)~~ Each local government receiving funds under this section shall submit to the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ a financial audit of the local entity conducted by an independent certified public accountant. The *Office of Tourism, Trade, and Economic Development* ~~division~~ shall develop procedures to ensure that audits are received and reviewed in a timely manner and that deficiencies or questioned costs noted in the audit are resolved.

(8)~~(9)~~ The *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ shall monitor on site each grant recipient, including, but not limited to, the construction of the business facility, to ensure compliance with contractual requirements.

(9)~~(10)~~ Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.

Section 47. Section 288.065, Florida Statutes, is created to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established in the Office of Tourism, Trade, and Economic Development to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments within counties with populations less than 50,000, or any county that has a population of 100,000 or less and is contiguous to a county with a population less than 50,000, as determined by the most recent official estimate pursuant to s. 186.901, residing in incorporated and unincorporated areas of the county. Requests for loans shall be made by application to the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the local government and the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the local government. All repayments of principle and interest shall be returned to the loan fund and made available for loans to other applicants.

(3) The Office of Tourism, Trade, and Economic Development shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The Office of Tourism, Trade, and Economic Development shall have final approval authority for any loan under this section.

(4) Funding for the Rural Community Development Revolving Loan Program shall not exceed $2 million annually. Additionally, the implementation of this program shall be contingent upon funds being provided in the 1996-1997 General Appropriations Act.

Section 48. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development of the Department of Commerce~~. Moneys deposited into the fund must be used only to support the authorized activities and operations of the *office* ~~division~~.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under ss. 288.104 and 288.106, and local financial support provided under ss. 288.104 and 288.106. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

(3)(a) Contingent upon an annual appropriation by the Legislature, the *Office of Tourism, Trade, and Economic Development* ~~secretary~~ may approve not more than the lesser of $10 million in tax refunds pursuant to ss. 288.104 and 288.106 or the amount appropriated to the Economic Development Incentives Account for such tax refunds, for a fiscal year pursuant to paragraph (b).

(b) The total amount of tax refunds approved by the *Office of Tourism, Trade, and Economic Development* ~~secretary~~ pursuant to ss. 288.104 and 288.106 shall not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the department for tax refunds under ss. 288.104 and 288.106 in a fiscal year, the *Office of Tourism, Trade, and Economic Development* ~~secretary~~ shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the secretary shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(c) By September 30 of each year, the *Office of Tourism, Trade, and Economic Development* ~~department~~ shall submit a complete and detailed report to the Board of Directors of Enterprise Florida, Inc., created under part VII of this chapter, of all applications received, final *decisions* ~~orders~~ issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The *Office of Tourism, Trade, and Economic Development* ~~department~~ shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065, including the finding required by s. 288.106(4)(e)2. By December 1 of each year, the Board of Directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President

of the Senate, and the Speaker of the House of Representatives. The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner.

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and other payments authorized under s. 288.104 or s. 288.106.

(e) The *Office of Tourism, Trade, and Economic Development* ~~department~~ *may* ~~shall~~ adopt rules necessary to carry out the provisions of this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

Section 49. Section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of target industries provides high-quality employment opportunities for citizens of this state and enhances the economic foundations of this state. It is the policy of this state to encourage the growth of a high-value-added employment and economic base by providing tax refunds to qualified target industry businesses that create new high-wage employment opportunities in this state by expanding existing businesses within this state or by bringing new businesses to this state.

(2) DEFINITIONS.—As used in this section:

(a) "Account" means the Economic Development Incentives Account within the Economic Development Trust Fund established under s. 288.095.

(b) "Average wage in the area" means *the statewide private-sector average wage or* the average of all wages and salaries in the county or in the standard metropolitan area in which the business is located.

(c) "Business" means *an employing unit, as defined in s. 443.036, which is registered with the Department of Labor and Employment Security for unemployment compensation purposes or a subcategory or division of an employing unit which is accepted by the Department of Labor and Employment Security as a reporting unit* ~~any business entity authorized to do business in this state, including all members of an affiliated group of corporations as defined in s. 220.03(1)(b)~~.

(d) "Corporate headquarters business" means an international, national, or regional headquarters office of a multinational or multistate business enterprise or national trade association, whether separate from or connected with other facilities used by such business.

(e) *"Office"* ~~"Department"~~ means the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~.

~~(f) "Division" means the Division of Economic Development of the Department of Commerce.~~

(f)~~(g)~~ "Enterprise zone" means an area designated as an enterprise zone pursuant to s. 290.0065.

(g)~~(h)~~ "Expansion of an existing business" means the expansion of a business by or through additions to real and personal property on a site colocated with a commercial or industrial operation owned by the same business, resulting in a net increase in employment of not less than 10 percent at such business.

(h)~~(i)~~ "Fiscal year" means the fiscal year of the state.

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

(j)~~(k)~~ "Local financial support" means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified target industry business. A qualified target industry business may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(k)~~(l)~~ "Local financial support exemption option" means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a county designated by the Rural Economic Development Initiative~~, provided that the county commissioners of the county in which the project will be located adopt a resolution requesting that the applicant's project be exempt from the local financial support requirement~~. Any applicant that exercises this option shall not be eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(l)~~(m)~~ "New business" means a business which heretofore did not exist in this state, first beginning operations on a site located in this state and clearly separate from any other commercial or industrial operations owned by the same business.

(m)~~(n)~~ "Project" means the creation of a new business or expansion of an existing business.

(n)~~(o)~~ *"Director"* ~~"Secretary"~~ means the *Director of the Office of Tourism, Trade, and, Economic Development* ~~secretary of the department~~.

(o)~~(p)~~ "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to *the following* criteria developed by the *office* ~~department through rulemaking,~~ in consultation with Enterprise Florida, Inc.*:*

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to Florida's growing access to international markets or to replacing imports.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not necessarily subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis.

6. Economic benefits.—The industry should have strong positive impacts on or benefits to the state and regional economies.

The *office, in consultation with Enterprise Florida, Inc.,* ~~department~~ shall develop a list of such target industries annually and submit such list as part of the ~~department's strategic plan submitted pursuant to s. 186.022 and~~ final agency legislative budget request submitted pursuant to s. 216.023(1). ~~Such list shall be approved annually by the Legislature. Any proposed changes to the target industry list shall be developed and submitted in a like manner.~~ A target industry business may not include any industry engaged in retail activities; any electrical utility company; ~~any communications company;~~ any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; ~~any printing or publishing firm;~~ or any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(p)~~(q)~~ "Taxable year" means taxable year as defined in s. 220.03(1)(z).

(q)~~(r)~~ "Qualified target industry business" means a target industry business that has been approved by the *director* ~~secretary~~ to be eligible for tax refunds pursuant to this section.

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the *director* ~~secretary~~ which were paid by such business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b) The *director* ~~secretary~~ may approve a qualified target industry business to receive tax refund payments of up to $5,000 times the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or up to $7,500 times the number of jobs if the project is located in an enterprise zone. A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than $1.5 million in refunds under this section in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than $5 million in refund payments under this section in all fiscal years, or more than $7.5 million if the project is located in an enterprise zone.

(c) After entering into a tax refund agreement under subsection (5), a qualified target industry business may receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business which begins after entering into the agreement:

1. Taxes on sales, use, and other transactions under part I of chapter 212.

2. Corporate income taxes under chapter 220.

3. Intangible personal property taxes under chapter 199.

4. Emergency excise taxes under chapter 221.

5. Excise taxes on documents under chapter 201.

6. Ad valorem taxes paid, as defined in s. 220.03(1).

7. Insurance premium tax under s. 624.509.

However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes. If a refund for such taxes is provided by the *office* ~~department~~, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the *office* ~~department~~ within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(d) A qualified target industry business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the *office* ~~division~~ before the business has made the decision to locate a new business in this state or before the business had made the decision to expand an existing business in this state. The application shall include, but is not limited to, the following information:

1. The applicant's federal employer identification number and the applicant's state sales tax registration number.

2. The permanent location of the applicant's facility in this state at which the project is or is to be located.

3. A description of the type of business activity or product covered by the project, including four-digit SIC codes for all activities included in the project.

4. The number of full-time equivalent jobs in this state that are or will be dedicated to the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state.

6. The anticipated commencement date of the project.

7. The amount of:

a. Taxes on sales, use, and other transactions paid under part I of chapter 212;

b. Corporate income taxes paid under chapter 220;

c. Intangible personal property taxes paid under chapter 199;

d. Emergency excise taxes paid under chapter 221; *and*

e. Excise taxes on documents paid under chapter 201.~~; and~~

~~f. Ad valorem taxes projected to be due in the 4 fiscal years immediately following the date of the application;~~

~~during the 5 fiscal years immediately preceding the date of the application, and the project amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.~~

8. The estimated amount of tax refunds to be claimed in each fiscal year.

9. A brief statement concerning the role that the tax refunds requested will play in the decision of the applicant to locate or expand in this state.

10. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

11.~~a.~~ A resolution adopted by the *governing* board of ~~county commissioners of~~ the county *or municipality* in which the project will be located, which resolution recommends that *certain types of businesses* ~~the target industry business~~ be approved as a qualified target industry business and states that the commitments of local financial support necessary for the target industry business exist. Before adoption of the resolution, the *governing* board ~~of county commissioners~~ may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided~~; or, for a target industry business located in a rural economic development initiative county, a resolution adopted by the board of county commissioners which exercises that county's exemption from the local financial support requirement~~.

~~b. If such project is located in a county with an enterprise zone but the project is located outside the enterprise zone, whether the amount of local financial support offered by any jurisdiction was also offered to the project for location or expansion in any enterprise zone within the jurisdiction. If appropriate, the resolution shall also include a request that the requirement to offer a similar amount of financial support for location or expansion in an enterprise zone be waived by the secretary because the particular nature of the business or the location of an existing business that is being expanded makes it impractical to locate or expand the project in an enterprise zone.~~

12. Any additional information requested by the *office* ~~division~~.

(b) To qualify for review by the *office* ~~division~~, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the *office* ~~division~~:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the business is to be located *or the statewide private-sector average wage.*

2. The target industry business's project must result in the creation of at least *10* ~~100~~ jobs at such project~~, or the creation of at least 50 jobs if such project is located in an enterprise zone or a county having a population of less than 50,000 persons~~.

3. The expansion of an existing business must result in at least a 10-percent increase in the number of jobs at such business.

4. The business activity or product for the applicant's project is within an industry or industries that have been identified by the *office* ~~department~~ to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

(c) Each application meeting the requirements of paragraph (b) must be submitted to the *office* ~~division~~ for determination of eligibility. The *office* ~~division~~ shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the long-term effects of the project and of the applicant on the state economy.

2. The economic benefit of the jobs created by the project in this state, taking into account the cost and average wage of each job created.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project.

5. The effect of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The effect of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will be undertaken in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

7. The expected long-term commitment to this state resulting from the project.

8. A review of the business's past activities in this state or other states, including whether such business has been subjected to criminal or civil fines and penalties. Nothing in this subparagraph shall require the disclosure of confidential information.

~~9. If such project is located in a county with an enterprise zone but the project is located outside the enterprise zone, whether the amount of local financial support offered by a jurisdiction was also made available to the project for location or expansion in any enterprise zone within the jurisdiction. If appropriate, the evaluation shall also include a determination of whether it was impractical to locate or expand the project in an enterprise zone due to the particular nature of the business or the location of an existing business that is being expanded.~~

(d) The *office* ~~division~~ shall forward its written findings and evaluation concerning each application meeting the requirements of paragraph (b) to the *director* ~~secretary~~ within *45* ~~60~~ calendar days after receipt of a complete application. The *office* ~~division~~ shall notify each target industry business when its application is complete, and of the time when the *45-day* ~~60-day~~ period begins. In its written report to the *director* ~~secretary~~, the *office* ~~division~~ shall specifically address each of the factors specified in paragraph (c) and shall make a specific assessment with respect to the minimum requirements established in paragraph (b). The *office* ~~division~~ shall include in its report projections of the tax refund claim that will be sought by the target industry business in each fiscal year based on the information submitted in the application.

(e)1. Within 30 days after receipt of the *office's* ~~division's~~ findings and evaluation, the *director* ~~secretary~~ shall enter a final order that either approves or disapproves the application of the target industry business. The decision must be in writing and must provide the justifications for approval or disapproval.

~~2. No such application shall be approved for any project located outside an enterprise zone, in any county with a designated enterprise zone, absent a specific finding by the secretary that within a jurisdiction a similar amount of local financial support was also made available to the project for location within any enterprise zone. However, if the secretary determines that, due to the particular nature of the business or the location of an existing business that is being expanded, it is impractical to locate or expand the project in an enterprise zone, the secretary may waive the requirement to offer a similar amount of local financial support. The secretary shall include a specific finding on whether a similar amount of local support was offered for location or expansion in an enterprise zone or reasons why a waiver of such support requirement was granted in the report required pursuant to s. 288.095(3)(c).~~

2.~~3.~~ If appropriate, the *director* ~~secretary~~ shall enter into a written agreement with the qualified target industry business pursuant to subsection (5).

(f) The *director* ~~secretary~~ may not enter a final order that certifies any target industry business as a qualified target industry business if the value of tax refunds to be included in that final order exceeds the available amount of authority to enter final orders as determined in s. 288.095(3). A final order that approves an application must specify the maximum amount of tax refund that will be available to the qualified industry business in each fiscal year and the total amount of tax refunds that will be available to the business for all fiscal years.

(g) Nothing in this section shall create a presumption that an applicant will receive any tax refunds under this section. *However, the office may issue nonbinding opinion letters, upon the request of prospective applicants, as to the applicants' eligibility and the potential amount of refunds.*

(5) TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with the *office* ~~department~~ which specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. This information must be the same as the information contained in the application submitted by the business under subsection (4).

2. The maximum amount of tax refunds which the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive in each fiscal year.

3. That the *office* ~~department~~ may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date after which, in each fiscal year, the qualified target industry business may file an annual claim under subsection (6).

5. That local financial support will be annually available and will be paid to the account.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the *director* ~~secretary~~ of the certification of the business entity as a qualified target industry business.

(c) The agreement must be signed by the *director* ~~secretary~~ and by an authorized officer of the qualified target industry business within 30 days after entry of a final order certifying the business entity as a qualified target industry business under subsection (4).

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points in size: "This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of moneys sufficient to pay amounts authorized in section 288.106, Florida Statutes."

(6) ANNUAL CLAIM FOR REFUND.—

(a) A qualified target industry business that has entered into a tax refund agreement with the *office* ~~department~~ under subsection (5) may apply once each fiscal year to the *office* ~~department~~ for a tax refund. The application must be made on or after the date specified in that agreement.

(b) The claim for refund by the qualified target industry business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought and data related to achievement of each performance item specified in the tax refund agreement. The amount requested as a tax refund may not exceed the amount specified for that fiscal year in that agreement.

(c) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account in that fiscal year. If the local financial support provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995; and the amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted; and the limitations in subsection (3) and paragraph (4)(f) must be reduced by the amount of any such tax abatement. A report listing all sources of the local financial support shall be provided to the *office* ~~division~~ when such support is paid to the account.

(d) A prorated tax refund, less a 5-percent penalty, shall be approved for a qualified target industry business provided all other applicable requirements have been satisfied and the business proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment.

(e)~~(d)~~ The *director* ~~secretary~~, with such assistance as may be required from the *office* ~~division~~, the Department of Revenue, or the Department of Labor and Employment Security, shall specify by written final order the amount of the tax refund that is authorized for the qualified target industry business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the *office* ~~department~~.

(f)~~(e)~~ The total amount of tax refunds approved by the *director* ~~secretary~~ under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

(g)~~(f)~~ Upon approval of the tax refund under paragraphs (c), ~~and~~ (d), *and (e)* the Comptroller shall issue a warrant for the amount specified in the final order. If the final order is appealed, the Comptroller may not issue a warrant for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(7) ADMINISTRATION.—

~~(a) The department shall adopt rules pursuant to chapter 120 for the administration of this section.~~

(a)~~(b)~~ The *office* ~~department~~ is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(b)~~(c)~~ To facilitate the process of monitoring and auditing applications made under this program, the *office* ~~department~~ may provide a list of qualified target industry businesses to the Department of Revenue, to the Department of Labor and Employment Security, or to any local government or authority. The *office* ~~department~~ may request the assistance of those entities with respect to monitoring the payment of the taxes listed in subsection (3).

(8) EXPIRATION.—This section expires June 30, 2004.

Section 50. Section 288.1162, Florida Statutes, is amended to read:

288.1162 Professional sports franchises; spring training franchises; ~~department~~ duties.—

(1) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying an applicant as a "facility for a new professional sports franchise," a "facility for a retained professional sports franchise," or a "new spring training franchise facility."

(2) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall develop rules for the receipt and processing of applications for funding pursuant to s. 212.20.

(3) As used in this section:

(a) "New professional sports franchise" means a professional sports franchise that is not based in this state prior to *April* ~~July~~ 1, *1987* ~~1990~~.

(b) "Retained professional sports franchise" means a professional sports franchise that has had a league-authorized location in this state on or before December 31, 1976, and has continuously remained at that location, and has never been located at a facility that has been previously certified under any provision of this section.

(4) Prior to certifying an applicant as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise," the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ must determine that:

(a) A "unit of local government" as defined in s. 218.369 is responsible for the construction, management, or operation of the professional sports franchise facility or holds title to the property on which the professional sports franchise facility is located.

(b) The applicant has a verified copy of a signed agreement with a new professional sports franchise for the use of the facility for a term of at least 10 years, or in the case of a retained professional sports franchise, an agreement for use of the facility for a term of at least 20 years.

(c) The applicant has a verified copy of the approval from the governing authority of the league in which the new professional sports franchise exists authorizing the location of the professional sports franchise in this state after *April* ~~July~~ 1, *1987* ~~1990~~, or in the case of a retained professional sports franchise, verified evidence that it has had a league-authorized location in this state on or before December 31, 1976. The term "league" means the National League or the American League of Major League Baseball, the National Basketball Association, the National Football League, or the National Hockey League.

(d) The applicant has projections, verified by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by the *Office of Tourism, Trade, and Economic Development* ~~department~~, which demonstrates that the amount of the revenues generated by the taxes imposed under part I of chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed $2 million annually.

(f) The municipality in which the facility for a new or retained professional sports franchise is located, or the county if the facility for a new or retained professional sports franchise is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(g) The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) No applicant previously certified under any provision of this section who has received funding under such certification shall be eligible for an additional certification.

(5) As used in this section, "new spring training franchise" means a spring training franchise that is not based in this state prior to July 1, 1990.

(6) Prior to certifying an applicant as a "new spring training franchise facility," the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ must determine that:

(a) A "unit of local government" as defined in s. 218.369 is responsible for the construction, management, or operation of the new spring training franchise facility or holds title to the property on which the new spring training franchise facility is located.

(b) The applicant has a verified copy of a signed agreement with a new spring training franchise for the use of the facility for a term of at least 15 years.

(c) The applicant has a financial commitment to provide 50 percent or more of the funds required by an agreement for the use of the facility by the new spring training franchise.

(d) The proposed facility for the new spring training franchise is located within 20 miles of an interstate or other limited-access highway system.

(e) The applicant has projections, verified by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, which demonstrate that the new spring training franchise facility will attract a paid attendance of at least 50,000 annually.

(f) The new spring training franchise facility is located in a county that is levying a tourist development tax pursuant to s. 125.0104(3)(b), (c), (d), and (l), at the rate of 4 percent by March 1, 1992, and, 87.5 percent of the proceeds from such tax are dedicated for the construction of a spring training complex.

(7) An applicant certified as a facility for a new professional sports franchise or a facility for a retained professional sports franchise or as a new spring training franchise facility may use funds provided pursuant to s. 212.20 only for the public purpose of paying for the construction, reconstruction, or renovation of a facility for a new professional sports franchise, a facility for a retained professional sports franchise, or a new spring training franchise facility or to pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds issued for the construction, reconstruction, or renovation of such facility or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(8) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall notify the Department of Revenue of any facility certified as a facility for a new professional sports franchise or a facility for a retained professional sports franchise or as a new spring training franchise facility. The *Office of Tourism, Trade, and Economic Development* ~~department~~ may certify no more than *eight* ~~six~~ facilities as facilities for a new professional sports franchise, as facilities for a retained professional sports franchise, or as new spring training franchise facilities, *including in such total any facilities certified by the Department of Commerce before July 1, 1996.* The *office* ~~department~~ may make no more than one certification for any facility.

(9) The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required in this section. Such information is subject to the confidentiality requirements of chapter 213. If the Department of Revenue determines that the distributions pursuant to this section have not been expended as required by this section, it may pursue recovery of such funds pursuant to the laws and rules governing the assessment of taxes.

(10) An applicant shall not be qualified for certification under this section if the franchise formed the basis for a previous certification, unless the previous certification was withdrawn by the facility or invalidated by the *Office of Tourism, Trade, and Economic Development or the Department of Commerce* ~~department~~ before any funds were distributed pursuant to s. 212.20. This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed pursuant to s. 212.20 for the second certification shall be offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification have been distributed.

Section 51. Section 288.1168, Florida Statutes, is amended to read:

288.1168 Professional golf hall of fame facility; ~~department~~ duties.—

(1) The Department of Commerce shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying one applicant as the professional golf hall of fame facility in the state.

(2) Prior to certifying the professional golf hall of fame facility, the Department of Commerce must determine that:

(a) The professional golf hall of fame facility is the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc.

(b) The applicant is a unit of local government as defined in s. 218.369 or a private sector group that has contracted to construct or operate the professional golf hall of fame facility on land owned by a unit of local government.

(c) The municipality in which the professional golf hall of fame facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(d) There are existing projections that the professional golf hall of fame facility will attract a paid attendance of more than 300,000 annually.

(e) There is an independent analysis or study, using methodology approved by the department, which demonstrates that the amount of the revenues generated by the taxes imposed under part I of chapter 212 with respect to the use and operation of the professional golf hall of fame facility will equal or exceed $2 million annually.

(f) The applicant has submitted an agreement to provide $2 million annually in national and international media promotion of the professional golf hall of fame facility, Florida, and Florida tourism, through the PGA Tour, Inc., or its affiliates, at the then current commercial rate, during the period of time that the facility receives funds pursuant to s. 212.20. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ and the PGA Tour, Inc., or its affiliates, must agree annually on a reasonable percentage of advertising specifically allocated for generic Florida advertising. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall have final approval of all generic advertising. Failure on the part of the PGA Tour, Inc., or its affiliates to annually provide the advertising as provided in this paragraph or subsection (6) shall result in the termination of funding as provided in s. 212.20.

(g) Documentation exists that demonstrates that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) The application is signed by an official senior executive of the applicant and is notarized according to Florida law providing for penalties for falsification.

(3) The applicant may use funds provided pursuant to s. 212.20 for the public purpose of paying for the construction, reconstruction, renovation, or operation of the professional golf hall of fame facility, or to pay or pledge for payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds issued for the construction, reconstruction, or renovation of the facility or for the reimbursement of such costs or the refinancing of bonds issued for such purpose.

(4) Upon determining that an applicant is or is not certifiable, the Secretary of Commerce shall notify the applicant of his or her status by means of an official letter. If certifiable, the secretary shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the professional golf hall of fame facility to the public and notify the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ that the professional golf hall of fame facility is open to the public.

(5) The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required by this section. Such information is subject to the confidentiality requirements of chapter 213. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(6) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ must recertify every 10 years that the facility is open, continues to be the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc., and is meeting the minimum projections for attendance or sales tax revenue as required at the time of original certification. If the facility is not certified as meeting the minimum projections, the PGA Tour, Inc., shall increase its required advertising contribution of $2 million annually to $2.5 million annually in lieu of reduction of any funds as provided by s. 212.20. The additional $500,000 must be allocated in its entirety for the use and promotion of generic Florida advertising as determined by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. If the facility is not open to the public or is no longer in use as the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc., the entire $2.5 million for advertising must be used for generic Florida advertising as determined by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~.

Section 52. Subsection (1), paragraph (g) of subsection (2), paragraph (a) of subsection (3), and subsection (6) of section 288.1185, Florida Statutes, are amended to read:

288.1185 Recycling Markets Advisory Committee.—

(1) There is created the Recycling Markets Advisory Committee, hereinafter referred to as the "committee," to be administratively housed in the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. The purpose of the committee shall be to serve as the mechanism for coordination among state agencies and the private sector to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recovered materials. The committee may not duplicate or replace agency programs, but shall enhance, coordinate, and recommend priorities for those programs.

(2)

(g) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall coordinate with agencies listed in paragraph (3)(a) to provide support as necessary to enable the committee to adequately carry out its functions.

(3)(a) The heads of ~~the Department of Commerce,~~ the Department of Transportation, the Department of Environmental Protection, the Department of Management Services, the Department of Agriculture and Consumer Services, the Florida Energy Office, and the Governor shall each designate a staff member from within the agency to serve as the recycling market development liaison for the agency. This person shall have knowledge of recycling and the issues and problems related to recycling and recycled materials market development. This person shall be the primary point of contact for the agency on issues related to recycled materials market development. These liaisons shall be available for committee meetings and shall work closely with the committee and other recycling market development liaisons to further the goals of the committee, as appropriate.

(6) In order to support the functions of the committee, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ may hire staff or contract with other agencies for staff support and enter into contracts for support, research, planning, evaluation, and communication and promotion services.

Section 53. Effective December 31, 1996, section 288.122, Florida Statutes, is amended to read:

288.122 Tourism Promotional Trust Fund.—

~~(1)~~ There is created within the *Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor* ~~Division of Tourism~~ the Tourism Promotional Trust Fund. *Moneys deposited in the Tourism Promotional Trust Fund shall only be used to support the authorized activities and operations of the Florida Commission on Tourism, and to support tourism promotion and marketing activities, services, functions, and programs administered by the Florida Commission on Tourism through a contract with the commission's direct-support organization created under s. 288.1226.*

~~(2) The division is empowered to purchase and hold for resale promotional items and products, the proceeds from the sale of which shall be deposited in the Tourism Promotional Trust Fund. As used in this subsection, "promotional products and items" means beverages and foodstuffs commonly distributed from vending machines and literature of an informational or promotional nature, and any items related to current division publicity or advertising campaigns or other state agency promotional campaigns deemed appropriate by the division.~~

~~(3)(a) Moneys deposited in the Tourism Promotional Trust Fund shall only be used to support the authorized activities and operations of the division, including, but not limited to, the purchase of additional promotional items and products.~~

~~(b) For the 1995-1996 fiscal year only, funds in the Tourism Promotional Trust Fund may be appropriated to fund international trade activities in the Division of International Trade and Development of the Department of Commerce. This paragraph is repealed on July 1, 1996.~~

Section 54. Section 288.1221, Florida Statutes, is amended to read:

288.1221 Legislative intent.—

(1) It is the intent of the Legislature to establish a public-private partnership to provide policy direction to and technical expertise in the promotion and marketing of the state's tourism attributes. The Legislature further intends to authorize this partnership to recommend the tenets of an industry standard 5-year marketing plan for an annual marketing plan for tourism promotion and recommend a comparable organizational structure to carry out such a plan. The Legislature intends to have such a plan funded by that portion of the rental car surcharge annually dedicated to the Tourism Promotional Trust Fund, pursuant to s. 212.0606, and by the tourism industry. The Legislature intends that the exercise of this authority by the public-private partnership shall take into consideration the recommendations made to the 1992 Legislature in the report submitted by the Florida Tourism Commission created pursuant to chapter 91-31, Laws of Florida.

(2) Further, it is the intent of the Legislature to mobilize all the available resources of Florida's vital tourism industry in a state-sponsored public-private partnership to promote and enhance Florida tourism. The state's consistent, clearly articulated, and long-standing policy has been to promote collective action by state and local government authorities and the various representatives of the tourist industry to upgrade the image of Florida as a quality destination and to assure, to the maximum extent possible, that the benefits of such collective action are extended equitably throughout the state. To carry out the implementation of this policy, the Legislature finds that is in the public interest to maintain the Florida Commission on Tourism under the aegis of the Executive Office of the Governor to focus and provide state supervision of on-going collective action to promote Florida tourism. The Legislature further finds that it is in the public interest for activities in promotion and support of Florida tourism to be carried out by a private-sector, direct-support organization created expressly for such purpose as the Florida Tourism Industry Marketing Corporation. By creating this public-private partnership, it is the intent of the Legislature to coordinate existing private and public-funded tourism promotional activities in a cost-effective manner to avoid waste and duplication in these activities while achieving the maximum public benefit from all expenditures that directly and indirectly support Florida tourism.

Section 55. Section 288.1222, Florida Statutes, is amended to read:

288.1222 Definitions.—For the purposes of *s. 288.017,* ss. *288.121-288.1226, and s. 288.124* ~~288.1221-288.1224~~, the term:

(1) "Tourism promotion" means any marketing efforts exercised to attract domestic and international visitors from outside the state to destinations in Florida and to stimulate Florida resident tourism to areas within the state.

(2) "Tourist" means any person who participates in trade or recreation activities outside *the country of his or her* ~~a 100-mile radius of their primary~~ permanent residence *or who rents or leases transient living quarters or accommodations as described in s. 125.0104(3)(a).*

(3) *Commission"* ~~"Division"~~ means the *Florida Commission on* ~~Division of~~ Tourism ~~of the Department of Commerce~~.

(4) "County destination marketing organization" means a public or private agency that is funded by local option tourist development tax revenues under s. 125.0104, or local option convention development tax revenues under s. 212.0305, and is officially designated by a county commission to market and promote the area for tourism or convention business or, in any county which has not levied such taxes, a public or private agency that is officially designated by the county commission to market and promote the area for tourism or convention business.

(5) "Direct-support organization" means the Florida Tourism Industry Marketing Corporation.

Section 56. Section 288.1223, Florida Statutes, is amended to read:

288.1223 Florida Commission on Tourism; creation; purpose; membership.—

(1) There is created within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ the Florida Commission on Tourism. The purpose of the commission is to *oversee this state's efforts to increase* ~~assist the division in increasing~~ the positive impact of tourism, including increased employment for state citizens, to all sectors of the economy through effective marketing activities; to ~~assist the division in promoting tourism to~~ continually upgrade the image of Florida as a quality destination; to *promote tourism* ~~advise the division on creating~~ objectives with all geographic, socioeconomic, and community sectors considered equitably; and to judge its efforts by the same standards of accountability and integrity as those used by successful, respected private sector businesses.

(2)(a) The commission shall consist of 17 *general tourism-industry-related* members appointed by the Governor, subject to confirmation by the Senate, *and 11 additional tourism-industry-related members, appointed by the Governor no later than July 31, 1996, including three representatives from the statewide rental car industry, three representatives from tourist-related statewide associations, including those that represent hotels, campgrounds, and attractions, three representatives from county destination marketing organizations, one representative from the cruise industry, and one representative from the airline industry, who will each serve for a term of 2 years, the Governor, and two additional ex officio members, who will serve for a term of 2 years, appointed no later than July 31, 1996, including a member of the Senate appointed by the President of the Senate and a member of the House of Representatives appointed by the Speaker of the House of Representatives.*

(b) When making *the 17 general tourism-industry-related* appointments to the commission, the Governor shall appoint persons who are residents of the state, recognized tourism leaders, including, but not limited to, representatives of tourist development councils, convention and visitor bureaus, and associations, and chairs of the board, presidents, chief executive officers, chief operating officers, or persons of comparable executive level or influence of leading or otherwise important tourism industries. Consideration shall be given to appointing members who represent those *tourist-related lodging* ~~hospitality~~, retail, attraction, and transportation industries which contribute significantly to the promotion of Florida as a tourist destination from their private budgets and publicly through their voluntary tourism promotion investment contributions. Minority persons, as defined in s. 288.703, shall be included in the appointments to the commission and to any advisory committee appointed by the commission, so that the commission and advisory committees are broadly representative of the population of Florida. In addition, members shall be appointed in such a manner as to equitably represent all geographic areas of the state, with no fewer than two and no more than four members from any of the following regions:

1. Region 1, composed of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

2. Region 2, composed of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union Counties.

3. Region 3, composed of Brevard, Indian River, Lake, Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and Volusia Counties.

4. Region 4, composed of Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

5. Region 5, composed of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, and Lee Counties.

6. Region 6, composed of Broward, Dade, Martin, Monroe, and Palm Beach Counties.

No more than one member may be an employee of any one company, organization, council, or bureau.

(c) The *17 general tourism-industry-related* members of the commission shall be appointed no later than 60 days after July 2, 1992.

(d) Initially, *of the 17 general tourism-industry-related members,* the Governor shall appoint seven members for terms of 4 years, five members for terms of 2 years, and five members for terms of 1 year. Thereafter, after receiving recommendations from the Florida Commission on Tourism, the Governor shall appoint all members for terms of 4 years. Any vacancy shall be filled for the unexpired portion of the term by a person possessing the proper qualifications and shall reflect the proper balance of representation described in paragraph (b).

(e) *General tourism-industry-related* members shall be limited to two 4-year full consecutive terms.

(f) The commission shall hold its first meeting no later than September 1992 and must meet at least quarterly. ~~The commission shall elect a chair and a vice chair annually from among its members.~~ A majority of the members shall constitute a quorum for the purpose of conducting business.

(g) The Governor shall serve as chair of the commission. The commission shall biennially elect one of its tourism-industry-related members as vice-chair, who shall preside in the absence of the chair.

(h)~~(g)~~ The commission may appoint advisory committees, representing each of the six regions named in this section, and any other advisory committees the commission deems appropriate, which may include members from outside the commission to study special problems or issues and advise the commission on those subjects. *The commission may also establish an executive committee comprised of 9 members recommended by the vice-chair and appointed by the chair.* The operating procedures of such committees shall be established by the commission.

(i)~~(h)~~ The members of the commission shall *serve without compensation but will* be entitled to per diem and travel expenses pursuant to s. 112.061 while in the performance of their duties.

(j)~~(i)~~ Each member of the commission shall file full and public disclosure of financial interests at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing that provision.

Section 57. Section 288.1224, Florida Statutes, is amended to read:

288.1224 Powers and duties.—The commission:

(1) *Notwithstanding the provisions of part I of chapter 287, upon the approval of the Office of Tourism, Trade, and Economic Development, shall contract, no later than December 31, 1996, with a direct-support*

organization incorporated as a private, not-for-profit corporation, as defined in s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, to execute the tourism marketing and promotion services, functions, and programs for this state including, but not limited to, the activities prescribed by the 4-year marketing plan. The Office of Tourism, Trade, and Economic Development shall review such contract in an expedient manner and shall timely make any recommendations so as to allow for the date of the contract to be met. The commission shall serve as contract administrator. ~~May, subject to the approval of the Secretary of Commerce, hire and establish the salary for an executive director to serve as the chief administrator of the commission's duties, who shall be exempt from the provisions of part II of chapter 110.~~

(2) Shall advise the *Office of Tourism, Trade, and Economic Development and the direct-support organization* ~~Secretary of Commerce and the division~~ regarding the domestic and international tourism promotion programs for this state~~, including, but not limited to, those being administered as of July 1, 1991, authorized by s. 288.121~~.

(3) *Shall be responsible for the prudent use of all public and private funds and shall ensure that the use of such funds is in accordance with all applicable laws, bylaws, and contractual requirements.* ~~Shall develop a program to provide incentives and to attract and recognize those entities which make significant financial and promotional contributions towards the expanded tourism promotion activities of the commission and the division.~~

~~(4) Shall commission and adopt, in cooperation with the division, an official tourism logo to be used in all promotional materials directly produced by the division, contracted by the division, or used in programs co-opted with the division. The commission may recommend a cooperative marketing program with other public and private entities which allows the use of this logo in tourism promotion campaigns which meet the standards of the commission and the division, for which the division may charge a reasonable fee.~~

(4)(a)~~(5)~~ Shall, *no later than* ~~prior to~~ December *31, 1996,* ~~1, 1992,~~ recommend the tenets of a *4-year* ~~5-year~~ marketing plan to sustain tourism growth, which plan shall be annual in construction and ongoing in nature. The initial plan shall use as its model the marketing plan recommended by the Florida Tourism Commission, created pursuant to chapter 91-31, Laws of Florida, and presented to the Legislature. Any annual revisions of such a plan shall carry forward the concepts of the remaining *3-year* ~~4-year~~ portion of that plan and consider a continuum portion to preserve the *4-year* ~~5-year~~ timeframe of the plan. *Such plan shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader no later than January 1, 1997.*

(b) The plan shall include an emergency response component and research designs.

(c) The plan shall include provisions for the direct-support organization to reach the targeted one-to-one match of private to public contributions within a period of 4 calendar years after the implementation date of the plan.

(d) The plan shall include recommendations regarding specific performance standards and measurable outcomes. By July 1, 1997, the Florida Commission on Tourism, in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for the commission and its direct-support organization. The commission, in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop a plan for monitoring its operations to ensure that performance data are maintained and supported by records of the organization.

(e) Prior to the 2000 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of, and prepare a report on, the Florida Commission on Tourism and its direct-support organization. The review shall be comprehensive in its scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. The progress toward achieving the established outcomes.

2. The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.

3. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organization.

The report shall be submitted by January 1, 2000, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(f) Prior to the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct another review of the Florida Commission on Tourism and its direct-support organization, using the criteria prescribed in paragraph (e). The report shall be submitted by January 1, 2003, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

~~(6) May assist the division in carrying out any program of information, special events, and publicity designed to attract tourists, visitors, and other interested persons from in and outside the state.~~

~~(7) May assist the division, as appropriate, in the creation of tourism promotion campaigns for each of the six regions created in s. 288.1223 to represent those regions using, to the extent possible, the experience and expertise of the many components of the tourism industry represented throughout those regions. Such campaigns may be developed and funded on a cooperative basis in accordance with rules adopted by the division pursuant to chapter 120.~~

(5)~~(8)~~ Shall *develop* ~~recommend~~ an operational structure *for implementation* ~~to the Legislature~~ no later than December *31, 1996,* ~~1, 1992,~~ to carry out the marketing plan recommended by the commission pursuant to this section.

~~(9) In the performance of its duties, may make and enter into contracts, with the approval of the Secretary of Commerce, and assume such other functions as are necessary to carry out the provisions of ss. 288.1221-288.1224 that are not inconsistent with this or any other law.~~

~~(10) May request or accept any grant, payment, or gift of funds or property made by this state or by the United States or any department or agency thereof or by any individual, firm, corporation, municipality, county, or organization for any or all of the purposes specified in ss. 288.1221-288.1224. Such funds shall be deposited in the Tourism Promotion Investment Trust Fund. The commission may expend such funds in accordance with the terms and conditions of any such grant, payment, or gift, or in the pursuit of its administration or in support of the programs it recommends to the division.~~

(6)~~(11)~~ May appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government.

(7)~~(12)~~ In the performance of its duties ~~and in cooperation with the division~~, may undertake or commission marketing research and advertising research studies.

(a) The identity of any person who responds to a marketing or advertising research project conducted pursuant to this subsection, and trade secrets, as defined by s. 812.081, obtained pursuant to such research, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(b) Any person who violates the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(13) May recommend to the division rules necessary to carry out the provisions of ss. 288.1221-288.1224.~~

(8)~~(14)~~ Shall consult with tourism industry leaders, appropriate members of the legislative and executive branches, and others the commission deems necessary to identify and recommend to the Legislature by December *31, 1996,* ~~1, 1992,~~ additional funding sources as may be required to fulfill the long-range objectives of the commission's marketing plan.

(9) Shall develop a budget, in conjunction with the Office of Tourism, Trade, and Economic Development, and in keeping with the commis-

sion's 4-year marketing plan, for the operation and activities of the commission and for the provision of tourism promotion programs, services, and functions through a contract with a direct-support organization created for such purposes. The budget shall be submitted to the Governor.

(10) Is authorized to establish and operate tourism offices in foreign countries in the execution of its responsibilities for promoting the development of tourism. To facilitate the performance of these responsibilities, the commission is authorized to contract with the commission's direct-support organization to establish and administer such offices. Where feasible, appropriate, and recommended by the 4-year marketing plan, the commission may collocate the programs of foreign tourism offices in cooperation with any foreign office operated by any agency of this state.

(a) The commission, or its direct support organization, may enter into agreements necessary to establish and operate an office in a foreign country containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by the commission, or its direct-support organization, to meet such obligations shall be subject only to s. 216.311.

(b) The Florida Commission on Tourism, or its direct-support organization, in connection with the establishment, operation, and management of any of its tourism offices located in a foreign country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.111 relating to communications, and from all statutory provisions relating to state employment, if the laws, administrative code, or business practices or customs of the foreign country, or political or administrative subdivision thereof, in which such office is located are in conflict with these provisions.

(11) Shall create an advisory committee of the commission which shall be charged with developing a regionally based plan to protect and promote all of the natural, coastal, historical, cultural and commercial tourism assets of this state.

(a) Members of the advisory committee shall be appointed by the chair of the commission and shall include representatives of the commission, the Departments of Agriculture, Environmental Protection, Community Affairs, Transportation, and State, the Florida Greenways Coordinating Council, the Florida Game and Freshwater Fish Commission, and, as deemed appropriate by the chair of the commission, representatives from other federal, state, regional, local, and private sector associations representing environmental, historical, cultural, recreational, and tourism-related activities.

(b) The advisory committee shall submit its plan to the commission by December 1, 1997.

(c) The commission shall review and make recommendations on the plan, including recommending any legislation considered necessary for implementing the plan, to the Legislature by January 1, 1998.

Section 58. Section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; *duties;* audit.—

(1) DEFINITIONS.—For the purposes of this section, the term~~:~~

~~(a)~~ "corporation" means the Florida Tourism Industry Marketing Corporation.

~~(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.~~

(2) ESTABLISHMENT.—The Florida Commission on Tourism shall establish, *no later than July 31, 1996,* the Florida Tourism Industry Marketing Corporation as a direct-support organization:

(a) Which is a corporation not for profit, *as defined in s. 501(c)(6) of the Internal Revenue Code of 1986, as amended,* that is incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) Which is organized and operated exclusively to request, receive, hold, invest, and administer property and to *manage and* make expenditures *for the operation of the activities, services, functions, and programs of this state which relate to the statewide, national, and international promotion and marketing of tourism* ~~to or for the operation of the Florida Commission on Tourism and tourism promotion~~.

(c) Which the *Florida Commission on Tourism and the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~, after review, *have* ~~has~~ certified *whether it is* ~~to be~~ operating in a manner consistent with the policies and goals of the commission and its long-range marketing plan.

(d) Which shall not be considered an agency for the purposes of chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254, relating to leasing of buildings; ss. 283.33 and 283.35, relating to bids for printing; s. 215.31; and parts I, II, and IV through VIII of chapter 112.

(e) Which shall be subject to the provisions of chapter 119, relating to public meetings, and those provisions of chapter 286 relating to public meetings and records.

(3) USE OF PROPERTY.—The commission:

(a) Is authorized to permit the use of property *and*~~,~~ facilities~~, and personal services~~ of the commission by the corporation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the corporation must comply in order to use property *and*~~,~~ facilities~~, or personal services~~ of the commission. Such conditions shall provide for budget and audit review and for oversight by the *commission* ~~Secretary of Commerce~~.

(c) Shall not permit the use of property *and*~~,~~ facilities~~, or personal services~~ of the *commission* ~~corporation~~ if the corporation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(4) BOARD OF DIRECTORS.—The board of directors of the corporation shall be composed of *28 tourism-industry-related* ~~17~~ members, appointed by the *Florida* Commission *on Tourism* from its own membership. The *vice-chair* ~~chair~~ of the commission shall serve as chair of the *corporation's* board *of directors.*

(5) POWERS AND DUTIES.—The corporation, in the performance of its duties:

(a) May make and enter into contracts and assume such other functions as are necessary to carry out the provisions of the Florida Commission on Tourism's 4-year marketing plan and the corporation's contract with the commission which are not inconsistent with this or any other provision of law.

(b) May develop a program to provide incentives and to attract and recognize those entities which make significant financial and promotional contributions towards the expanded tourism promotion activities of the corporation.

(c) May commission and adopt, in cooperation the commission, an official tourism logo to be used in all promotional materials directly produced by the corporation. The corporation may establish a cooperative marketing program with other public and private entities which allows the use of this logo in tourism promotion campaigns which meet the standards of the commission and the Office of Tourism, Trade, and Economic Development for which the corporation may charge a reasonable fee.

(d) May sue and be sued and appear and defend in all actions and proceedings in its corporate name to the same extent as a natural person.

(e) May adopt, use, and alter a common corporate seal. However, such seal must always contain the words "corporation not for profit."

(f) Shall elect or appoint such officers and agents as its affairs shall require and allow them reasonable compensation.

(g) Shall hire and establish salaries and personnel and employee benefit programs for such permanent and temporary employees as are necessary to carry out the provisions of the Florida Commission on Tour-

ism's 4-year marketing plan and the corporation's contract with the commission which are not inconsistent with this or any other provision of law.

(h) May adopt, change, amend, and repeal bylaws, not inconsistent with law or its articles of incorporation, for the administration of the provisions of the Florida Commission on Tourism's 4-year marketing plan and the corporation's contract with the commission.

(i) May conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this act in any state, territory, district, or possession of the United States or any foreign country. Where feasible, appropriate, and recommended by the 4-year marketing plan developed by the Florida Commission on Tourism, the corporation may collocate the programs of foreign tourism offices in cooperation with any foreign office operated by any agency of this state.

(j) May appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government.

(k) May request or accept any grant, payment, or gift, of funds or property made by this state or by the United States or any department or agency thereof or by any individual, firm, corporation, municipality, county, or organization for any or all of the purposes of the Florida Commission on Tourism's 4-year marketing plan and the corporation's contract with the commission that are not inconsistent with this or any other provision of law. Such funds shall be deposited in a bank account established by the corporation's board of directors. The corporation may expend such funds in accordance with the terms and conditions of any such grant, payment, or gift, in the pursuit of its administration or in support of the programs it administers. The corporation shall separately account for the public funds and the private funds deposited into the corporation's bank account.

(l) Shall establish a plan for participation in the corporation which will provide additional funding for the administration and duties of the corporation.

(m) In the performance of its duties, may undertake, or contract for, marketing projects and advertising research projects.

(n) In addition to any indemnification available under chapter 617, the corporation may indemnify, and purchase and maintain insurance on behalf of, directors, officers, and employees of the corporation against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

(6)~~(5)~~ ANNUAL AUDIT.—The corporation shall make provision for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant. The annual audit report shall be due *prior to* December 1 of each year, shall include a management letter, and shall be submitted to the Auditor General, *the Office of Policy Analysis and Government Accountability,* and the *Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~ for review. The *Office of Program Policy Analysis and Government Accountability, the Office of Tourism, Trade, and Economic Development,* ~~Secretary of Commerce~~ and the Auditor General have the authority to require and receive from the corporation or from its independent auditor any detail or supplemental data relative to the operation of the corporation. *The Office of Tourism, Trade, and Economic Development shall annually certify whether the corporation is operating in a manner and achieving the objectives that are consistent with the policies and goals of the commission and its long-range marketing plan.* The identity of a donor or prospective donor to the corporation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(7) The corporation shall provide a quarterly report to the commission which shall:

(a) Measure the current vitality of the visitor industry of this state as compared to the vitality of such industry for the year to date and for comparable quarters of past years. Indicators of vitality shall be determined by the commission and shall include, but not be limited to, estimated visitor count and party size, length of stay, average expenditure per party, and visitor origin and destination.

(b) Provide detailed, unaudited financial statements of sources and uses of public and private funds.

(c) Measure progress towards annual goals and objectives set forth in the commissions 4-year marketing plan.

(d) Review all pertinent research findings.

(e) Provide other measures of accountability as requested by the commission.

Section 59. Section 288.1227, Florida Statutes, is created to read:

288.1227 Annual report of the Florida Commission on Tourism; audits.—

(1) Prior to December 1 of each year, the Florida Commission on Tourism shall submit to the Governor, the director of the Office of Tourism, Trade, and Economic Development, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth for itself and its direct-support organization:

(a) Its operations and accomplishments during the fiscal year.

(b) Its business and operational plan and its tourism-marketing plan, including recommendations on methods for implementing and funding the tourism-marketing plan.

(c) The assets and liabilities of the direct-support organization at the end of its most recent fiscal year.

(d) A copy of the annual financial and compliance audit conducted under s. 288.1226(6).

(2) The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the commission or its direct-support organization.

Section 60. Section 288.1228, Florida Statutes, is created to read:

288.1228 Promotion and development of entertainment industries; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, to assist the office in the promotion and development of the motion picture, television, video, recording, and related entertainment industries.

(2) To be authorized as a direct-support organization, an organization must:

(a) Be incorporated as a corporation not for profit pursuant to chapter 617.

(b) Be governed by a board of directors, which must consist of the following members:

1. An ex officio nonvoting member of the Senate who shall be appointed by the President of the Senate and serve at the pleasure of the President;

2. An ex officio nonvoting member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker; and

3. Twelve members appointed by the Governor.

(c) Have as its purpose, as stated in its articles of incorporation, to receive, hold, invest, and administer property, to raise funds and receive gifts, and to promote and develop Florida's motion picture, television, video, recording, and related entertainment industries.

(d) Function as a body from which the Office of Tourism, Trade, and Economic Development may obtain differing views as to what actions or proposals are needed throughout the state regarding development of the motion picture, television, video, recording, and related entertainment industries.

(e) Have a prior determination by the Office of Tourism, Trade, and Economic Development that the organization will benefit the office and act in the best interests of the state as a direct-support organization to the office.

(3)(a) Members appointed by the Governor must be highly knowledgeable of, or active in, the motion picture, television, video, recording, or entertainment industry.

(b) Members appointed by the Governor shall be appointed for terms of 4 years, except that in making the initial appointments the Governor shall appoint two members for terms of 1 year, three members for terms of 2 years, three members for terms of 3 years, and four members for terms of 4 years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

(c) In making appointments to the board of directors, the Governor shall endeavor to ensure proportional geographic representation and shall also endeavor to ensure inclusion of a broad range of individuals representing small, medium, and large business as well as freelance or self-employed industry workers.

(d) A vacancy on the board of directors shall be filled for the remainder of the unexpired term.

(e) The Governor's initial appointments to the board of directors shall be made from a list of nominees submitted by the nominating council created pursuant to this section. Thereafter, such appointments shall be made by the Governor from a list of nominees submitted by the remaining members of the board of directors.

(f) Absence from three consecutive meetings shall result in automatic removal from the board.

(4)(a) There is created a nominating council for the purpose of providing the Governor with a list of nominees for initial appointment to the board of directors of the direct-support organization created pursuant to this section. The nominating council shall consist of one member each from the Florida Motion Picture and Television Association, the Independent Feature Project/South, the Florida Film Commissioners Association, the Screen Actors Guild, the Association of Independent Commercial Producers, the International Alliance of Theatrical and Stage Employees, the Florida Film Producers Association, the Professional Actors Association of Florida, the Directors Guild of America, the Black Filmmakers Group, the Women of the Motion Picture Industry-South Florida, Women in Film-Central Florida, the International Television Association, the American Federation of Television and Radio Artists, the National Arts and Entertainment Association, Model Agent Production Photography Association, and the American Women in Radio and Television for a total of 17 members.

(b) Each member of the nominating council shall nominate not less than three persons for the positions on the board of directors. Nominations of the council shall be nonpartisan. The nominees and appointments must represent a balance in representation from all entertainment businesses and organizations, including organizations other than those represented on the nominating council. The importance of minority representation shall be considered when making nominations for the board of directors.

(c) The Governor shall appoint no more than two members nominated by any single member of the nominating council and no more than five members from individuals who have submitted applications for appointment directly through the Executive Office of the Governor. The Governor shall have the authority to reject the group of nominees submitted by any member of the nominating council.

(d) The Governor shall select and appoint 12 members to the board of directors within 30 days after receipt of the nominations from the nominating council and from individuals who have submitted applications for appointment directly through the Executive Office of the Governor.

(5) The Office of Tourism, Trade, and Economic Development may contract with the organization and shall include in the contract that:

(a) The office must review and approve the organization's articles of incorporation and bylaws.

(b) The organization shall submit an annual budget proposal to the office, on a form prescribed by the office, in accordance with office procedures for filing budget proposals based upon the recommendation of the office.

(c) Any funds that the organization holds in trust shall revert to the state upon the expiration or cancellation of the contract.

(d) The organization is subject to an annual financial and performance review by the office to determine whether the organization is complying with the terms of the contract and whether it is acting in a manner consistent with the goals of the office and in the best interests of the state.

(e) The fiscal year of the organization will begin July 1 of each year and end June 30 of the next ensuing year.

(f) The offices or headquarters of the direct-support organization shall not be located on any property or space which is within the premises of the studio lot of any entity related to the industry to be promoted by the direct-support organization.

(6) The Office of Tourism, Trade, and Economic Development may allow the organization to use the property, facilities, personnel, and services of the office if the organization provides equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, subject to the approval of the director of the office.

(7) The organization shall provide an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant pursuant to rules established by the Auditor General. The auditor shall submit the audit report to the director of the office for review and approval. When the audit report is approved, the office shall certify the audit report to the Auditor General for review.

(8)(a) The board of directors shall appoint an executive director, after a nationwide search, to serve at the pleasure of the board as the chief administrator of the corporation's duties. This search shall commence immediately upon the incorporation of the direct-support organization and proceed in an expeditious manner. The executive director shall be exempt from the provisions of part II of chapter 110, and the board of directors shall set the salary for the executive director.

(b) The executive director shall:

1. Have an established reputation with a variety of individuals representing large and small entertainment-related businesses, industry associations, and local community entertainment industry liaisons.

2. Have a working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the direct-support organization.

3. Have marketing and promotion experience related to the motion picture, television, and recording industries.

(9) The Office of Tourism, Trade, and Economic Development must adopt rules in accordance with the provisions of chapter 120, providing for the organizational structure and procedure of the direct-support organization.

(10) Any state funds received by the direct-support organization, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, must be appropriated to the Office of Tourism, Trade, and Economic Development as a line item in the General Appropriations Act, with specific direction that the funds may be contracted to a direct-support organization or to a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries.

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

Section 61. Section 288.1229, Florida Statutes, is created to read:

288.1229 Promotion and development of sports-related industries; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in the promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(2) To be authorized as a direct-support organization, an organization must:

(a) Be incorporated as a corporation not for profit pursuant to chapter 617.

(b) Be governed by a board of directors, which must consist of 15 members appointed by the Governor and up to 15 members appointed by the existing board of directors. In making appointments, the board must consider a potential member's background in community service and sports activism in, and financial support of, the sports industry. Members must be residents of the state and highly knowledgeable about or active in professional sports. The board must contain representatives of all geographical regions of the state and must represent ethnic and gender diversity. The terms of office of the members shall be 4 years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

(c) Have as its purpose, as stated in its articles of incorporation, to receive, hold, invest, and administer property, to raise funds and receive gifts, and to promote and develop the sports industry and related industries for the purpose of increasing the economic presence of these industries in Florida.

(d) Have a prior determination by the Office of Tourism, Trade, and Economic Development that the organization will benefit the office and act in the best interests of the state as a direct-support organization to the office.

(3) The Office of Tourism, Trade, and Economic Development shall contract with the organization and shall include in the contract that:

(a) The office may review the organization's articles of incorporation.

(b) The organization shall submit an annual budget proposal to the office, on a form provided by the office, in accordance with office procedures for filing budget proposals based upon the recommendation of the office.

(c) Any funds that the organization holds in trust will revert to the state upon the expiration or cancellation of the contract.

(d) The organization is subject to an annual financial and performance review by the office to determine whether the organization is complying with the terms of the contract and whether it is acting in a manner consistent with the goals of the office and in the best interests of the state.

(e) The fiscal year of the organization will begin July 1 of each year and end June 30 of the next ensuing year.

(4) The Office of Tourism, Trade, and Economic Development may allow the organization to use the property, facilities, personnel, and services of the office if the organization provides equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, subject to the approval of the director of the office.

(5) The organization shall provide an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant pursuant to rules established by the Office of Tourism, Trade, and Economic Development. The auditor shall submit the audit report to the director of the office for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

(6) The organization is not granted any taxing power.

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

Section 62. Section 288.124, Florida Statutes, is amended to read:

288.124 Convention grants program.—The *Commission on* ~~Division of~~ Tourism is authorized to establish a convention grants program and, pursuant thereto, to *recommend to the Office of Tourism, Trade, and Economic Development* ~~make~~ expenditures and ~~enter into~~ contracts with local governments and nonprofit corporations or organizations for the purpose of attracting national conferences and conventions to Florida. Preference *shall be given to local governments and nonprofit corporations or organizations seeking to attract minority conventions to Florida. Minority conventions are events that primarily involve* ~~in the award of such grants shall be given to groups representing~~ minority persons, as defined in s. 288.703*, who are residents or nonresidents of the state.* The *commission* ~~division~~ shall *establish guidelines* ~~promulgate rules pursuant to chapter 120~~ governing the award of grants and the administration of this program. *The Office of Tourism, Trade, and Economic Development has final approval authority for any grants under this section. The total annual allocation of funds for this program shall not exceed $40,000.*

Section 63. Section 288.7011, Florida Statutes, is created to read:

288.7011 Assistance to certified development corporation.—The Office of Tourism, Trade, and Economic Development is authorized to enter into contracts to provide assistance to a nonprofit, statewide development corporation certified pursuant to s. 503 of the Small Business Investment Act of 1958, as amended, in the form of administrative and technical staff assistance and support, including, without limitation, assistance to the development corporation in the packaging and servicing of loans for the purpose of stimulating and expanding the availability of private equity capital and long-term loans to small businesses. Any contract between the office and such corporation shall provide that the corporation must reimburse, to the extent possible, the office for expenses resulting from the provision of administrative and technical staff assistance and support and that such assistance and support will cease when the corporation has attained a revenue-generating capacity sufficient to defray on its own the expense for such assistance and support. Any contract between the office and such corporation shall specify that the records of the corporation must be available for audit by the office and by the Auditor General to verify the extent of the ability of the corporation to reimburse the office for, or to defray entirely, the expense of such administrative and technical staff assistance and support.

Section 64. Subsections (3) and (5) of section 288.703, Florida Statutes, are amended and subsection (8) is added to that section to read:

288.703 Definitions.—As used in this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent:

(3) "Minority person" means a lawful, permanent resident of Florida who is:

(a) An African-American, a person having origins in any of the racial groups of the African Diaspora.

(b) A Hispanic-American, a person of Spanish or Portuguese culture with origins in *Spain, Portugal,* Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian-American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.

(d) A Native American, a person who has origins in any of the Indian Tribes of North America prior to 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services.

(e) An American woman.

(5) *"Department" means the Department of Labor and Employment Security.* ~~"Commission" means the Commission on Minority Economic and Business Development.~~

(8) "Secretary" means the Secretary of the Department of Labor and Employment Security.

Section 65. Section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System, a Type I center of the State University System funded as provided in Pub. L. No. 96-302, as amended, with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall coordinate with Minority Business Development Centers to compile and distribute such information to Florida small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to the Department of *Labor and Employment Security* ~~Commerce and the Commission on Minority Economic and Business Development~~ on utilization of the statewide contracts register. Such report shall include, but not be limited to, information relating to:

(1) The total number of solicitations received from state agencies during the calendar year.

(2) The number of solicitations received from each state agency during the calendar year.

(3) The method of distributing solicitation information to those businesses requesting such service.

(4) The total number of businesses using the service.

(5) The percentage of businesses using the service which are owned and controlled by minorities.

Section 66. Subsection (3) of section 288.707, Florida Statutes, is amended to read:

288.707 Florida Black Business Investment Board.—

(3) There is hereby created within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ a body politic and corporate to be known as the Florida Black Business Investment Board, hereinafter referred to as the "board." The board is hereby constituted a public instrumentality and the exercise by the board of the powers conferred by ss. 9-21, chapter 85-104, Laws of Florida, shall be deemed to be the performance of an essential governmental function.

(a) The board shall consist of seven members appointed by the Governor subject to confirmation by the Senate, six of whom shall be experienced in investment finance and business development, *one of whom must be a member of a Black Business Investment Corporation*. The chair of the Florida Development Finance Corporation, created pursuant to s. 288.9604, shall be an ex officio member of the board.

(b) Members appointed by the Governor shall serve terms of 4 years, except that in making the initial appointments, the Governor shall appoint one member to serve for a term of 1 year, two members to serve for terms of 2 years, two members to serve for terms of 3 years, and two members to serve for terms of 4 years.

(c) Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment.

(d) The Governor shall appoint the chairperson who shall be a member of the board. The board shall annually elect one of its members as vice chairperson and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all books, documents, and papers filed with the board, of the minute books of the board, and of its official seal. A majority of the members of the board shall constitute a quorum.

(e) Members of the board shall serve without compensation, but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(f) Each member of the board shall file full and public disclosure of financial interests at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.

Section 67. Section 288.7091, Florida Statutes, is amended to read:

288.7091 Duties of the Florida Black Business Investment Board.—The Florida Black Business Investment Board shall:

(1) Establish certification criteria for black business investment corporations. Certification criteria shall include administrative capacity, fiduciary controls, and~~, in the case of existing black business investment corporations,~~ solvency and soundness of prior loan decisions;

(2) Develop a memorandum of understanding with Enterprise Florida, *Inc.*, that outlines a strategy for collaboration with the *programs and boards of Enterprise Florida, Inc.* ~~Capital, Innovation, and Jobs and Education partnerships~~;

(3) Include in the criteria for loan decisions, occupational forecasting results set forth in s. 216.136(10) which target high growth jobs;

(4) Establish, in communities that are not currently served by an existing black business investment corporation, memoranda of understanding with local financial institutions that will provide loan guarantees for loans to black business enterprises;

(5) Develop memoranda of understanding with the Departments of Labor and Employment Security, Education, Transportation, *and* Management Services, ~~and Commerce,~~ as well as the State Board of Regents, detailing efforts of common interest and collaborations to expand black business development;

(6) Intensify efforts to increase the number of the black business enterprises in construction and construction-related projects, focusing on federal, state, and local government financed construction projects; and

(7) Annually, prepare a report detailing the performance of each black business investment corporation, addressing the number of jobs created and/or retained, success and failure rates among loan recipients, and the amount of funds leveraged from other sources.

Section 68. Section 288.7095, Florida Statutes, is created to read:

288.7095 Duties of the black business investment corporations.—The black business investment corporations shall coordinate with Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development to avoid duplication and to develop local business and the necessary infrastructure to support it.

Section 69. Section 288.7096, Florida Statutes, is created to read:

288.7096 Black Business Investment Corporations Advisory Council; creation and duties; Office of Tourism, Trade, and Economic Development oversight.—

(1) There is created the Black Business Investment Corporations Advisory Council to be administratively housed in the Office of Tourism, Trade, and Economic Development. The council shall have the purpose and power to advise, coordinate with, and report to the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., regarding any matter relating to any subsidiary of a financial institution or any consortium of financial institutions investing in, or lending to, black business enterprises.

(2) The council shall consist of the presidents of the Florida Black Business Investment Corporations throughout the state.

(a) The council shall annually elect a chair and a vice chair from among its members and shall designate a secretary-treasurer, who need not be a member of the council.

(b) The council shall meet at the call of its chairperson, at the request of a majority of its membership, at the request of the director of the Office of Tourism, Trade, and Economic Development, or at the request of the president of Enterprise Florida, Inc., but at least twice each year.

(c) A majority of the members shall constitute a quorum, and the affirmative vote of a majority of a quorum is necessary to take official action.

(d) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(e) A member shall automatically resign his or her position on the council upon vacating his or her position as president of a black business investment corporation.

(3) Notwithstanding the provisions of s. 288.7091, the Office of Tourism, Trade, and Economic Development shall have oversight responsibility for black business investment corporations, including, but not limited to, responsibilities relating to the review, rights, and public assets of such corporations. Legislative appropriations intended for use by black business investment corporations for the public purpose of supporting black business enterprises in this state shall be distributed by the Office of Tourism, Trade, and Economic Development pursuant to contracts entered into by the office with each corporation.

Section 70. Section 288.714, Florida Statutes, is amended to read:

288.714 Annual report.—By March 31 of each year the board shall submit to the Governor, the President of the Senate, ~~and~~ the Speaker of the House of Representatives, *and the Secretary of the Department of Labor and Employment Security* a complete and detailed report setting forth:

(1) Operations and accomplishments of the board;

(2) The number of black business enterprises which participated during the past year in programs established or administered by the board;

(3) The number of black business enterprises receiving assistance from the board and the manner in which the assistance was received;

(4) The status of black business enterprises which participated in programs established or administered by the board;

(5) The total number of jobs represented by black business enterprises participating in programs established or administered by the board;

(6) Receipts and expenditures of the board during its most recent fiscal year in accordance with the categories or classifications established by the board for its operating and capital accounts;

(7) Assets and liabilities of the board at the end of its most recent fiscal year and the status of its trust funds; and

(8) A schedule of local bonds outstanding authorized by the board and capital participation instruments issued by the board for the year and the total to date.

Section 71. Section 288.803, Florida Statutes, as amended by section 879 of chapter 95-148, Laws of Florida, is repealed effective December 31, 1996.

Section 72. Section 288.772, Florida Statutes, is amended to read:

288.772 Definitions.—For purposes of *ss. 288.771-288.778* ~~ss. 288.771-288.779~~:

(1) "Account" means the Florida Export Finance Corporation account in the Florida *Intergovernmental Relations* ~~International Affairs~~ Foundation, Inc.

(2) "Board" means the board of directors of the *Enterprise Florida International Trade and Economic Development Board or persons designated by Enterprise Florida, Inc., to oversee the operations of the corporation* ~~Florida Export Finance Corporation~~.

~~(3) "Commission" means the Florida International Affairs Commission as defined in s. 288.803.~~

(3)~~(4)~~ "Corporation" means the Florida Export Finance Corporation.

~~(5) "Council" means the Florida International Banking and Finance Council as defined in s. 288.819.~~

~~(6) "Department" means the Department of Commerce.~~

(4)~~(7)~~ "Domiciled in this state" means registered to do business in this state.

~~(8) "Executive director" means the chief executive officer of the Florida International Affairs Commission as defined in s. 288.803(2).~~

(5)~~(9)~~ "Financial institution" shall have the same meaning as that term is defined in s. 655.005(1)(h).

(6)~~(10)~~ "President" means the chief executive officer of the Florida Export Finance Corporation.

(7)~~(11)~~ "Small and medium-sized businesses" or "businesses" means businesses domiciled in this state which employ less than 250 people and have a net worth of less than $6 million.

Section 73. Subsections (1) and (5) of section 288.773, Florida Statutes, are amended to read:

288.773 Florida Export Finance Corporation.—The Florida Export Finance Corporation is hereby created as a corporation not for profit, to be incorporated under the provisions of chapter 617 and approved by the Department of State. The corporation is organized on a nonstock basis. The purpose of the corporation is to expand employment and income opportunities for residents of this state through increased exports of goods and services, by providing businesses domiciled in this state information and technical assistance on export opportunities, exporting techniques, and financial assistance through guarantees and direct loan originations for sale in support of export transactions. The corporation shall have the power and authority to carry out the following functions:

(1) To coordinate the efforts of the corporation with programs and goals of the United States Export-Import Bank, the International Trade Administration of the United States Department of Commerce, the Foreign Credit Insurance Association, *Enterprise Florida, Inc., and its boards,* ~~the Department of Commerce, the Florida International Affairs Commission and its related councils,~~ and other private and public programs and organizations, domestic and foreign, designed to provide export assistance and export-related financing.

(5) To insure, coinsure, lend, and guarantee loans, and to originate for sale direct export-related loans, extended to small and medium-sized businesses in this state pursuant to criteria, bylaws, rules, and policies adopted by the board ~~and approved by the commission~~.

Section 74. Subsection (3) of section 288.774, Florida Statutes, is amended to read:

288.774 Powers and limitations.—

(3)*(a)* The board shall adopt rules on the terms and limits for loans, guarantees, and direct loan originations, but a loan guarantee or a direct loan origination shall not exceed 90 percent of the transaction contract.

(b) In providing assistance, the board shall be guided by the statewide economic development plan adopted pursuant to s. 288.905.

(c) The board shall explore the possibility of organizing Florida financial institutions and international bank syndicates for the purpose of offering nonrecourse postexport financing to Florida exporters.

Section 75. Subsection (1) of section 288.775, Florida Statutes, is amended to read:

288.775 Florida Export Finance Corporation Account.—

(1) The Florida *Intergovernmental Relations* ~~International Affairs~~ Foundation, Inc., as established in s. 288.809, shall create the Florida Export Finance Corporation Account for the purpose of receiving state, federal, and private financial resources, and the return from investments of those resources, and for the purposes of this part. The account shall be under the exclusive control of the board ~~of the corporation~~.

Section 76. Section 288.776, Florida Statutes, is amended to read:

288.776 Board of directors*; powers and duties*.—

~~(1)(a) The corporation shall have a board of directors consisting of 15 members representing all regions of the state. The commission shall appoint 10 members of the board. The importance of minority and gender representation shall be considered when making appointments to the board. The board membership must include:~~

~~1. One member from each of the six regions established in s. 288.803.~~

~~2. A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.~~

~~3. The following persons or their designees: the Secretary of Commerce, the Comptroller, the Executive Director of the Florida International Affairs Commission, a senior official of the United States Department of Commerce, and the chair of the Black Business Investment Board.~~

~~(b) Appointees who are not state or Federal Government officials shall serve for a period of 3 years and shall be eligible for reappointment on the recommendation of the commission. Nonstate and nonfederal official vacancies on the board shall be filled by the commission within 30 days after the effective date of the vacancy.~~

~~(c) The articles of incorporation shall reflect the provisions of this subsection and subsection (2).~~

~~(2) The board shall commence formal action pursuant to this part within 90 days after the establishment of the corporation.~~

~~(3) Board members shall serve without compensation but may be reimbursed for all necessary expenses in the performance of their duties, including attending board meetings and conducting board business.~~

~~(4)~~ The board shall:

~~(a) Elect a chair and vice chair from among its members. The chair shall preside at meetings of the board. In the absence of the chair, the vice chair shall preside at meetings of the board. The board shall have a quorum of nine.~~

(1)~~(b)~~ Prior to the expenditure of funds from the export finance account, adopt bylaws, rules, and policies which are necessary to carry out the responsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans by the corporation to support export transactions. The corporation's bylaws, rules, and policies shall be reviewed and approved by *Enterprise Florida, Inc.,* ~~the commission~~ prior to final adoption by the board.

(2)~~(c)~~ Hold regularly scheduled meetings, at least quarterly, in order to carry out the objectives and responsibilities of the board.

(3)~~(d)~~ Issue an annual report *to Enterprise Florida, Inc.,* ~~no later than March 31 of each calendar year for the preceding calendar year or part thereof,~~ on the activities of the corporation, including an evaluation of activities and recommendations for change. The evaluation shall include the corporation's impact on the following:

(a)~~1.~~ Participation of private banks and other private organizations and individuals in the corporation's export financing programs.

(b)~~2.~~ Access of small and medium-sized businesses in this state to federal export financing programs.

(c)~~3.~~ Export volume of the small and medium-sized businesses in this state accessing the corporation's programs.

(d)~~4.~~ Other economic and social benefits to international programs in this state.

~~The report must include statistics to indicate: the number of businesses which succeeded in independently obtaining export financing following program assistance; the number of businesses which had already completed export transactions before receiving program assistance; the level of businesses' export activity before program assistance; and the current operational status of the businesses. A copy of the report shall be sent to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Comptroller, the Treasurer, and the Secretary of Commerce.~~

(4)~~(e)~~ Adopt policies, including criteria, establishing which exporters and export transactions shall be eligible for insurance, coinsurance, loan guarantees, and direct, guaranteed, or collateralized loans which may be extended by the corporation. Pursuant to this subsection, the board shall adopt rules to include the following criteria:

(a)~~1.~~ Any individual signing any corporation loan application and loan or guarantee agreement shall have an equity in the business applying for financial assistance.

(b)~~2.~~ Each program shall exclusively support the export of goods and services by small and medium-sized businesses which are domiciled in this state. Priority shall be given to goods which have value added in this state.

(c)~~3.~~ Financial assistance shall only be extended when at least one of the following circumstances exists:

1.~~a.~~ The assistance is required to secure the participation of small and medium-sized export businesses in federal, state, or private financing programs.

2.~~b.~~ No conventional source of lender support is available for the business from public or private financing sources.

Personal financial records, trade secrets, or proprietary information of applicants shall be confidential and exempt from the provisions of s. 119.07(1). ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(5)~~(f)~~ Adopt requirements to ensure the full repayment of loans and loan guarantees, plus accrued interest, full-recourse claims, and indemnities on direct loan originations sold by the corporation, and the solvency of any insurance and coinsurance program extended under this part.

(6)~~(g)~~ Approve any extension of insurance, coinsurance, loans, loan guarantees, or direct loan originations for sale, under this part.

(7)~~(h)~~ Consult with *Enterprise Florida, Inc., and its boards* ~~the department~~, or any ~~other~~ state or federal agency, to ensure that the respective loan guarantee or working capital loan origination programs are not duplicative and that each program makes full use of, to the extent practicable, the resources of the other.

(8)~~(i)~~ Work to secure a delegated line of authority from the United States Export-Import Bank or other appropriate federal or state agency or private sector entity in order to take advantage of this possible funding or guarantee source.

(9)~~(j)~~ Develop a streamlined application and review process, including a survey of businesses to obtain the statistics required in *subsection (3)* ~~paragraph (d)~~.

Section 77. Subsection (1) of section 288.777, Florida Statutes, is amended to read:

288.777 President of the corporation.—

(1) The *board of directors of Enterprise Florida, Inc.,* ~~commission~~ shall appoint a president of the Florida Export Finance Corporation from a list of nominees submitted by the board. The president shall be knowledgeable about private and public export assistance and export financing programs.

Section 78. Section 288.7771, Florida Statutes, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.—By December 1 of each year, the corporation shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

(1) The evaluation required in s. 288.7772(1).

(2) The report required in *s. 288.776(3)* ~~s. 288.776(4)(d)~~.

(3) Its assets and liabilities at the end of its most recent fiscal year.

Section 79. Section 288.809, Florida Statutes, is amended to read:

288.809 Florida *Intergovernmental Relations* ~~International Affairs~~ Foundation; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "Florida *Intergovernmental Relations* ~~International Affairs~~ Foundation" means a direct-support organization:

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Which is organized and operated exclusively to solicit, receive, hold, invest, and administer property and, subject to the approval of the *Department of State* ~~Florida International Affairs Commission~~, to make expenditures to or for the promotion of *intergovernmental relations* ~~international affairs trade and international education~~ programs; and

3. Which the *Department of State* ~~commission~~, after review, has certified to be operating in a manner consistent with the policies and goals of the *department* ~~commission's strategic plan~~.

(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.

(2) USE OF PROPERTY.—The *department* ~~commission~~:

(a) Is authorized to permit the use of property, facilities, and personal services of the *department* ~~commission~~ by the foundation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the foundation must comply in order to use property, facilities, or personal services of the *department* ~~commission~~. Such conditions shall provide for budget and audit review and for oversight by the *department* ~~commission~~.

(c) Shall not permit the use of property, facilities, or personal services of the foundation if the foundation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(3) BOARD OF DIRECTORS.—The board of directors of the foundation shall be composed of seven members~~, including six~~ appointed by the *Secretary of State* ~~commission from its own membership~~, of whom no more than three shall be employees or elected officials of the state. ~~The executive director of the commission shall serve as chair of the board.~~

(4) ANNUAL AUDIT.—The foundation shall make provision for an annual postaudit of its financial accounts to be conducted by an independent, certified public accountant. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the *department* ~~commission~~ for review. The *department* ~~commission~~ and the Auditor General have the authority to require and receive from the foundation or from its independent auditor any detail or supplemental data relative to the operation of the foundation. The identity of a donor or prospective donor to the foundation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 80. Section 288.8155, Florida Statutes, is amended to read:

288.8155 International Trade Data Resource and Research Center.—*Enterprise Florida, Inc.,* ~~The Department of Commerce, the Florida International Affairs Commission,~~ and the Florida Seaport Transportation and Economic Development Council *may* ~~shall~~ establish a comprehensive trade data resource and research center to be known as the "International Trade Data Resource and Research Center." The center may join with other public sector or private sector entities, domestic or foreign, to accomplish its purposes.

(1) *Enterprise Florida, Inc.,* ~~The department, commission,~~ and *the* council shall prepare an operational plan for the management and establishment of the International Trade Data Resource and Research Center ~~within 90 days after the effective date of this act~~. The operational plan shall contain a pro forma budget that includes, but is not limited to, the acquisition of equipment, data, personnel, and other related services.

(2) *Enterprise Florida, Inc.,* ~~The department~~ shall contract with the center for the purpose of developing a trade information system that may include, but is not limited to, timely import and export information; trade opportunities; intermodal transportation information that measures cargo flow by transportation mode; commodity trends; trade activity between Florida and specific countries; and other information as determined by *Enterprise Florida, Inc.,* ~~the department, commission,~~ and *the* council. ~~Any such contract shall be approved by the department, commission, and council.~~ In addition, this agreement may:

(a) Provide the budget and cost for operating the center.

(b) Provide that *Enterprise Florida, Inc.,* ~~the department~~ will assist in providing research on trade opportunities in specific countries; that *Enterprise Florida, Inc.,* ~~the department~~ will have complete access to all information produced by the center; that *Enterprise Florida, Inc.,* ~~the department~~ and *the* ~~its~~ foreign offices *of the state* may provide a computer linkup with the center; that *Enterprise Florida, Inc.,* ~~the department~~ and the center will develop a plan that provides for the sale, promotion, and packaging of information provided by the center to both Florida and non-Florida businesses; that the center will set fees to be charged for trade data information or research developed by the center; and that fees may be paid by cash, credit card, or electronic transfer.

~~(c) Provide that, if any contract causes the department to provide services or make expenditures that are not funded in the department's appropriated budget, the center shall fund the cost of such services or expenditures.~~

(c)~~(d)~~ Provide any other terms and conditions required to effect the intent of the Legislature to ensure the general availability of trade data and research to Florida users and to promote the development of a center for the purposes enumerated in this section.

Section 81. Section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(1) The *Secretary of State* ~~Office of the Executive Director~~ shall be responsible for consular operations and the sister city and sister state program and shall serve as liaison with foreign, federal, and other state international organizations and with county and municipal governments in Florida.

(2) The *secretary* ~~office~~ shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The *secretary* ~~office~~ shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The *secretary* ~~office~~ shall promulgate rules which shall:

(a) Establish a viable system of registration for foreign government officials residing or having jurisdiction in the state. Emphasis shall be placed on maintaining active communication between the *secretary* ~~office~~ and the United States Department of State in order to be currently informed regarding foreign governmental personnel stationed in, or with official responsibilities for, Florida. Active dialogue shall also be maintained with foreign countries which historically have had dealings with Florida in order to keep them informed of the proper procedure for registering with the state.

(b) Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates.

(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.

(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.

(e) Verify entitlement to issuance of special motor vehicle license plates by the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.

(f) Establish a system of communication to provide all state and local enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen. Such agencies shall be informed that when such arrest or incarceration occurs, the agency must notify the *secretary* ~~office~~, *who* ~~which~~ in turn shall notify the appropriate foreign governmental official.

(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 281.20.

(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.

(i) Notify all newly arrived foreign governmental officials of the services offered by the *secretary* ~~office~~.

(3) The *Secretary of State* ~~Office of the Executive Director~~ shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the *secretary* ~~office~~ shall have the power and authority to:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.

(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.

(4) The *Secretary of State* ~~Office of the Executive Director~~ shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. *All inquiries received regarding international economic trade development or reverse investment opportunities shall be referred to Enterprise Florida, Inc.* In addition, *the secretary* ~~this office~~ shall serve as liaison with other states with respect to ~~any~~ international programs of interest to Florida. The *secretary* ~~office~~ shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) The *Secretary of State* ~~Office of the Executive Director~~ shall have the power and duty to encourage the relocation to Florida of consular offices *and*~~,~~ multilateral and international agencies and organizations~~, and international business associations~~.

(6) The Secretary of State, through membership on the board of directors of Enterprise Florida, Inc., shall help to contribute an international perspective to the state's development efforts.

Section 82. Subsections (1), (2), (3), (5), (7), (8), and (9) of section 288.8175, Florida Statutes, are amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(1) There are created, within the *Department of Education* ~~Florida International Affairs Commission~~, Florida linkage institutes. A primary purpose of these institutes is to assist in the development of stronger economic and social ties between this state and strategic foreign countries through the promotion of expanded public and private dialogue on cooperative research and technical assistance activities, increased bilateral commerce, student and faculty exchange, cultural exchange, and the enhancement of language training skills between the postsecondary institutions in this state and those of selected foreign countries. Each institute must ensure that minority students are afforded an equal opportunity to participate in the exchange programs.

(2) Each institute must be governed by an agreement, approved by the *Department of Education* ~~Florida International Affairs Commission~~, between the State University System and the Community College System with the counterpart organization of higher education in the foreign country. Each institute must report to the *department* ~~Florida International Affairs Commission~~ regarding its program activities, expenditures, and policies.

(3) Each institute must be co-administered in this state by a university-community college partnership, as designated in subsection (4), and must have a private sector and public sector advisory committee. The advisory committee must be representative of the international education and commercial interests of the state and may have members who are native to the foreign country partner. Six members must be appointed by the *Department of Education* ~~Florida International Affairs Commission and the Secretary of Commerce~~. *The department* ~~Both the commission and the Secretary of Commerce~~ must appoint at least one member who is an international educator. The presidents, or their designees, of the participating university and community college must also serve on the advisory committee. ~~All appointments to the advisory committees must be ratified by the Florida International Affairs Commission.~~

(5) Each institute is allowed to exempt from s. 240.1201 up to 25 full-time equivalent students per year from the respective host countries to study in any of the state universities or community colleges in this state as resident students for tuition purposes. The institute directors shall develop criteria, to be approved by the *Department of Education* ~~commission~~, for the selection of these students. Students must return home within 3 years after their tenure of graduate or undergraduate study for a length of time equal to their exemption period.

(7) No later than 60 days before every regular session of the Legislature, the *Department of Education* ~~Florida International Affairs Commission~~ shall present to the Speaker of the House of Representatives, the President of the Senate, and the minority leaders of the House of Representatives and the Senate a review of linkage institute program activity, criteria for their operation, accountability standards, recommended funding levels, and recommendations for establishing, maintaining, or abolishing linkage institutes. *The criteria shall be developed in consultation with Enterprise Florida, Inc.* The criteria must include, but need not be limited to, the purpose stated in subsection (1) and:

(a) The importance of economic, political, and social ties between this state and the country or region.

(b) The potential for growth and expansion of commercial, educational, and cultural links.

(c) The viability of regionally oriented, rather than country-specific, linkages, based on historical or emerging regional economic or political trading blocs.

(8) A linkage institute may not be created or funded except upon the recommendation of the *Department of Education* ~~Florida International Affairs Commission~~ and except by amendment to this section.

(9) The *Department of Education* ~~Florida International Affairs Commission~~ shall review and make linkage-institute budget requests to the Governor and the Legislature. State appropriations for institutes created under this section must be made by a single lump-sum line item to the *department* ~~Florida International Affairs Commission~~, which must apportion the funds among the various institutes in accordance with criteria established by the *department* ~~commission~~.

Section 83. Section 288.826, Florida Statutes, is amended to read:

288.826 Florida International Trade and Promotion Trust Fund.—

~~(1)~~ There is hereby established in the State Treasury the Florida International Trade and Promotion Trust Fund. *The* ~~Of the~~ moneys deposited into this trust fund~~, one-seventh~~ shall be *administered by the Office of Tourism, Trade, and Economic Development* for the ~~use of the Executive Office of the Governor for~~ operation of *Enterprise Florida, Inc., and its boards and* ~~the Florida International Affairs Commission in the performance of its statutory duties, and six-sevenths shall be for the use of the Department of Commerce~~ for the operation of Florida foreign offices *under s. 288.012* ~~for purposes of trade or other international business promotion~~.

~~(2) For the 1995-1996 fiscal year only, funds from the six-sevenths of the moneys deposited into the trust fund may also be appropriated to the Division of International Trade and Development of the Department of Commerce. This subsection is repealed on July 1, 1996.~~

Section 84. Section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(1) There is created a nonprofit corporation, to be known as "Enterprise Florida, Inc.," which shall be registered, incorporated, organized, and operated in compliance with chapter 617, *and which shall not be a unit or entity of state government* ~~but which shall have only the powers and obligations enumerated in ss. 288.901-288.906~~. *The Legislature determines, however, that public policy dictates that Enterprise Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Enterprise Florida Inc., and its boards are subject to the provisions of chapter 119, relating to public records and those provisions of chapter 286 relating to public meetings and records.* ~~Prior to filing its articles of incorporation with the Department of State, Enterprise Florida, Inc., shall submit its proposed articles of incorporation and bylaws to the Department of Commerce for review.~~

(2) Enterprise Florida, Inc., shall establish one or more corporate offices, at least one of which shall be located in Leon County. Persons employed by the Department of Commerce on the day prior to the effective date of this subsection, whose jobs are privatized, shall be given preference, if qualified, for similar jobs at Enterprise Florida, Inc. When practical, those jobs shall be located in Leon County. All available resources, including telecommuting, must be employed to minimize the negative impact on the Leon County economy caused by job losses associated with the privatization of the Department of Commerce. The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who, as of June 30, 1996, is employed by the Department of Commerce. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System. The Department of Management Services shall establish the terms and conditions of such lease agreements.

(3)~~(2)~~ Enterprise Florida, Inc., shall be governed by a board of directors. The board of directors shall consist of the following members:

(a) The Governor or the Governor's designee.

~~(b) The Lieutenant Governor or the Lieutenant Governor's designee.~~

(b)~~(c)~~ The Commissioner of Education or the commissioner's designee.

~~(d) The Chancellor of the State University System or the Chancellor's designee.~~

~~(e) The executive director of the State Community College System or the executive director's designee.~~

~~(f) The Secretary of Commerce or the secretary's designee.~~

(c)~~(g)~~ The Secretary of Labor and Employment Security or the secretary's designee.

(d)~~(h)~~ A member of the Senate, who shall be appointed by the President of the Senate *as an ex officio member of the board* and serve at the pleasure of the President.

(e)~~(i)~~ A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives *as an ex officio member of the board* and serve at the pleasure of the Speaker.

(f) The chairperson of the board for international trade and economic development.

(g) The chairperson of the board for capital development.

(h) The chairperson of the board for technology development.

(i) The chairperson of the board for workforce development.

(j) *Fourteen members from the private sector, 6 of whom shall be appointed by the Governor, 4 of whom shall be appointed by the President of the Senate, and 4 of whom shall be appointed by the Speaker of the House of Representatives. All appointees are subject to Senate confirmation. In making such appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall ensure that the composition of the board is reflective of the diversity of Florida's business community, and to the greatest degree possible shall include, but not be limited to, individuals representing large companies, small companies, minority companies, and individuals representing municipal, county, or regional economic development organizations. Of the 12 members from the private sector, 7 must have significant experience in international business, with expertise in the areas of transportation, finance, law, and manufacturing. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall also consider whether the current board members, together with potential appointees, reflect the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state.* ~~Twelve members from the private sector, who shall be appointed by the Governor, subject to Senate confirmation, one of whom must be a member of the Florida International Affairs Commission.~~

(k) The Secretary of State or the secretary's designee.

(4)~~(3)~~*(a) Members appointed to the board before July 1, 1996, shall serve the remainder of their unexpired term. Vacancies occurring after July 1, 1996, as a result of the annual expiration of terms, shall be filled in the following manner and sequence.*

1. Of the first three vacancies, the Governor shall appoint one member, the President of the Senate shall appoint one member, and the Speaker of the House of Representatives shall appoint one member.

2. Of the second three vacancies, the Governor shall appoint one member, the President of the Senate shall appoint one member, and the Speaker of the House of Representatives shall appoint one member.

3. Of the third three vacancies, the President of the Senate shall appoint one member and the Governor shall appoint two members.

4. Of the fourth three vacancies, the Speaker of the House of Representatives shall appoint one member and the Governor shall appoint two members.

Thereafter, any vacancies which occur will be filled by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.

(b) Members appointed by the Governor, *the President of the Senate, and the Speaker of the House of Representatives* shall be appointed for terms of 4 years~~, except that in making the initial appointments the~~

~~Governor shall appoint three members for terms of 1 year, three members for terms of 2 years, three members for terms of 3 years, and three members for terms of 4 years~~. Any member is eligible for reappointment.

(c) Of the six members appointed by the Governor, one shall be, at the time of appointment, a board member of a community development corporation meeting the requirements of s. 290.035, and one shall be representative of the international business community. Of the four members appointed by the President of the Senate and Speaker of the House of Representatives, respectively, one each shall be representative of the international business community, and one each shall be an executive director of a local economic development council.

(5)~~(4)~~ A vacancy on the board of directors shall be filled for the remainder of the unexpired term.

(6)~~(5)~~ The initial appointments to the board of directors shall be made by the Governor from a list of nominees submitted by the Enterprise Florida Nominating Council. Thereafter, appointments shall be made by the Governor, *the President of the Senate, and the Speaker of the House of Representatives* from a list of nominees submitted by the remaining appointive members of the board of directors. *The board of directors shall take into consideration the current membership of the board and shall select nominees who are reflective of the diverse nature of Florida's business community, including, but not limited to, individuals representing large companies, small companies, minority companies, companies engaged in international business efforts, companies engaged in domestic business efforts, and individuals representing municipal, county, or regional economic development organizations. The board shall also consider whether the current board members, together with potential appointees, reflect the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state.*

(7)~~(6)~~ Appointive members may be removed by the Governor, *the President of the Senate, or the Speaker of the House of Representatives, respectively,* for cause. Absence from three consecutive meetings results in automatic removal.

(8)~~(7)~~ The Governor shall serve as chairperson of the board of directors. The board of directors shall biennially elect one of its appointive members as vice chairperson ~~and shall designate a secretary-treasurer, who need not be a member of the board of directors~~. The *president* ~~secretary-treasurer~~ shall keep a record of the proceedings of the board of directors and is the custodian of all books, documents, and papers filed with the board of directors, the minutes of the board of directors, and the official seal of Enterprise Florida, Inc.

(9)~~(8)~~ The board of directors shall meet at least four times each year, upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the total number of all directors fixed by subsection *(3)* ~~(2)~~ shall constitute a quorum. The board of directors may take official action by a majority vote of the members present at any meeting at which a quorum is present.

(10)~~(9)~~ Members of the board of directors shall serve without compensation, but *members, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.* ~~may be reimbursed for per diem and travel expenses.~~

(11)~~(10)~~ Each member of the Board of Directors of Enterprise Florida, Inc., who was appointed after June 30, 1992, and who is not otherwise required to file financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.

(12) Notwithstanding the provisions of subsection (3), the board of directors may by resolution appoint at-large members to the board from the private sector, each of whom may serve a 1-year term. At-large members shall have the powers and duties of other members of the board, except that they may not serve on an executive committee. An at-large member is eligible for reappointment but may not vote on his or her own reappointment. An at-large member shall be eligible to fill vacancies occurring among private-sector appointees under subsection (3).

Section 85. Section 288.9015, Florida Statutes, is created to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(1) Enterprise Florida, Inc., is the principal economic development organization for the state. It shall be the responsibility of Enterprise Florida, Inc., to provide leadership for business development in Florida by aggressively establishing a unified approach to Florida's efforts of international trade and reverse investment, by aggressively marketing the state as a pro-business location for potential new investment, and by aggressively assisting in the creation, retention, and expansion of existing businesses. In support of this effort, Enterprise Florida, Inc., may develop and implement specific programs or strategies that address the creation, expansion, and retention of Florida business, the development of import and export trade, and the recruitment of worldwide business.

(2) It shall be the responsibility of Enterprise Florida, Inc., to promote and strengthen the creation and growth of small and minority businesses, and to increase the opportunities for short-term and long-term rural economic development.

(3) It shall be the responsibility of Enterprise Florida, Inc., to develop a comprehensive approach to workforce development that will result in better employment opportunities for the residents of this state. Such comprehensive approach must include:

(a) Creating and maintaining a highly skilled workforce that is capable of responding to rapidly changing technology and diversified market opportunities.

(b) Training, educating, and assisting target populations such as those who are economically disadvantaged or who receive public assistance to become independent, self-reliant, and self-sufficient. This approach must ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(4) Enterprise Florida, Inc., shall not endorse any candidate for any elected public office, nor shall it contribute moneys to the campaign of any such candidate.

Section 86. Section 288.902, Florida Statutes, is amended to read:

288.902 Enterprise Florida Nominating Council.—

(1) There is created the Enterprise Florida Nominating Council for the purpose of providing ~~the Governor with~~ a list of nominees for *appointments* ~~initial appointment~~ to the Board of Directors of Enterprise Florida, Inc. *and to each board within the corporate structure of Enterprise Florida, Inc. Appointments to a board shall be for a term of four years.* The nominating council shall consist of *six* ~~five~~ members. One member shall be appointed by the Florida Chamber of Commerce, one member shall be appointed by the Associated Industries of Florida, one member shall be appointed by the Florida Council of 100, one member shall be appointed by the Florida Economic Development Council, *one member shall be appointed by the Florida Council of International Development,* and one member shall be appointed by the Florida Chapter of the National Federation of Independent Businesses.

(2) No later than 30 days before the end of a term of a sitting private sector board member in any given year, the nominating council shall meet to nominate individuals for that upcoming vacancy. Each member of the nominating council shall nominate three individuals per upcoming vacancy; however, nominations shall not be related to any specific vacancy within a board and each nominee shall be eligible to be appointed to any vacancy within a board. The members of the nominating council shall take into consideration the current membership of the board and select nominees who are reflective of the diverse nature of Florida's business community and who reflect the racial, ethnic, and gender diversity, as well as the geographic distribution of the population of the state. In considering the Florida's business community, the members shall consider, but not be limited to, individuals representing large companies, small companies, minority companies, companies engaged in international business efforts, companies engaged in domestic business efforts, and individuals representing municipal, county, or regional economic development organizations.

(3) The names of the nominees selected by the members of the nominating council shall be forwarded to the respective board of directors for consideration by its appointive members. Each board shall consider the nominees and recommend six nominees per upcoming vacancy; however, such nominations shall not be related to any specific vacancy within a

board and each nominee shall be eligible to be appointed to any vacancy within a board. A board may interview the nominees prior to making its recommendations. In considering the nominees to be recommended, a board may not eliminate all the nominees of any one nominating council member. The appointive members of a board shall take into consideration the current membership of the board and select nominees who are reflective of the diverse nature of Florida's business community and who reflect the racial, ethnic, and gender diversity, as well as the geographic distribution of the population of the state. In considering the Florida's business community, the appointive members shall consider, but not be limited to, individuals representing large companies, small companies, minority companies, companies engaged in international business efforts, companies engaged in domestic business efforts, and individuals representing municipal, county, or regional economic development organizations. A board shall recommend, and forward, its nominees to the Governor, President of the Senate, or Speaker of the House of Representatives, as appropriate, within 30 days of receiving the nominees from the nominating council.

~~(2) Each member of the nominating council shall nominate not fewer than seven persons for the private sector positions on the board of directors, and the nominating council shall submit its initial nominations to the Governor by August 1, 1992. Nominations of the council shall be nonpartisan. The nominating council shall nominate, and the Governor shall appoint, persons who represent all geographical regions of the state, including both urban and rural regions, both small, medium, and large businesses, and both existing and emerging industries. The nominees and appointments must represent a balance in representation from all business and economic development organizations, including organizations other than those represented on the nominating council. The importance of minority representation shall be considered when making nominations for each private sector position on the board of directors.~~

~~(3) The Governor shall not appoint more than three members nominated by any single member of the nominating council. The Governor shall have the authority to reject the group of nominees submitted by any member of the nominating council. The council member whose group was rejected shall submit a new group of nominees to the Governor within 30 days after notice of rejection.~~

~~(4) The Governor shall select and appoint 12 members from the private sector to the board of directors within 30 days after receipt of the nominations from the nominating council. If the Senate refuses to confirm or rejects an appointment by the Governor, the Governor shall appoint a replacement from the original list of nominations submitted by the nominating council.~~

(4) In nominating and appointing board members, the nominating council, each board, the Governor, President of the Senate and Speaker of the House of Representatives shall ensure that international interests in business development, trade and reverse investment are strongly represented.

(5) Notwithstanding the provisions of ss. 288.901, 288.9412, 288.9512, 288.9611, and 288.9620 regarding the process of selecting nominees for a board, all nominations shall be conducted in accordance with the provisions of this section. All statutory requirements of board members and all statutory requirements regarding the composition of all boards shall be considered and complied with throughout the nominating process.

Section 87. Section 288.903, Florida Statutes, is amended to read:

288.903 Board of Directors of Enterprise Florida, Inc.; *president* ~~executive director~~; employees.—

(1) The *president* ~~executive director of the Board of Directors~~ of Enterprise Florida, Inc., ~~who may also be designated as secretary-treasurer,~~ shall be appointed by the board of directors. The *president* ~~executive director~~ is the chief administrative and operational officer of the board of directors *and of Enterprise Florida, Inc.,* and shall direct and supervise the administrative affairs of the board of directors *and any other boards of Enterprise Florida, Inc. The board of directors may delegate to its president those powers and responsibilities it deems appropriate, except for the appointment of a president.*

(2) The board of directors may establish an executive committee consisting of the vice chair and as many additional members of the board of directors as the board deems appropriate, except that such committee must have a minimum of five members. One member of the executive committee shall be selected by each of the following: the Governor, the President of the Senate, and the Speaker of the House of Representatives. Remaining members of the executive committee shall be selected by the board of directors. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate the authority to hire or fire the president.

(3) The *president* ~~executive director~~:

(a)~~(1)~~ May contract with or employ legal and technical experts and such other employees, both permanent and temporary, as authorized by the board of directors.

(b) Shall employ and supervise the president of any board established within the Enterprise Florida, Inc., corporate structure and shall coordinate the activities of any such boards.

(c)~~(2)~~ Shall attend all meetings of the board of directors.

(d)~~(3)~~ Shall cause copies to be made of all minutes and other records and documents of the board of directors and shall certify that such copies are true copies. All persons dealing with the board of directors may rely upon such certifications.

(e) Shall be responsible for coordinating and advocating the interests of rural, minority, and small businesses within Enterprise Florida, Inc., its boards and in all its economic development efforts.

(f) Shall administer the finances of Enterprise Florida, Inc., and its boards to ensure appropriate accountability and the prudent use of public and private funds.

(g) Shall be the chief spokesperson for Enterprise Florida, Inc., regarding economic development efforts in the state.

(h) Shall supervise and coordinate the collection, research, and analysis of information for Enterprise Florida, Inc., and its boards.

(4) The board of directors of Enterprise Florida, Inc., and its officers shall be responsible for the prudent use of all public and private funds and shall ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements.

Section 88. Section 288.904, Florida Statutes, is amended to read:

288.904 Powers of the Board of Directors of Enterprise Florida, Inc.—

(1) The Board of Directors of Enterprise Florida, Inc., shall have the power to:

(a) Secure funding for programs and activities of Enterprise Florida, Inc., *and its boards* from federal, state, local, and private sources and from fees charged for services and published materials and solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property and make expenditures consistent with the powers *granted to it* ~~set forth in ss. 288.901-288.906~~.

(b) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions, except that *any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.* ~~no contract may be made with any organization represented on the nominating council or on the board of directors.~~

(c) Sue and be sued, and appear and defend in all actions and proceedings, in its corporate name to the same extent as a natural person.

(d) Adopt, use, and alter a common corporate seal *for Enterprise Florida, Inc., and its boards. Notwithstanding any provisions of chapter 617 to the contrary, this seal is not required to*~~; however, such seal must~~ contain the words "corporation not for profit."

(e) Elect or appoint such officers and agents as its affairs require and allow them reasonable compensation.

(f) Adopt, amend, and repeal bylaws, not inconsistent with *the powers granted to it* ~~ss. 288.901-288.906~~ or the articles of incorporation, for the administration of the affairs of Enterprise Florida, Inc., and the exercise of its corporate powers.

(g) Acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses, *royalties,* and other rights or interests thereunder or therein.

(h) Do all acts and things necessary or convenient to carry out the powers ~~expressly~~ granted *to it* ~~in ss. 288.901-288.906~~.

(i) Use the state seal, notwithstanding the provisions of s. 15.03, when appropriate, to establish that Enterprise Florida, Inc., is the principal economic and trade development organization for the state, and for other standard corporate identity applications. Use of the state seal is not to replace use of a corporate seal as provided in this section.

(j) Carry forward any unexpended state appropriations into succeeding fiscal years.

(k) Procure insurance or require bond against any loss in connection with the property of Enterprise Florida, Inc., and its boards, in such amounts and from such insurers as is necessary or desirable.

(2) The powers granted to Enterprise Florida, Inc., shall be liberally construed in order that Enterprise Florida, Inc., may aggressively pursue its purpose of being the principal economic development organization for the state.

(3)~~(2)~~ Under no circumstances may the credit of the State of Florida be pledged on behalf of Enterprise Florida, Inc.

(4) In addition to any indemnification available under chapter 617, Enterprise Florida, Inc., may indemnify, and purchase and maintain insurance on behalf of, directors, officers, and employees of Enterprise Florida, Inc., and its boards against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

Section 89. Section 288.905, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.905, F.S., for present text.)

288.905 Duties of the Board of Directors of Enterprise Florida, Inc.—

(1) In the performance of its functions and duties, the board of directors may establish and implement policies, strategies, and programs for Enterprise Florida, Inc., and its boards. In developing such policies, strategies, and programs, the board of directors shall, among other things, address the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities. In developing such policies, strategies, and programs, the board of directors shall solicit advice from and consider the recommendations of its boards.

(2) The board of directors shall, in conjunction with the Office of Tourism, Trade, and Economic Development, develop a strategic plan for economic development for the state of Florida. Such plan shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1, 1997.

(3)(a) The strategic plan shall include recommendations regarding specific performance standards and measurable outcomes. By July 1, 1997, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for Enterprise Florida, Inc., and its boards. Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop a plan for monitoring its operations to ensure that performance data are maintained and supported by records of the organization. By July 1, 1998, and biennially thereafter, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall review the performance-measure outcomes for Enterprise Florida, Inc., and its boards, and make any appropriate modifications to them. The performance standards and measurable outcomes established and regularly reviewed by Enterprise Florida, Inc., under this subsection must also include benchmarks and goals to measure the impact of state economic development policies and programs. Such benchmarks and goals may include, but are not limited to:

1. Net annual job growth rate in this state compared to neighboring southern states and the United States as a whole.

2. Unemployment rate in this state compared to neighboring southern states and the United States as a whole.

3. Wage distribution based on the percentage of people working in this state who earned 15 percent below the state average, within 15 percent of the state average, and 15 percent or more above the state average.

4. Annual percentage of growth in the production of goods and services within Florida compared to neighboring southern states and the United States as a whole.

5. Changes in jobs in this state by major industry based on the percentage of growth or decline in the number of full-time or part-time jobs in this state.

6. Number of new business start-ups in this state.

7. Goods produced in this state that are exported to other countries.

8. Capital investment for commercial and industrial purposes, agricultural production and processing, and international trade.

(b) Prior to the 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of Enterprise Florida, Inc., and its boards. The review shall be comprehensive in its scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. The progress towards achieving the established outcomes.

2. The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.

3. The progress towards achieving the established goals of the Cypress Equity Fund and whether the strategy underlying the fund is appropriate.

4. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organizations. The report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(c) Prior to the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability, shall conduct another review of Enterprise Florida, Inc., and its boards using the criteria in (b). The report shall be submitted by January 1, 2003, to the President of the Senate, the Speaker of the House of Representatives, and Senate Minority Leader, and the House Minority Leader.

(4) The board of directors shall coordinate the economic development activities and policies of Enterprise Florida, Inc., with municipal, county, and regional economic development organizations to establish and further develop the role of local economic development organizations as the primary service-delivery agents for economic development services. Where feasible, the board shall work with regional economic development organizations in the delivery of services of Enterprise Florida, Inc., and its boards.

(5) Enterprise Florida, Inc., shall deposit, into African-American-qualified public depositories and Hispanic-American-qualified public depositories, a portion of any moneys received by Enterprise Florida, Inc., and its boards, from the state.

Section 90. Section 288.906, Florida Statutes, is amended to read:

288.906 Annual report of Enterprise Florida, Inc.; audits; confidentiality.—

(1) Prior to December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the

House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

(a) Its operations and accomplishments during the fiscal year;

(b) Its business and operational plan and its economic development plan, including recommendations on methods for implementing and funding the economic development plan;

(c) Its assets and liabilities at the end of its most recent fiscal year; and

(d) A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.

The detailed report required by this subsection shall also include the information identified in paragraphs (a)-(d), if applicable, for any board established within the corporate structure of Enterprise Florida, Inc.

(2)(a) The Auditor General may, pursuant to his or her own authority or at the direction of the Joint Legislative Auditing Committee, conduct an audit of Enterprise Florida, Inc., *including any of its boards*. The audit or report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., pursuant to paragraph (b).

(b) The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 91. Section 288.9412, Florida Statutes, is created to read:

288.9412 International Trade and Economic Development Board.—

(1) There is created within the nonprofit corporate structure of Enterprise Florida, Inc., a nonprofit public-private board known as the Florida International Trade and Economic Development Board the purpose of which shall be to advise and assist in promoting and developing international trade and reverse investment, marketing the state for potential new investment, and creating, expanding and retaining Florida businesses.

(2) The International Trade and Economic Development Board shall be governed by a board of directors. The board of directors shall consist of the following members:

(a) The Lieutenant Governor or the Lieutenant Governor's designee.

(b) The president of the Florida Chamber of Commerce or the president's designee.

(c) The Secretary of State or the secretary's designee.

(d) The chairperson of the Florida State Rural Development Council or the chairperson's designee.

(e) A member of the Senate, who shall be appointed by the President of the Senate as an ex officio member of the board and serve at the pleasure of the President.

(f) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives as an ex officio member of the board and serve at the pleasure of the Speaker of the House of Representatives.

(g) Members to be appointed by the Governor, subject to confirmation by the Senate, consisting of the following:

1. The chairperson of the World Trade Association of Florida or the chairperson's designee.

2. Two representatives from the state's deepwater ports, chosen from a list of three names submitted to the Governor by the Florida Ports Council. One representative shall be from the Gulf of Mexico coast ports and one representative shall be from the Atlantic coast ports.

3. The chairperson of the Florida Airport Managers Association or the chairperson's designee.

4. The chairperson of the Florida Custom Brokers and Forwarders Association or the chairperson's designee.

5. A person having extensive experience in foreign language instruction or international education.

6. The chairperson of the International Law Section of the Florida Bar or the chairperson's designee.

7. The chairperson of the Florida International Banking Association or the chairperson's designee.

8. A representative of a company in this state that is actively engaged in the manufacture of products in this state for sale in foreign markets.

9. A member of the Florida Citrus Commission experienced in the exportation of citrus products who owns, operates, or is employed by a major company in this state that is actively engaged in the exportation of citrus products from this state to international markets.

10. A representative of a major multinational company with offices in this state.

11. The chairperson of the Latin Chamber of Commerce of the United States or the chairperson's designee.

(h) Nine to 11 members from the public and private sector, consisting of one member representing a municipal economic development organization, one member representing a county economic development organization, one member representing a regional economic development organization, and one member representing an international economic development organization, and one member who, at the time of appointment, is a board member of a community development corporation that meets the requirements of s. 290.035, with the remaining members representing, and being actively involved in, Florida business, who shall be appointed by the Governor, subject to Senate confirmation.

(3) Members appointed by the Governor shall be appointed for terms of 4 years, except that, in making the initial appointments, the Governor shall appoint three to five members for terms of 4 years, three members for terms of 3 years, and three members for terms of 2 years.

(4) The chair and vice chair of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board from a slate of candidates submitted by Enterprise Florida, Inc. The chair and vice chair of Enterprise Florida, Inc., may request that additional candidates be submitted by Enterprise Florida, Inc., if the chair and vice chair cannot agree on a list of nominees submitted. Appointments to the board of directors shall be made by the Governor from the list of nominees jointly selected by the chair and vice chair of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors.

(5) The Governor shall appoint the initial 9 to 11 members from the public and private sector to the board within 30 days after receipt of the nominations from the chair and vice chair of Enterprise Florida, Inc.

(6) A vacancy on the board shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(7) A member may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

Section 92. Section 288.9413, Florida Statutes, is created to read:

288.9413 Organization.—

(1) The Lieutenant Governor shall serve as chair of the board of directors of the International Trade and Economic Development Board. The board of directors shall biennially elect one of its appointive members as vice chair.

(2) The president of the board shall be hired by the president of Enterprise Florida, Inc., and shall serve in the capacity as an executive

director and secretary of the board of directors, with any additional staff being hired by the president of Enterprise Florida, Inc., within the parameters established by the board of directors of Enterprise Florida, Inc.

(3) The board of directors shall meet at least quarterly and at other times upon call of the chair.

(4) A quorum shall be a majority of the total current membership of the board of directors.

(5) A majority of those voting is required to organize and conduct the business of the board, except that a majority of the entire board of directors is required to adopt or amend the operational plan.

(6) Except as delegated or authorized by the board of directors, individual board members have no authority to control or direct the operations of the board or the actions of its officers and employees, including the president.

(7) The board of directors may delegate to its president those powers and responsibilities it deems appropriate.

(8) Members shall serve without compensation but members of the board of directors, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.

(9) The board of directors may establish an executive committee consisting of the vice chair and at least two additional board members selected by the board of directors. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.

Section 93. Section 288.9414, Florida Statutes, is created to read:

288.9414 Powers and authority of board of directors of International Trade and Economic Development Board.—

(1) The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:

(a) Advising and assisting in formulating and coordinating the state's economic development policy, both domestically and internationally, consistent with the policies of the board of directors of Enterprise Florida, Inc.

(b) Using a corporate seal.

(c) Advising and assisting in developing the state's economic development strategic planning process.

(d) Evaluating the performance and effectiveness of the state's economic development programs.

(e) Reporting to the board of directors of Enterprise Florida, Inc., regarding its functions, duties, recommendations, and responsibilities.

(f) Soliciting, borrowing, accepting, receiving, and investing funds from any public or private source.

(g) Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.

(h) Carrying forward any unexpended state appropriations into succeeding fiscal years.

(i) Providing an annual report to the board of directors of Enterprise Florida, Inc., by November 1 of each year setting forth:

1. Its operations and accomplishments during the fiscal year.

2. Its business and operations plan.

3. Its assets and liabilities at the end of its most recent fiscal year.

4. A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.

(2) The board shall design specific programs or entities to address the actions listed in subsection (1).

Section 94. Section 288.9511, Florida Statutes, is amended to read:

288.9511 Definitions.—As used in *ss. 288.9511-288.9517* ~~ss. 288.9510-288.9518~~, the term:

(1) "Educational institutions" means Florida technical institutes and vocational schools, and public and private community colleges, colleges, and universities in the state.

(2) "Enterprise" means a firm with its principal place of business in this state which is engaged, or proposes to be engaged, in this state in agricultural industries, natural-resource-based or other manufacturing, research and development, or the provision of knowledge-based services.

(3) "*Board* ~~Partnership~~" means the *technology development board* ~~Enterprise Florida Innovation Partnership~~.

(4) "Person" means any individual, partnership, corporation, or joint venture that carries on business, or proposes to carry on business, within the state.

(5) "Product" means any product, device, technique, or process that is, or may be, developed or marketed commercially; the term does not refer, however, to basic research, but rather to products, devices, techniques, or processes that have advanced beyond the theoretical stage and are in a prototype or industry practice stage.

(6) "Qualified security" means a public or private financial arrangement that involves any note, security, debenture, evidence of indebtedness, certificate of interest of participation in any profit-sharing agreement, preorganization certificate or subscription, transferable security, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application thereof, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a security or any certificate for, receipt for, guarantee of, or option warrant or right to subscribe to or purchase any of the foregoing to the extent allowed by law.

(7) "Technology application" means the introduction and adaptation of off-the-shelf technologies and state-of-the-art management practices to the specific circumstances of an individual firm.

(8) "Technology commercialization" means the process of bringing an investment-grade technology out of an enterprise, university, or federal laboratory for first-run application in the marketplace.

(9) "Technology development" means strategically focused research aimed at developing investment-grade technologies essential to market competitiveness.

Section 95. Section 288.9512, Florida Statutes, is amended to read:

288.9512 *Technology development board* ~~Enterprise Florida Innovation Partnership~~; creation; purpose; membership.—

(1) There is created *within the nonprofit corporate structure of Enterprise Florida, Inc., a nonprofit public-private board the purpose of which* ~~a body politic and corporate known as Enterprise Florida Innovation Partnership. The purpose of the Enterprise Florida Innovation Partnership~~ shall be to foster growth of high technology and other value-added industries and jobs in this state *and to provide leadership and market-driven, performance-based economic development tools to create the diverse cross-section of innovation-driven firms which is essential to a competitive economy in this state, characterized by better employment opportunities leading to higher wages.*

~~(2) Enterprise Florida Innovation Partnership shall be a corporation not for profit pursuant to chapter 617. The articles of incorporation and bylaws establishing Enterprise Florida Innovation Partnership shall be~~

~~submitted to Enterprise Florida, Inc., and the Department of Commerce for review and approval prior to filing.~~

(2)~~(3)~~ *The board* ~~Enterprise Florida Innovation Partnership~~ shall be governed by a board of directors. The board of directors shall consist of the following members:

~~(a) The Commissioner of Education or the commissioner's designee.~~

(a)~~(b)~~ The Chancellor of the State University System or the Chancellor's designee.

(b)~~(c)~~ The executive director of the State Community College System or the executive director's designee.

(c)~~(d)~~ A member of the Senate, who shall be appointed by the President of the Senate *as an ex officio member of the board* and serve at the pleasure of the President.

(d)~~(e)~~ A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives *as an ex officio member of the board* and serve at the pleasure of the Speaker of the House of Representatives.

(e)~~(f)~~ Nine to 11 members from the public and private sector, consisting of, but not limited to, individuals who represent technology-based businesses and industrial interests throughout the state who shall be appointed by the Governor, subject to Senate confirmation.

(3)~~(4)~~ Members appointed by the Governor shall be appointed for terms of 4 years, except that, in making the initial appointments, the Governor shall appoint three to five members for terms of 4 years, three members for terms of 3 years, and three members for terms of 2 years.

(4)~~(5)~~ The chair and vice chair of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board of directors from a slate of candidates submitted by Enterprise Florida, Inc. The chair and vice chair of Enterprise Florida, Inc., may request that additional candidates be submitted by Enterprise Florida, Inc., if the chair and vice chair cannot agree on a list of nominees submitted. Appointments to the board of directors shall be made by the Governor from the list of nominees jointly selected by the chair and vice chair of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors.

(5)~~(6)~~ The Governor shall appoint the initial 9 to 11 members from the public and private sector to the board of directors within 30 days after receipt of the nominations from the chair and vice chair of Enterprise Florida, Inc.

(6)~~(7)~~ A vacancy on the board of directors shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(7)~~(8)~~ A member may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

Section 96. Section 288.9513, Florida Statutes, is amended to read:

288.9513 Organization.—

(1) The board of directors of *the technology development board* ~~Enterprise Florida Innovation Partnership~~ shall be chaired by a board member selected by a majority vote of the board. The chair position shall be for a term of 2 years.

(2) The president of *the board* ~~Enterprise Florida Innovation Partnership~~ shall be *hired* ~~appointed~~ by the *president of Enterprise Florida, Inc.,* ~~board of directors~~ and shall serve in the capacity as an executive director and secretary of the board of directors, with *any* additional staff being hired by the president *of Enterprise Florida, Inc.,* within the parameters established by *the board of directors of Enterprise Florida, Inc.* ~~Enterprise Florida Innovation Partnership in its bylaws.~~

~~(3) The board of directors may establish an executive committee consisting of the chair, the secretary of the board of directors, and not more than three additional board members selected by the chair. The executive committee shall have such authority as the board of directors delegates to it, except that the board of directors may not delegate to the executive committee the authority to take actions that require approval by a majority of the board of directors as provided in subsection (6).~~

(3)~~(4)~~ The board of directors shall meet at least quarterly and at other times upon call of the chair.

(4)~~(5)~~ A quorum shall be a majority of the total current membership of the board of directors of *the board* ~~Enterprise Florida Innovation Partnership~~.

(5)~~(6)~~ A majority of those voting is required to organize and conduct the business of *the board* ~~Enterprise Florida Innovation Partnership~~, except that a majority of the entire board of directors is required to ~~hire or fire the president and~~ adopt or amend the operational plan.

(6)~~(7)~~ Except as delegated or authorized by the board of directors, individual board members have no authority to control or direct the operations of the *board* ~~Enterprise Florida Innovation Partnership~~ or the actions of its officers and employees, including the president.

(7) The board of directors may delegate to its president those powers and responsibilities it deems appropriate.

(8) Members shall serve without compensation but members of the board of directors, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by *the board of directors of* Enterprise Florida, *Inc.* ~~Innovation Partnership in its bylaws.~~

(9) The board of directors may establish an executive committee consisting of the chair and at least two additional board members selected by the board of directors. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.

Section 97. Section 288.9514, Florida Statutes, is amended to read:

288.9514 Powers and authority of board of directors.—

(1) *The technology development board* ~~Enterprise Florida Innovation Partnership~~ shall achieve the purposes stated in *s. 288.9512* ~~s. 288.9510~~ through technology application, technology commercialization, and technology development, as well as other activities related to building a competitive, knowledge-based economy. The *board* ~~Enterprise Florida Innovation Partnership board~~ shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate *its* ~~the~~ functions, duties, and responsibilities ~~of Enterprise Florida Innovation Partnership~~, including, but not limited to:

(a) *Advising and* assisting in formulating and coordinating the state's economic development policy regarding technology development and expansion *consistent with the policies of the board of directors of Enterprise Florida, Inc.*

(b) Taking actions in partnership with private enterprise, educational institutions, and other organizations to:

1. Increase the rate of technology application across manufacturing and other knowledge-based firms throughout the state.

2. Increase the amount of technology development occurring in Florida.

3. Increase the rate at which technologies with potential commercial application are moved out of university, private, and public laboratories into the marketplace.

(c) *Using* ~~Adopting, using, and altering at will~~ a corporate seal.

~~(d) Hiring the president and employees of Enterprise Florida Innovation Partnership.~~

(d)~~(e)~~ *Advising and* assisting in developing the state's technology development strategic planning process.

(e)~~(f)~~ Evaluating the performance and effectiveness of the state's technology enhancement and development programs.

(f)~~(g)~~ Reporting to the Board of Directors of Enterprise Florida, Inc., regarding its *recommendations*, functions, duties, and responsibilities.

(g)~~(h)~~ Soliciting, borrowing, accepting, receiving, *and* investing~~, and expending~~ funds from any public or private source.

~~(i) Procuring insurance or requiring bond against any loss in connection with its property in such amounts and from such insurers as may be necessary or desirable.~~

(h)~~(j)~~ Contracting with public and private entities as necessary to further the directives of this act, *except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.*

~~(k) Approving an annual budget.~~

(i)~~(l)~~ Carrying forward any unexpended state appropriations into succeeding fiscal years.

(j)~~(m)~~ Providing an annual report to *the board of directors of Enterprise Florida, Inc.,* ~~the Governor and the Legislature~~ by *November* ~~December~~ 1 of each year setting forth:

1. Its operations and accomplishments during the fiscal year.

2. Its business and operation's plan and its technology development plan, including recommendations on methods for implementing and funding the technology development plan.

3. Its assets and liabilities at the end of its most recent fiscal year.

4. A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.

(2) *The board* ~~Enterprise Florida Innovation Partnership~~ shall design specific programs or entities to address the actions listed in paragraph (1)(b).

Section 98. Section 288.9515, Florida Statutes, is amended to read:

288.9515 Authorized programs *of technology development board*.—

(1) The *board may* ~~partnership shall~~ create a technology applications service, to be called the Florida Innovation Alliance. The Florida Innovation Alliance shall serve as an umbrella organization for technology applications service providers throughout the state which provide critical, managerial, technological, scientific, and related financial and business expertise essential for international and domestic competitiveness to small-sized and medium-sized manufacturing and knowledge-based service firms. The *board is authorized* ~~partnership shall have~~ the following powers ~~and duties~~ in order to carry out the functions of the Florida Innovation Alliance:

(a) Providing communication and coordination services among technology applications service providers throughout the state.

(b) Providing coordinated marketing services to small-sized and medium-sized manufacturers in the state on behalf of, and in partnership with, technology applications service providers.

(c) Securing additional sources of funds on behalf of, and in partnership with, technology applications service providers.

(d) Developing plans and policies to assist *small-sized* ~~small~~ and medium-sized manufacturing companies or other knowledge-based firms in Florida.

(e) Entering into contracts with technology applications service providers for expanded availability of high-quality assistance to small-sized and medium-sized manufacturing companies or knowledge-based service firms, including, but not limited to, technological, human resources development, market planning, finance, and interfirm collaboration. The *board* ~~partnership~~ shall ensure that all contracts in excess of $20,000 for the delivery of such assistance to Florida firms shall be based on competitive requests for proposals. The *board* ~~partnership~~ shall establish clear standards for the delivery of services under such contracts. Such standards include, but are not limited to:

1. The ability and capacity to deliver services in sufficient quality and quantity.

2. The ability and capacity to deliver services in a timely manner.

3. The ability and capacity to meet the needs of firms in the proposed market area.

(f) Assisting other educational institutions, enterprises, or the entities providing business assistance to small-sized and medium-sized manufacturing enterprises.

(g) Establishing a system to evaluate the effectiveness and efficiency of Florida Innovation Alliance services provided to small-sized and medium-sized enterprises.

(h) Establishing special education and informational programs for Florida enterprises and for educational institutions and enterprises providing business assistance to Florida enterprises.

(i) Evaluating and documenting the needs of firms in this state for technology application services, and developing means to ensure that these needs are met, consistent with the powers provided for in this subsection.

(j) Maintaining an office in such place or places as the *board recommends and the board of directors of Enterprise Florida, Inc., approves* ~~partnership may designate~~.

(k) Making and executing contracts with any person, enterprise, educational institution, association, or any other entity necessary or convenient for the performance of its duties and the exercise of the *board's* ~~partnership's~~ powers and functions under this subsection.

(l) Receiving funds from any source to carry out the purposes of the Florida Innovation Alliance, including, but not limited to, gifts or grants from any department, agency, or instrumentality of the United States or of the state, or any enterprise or person, for any purpose consistent with the provisions of the Florida Innovation Alliance.

(m) Acquiring or selling, conveying, leasing, exchanging, transferring, or otherwise disposing of the alliance's property or interest therein.

(2) When choosing contractors, preference shall be given to existing institutions, organizations, and enterprises so long as these existing institutions, organizations, and enterprises demonstrate the ability to perform at standards established by the *board* ~~partnership~~ under paragraph (1)(e). Neither the provisions of *ss. 288.9511-288.9517* ~~ss. 288.9510-288.9518~~ nor the actions of the alliance shall impair or hinder the operations, performance, or resources of any existing institution, organization, or enterprise.

(3) The *board may* ~~partnership shall~~ create a technology development financing fund, to be called the Florida Technology Research Investment Fund. The fund shall increase technology development in this state by investing in technology development projects that have the potential to generate investment-grade technologies of importance to the state's economy as evidenced by the willingness of private businesses to coinvest in such projects. The *board may* ~~partnership shall~~ also demonstrate and develop effective approaches to, and benefits of, commercially oriented research collaborations between businesses, universities, and state and federal agencies and organizations. The *board* ~~partnership~~ shall endeavor to maintain the fund as a self-supporting fund once the fund is sufficiently capitalized as reflected in the minimum funding report required in s. 288.9516. The technology research investment projects may include, but are not limited to:

(a) Technology development projects expected to lead to a specific investment-grade technology that is of importance to industry in this state.

(b) Technology development centers and facilities expected to generate a stream of products and processes with commercial application of importance to industry in this state.

(c) Technology development projects that have, or are currently using, other federal or state funds such as federal Small Business Innovation Research awards.

~~(d) Technology development projects of the Florida Black Business Investment Board.~~

(4) The *board* ~~partnership~~ shall invest moneys contained in the Florida Technology Research Investment Fund in technology application research or for technology development projects that have the potential for commercial market application. The partnership shall coordinate any investment in any space-related technology projects with the Spaceport Florida Authority and the Technological Research and Development Authority.

(a) The investment of moneys contained in the Florida Technology Research Investment Fund is limited to investments in qualified securities in which a private enterprise in this state coinvests at least 40 percent of the total project costs, in conjunction with other cash or noncash investments from state educational institutions, state and federal agencies, or other institutions.

(b) For the purposes of *this fund* ~~ss. 288.9510-288.9518~~, qualified securities include loans, loans convertible to equity, equity, loans with warrants attached that are beneficially owned by the *board* ~~partnership~~, royalty agreements, or any other contractual arrangement in which the *board* ~~partnership~~ is providing scientific and technological services to any federal, state, county, or municipal agency, or to any individual, corporation, enterprise, association, or any other entity involving technology development.

(c) Not more than $175,000 or 5 percent of the revenues generated by investment of moneys contained in the Florida Technology Research Investment Fund, whichever is greater, may be used to pay the partnership's operating expenses associated with operation of the Florida Technology Research Investment Fund.

(d) In the event of liquidation or dissolution of *Enterprise Florida, Inc.,* ~~the partnership~~ or the Florida Technology Research Investment Fund, any rights or interests in a qualified security or portion of a qualified security purchased with moneys invested by the State of Florida shall vest in the state, under the control of the State Board of Administration. The state is entitled to, in proportion to the amount of investment in the fund by the state, any balance of funds remaining in the Florida Technology Research Investment Fund after payment of all debts and obligations upon liquidation or dissolution of *Enterprise Florida, Inc.,* ~~the partnership~~ or the fund.

(e) The investment of funds contained in the Florida Technology Research Investment Fund does not constitute a debt, liability, or obligation of the State of Florida or of any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision.

(5)~~(a)~~ The *board may* ~~partnership shall~~ create technology commercialization programs in partnership with private enterprises, educational institutions, and other institutions to increase the rate at which technologies with potential commercial application are moved from university, public, and industry laboratories into the marketplace. Such programs shall be created based upon research to be conducted by the *board* ~~partnership pursuant to paragraph (b)~~.

~~(b) The partnership shall conduct a thorough research-gathering effort in partnership with the State University System. Such research shall include a review of policies and institutions in other states and nations, and an investigation of optimal policies to balance the teaching mission of the university with opportunities for effective commercially oriented university and industry research collaboration. The results of this research shall be presented by the partnership to the Governor, the State University System, the Legislature, and Enterprise Florida, Inc., by December 1, 1993.~~

Section 99. Section 288.9516, Florida Statutes, is amended to read:

288.9516 Annual report of *technology development board* ~~Enterprise Florida Innovation Partnership~~.—By December 1 of each year, *Enterprise Florida, Inc.,* ~~the partnership~~ shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report *by the board* setting forth:

(1) The *audit* ~~evaluation required~~ in s. 288.9517(1), *if conducted*.

(2) The operations and accomplishments of each of the programs or entities *established pursuant to* ~~listed in~~ s. 288.9515.

(3) Recommendation on methods for implementing and funding the programs or entities *established pursuant to* ~~listed in~~ s. 288.9515. This recommendation shall include the *minimum* ~~minimal~~ levels of funding necessary for the *board* ~~partnership~~ to continue to operate *such* ~~the~~ programs or entities ~~listed in s. 288.9515~~.

(4) An examination of comparable technology applications, commercialization, and development services in other states, including showing how and at what level these programs are funded by those states.

~~(5) Its assets and liabilities at the end of its most recent fiscal year.~~

Section 100. Section 288.9517, Florida Statutes, is amended to read:

288.9517 Audits; confidentiality.—

~~(1) By September 1, 1993, the partnership in cooperation with the Auditor General shall develop research designs, including goals and measurable objectives for each of the programs or entities listed in s. 288.9515, which will provide the Legislature with a quantitative evaluation of such programs. The partnership shall utilize the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.~~

~~(2) Prior to the 1996 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of ss. 288.9510-288.9518, together with the programs or entities listed in s. 288.9515, using the research designs promulgated pursuant to subsection (1). The report shall critique the partnership and each program or entity listed in s. 288.9515. A report of the findings and recommendations of the Auditor General shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 1996 Regular Session.~~

(1)~~(3)~~ The Auditor General may, pursuant to his or her own authority or at the direction of the ~~Joint~~ Legislative Auditing Committee, conduct an audit of *the technology development board* ~~Enterprise Florida Innovation Partnership~~ or the programs or entities created by the *board* ~~partnership~~. The audit or report may not reveal the identity of any person who has anonymously made a donation to *the board* ~~Enterprise Florida Innovation Partnership~~ pursuant to subsection *(2)* ~~(4)~~.

(2)~~(4)~~ The identity of a donor, prospective donor, or inventor who contributes to the *board* ~~partnership~~ who desires to remain anonymous and all information identifying such donor, prospective donor, or inventor who contributes to the *board* ~~partnership~~ are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 101. Section 288.9518, Florida Statutes, is repealed.

Section 102. Section 288.9519, Florida Statutes, is amended to read:

288.9519 Not-for-profit corporation.—

(1) It is the intent of the Legislature to promote the development of the state economy and to *authorize the establishment of* ~~establish~~ a not-for-profit organization that shall promote the competitiveness and profitability of high-technology business and industry through technology development projects of importance to specific manufacturing sectors in this state. This not-for-profit corporation shall work cooperatively with the *technology development board* ~~Enterprise Florida Innovation Partnership, recognizing the partnership as the statewide organization responsible for the overall strategic technological advancement of the economic base of this state~~, and shall avoid duplicating the activities, programs, and functions of the *board* ~~Enterprise Florida Innovation Partnership~~.

(2) In addition to all other powers and authority, not explicitly prohibited by statutes, this not-for-profit organization has the following powers and duties:

(a) To receive funds appropriated to the organization by the Legislature. Such funds may not duplicate funds appropriated to the *technology development board* ~~Enterprise Florida Innovation Partnership~~, but shall serve to further the advancement of the state economy, jointly and collaboratively with the *board* ~~partnership~~.

(b) To submit a legislative budget request through a state agency.

(c) To accept gifts, grants, donations, expenses, in-kind services, or other ~~valued~~ goods or services for carrying out its purposes, and to expend such funds or assets in any legal manner according to the terms and conditions of acceptance and without interference, control, or restraint by the state.

(d) To carry forward any unexpended state appropriations into succeeding fiscal years.

Section 103. Section 288.9520, Florida Statutes, is amended to read:

288.9520 Public records exemption.—Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, financial and proprietary information, and agreements or proposals to receive funding that are received, generated, ascertained, or discovered by the *technology development board* ~~Enterprise Florida Innovation Partnership~~, including its affiliates or subsidiaries and partnership participants, such as private enterprises, educational institutions, and other organizations, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a recipient of *board* ~~partnership~~ research funds shall make available, upon request, the title and description of the research project, the name of the researcher, and the amount and source of funding provided for the project. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 104. Section 288.9603, Florida Statutes, is amended to read:

288.9603 Definitions.—

(1) "Act" means the Florida Development Finance Corporation Act of 1993, and all acts supplemental thereto and amendatory thereof.

(2) "Amortization payments" means periodic payments, such as monthly, semiannually, or annually, of interest on premiums, if any, and installments of principal of revenue bonds as required by an indenture of the corporation.

(3) "Applicant" means the individual, firm, or corporation, whether for profit or nonprofit, charged with developing the project under the terms of the indenture of the corporation.

(4) "Cash equivalents" shall include letters of credit issued by investment grade rated financial institutions or their subsidiaries; direct obligations of the government of the United States of America, or any agency thereof, or obligations unconditionally guaranteed by the United States of America; certificates of deposit issued by investment grade rated financial institutions or their subsidiaries; and investments in commercial paper which, at the time of acquisition by the corporation is accorded the highest rating by Standard & Poor's Corporation, Moody's Investors Services, Inc., or any other nationally recognized credit rating agency of similar standing, provided that in each such case such investments shall be convertible to cash as may be reasonably necessary for application of such moneys as and when the same are to be applied in accordance with the provisions of this act.

(5)~~(4)~~ "Corporation" means the Florida Development Finance Corporation.

(6) "Debt service" shall mean for any bonds issued by the corporation and for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608, for any period for which such determination is to be made, the aggregate amount of all interest charges due or which shall become due on or with respect to such bonds during the period for which such determination is being made, plus the aggregate amount of scheduled principal payments due or which shall become due on or with respect to such bonds during the period for which such determination is being made. Scheduled principal payments may include only principal payments that are scheduled as part of the terms of the original bond issue and that result in the reduction of the outstanding principal balance of the bonds.

(7)~~(5)~~ "Economic development specialist" means a resident of the state who is professionally employed in the discipline of economic development or industrial development.

(8)~~(6)~~ "Financial institution" means any banking corporation or trust company, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds in this state.

(9) "Maximum debt service" shall mean, for any period of six-months or one year, as the case may be, during the life of any bonds issued by the corporation and for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608 and for which such determination is being made, the maximum amount of the debt service which is due or will become due during such period of time on or with respect to such bonds. For the purposes of calculating the amount of the maximum debt service with respect to any bonds which bear interest at a variable rate, the corporation shall utilize a fixed rate which it in its reasonable discretion determines to be appropriate.

(10)~~(7)~~ "Partnership" means the ~~body corporate and politic created by the~~ Enterprise Florida *capital development board* ~~Capital Partnership~~ created under *s. 288.9611* ~~this act~~.

(11)~~(8)~~ "Guaranty agreement" means an agreement by and between the corporation and a public agency pursuant to the provisions of s. 288.9607.

(12)~~(9)~~ "Guaranty fund" means the Revenue Bond Guaranty Reserve Account established by the corporation pursuant to s. 288.9608.

(13)~~(10)~~ "Interlocal agreement" means an agreement by and between the Florida Development Finance Corporation and a public agency of this state, pursuant to the provisions of s. 163.01.

(14)~~(11)~~ "Public agency" means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state, government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, and any similar entity of any other state of the United States.

Section 105. Subsection (3) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the authority.—

(3) Upon activation of the corporation, the Governor, subject to confirmation by the Senate, shall appoint the board of directors of the corporation, who shall be five in number. The terms of office for the directors shall be for 4 years, except that three of the initial directors shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointment, and all other directors shall be designated to serve terms of 4 years from the date of their appointment. A vacancy occurring during a term shall be filled for the unexpired term. A director shall be eligible for reappointment. At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by the Enterprise Florida *capital development board* ~~Capital Partnership~~, and one of the directors shall be an economic development specialist. The ~~secretary of the Department of Commerce and the~~ chairperson of the Florida Black Business Investment Board shall be *an* ex officio *member* ~~members~~ of the board *of the corporation*.

Section 106. Subsection (5) of section 288.9606, Florida Statutes, is amended to read:

288.9606 Issue of revenue bonds.—

(5) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this act, or the security therefor, any such bond reciting in substance that it has been issued by the corporation in connection with any purpose of the act shall be conclusively

deemed to have been issued for such purpose, and such purpose shall be conclusively deemed to have been carried out in accordance with the act. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the interlocal agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06, in Leon County and in each county where the public agencies which were initially a party to the interlocal agreement are located. Obligations of the corporation pursuant to a loan agreement as described in this subsection may be validated as provided in chapter 75. The validation of at least the first *bonds approved by* ~~bond issue of~~ the corporation shall be appealed to the Florida Supreme Court. The complaint in the validation proceeding shall specifically address the constitutionality of using the investment of the earnings accrued and collected upon the investment of the minimum balance funds required to be maintained in the State Transportation Trust Fund to guarantee such bonds. If such proceeding results in an adverse ruling and such bonds and guaranty are found to be unconstitutional, invalid, or unenforceable, then the corporation shall no longer be authorized to use the investment of the earnings accrued and collected upon the investment of the minimum balance of the State Transportation Trust Fund to guarantee any bonds.

Section 107. Subsections (1), (3), (4), (6), and (7) of section 288.9607, Florida Statutes, are amended to read:

288.9607 Guaranty of bond issues.—

(1) The corporation is hereby authorized to approve or deny, by a majority vote of the membership of the directors, the guaranty of any revenue bonds issued pursuant to this act. *The guaranty may also be of the obligations of the corporation with respect to any letter of credit, bond insurance or other form of credit enhancement provided by any person with respect to any revenue bonds issued by the corporation pursuant to this act.*

(3) *All applicants which have entered into a guaranty agreement with the corporation shall pay a guaranty premium on such terms and at such rates as the corporation shall determine prior to the issuance of the bonds. The corporation may adopt such guaranty premium structures as it deems appropriate, including, without limitation, guaranty premiums which are payable one-time upon the issuance of bonds or annual premiums payable upon the outstanding principal balance of bonds from time to time.* ~~All applications for a guaranty must be accompanied by a premium payment to the guaranty fund established pursuant to s. 288.9608, in an amount which shall be determined by the corporation.~~ The premium payment may be collected by the corporation from the lessee of the project involved, *from the applicant,* or from *any other* ~~the~~ payee of the loan agreement involved.

(4) All applications for a guaranty must *acknowledge that as a condition to the issuance of the guaranty, the financing must be secured by a mortgage or security interest on the property acquired which will have such priority over other liens on such property as may be required by the corporation* ~~be accompanied by documentation providing that loans be secured by a first mortgage on the property financed~~, and that the financing *must be guaranteed by such person or persons with such ownership interest in the applicant as may be required by the corporation* ~~include a personal guarantee by the principal owner of the business being financed~~.

(6) If the application for a guaranty is approved by the corporation, the corporation and the applicant shall enter into a guaranty agreement. In accordance with the provisions of the guaranty agreement, the corporation guarantees to use the funds on deposit in its Revenue Bond Guaranty Reserve Account to meet amortization payments on the bonds as they become due, in the event and to the extent that the applicant is unable to meet such payments in accordance with the terms of the bond indenture when called to do so by the trustee of the bondholders, *or to make similar payments to reimburse any person which has provided credit enhancement for the bonds and which has advanced funds to meet such amortization payments as they become due. If the applicant defaults on bond amortization payments,* ~~Whenever the corporation, acting under the terms of the guaranty agreement, deems it necessary to assume the obligation of maintenance of any building or facility financed with bond proceeds,~~ the corporation may use funds on deposit in the Revenue Bond Guaranty Reserve Account to pay insurance, ~~and~~ maintenance, *and other* costs *which may be* required for the preservation of *any project or other collateral security for any bond issued by the corporation, or to otherwise* ~~the building or facility and to~~ protect the reserve account from loss, or to minimize losses *to the reserve account,* in *each case in* such manner as *may be* deemed necessary and advisable by the corporation.

(7)(a) The corporation is authorized to enter into an investment agreement with the Department of Transportation and the State Board of Administration concerning the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(7)(b). Such investment shall be limited as follows:

1. Not more than $4 million of the investment earnings earned on the investment of the minimum balance of the State Transportation Trust Fund in a fiscal year shall be at risk at any time on one or more bonds or series of bonds issued by the corporation.

2. The investment earnings shall not be used to guarantee any bonds issued after June 30, 1998, and in no event shall the investment earnings be used to guarantee any bond issued for a maturity longer than 15 years.

3. The corporation shall pay a reasonable fee, set by the State Board of Administration, in return for the investment of such funds. The fee shall not be less than the comparable rate for similar investments in terms of size and risk.

4. The proceeds of bonds, *or portions thereof,* issued by the corporation for which a guaranty has been or will be issued pursuant to s. 288.9606, s. 288.9608, or this section used to make loans to any one person, including any related interests, as defined in s. 658.48, of such person, shall not exceed 20 percent of the principal of all such outstanding bonds of the corporation issued prior to the first composite bond issue of the corporation, or December 31, 1995, whichever comes first, and shall not exceed 15 percent of the principal of all such outstanding bonds of the corporation issued thereafter, *in each case determined as of the date of issuance of the bonds for which such determination is being made and taking into account the principal amount of such bonds to be issued.* The provisions of this subparagraph shall not apply when the total amount of all such outstanding bonds issued by the corporation is less than *$10 million* ~~$2 million~~. *For the purpose of calculating the limits imposed by the provisions of this subparagraph, the first $10 million of bonds issued by the corporation shall be taken into account.*

5. The corporation shall establish a debt service reserve account which contains not less than 6 months' debt service reserves from the proceeds of the sale of any bonds, *or portions thereof,* guaranteed by the corporation.

6. The corporation shall establish an account known as the Revenue Bond Guaranty Reserve Account, the Guaranty Fund. The corporation shall deposit a sum of money *or other cash equivalents* into this fund and maintain a balance *of money or cash equivalents* in this fund, from sources other than the investment of earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund, not less than a sum equal to 1 year of maximum debt service on all outstanding bonds, *or portions thereof,* of the corporation *for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608.* In the event the corporation fails to maintain the balance required pursuant to this subparagraph for any reason other than a default on a bond issue of the corporation guaranteed pursuant to this section *or because of the use by the corporation of any such funds to pay insurance, maintenance or other costs which may be required for the preservation of any project or other collateral security for any bond issued by the corporation, or to otherwise protect the Revenue Bond Guaranty Reserve Account from loss while the applicant is in default on amortization payments, or to minimize losses to the reserve account in each case in such manner as may be deemed necessary or advisable by the corporation, the corporation shall immediately notify the Department of Transportation of such deficiency. Any supplemental funding authorized by an investment agreement entered into with the Department of Transportation and the State Board of Administration concerning the use of investment earnings of the minimum balance of funds is void unless such deficiency of funds is cured by the corporation within 90 days after the corporation has notified the Depart-*

ment of Transportation of such deficiency~~, any guaranty authorized for any bond issue of the corporation shall be void~~.

(b) Unless specifically prohibited in the General Appropriations Act, the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund may continue to be used pursuant to paragraph (a).

(c) The guaranty shall not be a general obligation of the corporation or of the state, but shall be a special obligation, which constitutes the investment of a public trust fund. In no event shall the guaranty constitute an indebtedness of the corporation, the State of Florida, or any political subdivision thereof within the meaning of any constitutional or statutory limitation. Each guaranty agreement shall have plainly stated on the face thereof that it has been entered into under the provisions of this act and that it does not constitute an indebtedness of the corporation, the state, or any political subdivision thereof within any constitutional or statutory limitation, and that neither the full faith and credit of the State of Florida nor any of its revenues is pledged to meet any of the obligations of the corporation under such guaranty agreement. Each such agreement shall state that the obligation of the corporation under the guaranty shall be limited to the funds available in the Revenue Bond Guaranty Reserve Account as authorized by this section.

The corporation shall include, as part of the annual report prepared pursuant to s. 288.9610, a detailed report concerning the use of guaranteed bond proceeds for loans guaranteed or issued pursuant to any agreement with the Florida Black Business Investment Board, including the percentage of such loans guaranteed or issued and the total volume of such loans guaranteed or issued.

Section 108. Paragraph (a) of subsection (2) of section 288.9608, Florida Statutes, is amended to read:

288.9608 Creation and funding of the guaranty account.—

(2)(a) The corporation shall establish an account known as the Revenue Bond Guaranty Reserve Account, the Guaranty Fund. The corporation shall deposit a sum of money *or other cash equivalents* into this fund and maintain a balance in this fund, from sources other than the State Transportation Trust Fund, not less than a sum equal to 1 year of maximum debt service on all outstanding bonds, *or portions thereof,* of the corporation *for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608*.

Section 109. Section 288.9611, Florida Statutes, is amended to read:

288.9611 *Capital development board* ~~Enterprise Florida Capital Partnership~~; creation, purpose, membership.—

(1) There is created *within the nonprofit corporate structure of Enterprise Florida, Inc., a nonprofit public-private board the purpose of which shall be* ~~a body politic and corporate known as the Enterprise Florida Capital Partnership. The purpose of the capital partnership shall be~~ to create a Florida economy characterized by better employment opportunities leading to higher wages by building access to financial markets for firms critical to this mission. The *board shall be comprised of members from* ~~capital partnership shall be a partnership of~~ the private and public sectors of Florida ~~which uses~~ *and shall use* leadership, investment, and changes in public policy *in formulating recommendations* to ensure access to the most appropriate forms of finance for such firms on a scale sufficient to achieve the purpose of this *board* ~~partnership~~.

~~(2) The Enterprise Florida Capital Partnership shall be a not-for-profit corporation pursuant to chapter 617. The articles of incorporation and bylaws establishing the Enterprise Florida Capital Partnership shall be submitted to Enterprise Florida, Inc., and the Department of Commerce for review and approval prior to filing.~~

~~(3) The business and affairs of the partnership shall be managed and conducted by a board of directors, a chair, a vice chair, a secretary, a treasurer, and such other officers and such agents as the partnership bylaws shall authorize.~~

(2)~~(4)~~ *The capital development board* ~~Enterprise Florida Capital Partnership~~ shall be governed by a board of directors. The board of directors shall consist of the following members:

(a) A member of the Senate, who shall be appointed by the President of the Senate *as an ex officio member of the board* and serve at the pleasure of the President.

(b) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives *as an ex officio member of the board* and serve at the pleasure of the Speaker.

(c) Nine to 11 members from the public and private sector consisting of, but not limited to, at least three representatives of the commercial banking industry, a representative of the venture capital industry, an economic development professional, and a manufacturing industry representative, who shall be appointed by the Governor from a list of nominees as provided herein, subject to Senate confirmation.

(3)~~(5)~~ Members appointed by the Governor shall be appointed for terms of 4 years, except that in making the initial appointments, the Governor shall appoint three members for terms of 4 years, three members for terms of 3 years, and three members for terms of 2 years.

(4)~~(6)~~ The chair and vice chair of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board of directors from a slate of candidates submitted by Enterprise Florida, Inc. The chair and vice chair of Enterprise Florida, Inc., may request that additional candidates be submitted by Enterprise Florida, Inc., if the chair and vice chair cannot agree on a list of nominees submitted. Appointments to the board of directors shall be made by the Governor from the list of nominees jointly selected by the chair and vice chair of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors.

(5)~~(7)~~ The Governor shall appoint the initial 9 to 11 members from the public and private sector to the board of directors within 30 days after receipt of the list of nominees from the chair and vice chair of Enterprise Florida, Inc.

(6)~~(8)~~ A vacancy on the board of directors shall be filled for the remainder of the unexpired term.

(7)~~(9)~~ Appointive members may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

Section 110. Section 288.9612, Florida Statutes, is amended to read:

288.9612 *Capital development board* ~~Enterprise Florida Capital Partnership~~; organization.—

(1) The *governing* board of the *capital development board* ~~Enterprise Florida Capital Partnership~~ shall be chaired by a board member selected by a majority vote of the board.

(2) The president of the *board* ~~partnership~~ shall be *hired* ~~appointed~~ by the *president of Enterprise Florida, Inc.,* ~~board~~ and shall serve in the capacity of an executive director and secretary of the board, with *any* additional staff being hired by the president *of Enterprise Florida, Inc.,* within the parameters established by the *board of directors of Enterprise Florida, Inc.* ~~partnership in its bylaws.~~

~~(3) The board may establish an executive committee consisting of the chair, the secretary of the board, and not more than three additional board members selected by the chair. The executive committee shall have such authority as the board delegates to it, except that the board shall not delegate to the executive committee the authority to take actions requiring the approval by a majority of the board as provided in subsection (6).~~

(3)~~(4)~~ The board shall meet at least quarterly and at other times upon call of the chair.

(4)~~(5)~~ A quorum shall be a majority of the total current membership of the board ~~of the partnership~~.

(5)~~(6)~~ A majority of those voting shall be required to organize and conduct the business of the *board* ~~partnership~~, except that a majority of the entire board shall be required to ~~hire or fire the president and~~ adopt or amend the operational plan.

(6)~~(7)~~ Except as may be delegated or authorized by the board, individual board members shall have no authority to control or direct the operations of the *board* ~~partnership~~ or the actions of its officers and employees, including the president.

(7) The board of directors may delegate to its president those powers and responsibilities it deems appropriate.

(8) Members of the board shall serve without compensation, but members, the president, and all *staff* ~~employees of the partnership~~ may be reimbursed for *all reasonable, necessary, and actual expenses as determined by the board of directors of Enterprise Florida, Inc.* ~~per diem and travel expenses in accordance with s. 112.061. The president and all employees of the partnership shall be exempt from the provisions of part II of chapter 110, and the president shall be subject to the provisions of part IV of chapter 110.~~

(9) The board of directors may establish an executive committee consisting of the chair and at least two additional board members selected by the board of directors. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.

Section 111. Section 288.9613, Florida Statutes, is amended to read:

288.9613 Powers and authority of the *capital development* ~~Enterprise Florida Capital Partnership~~ board.—The *capital development* ~~Enterprise Florida Capital Partnership~~ board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this act, as well as the functions, duties, and responsibilities of the *board* ~~partnership~~, including, but not limited to, the following:

(1) *Advise and* assist in the formulation and coordination of the state's economic development policy regarding capital availability for the formation, growth, and development of firms critical to achieve the purposes of the capital *board* ~~partnership~~, as stated in this act *and consistent with the policies of the board of directors of Enterprise Florida Inc.*

(2) *Use a corporate* ~~Adopt an official~~ seal.

~~(3) Hire the president and employees of the partnership.~~

(3)~~(4)~~ *Advise and* assist in developing the state's strategic capital availability development plan and subsequent implementation plans as part of the strategic economic development plan of Enterprise Florida, Inc.

(4)~~(5)~~ *Advise and* assist in the state's capital availability development strategic planning process.

(5)~~(6)~~ Evaluate the performance and effectiveness of Florida's capital availability programs.

(6)~~(7)~~ Report to the board of directors of Enterprise Florida, Inc., regarding its functions, duties, *recommendations,* and responsibilities.

(7)~~(8)~~ Solicit, borrow, accept, receive, *and* invest~~, and expend~~ funds from any public or private source.

(8)~~(9)~~ Contract with public and private entities as necessary to further the directives of this act, *except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.*

~~(10) Approve an annual budget.~~

(9)~~(11)~~ Carry forward any unexpended state appropriations into succeeding fiscal years.

(10)~~(12)~~ Provide an annual report *by November 1 of each year* to *the board of directors of* Enterprise Florida, Inc.~~, the Governor, the Speaker of the House of Representatives, and the President of the Senate.~~

(11)~~(13)~~ Annually review and prepare a report showing how and at what level other state governments support the availability of capital for businesses essential to economic growth and development. The *board* ~~partnership~~ shall recommend appropriate levels of support from Florida state government, the Federal Government, and private enterprise which will cause the access of Florida businesses to capital which is competitive with those of other states. The findings and recommendations of the *board* ~~partnership~~ shall be submitted to Enterprise Florida, Inc.~~, the Governor, and the Legislature.~~

Section 112. Section 288.9614, Florida Statutes, is amended to read:

288.9614 Authorized programs.—The *capital development board may* ~~Enterprise Florida Capital Partnership shall~~ take any action which it deems necessary to achieve the purposes of this act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of *small-sized* ~~small~~ and medium-sized firms, to expand availability of venture capital, and ~~to work closely with the Florida International Affairs Commission~~ to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

Section 113. Section 288.9615, Florida Statutes, is amended to read:

288.9615 Annual report of *capital development board* ~~Enterprise Florida Capital Partnership~~.—By December 1 of each year, *Enterprise Florida, Inc.,* ~~the partnership~~ shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report *by the board* setting forth:

(1) The *audit* ~~evaluation required~~ in s. 288.9616(1), *if conducted*.

(2) The operations and accomplishments of the *board* ~~partnership~~.

(3) The report required in *s. 288.9613(11)* ~~s. 288.9613(13)~~.

(4) *A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.* ~~Its assets and liabilities at the end of its most recent fiscal year.~~

Section 114. Section 288.9616, Florida Statutes, is amended to read:

288.9616 Audits; confidentiality.—

~~(1) By September 1, 1993, the Florida Development Finance Corporation and the partnership in cooperation with the Auditor General shall develop research designs, including goals and measurable objectives for the Florida Development Finance Corporation and the partnership, which will provide the Legislature with a quantitative evaluation of the Florida Development Finance Corporation and the partnership. The Florida Development Finance Corporation and the partnership shall utilize the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.~~

~~(2) Prior to the 1996 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of the Florida Development Finance Corporation and the partnership using the research designs promulgated pursuant to subsection (1). The report shall critique the Florida Development Finance Corporation and the partnership. A report of the findings and recommendations of the Auditor General shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 1996 Regular Session.~~

(1)~~(3)~~ The Auditor General may, pursuant to his or her own authority or at the direction of the ~~Joint~~ Legislative Auditing Committee, conduct an audit of the Florida Development Finance Corporation or the *capital development board* ~~Enterprise Florida Capital Partnership~~ or the programs or entities created by the *board* ~~partnership~~. The audit or report may not reveal the identity of any person who has anonymously made a donation to *the board* ~~Enterprise Florida Capital Partnership~~ pursuant to subsection *(2)* ~~(4)~~.

(2)~~(4)~~ The identity of a donor or prospective donor to the *board* ~~Enterprise Florida Capital Partnership~~ who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 115. Section 288.9617, Florida Statutes, is repealed.

Section 116. Section 288.0475, Florida Statutes, is transferred, and renumbered as section 288.9620, Florida Statutes, and is amended to read:

288.9620 ~~288.0475~~ *Workforce development board* ~~Enterprise Florida Jobs and Education Partnership.—~~

(1) The Legislature finds that the growth and competitive strength of Florida's economy depend upon the state's ability to attract and support industries that add to the value of the state's social capital as well as to its economic capital. It is crucial to the retention and growth of these high-value-added industries to assure that skilled human resources are adequate in quality and quantity. The Legislature intends to adopt a uniform policy to guide education, training, and employment programs, so that the combined efforts of all the programs accomplish the following objectives:

(a) Provide for a skilled workforce to enable Florida to compete in a global economy.

(b) Respond to changes in technology and to emerging industries.

(c) Promote the development of market-driven programs through a planning and funding system based upon products of the Occupational Forecasting Conference created in s. 216.136.

(d) Base evaluations of program success on student and participant outcomes rather than processes.

(e) Coordinate state, federal, local, and private funds for maximum impact.

(f) Encourage the participation, education, and training of members of populations selected by state or federal policy to receive additional resources, guidance, or services. The selected populations must include people with disabilities or economic disadvantages, especially those who are eligible for public assistance or are dislocated workers.

(2) There is created *within the nonprofit corporate structure of Enterprise Florida, Inc., a nonprofit public-private board the purpose of which* ~~a body politic and corporate known as the Enterprise Florida Jobs and Education Partnership. The purpose of the Jobs and Education Partnership~~ is to create a Florida economy characterized by better employment opportunities leading to higher wages by creating and maintaining a highly skilled workforce that responds to the rapidly changing technology and diversified market opportunities critical to this mission.

~~(3) The Enterprise Florida Jobs and Education Partnership is to be a not-for-profit corporation pursuant to chapter 617. The articles of incorporation and bylaws establishing the Enterprise Florida Jobs and Education Partnership must be submitted to Enterprise Florida, Inc., and the Department of Commerce for review and approval prior to filing.~~

(3)~~(4)~~ *The workforce development board shall* ~~Enterprise Florida Jobs and Education Partnership is to~~ be governed by a board of directors. The board of directors is to consist of the following members:

(a) The Commissioner of Education.

(b) The Secretary of the Department of Elderly Affairs.

(c) The Secretary of the Department of Health and Rehabilitative Services.

(d) The Secretary of the Department of Labor and Employment Security.

(e)~~(a)~~ *The Chancellor of the State University System or the Chancellor's designee.* ~~The Lieutenant Governor or the Lieutenant Governor's designee.~~

(f)~~(b)~~ *The executive director of the State Community College System or the executive director's designee.* ~~The Commissioner of Education or the commissioner's designee.~~

(g)~~(c)~~ A member of the Senate, to be appointed by the President of the Senate *as an ex officio member of the board* and serve at the pleasure of the President.

(h)~~(d)~~ A member of the House of Representatives, to be appointed by the Speaker of the House of Representatives *as an ex officio member of the board* and serve at the pleasure of the Speaker.

(i)~~(e)~~ *Eleven to 13* members from the public and private sectors *who possess an understanding of the broad spectrum of education, training, and employment needs of the residents of the state,* with the majority from the private sector, to be appointed by the Governor, subject to Senate confirmation. These members must *represent those industries critical to the state's economic base, as well as that portion of the state's population which has limited employment skills and work experience* ~~be selected from the highest ranking officials in manufacturing and other industries critical to the state's economic base, as well as state agencies, departments, and organizations that have a direct impact on the training and education of workers in the state~~. The members from the public sector must also include an occupational dean of a community college and a school district vocational director with responsibility for postsecondary programs. The members from the private sector must include a private business representative from a private industry council, ~~and~~ a representative of organized labor, *and a representative from a licensed, independent postsecondary institution that conducts vocational education and job training programs in the state.*

(j) Additional members may be appointed, subject to Senate confirmation, when necessary to conform to the requirements of the Job Training Partnership Act or the requirements of any other federal act establishing or designating a Human Resources Investment Council or other federal workforce development board.

(k)~~(f)~~ Private sector members appointed by the Governor must be appointed for 4-year, staggered terms. Public sector members appointed by the Governor shall serve at the pleasure of the Governor. *After July 1, 1996, public-sector members appointed by the Governor must be appointed to 4-year terms.*

(4)~~(5)~~(a) *The chair and vice chair of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board of directors from a slate of candidates submitted by Enterprise Florida, Inc. The chair and vice chair of Enterprise Florida, Inc., may request that additional candidates be submitted by Enterprise Florida, Inc., if the chair and vice chair cannot agree on a list of nominees submitted. Appointments to the board of directors shall be made by the Governor from the list of nominees jointly selected by the chair and vice chair of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors. A vacancy on the board of directors shall be filled for the remainder of the unexpired term in the same manner as the original appointment.* ~~Enterprise Florida, Inc., shall assist the Governor in the appointment of the initial members by providing a list of at least 18 nominees for membership in the partnership. For subsequent appointments, the chair of the Jobs and Education Partnership and the vice chair of Enterprise Florida, Inc., shall provide at least one nominee for each vacancy. The nominees must be selected within 90 days after a vacancy occurs, and the Governor must make the appointments within 30 days after receiving the nominations. Appointees must be representative of all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation must be considered when making nominations for each position on the board of directors.~~

(b) The Governor shall appoint the initial members from the public sector and private sector to the board of directors within 30 days after the receipt of the nominations from Enterprise Florida, Inc.

(c) A member may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

(d) The State Job Training Coordinating Council shall appoint an advisory committee, which must include a member of a private industry council. This committee, the Committee of Practitioners established as required by Pub. L. No. 101-392, and the Quick-Response Advisory Committee, established by s. 288.047, shall provide the *board* ~~partnership~~ with technical advice, policy consultation, and information about workforce development issues.

(5)~~(6)~~(a) The Board of Directors of the *workforce development board* ~~Jobs and Education Partnership~~ shall be chaired by a board member designated by the Governor.

(b) The *president of the* board shall *be hired by* ~~appoint~~ the president *of Enterprise Florida, Inc., and shall* ~~of the partnership to~~ serve in the capacity of an executive director and secretary of the board. The president *of Enterprise Florida, Inc.,* shall hire *any* additional staff within the parameters established by the *board of directors of Enterprise Florida, Inc.* ~~partnership in its bylaws.~~

~~(c) The board may establish an executive committee consisting of its chair, the secretary of the board, and not more than three additional board members selected by the chair. The executive committee shall have such authority as the board delegates to it, except that the board may not delegate to the executive committee the authority to take actions requiring the approval by a majority of the board as provided in paragraph (f).~~

(c)~~(d)~~ The board shall meet at least quarterly and at other times upon call of its chair.

(d)~~(e)~~ A majority of the total current membership of the board ~~of the partnership~~ comprises a quorum of the board.

(e)~~(f)~~ A majority of those voting is required to organize and conduct the business of the *board* ~~partnership~~, except that a majority of the entire board is required ~~to hire or fire the president or~~ to adopt or amend the operational plan.

(f)~~(g)~~ Except as delegated or authorized by the board, individual board members have no authority to control or direct the operations of the *board* ~~partnership~~ or the actions of its officers and employees, including the president.

(g) The board of directors may delegate to its president those powers and responsibilities it deems appropriate.

(h) Members of the board shall serve without compensation, but members, the president, and all employees of the *board* ~~partnership~~ may be reimbursed for *all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.* ~~per diem and travel expenses in accordance with s. 112.061. The president and all employees of the partnership are exempt from the provisions of part II of chapter 110, but the president is subject to the provisions of part IV of chapter 110.~~

(i) The board of directors may establish an executive committee consisting of the chair and at least two additional board members selected by the board of directors. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.

(6)~~(7)~~ The *workforce development* ~~Jobs and Education Partnership~~ board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this section, as well as *its* ~~the~~ functions, duties, and responsibilities ~~of the partnership~~, including, but not limited to, the following:

(a) *Advising and* assisting in the formulation and coordination of the state's economic policy regarding workforce development critical to achieve the purposes of the *board* ~~partnership~~, as stated in this section *and consistent with the policies of the board of directors of Enterprise Florida, Inc.*

(b) *Using a corporate* ~~Adopting an official~~ seal.

~~(c) Hiring the president and employees of the partnership.~~

(c)~~(d)~~ *Advising and* assisting in developing the state's strategic workforce development plan and subsequent implementation plans as part of the strategic economic development plan of Enterprise Florida, Inc.

(d)~~(e)~~ *Advising and* assisting in the state's workforce development strategic planning process.

(e)~~(f)~~ Evaluating the performance and effectiveness of Florida's workforce development programs.

(f)~~(g)~~ Reporting to the board of directors of Enterprise Florida, Inc., regarding its *recommendations,* functions, duties, and responsibilities.

(g)~~(h)~~ Soliciting, borrowing, accepting, receiving, investing, and expending funds from any public or private source.

(h)~~(i)~~ Contracting with public and private entities as necessary to further the directives of this section, *except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.*

(i)~~(j)~~ Approving an annual budget.

(j)~~(k)~~ Carrying forward any unexpended state appropriations into succeeding fiscal years.

(k)~~(l)~~ Providing an annual report to *the board of directors of* Enterprise Florida, Inc., *by November 1 of each year which will include a copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General* ~~the Governor, the President of the Senate, and the Speaker of the House of Representatives~~.

(7)~~(8)~~ The *board* ~~Jobs and Education Partnership~~ may take any action that it deems necessary to achieve the purposes of this section *and consistent with the policies of the board of directors of Enterprise Florida, Inc.,* in partnership with private enterprises, public agencies, and other organizations. The *board* ~~partnership~~ shall advise and make recommendations to the Board of Directors of Enterprise Florida, Inc., *and through the board of directors to* the State Board of Education~~,~~ and the Legislature concerning action needed to bring about the following benefits to the state's social and economic resources:

(a) A state employment, education, and training policy that ensures that programs to prepare workers are responsive to present and future business and industry needs and complement the initiatives of the *boards* ~~Capital Partnership and Innovation Partnership~~ of Enterprise Florida, *Inc.*

(b) A funding system that provides incentives to improve the outcomes of *vocational* ~~degree career and certificate career~~ education programs and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.

(c) A comprehensive approach to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(d) The designation of Institutes of Applied Technology composed of postsecondary institutions working together to ensure that technical and *vocational* ~~degree career and certificate career~~ education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry.

(e) A system to project and evaluate labor market supply and demand using the results of the Occupational Forecasting Conference created in s. 216.136 and the career education performance standards identified in s. 239.233.

(f) A review of the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs. ~~The partnership shall specifically consider whether restructuring the Department of Labor and Employment Security and the Department of Commerce would better serve the state's labor force. An interagency workgroup shall assist the partnership in its deliberations concerning restructuring. The workgroup must include representatives of the Senate, the House of Representatives, the Executive Office of the Governor, the Department of Labor and Employment Security, the Department of Education, the Department of Commerce, the Department of Health and Rehabilitative Services, the Department of Elderly Affairs, and the Department of Community Affairs, with the advice of major business associations and labor organizations.~~

(8)~~(9)~~ By December 1 of each year, *Enterprise Florida, Inc.*, ~~the partnership~~ shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report *by the board* setting forth:

(a) The *audit* ~~evaluation required~~ in subsection *(9), if conducted* ~~(10)~~.

(b) The operations and accomplishments of the partnership including the programs or entities listed in subsection *(7)* ~~(8)~~.

~~(c) Its assets and liabilities at the end of its most recent fiscal year.~~

~~(10)(a) By September 1, 1994, the partnership in cooperation with the Auditor General shall develop research designs, including goals and measurable objectives for the Jobs and Education Partnership, which will provide the Legislature with a quantitative evaluation of the partnership. The partnership must use the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.~~

~~(b) Before the 1996 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of the partnership using the research designs developed under paragraph (a). The report must critique the partnership. A report of the findings and recommendations of the Auditor General must be submitted to the President of the Senate and the Speaker of the House of Representatives before the 1996 Regular Session.~~

(9)~~(c)~~ The Auditor General may, pursuant to his or her own authority or at the direction of the ~~Joint~~ Legislative Auditing Committee, conduct an audit of the *board* ~~partnership~~ or the programs or entities created by the *board* ~~partnership~~.

Section 117. (1) It is the intent of the Legislature that the transfer of responsibilities from the Department of Commerce and the Florida International Affairs Commission to Enterprise Florida, Inc., and the Florida Commission on Tourism, Inc., be accomplished with minimal disruption of services provided to the public and with minimal disruption to the employees of the department and commission. To that end, the Legislature believes that a transition period during which the activities of the department can be systematically reduced and the activities of Enterprise Florida, Inc., and of the Florida Commission on Tourism, Inc., can be strategically increased is appropriate and warranted. The Secretary of the Department of Commerce and the vice chairperson of the Florida International Affairs Commission shall assist, and cooperate fully with Enterprise Florida, Inc., and the Florida Tourism Commission, Inc., in planning and implementing the transfer of responsibilities.

(2) The Department of Commerce, the Department of Labor and Employment Security, and the Department of Management Services shall provide coordinated reemployment assistance to employees of the Department of Commerce who are dislocated as a result of this act.

(3) The state and its political subdivisions shall give preference in the appointment and the retention of employment to employees of the Department of Commerce who are dislocated as a result of this act. Furthermore, for those positions for which an examination is used to determine the qualifications for entrance into employment with the state or its political subdivisions, 10 points shall be added to the earned ratings of any employee of the Department of Commerce who is dislocated as a result of this act, if such person has obtained a qualifying score on the examination for the position. Preference is considered to have expired once such person has been employed by Enterprise Florida, Inc., the Florida Commission on Tourism, Inc., any state agency, or any agency of a political subdivision of the state.

(4) The Office of Tourism, Trade, and Economic Development shall contract with Enterprise Florida, Inc., to take the necessary initial steps in preparation of becoming the state's primary economic development organization as of January 1, 1997. Such preparation may include hiring additional staff and securing additional workspace and shall be contingent upon funding being provided in the 1996-1997 General Appropriations Act.

(5) The Office of Tourism, Trade, and Economic Development shall contract with the Florida Commission on Tourism, Inc., to take the necessary initial steps in preparation for becoming the state's primary tourism development organization as of January 1, 1997. Such preparation may include hiring additional staff and securing additional workspace and shall be contingent upon funding being provided in the 1996-1997 General Appropriations Act.

(6) The transfer of any programs, activities, and functions under this act shall include the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such programs, activities, and functions. Any surplus records and unexpended balances of appropriations, allocations, or other funds not so transferred shall be transferred to the Office of Tourism, Trade, and Economic Development for proper disposition. Unless otherwise provided, the Office of Tourism, Trade, and Economic Development shall become the custodian of any property of the Department of Commerce and the Florida International Affairs Commission for the purposes of chapter 273, Florida Statutes. The office is authorized to permit the use of such property by organizations with which the state contracts under the provisions of this act.

Section 118. (1) From funds appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development for the purpose of annually contracting with Enterprise Florida, Inc., 10 percent of such funds for the fiscal year 1996-1997, 20 percent of such funds for the fiscal year 1997-1998, 30 percent of such funds for the fiscal year 1998-1999, 40 percent of such funds for the fiscal year 1999-2000, and 50 percent of such funds for the fiscal year 2000-2001 shall be placed in reserve by the Executive Office of the Governor. The funds may be released through a budget amendment, in accordance with chapter 216, Florida Statutes, as requested by Enterprise Florida, Inc., through the Office of Tourism, Trade, and Economic Development if Enterprise Florida, Inc., has provided sufficient documentation that the same amount of matching private funds as the amount placed in reserve has been contributed during the same fiscal year to Enterprise Florida, Inc., in support of its economic development efforts. If sufficient documentation is not provided by the end of the fiscal year, such funds shall revert back to the General Revenue Fund.

(2) Prior to the 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of the contributions made to Enterprise Florida, Inc., during the prior three years pursuant to this section of this act. The review must be conducted in such a manner as to determine the amount and type of matching private funds contributed and the circumstances affecting to the ability to achieve or not achieve the specified amount of matching private funds for each year. Based on this information and historical data, the Office of Program Policy Analysis and Governmental Accountability shall determine whether the funding levels of matching private funds for fiscal year 1999-2000, and fiscal year 2000-2001, as specified in this section of this act, are appropriate. This report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(3) For the purposes of this section, matching private funds include a conveyance of property, employee wages paid during training, or payment or distribution of cash or anything of value, including contributions in-kind having an attributable monetary value in any form. Contributions in-kind include, but are not limited to, goods or services rendered. The cost of the contribution shall be the reasonable cost to the sponsor of the goods or services.

Section 119. Paragraphs (a), (b), and (h) of subsection (1) of section 288.973, Florida Statutes, are amended to read:

288.973 Florida Defense Conversion and Transition Commission.—

(1)(a) The Florida Defense Conversion and Transition Commission is created and assigned to the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ for administrative and primary staff support. The commission shall advise the Governor and the Legislature in the development and implementation of military base reuse and transition policy.

(b) The commission shall consist of:

1. A member of the Senate, appointed by the President of the Senate.

2. A member of the House of Representatives, appointed by the Speaker of the House of Representatives.

3. Two members of the Florida Congressional Delegation, one from the House of Representatives and one from the Senate.

4. The ~~Secretary of Commerce, the~~ Secretary of Labor and Employment Security, the Adjutant General, the executive director of the Department of Veterans' Affairs, the Commissioner of Education, the Chancellor of the Board of Regents, the executive director of the State Board of Community Colleges, the Secretary of Community Affairs, the Secretary of Environmental Protection, the director of the State Job Training Coordinating Council, and the director of the Florida Office of State-Federal Relations, or their designees.

5. The vice chair of Enterprise Florida, Inc., or his or her designee from the Enterprise Florida, *Inc., board of directors* ~~Board~~.

6. The chairs, or their designees, of officially recognized community base closure committees.

7. One member appointed from a labor organization which represents workers in the defense industry.

8. One representative from the military services, appointed by the Governor from candidates recommended by the United States Department of Defense.

9. Up to 10 private sector members, appointed by the Governor, at least one of whom must be chosen from each of the following categories: prime defense contractors, defense subcontractors, defense suppliers, and other businesses directly affected by base closures or other defense reductions.

10. At the discretion of the Governor, up to six members who are representatives of communities not represented by officially recognized community base closure committees which have been substantially affected by defense reductions.

(h) In addition to the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, Enterprise Florida, Inc., and the Department of Labor and Employment Security shall provide staff support to the commission.

Section 120. Subsections (3), (8), and (9) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

(3) No later than 6 months after May 31, 1994, or 6 months after the designation of a military base for closure by the Federal Government, whichever is later, each host local government shall notify the *Secretary* ~~secretaries~~ of the Department of Community Affairs and the *director of the Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ in writing, by hand delivery or return receipt requested, as to whether it intends to use the optional provisions provided in this act. If a host local government does not opt to use the provisions of this act, land use planning and regulation pertaining to base reuse activities within those host local governments shall be subject to all applicable statutory requirements, including those contained within chapters 163 and 380.

(8) At the request of a host local government, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall coordinate a presubmission workshop concerning a military base reuse plan within the boundaries of the host jurisdiction. Agencies that shall participate in the workshop shall include any affected local governments, the Department of Environmental Protection, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, the Department of Community Affairs, the Department of Transportation, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, the Department of State, the Game and Fresh Water Fish Commission, and any applicable water management districts and regional planning councils. The purposes of the workshop shall be to assist the host local government to understand issues of concern to the above listed entities pertaining to the military base site and to identify opportunities for better coordination of planning and review efforts with the information and analyses generated by the federal environmental impact statement process and the federal community base reuse planning process.

(9) If a host local government elects to use the optional provisions of this act, it shall, no later than 12 months after notifying the agencies of its intent pursuant to subsection (3) either:

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments, the Department of Environmental Protection, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, the Department of Community Affairs, the Department of Transportation, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, the Department of State, the Florida Game and Fresh Water Fish Commission, and any applicable water management districts and regional planning councils, or

(b) Petition the secretary of the Department of Community Affairs for an extension of the deadline for submitting a proposed reuse plan. Such an extension request must be justified by changes or delays in the closure process by the federal Department of Defense or for reasons otherwise deemed to promote the orderly and beneficial planning of the subject military base reuse. The secretary of the Department of Community Affairs may grant up to a 1-year extension to the required submission date of the reuse plan.

Section 121. Subsections (2), (3), and (4) of section 288.980, Florida Statutes, are amended to read:

288.980 Base closure or realignment; legislative intent; grants program.—

(2)(a) The *Office of Tourism, Trade, and Economic Development* ~~secretary of the Department of Commerce~~ is authorized to award grants from funds specifically appropriated for this purpose to applicants' eligible projects. Eligible projects shall be limited to:

1. Activities related to the retention of military installations potentially affected by federal base closure or realignment.

2. Activities related to preventing the potential realignment or closure of a military installation officially identified by the Federal Government for potential realignment or closure.

(b) "Activities" as used herein means studies, presentations, analyses, plans, and modeling. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(3)(a) The amount of any grant provided to an applicant in any one year shall not exceed $250,000. The *Office of Tourism, Trade, and Economic Development* ~~department~~ shall require that an applicant:

1. Represent a community with a military installation or military installations that could be adversely affected by federal base realignment or closure.

2. Agree to provide a match of at least 100 percent of any grant awarded by the department directly related to the activities for which the grant is being sought.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for realignment or closure of a military installation located in the applicant's community and the adverse impacts such realignment or closure will have on the applicant's community.

(b) In making grant awards for eligible projects, the *office* ~~department~~ shall consider, at a minimum, the following factors:

1. The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations vulnerable to closure.

2. The potential job displacement within the local community should the military installation be closed.

3. The potential adverse impact on industries and technologies which service the military installation.

(c) For purposes of this section, "applicant" means one or more counties, or a base closure or realignment commission created by one or more counties, to oversee the potential or actual realignment or closure of a military installation within the jurisdiction of such local government.

(4) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall *establish guidelines*~~, pursuant to chapter 120, adopt rules~~ to implement and carry out the purpose and intent of this section.

Section 122. Subsection (8) of section 289.031, Florida Statutes, is amended to read:

289.031 Special corporate powers.—In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations generally by the provisions of general statute, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(8) To cooperate with and avail itself of the facilities of the United States Department of Commerce, the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development of the Department of Commerce~~, and any other similar state or federal governmental agency and to cooperate with, assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance, and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

Section 123. Section 290.004, Florida Statutes, is amended to read:

290.004 Definitions.—As used in ss. 290.001-290.016:

(1) "Community investment corporation" means a black business investment corporation, a certified development corporation, a small business investment corporation, or other similar entity incorporated under Florida law that has limited its investment policy to making investments solely in minority business enterprises.

(2) "Department" means the Department of Commerce.

(3) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(4)~~(3)~~ "Governing body" means the council or other legislative body charged with governing the county or municipality.

(5)~~(4)~~ "Interagency coordinating council" means the Enterprise Zone Interagency Coordinating Council created pursuant to s. 290.009.

(6)~~(5)~~ "Minority business enterprise" has the same meaning as in s. 288.703.

(7) "Office" means the Office of Tourism, Trade, and Economic Development.

(8)~~(6)~~ "Secretary" means the Secretary of Commerce.

(9)~~(7)~~ "Small business" has the same meaning as in s. 288.703.

Section 124. It is the intent of the Legislature that the Office of Tourism, Trade, and Economic Development designate a total of 20 areas as enterprise zones pursuant to section 290.0065, Florida Statutes. If the office has not designated a total of 20 areas of the state as enterprise zones by July 1, 1996, the office shall conduct additional designation processes until the office has selected a total of 20 areas. The office shall complete such additional processes by July 1, 1997, and any area designated as an enterprise zone pursuant to this section shall be effective July 1, 1997, and such designation shall operate retroactively to July 1, 1996.

Section 125. (1) Notwithstanding the provisions of sections 212.096, 220.03(1)(q), and 220.181, Florida Statutes, which require that new employees must have been hired after July 1, 1995, in order for a business to be eligible for the enterprise zone sales tax and corporate tax credits, an employee who is hired after January 1, 1995, may be defined as a "new employee" for purposes of such tax credits.

(2) This section applies only to any business located within an area that was designated as a state enterprise zone before December 31, 1994, and was subsequently redesignated or received a designation as a state enterprise zone on July 1, 1995, if the employing business transferred for employment within an enterprise zone, at least 100 full-time employees from a location outside this state between January 1, 1995, and July 1, 1995.

(3) Notwithstanding section 220.181(6), Florida Statutes, any business that is eligible to receive a tax credit pursuant to this section must submit an application pursuant to sections 212.096 and 220.181, Florida Statutes, within 4 months after the effective date of this act. All other requirements of sections 212.096 and 220.181, Florida Statutes, apply to such a business.

Section 126. Subsections (11) and (12) of section 290.0056, Florida Statutes, are amended to read:

290.0056 Enterprise zone development agency.—

(11) Prior to December 1 of each year, the agency shall submit to the *Office of Tourism, Trade, and Economic Development* ~~department~~ a complete and detailed written report setting forth:

(a) Its operations and accomplishments during the fiscal year.

(b) The accomplishments and progress concerning the implementation of the strategic plan.

(c) The number and type of businesses assisted by the agency during the fiscal year.

(d) The number of jobs created within the enterprise zone during the fiscal year.

(e) The usage and revenue impact of state and local incentives granted during the calendar year.

(f) Any other information required by the *office* ~~department~~.

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

Section 127. Subsection (2) of section 290.0058, Florida Statutes, is amended to read:

290.0058 Tests of pervasive poverty, unemployment, and general distress.—

(2) Pervasive poverty shall be evidenced by a showing that poverty is widespread throughout the nominated area. The poverty rate of the nominated area shall be established using the following criteria:

(a) In each census geographic block group within a nominated area, the poverty rate shall be not less than 20 percent.

(b) In at least 50 percent of the census geographic block groups within the nominated area, the poverty rate shall not be less than 30 percent.

(c) Census geographic block groups with no population shall be treated as having a poverty rate which meets the standards of paragraph (a), but shall be treated as having a zero poverty rate for purposes of applying paragraph (b).

(d) A nominated area may not contain a noncontiguous parcel unless such parcel separately meets the criteria set forth under paragraphs (a) and (b).

(e) For purposes of this subsection, pervasive poverty within an area nominated by a county and one or more municipalities together shall be presumed within each census geographic block group within a municipality which has fewer than 3 contiguous census geographic block groups provided at least one such group has a poverty level of more than 20 percent.

Section 128. Subsections (8) and (9) are added to section 290.0065, Florida Statutes, to read:

290.0065 State designation of enterprise zones.—

(8)(a) Notwithstanding s. 290.0055, any area existing as a state enterprise zone as of December 30, 1994, which has received at least $1 million in state community development funds and at least $500,000 in federal community development funds, which has less than 300 businesses located within the boundaries of the enterprise zone, and which has been

designated by the United States Department of Agriculture as a "Champion Community" shall be redesignated as a state enterprise zone upon the creation of an enterprise zone development agency pursuant to s. 290.0056 and the completion of a strategic plan pursuant to s. 290.0057.

(b) Such designation shall be in addition to the limitations of state enterprise zone designation set out in subsection (1).

(9) The Office of Tourism, Trade, and Economic Development may amend the boundaries of any enterprise zone designated by the state pursuant to this section, consistent with the categories, criteria, and limitations imposed in this section upon the establishment of such enterprise zone and only if consistent with the determinations made in paragraph s. 290.0058(2)(e).

Section 129. Subsection (1) of section 290.0066, Florida Statutes, is amended to read:

290.0066 Revocation of enterprise zone designation.—

(1) The *director* ~~secretary~~ may revoke the designation of an enterprise zone if the *director* ~~secretary~~ determines that the governing body or bodies:

(a) Have failed to make progress in achieving the benchmarks set forth in the strategic plan; or

(b) Have not complied substantially with the strategic plan.

Section 130. Section 290.0075, Florida Statutes, is amended to read:

290.0075 Enterprise zone linked deposit program.—

(1) The Department of Banking and Finance, in consultation with the *interagency coordinating council* ~~department~~, is authorized to create an enterprise zone linked deposit program to encourage financial institutions to increase the volume of loans made to small businesses in enterprise zones.

(2)(a) The *Department of Banking and Finance* ~~department~~, in consultation with the interagency coordinating council, may select ~~one~~ designated state enterprise *zones* ~~zone~~ from each of the categories established by s. 290.0065(3)(a) for participation in this program.

(b) Participating enterprise zones shall provide a 100-percent match of any state treasury funds deposited pursuant to subsection (3). Participating enterprise zones shall select financial institutions for receipt of such funds by a competitive bid process based upon guidelines developed by the Department of Banking and Finance and the competitive selection process employed by the Office of the Treasurer for deposit of certificates of deposit. The participating enterprise zones may select more than one financial institution. The Treasurer may reject any financial institution selected for participation in this program and request that another financial institution be selected.

(3) Notwithstanding the provisions of s. 18.10, the Treasurer may designate, for the length of this program, up to $10 million of the state's short-term treasury deposits for deposit in financial institutions selected pursuant to paragraph (2)(b), except that the Treasurer *must designate for deposit an equal amount of state short-term treasury deposits for each category established by s. 290.0065(3)(a)* ~~may not deposit more than $2 million in financial institutions located in one enterprise zone~~. *State funds designated for deposit for a category must be made available for deposit in the following manner. First, such funds must be made available to enterprise zones on a ranked basis, as determined by the Department of Banking and Finance in consultation with the interagency coordinating council, within each respective category. Thereafter, any funds that have not been deposited after being made available to the enterprise zones within that category must be made available to any enterprise zone within any category.*

(4) The Treasurer may not approve the deposit of state funds under this act until the receipt of written documentation from the Comptroller noting the financial institutions approved for deposit under this act. Such selected financial institutions must be qualified public depositories pursuant to chapter 280.

(5)~~(4)~~ Selected financial institutions shall provide a 100-percent match of any state treasury funds and local funds that are deposited within the financial institution pursuant to subsections (2) and (3). The selected financial institution's share of matching funds shall be used to provide loans or lines of credit to individuals for small business startup or expansion, working capital, or inventory financing. Loans shall be made to individuals for small businesses located in enterprise zones.

(6)~~(5)~~ The Department of Banking and Finance shall provide an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the *Office of Tourism, Trade, and Economic Development* ~~department~~ prior to February 1 of each year which contains:

(a) The number and amount of loans made to small businesses under this program during the previous calendar year.

(b) The average interest rate for small business loans made by each selected financial institution under this program during the previous calendar year.

(c) The number of completed small business loan applications that were denied or disapproved during the previous calendar year by each selected financial institution under this program.

(d) Recommendations concerning the continuation, expansion, improvement, or termination of this program.

(7)~~(6)~~ This section shall stand repealed on June 30, 2000, and upon such repeal, the designated short-term treasury deposits shall be returned to the Treasurer.

Section 131. Subsections (1) and (3) and paragraph (a) of subsection (2) of section 290.009, Florida Statutes, are amended to read:

290.009 Enterprise Zone Interagency Coordinating Council.—

(1) There is created within the *Office of Tourism, Trade, and Economic Development* ~~department~~ the Enterprise Zone Interagency Coordinating Council. The council shall be composed of the secretaries or executive directors, or their designees, of the Department of Community Affairs, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, the Department of Health and Rehabilitative Services, the Department of Labor and Employment Security, the Department of State, the Department of Transportation, the Department of Environmental Protection, the Department of Law Enforcement, and the Department of Revenue; the Attorney General or his or her designee; and the executive directors or their designees of the State Community College System, the Black Business Investment Board, and the Florida State Rural Development Council.

(2) The purpose of the council is to:

(a) Advise the *office* ~~department~~ in planning, developing, implementing, and performing evaluation and reporting activities related to the Florida Enterprise Zone Act of 1994.

(3) The *director of the office* ~~secretary~~ or his or her designee shall serve as the chair of the council.

Section 132. Section 290.014, Florida Statutes, is amended to read:

290.014 Annual reports on enterprise zones.—

(1) By February 1 of each year, the Department of Revenue shall submit an annual report to the *Office of Tourism, Trade, and Economic Development* ~~department~~ detailing the usage and revenue impact by county of the state incentives listed in s. 290.007.

(2) By March 1 of each year, the *office* ~~department~~ shall submit an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report shall include the information provided by the Department of Revenue pursuant to subsection (1) and the information provided by enterprise zone development agencies pursuant to s. 290.0056. In addition, the report shall include an analysis of the activities and accomplishments of each enterprise zone, and any additional information prescribed pursuant to s. 290.015.

Section 133. Subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218, and the auditing provisions of s. 11.45(3)(a)4. *Program funds also may be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade data information products which will assist Florida's seaports and international trade.* ~~Moneys in the trust fund may also be used for the acquisition of economic benefit and trade data information.~~

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.

Section 134. Subsections (1), (3), (5), (8), (9), (10), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina, the secretary of the Department of Transportation or his or her designee as an ex officio nonvoting member, the *director* ~~secretary~~ of the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ or his or her designee as an ex officio nonvoting member, and the secretary of the Department of Community Affairs or his or her designee as an ex officio nonvoting member.

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to the state. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, the Department of Transportation, and the Department of Community Affairs. The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually, beginning no later than February 1, 1991.

(5) The council shall review and approve or disapprove each project eligible to be funded pursuant to the Florida Seaport Transportation and Economic Development Program. The council shall annually submit to the Secretary of Transportation, the *director of the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~, and the Secretary of Community Affairs a list of projects which have been approved by the council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

(8) The *Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc.,* ~~Department of Commerce~~ shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall review the economic benefits of each project based upon the rules adopted pursuant to subsection (4). The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the council of its findings.

(9) The council shall review the findings of the Department of Community Affairs, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (6), (7), and (8) and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (8) shall not be included in the list of projects to be funded.

(10) The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program for expenditure of funds of not less than $8 million per year. Such budget shall include funding for projects approved by the council which have been determined by each agency to be consistent and which have been determined by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ to be economically beneficial. The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted as part of the needs and project list prepared pursuant to s. 339.135.

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members except for members representing the Department of Transportation, the Department of Community Affairs, and the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. A vote of the majority of the voting members present is sufficient for any action of the council, unless the bylaws of the council require a greater vote for a particular action.

Section 135. Section 311.105, Florida Statutes, is created to read:

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.—

(1)(a) There is created the Florida Seaport Environmental Management Committee, which shall be under the direction of the Florida Seaport Transportation and Economic Development Council.

(b) The committee shall consist of the following members: the Secretary of Environmental Protection, or his or her designee, as an ex officio, nonvoting member; a designee from the United States Army Corps of Engineers, as an ex officio, nonvoting member; a designee from the Florida Inland Navigation District, as an ex officio, nonvoting member; the Secretary of Community Affairs, or his or her designee, as an ex officio, nonvoting member; and five or more port directors, as voting members, appointed to the committee by the council chair, who shall also designate one such member as committee chair.

(c) The committee shall meet at the call of the chair, but must meet at least semiannually. A majority of the voting members constitutes a quorum for the purpose of transacting business of the committee, and a vote of the majority of the voting members present is required for official action by the committee.

(d) The committee shall provide a forum for discussion of environmental issues, including, but not limited to, those relating to maintenance dredging and dredged-material management, environmental mitigation, air and water quality permitting, and the maintenance of navigation channels, port harbors, turning basins, harbor berths, and associated facilities.

(e) The committee shall work closely with the Department of Environmental Protection, United States Army Corps of Engineers, and ports listed in s. 403.021(9)(b) to ensure that suitable dredged material is deposited on Florida's beaches to the extent the committee determines to be economically feasible and consistent with beach restoration and other beneficial uses criteria of the Department of Environmental Protection.

(2) Each application for a permit authorized pursuant to s. 403.061(38) must include:

(a) A description of maintenance dredging activities to be conducted and proposed methods of dredged-material management.

(b) A characterization of the materials to be dredged and the materials within dredged-material management sites.

(c) A description of dredged-material management sites and plans.

(d) A description of measures to be undertaken, including environmental compliance monitoring, to minimize adverse environmental effects of maintenance dredging and dredged-material management.

(e) Such scheduling information as is required to facilitate state supplementary funding of federal maintenance dredging and dredged-material management programs consistent with beach restoration criteria of the Department of Environmental Protection.

(3) Each application for a permit authorized pursuant to s. 403.061(39) must include the provisions of paragraphs (2)(b)-(e) and the following:

(a) A description of dredging and dredged-material management and other related activities associated with port development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.

(b) A discussion of environmental mitigation as is proposed for dredging and dredged-material management for port development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.

(4) Environmental mitigation is not required for dredging and dredged-material management for the maintenance of port harbors, navigation channels, turning basins, or harbor berths if all prior conditions of the original permit to construct the port harbor, navigation channel, dredged-material management site, turning basin, or harbor berth issued by the Department of Environmental Protection or its predecessor agency are met.

(5) Where appropriate, the Department of Environmental Protection shall provide mitigation credits to those deepwater ports that provide for innovative approaches to the onshore and nearshore placement of suitable dredged material consistent with beach restoration and other beneficial uses criteria of the department.

(6) Dredged-material management activities authorized pursuant to s. 403.061(38) or (39) shall be incorporated into port master plans developed pursuant to s. 163.3178(2)(k).

Section 136. Section 311.11, Florida Statutes, is amended to read:

311.11 Seaport Employment Training Grant Program.—

(1) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within the *office* ~~department~~. The *office* ~~department~~ may grant funds appropriated by the Legislature to seaport employment training programs for the purpose of training residents in job skills associated with employment opportunities related to economic development activities developed by any seaport member of the council or developed by the private sector in cooperation with any seaport member of the council. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The *office's* ~~department's~~ contribution to any specific training program may not exceed 50 percent of the total cost of the program. Matching contributions from the seaport and its private sector component may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

(2) There is created the Seaport Employment Training Trust Fund within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ to fund employment training programs that will provide job skills to improve the movement of cargo or passengers in commerce and trade and to support the interests, purposes, and requirements of ports located in this state.

(3) The *office* ~~department~~ shall adopt *criteria* ~~rules~~ to implement this section.

Section 137. Subsection (2) of section 313.01, Florida Statutes, is amended to read:

313.01 Appointment and removal of harbormasters.—

(2) In all counties having a population of more than 300,000, according to the last official census, *or in counties or municipalities where port authorities have been created by special act or ordinance,* the office and position of harbormaster as provided in chapters 313 and 314, is abolished.

Section 138. Paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a

direct-support organization of the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. These funds must be deposited into the Professional Sports Development Trust Fund within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce as defined in s. 288.116~~.

3. The Florida Sports Foundation shall provide an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ as specified in *s. 288.1229(5)* ~~s. 20.17(5)(d)~~. The auditor shall submit the audit report to the *Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~ for review and approval. If the audit report is approved, the *office* ~~department~~ shall certify the audit report to the Auditor General for review.

Section 139. Section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, *must* ~~shall~~ be distributed monthly, as collected, *as follows* ~~to the following funds~~:

(1) The first proceeds, to the extent necessary to comply with the provisions of s. 18 of Art. XII of the State Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968 revised constitution, and the additional provisions of s. 9(d) and s. 236.602, *must* ~~shall~~ be deposited in the district Capital Outlay and Debt Service School Trust Fund.

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

(3) Notwithstanding any other provision of law, beginning July 1, 1996, $25 million per year must be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in chapter 311. Such revenues must be distributed on a 50-50 matching basis to any port listed in s. 311.09(1), to be used for funding projects as described in s. 311.07(3)(b). Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by a port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt does not constitute a general obligation of the state. Any revenues that are not pledged to the repayment of bonds as authorized by this subsection may be used for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated under s. 311.07. The Florida Seaport Transportation and Economic Development Council must approve distribution of funds to ports for projects that have been approved under s. 311.09(5)-(9). The council and the Department of Transportation may perform acts necessary to administer this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers similar to those powers with respect to bonding which are provided to municipalities or counties under s. 163.01(7)(d), subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection.

(4)~~(3)~~(a) Except as provided in paragraph (c), the remainder of such revenues *must* ~~shall~~ be deposited in the State Transportation Trust Fund.

(b) Beginning July 1, 1989, the State Comptroller each month shall deposit in the State Transportation Trust Fund an amount, drawn from other funds in the State Treasury which are not immediately needed or are otherwise in excess of the amount necessary to meet the requirements of the State Treasury, which when added to such remaining revenues each month will equal one-twelfth of the amount of the anticipated annual revenues to be deposited in the State Transportation Trust Fund under paragraph (a) as estimated by the most recent revenue estimating conference held pursuant to s. 216.136(3). The transfers required hereunder may be suspended by action of the Administration Commission in the event of a significant shortfall of state revenues.

(c) In any month in which the remaining revenues derived from the registration of motor vehicles exceed one-twelfth of those anticipated annual remaining revenues as determined by the revenue estimating conference, the excess shall be credited to those state funds in the State Treasury from which the amount was originally drawn, up to the amount which was deposited in the State Transportation Trust Fund under paragraph (b). A final adjustment *must* ~~shall~~ be made in the last months of a fiscal year so that the total revenue deposited in the State Transportation Trust Fund each year equals the amount derived from the registration of motor vehicles, less the amount distributed under subsection (1). For the purposes of this paragraph and paragraph (b), the term "remaining revenues" means all revenues deposited into the State Transportation Trust Fund under paragraph (a) and *subsections (2) and (3)* ~~subsection (2)~~. In order that interest earnings continue to accrue to the General Revenue Fund, the Department of Transportation may not invest an amount equal to the cumulative amount of funds deposited in the State Transportation Trust Fund under paragraph (b) less funds credited under this paragraph as computed on a monthly basis. The amounts to be credited under this and the preceding paragraph *must* ~~shall~~ be calculated and certified to the Comptroller by the Executive Office of the Governor.

Section 140. There is hereby appropriated from the State Transportation Trust Fund $25 million to the Department of Transportation to fund the Florida Seaport Transportation and Economic Development Program as provided in chapter 311, Florida Statutes, and pursuant to section 320.20, Florida Statutes, for fiscal year 1996-1997.

Section 141. Subsections (1) and (2) of section 370.28, Florida Statutes, are amended, and subsections (3) and (4) are added to that section to read:

370.28 Enterprise zone designation; communities adversely impacted by net limitations.—

(1) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ is directed to identify communities suffering adverse impacts from the adoption of the constitutional amendment limiting the use of nets to harvest marine species.

(2)*(a)* Such communities having a population of less than 7,500 persons and such communities in rural and coastal counties with a county population of less than *25,000* ~~20,000~~ may apply to the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ by *August* ~~May~~ 15, 1996, for the designation of an area as an enterprise zone. The community must comply with the requirements of s. 290.0055, *except that, for a community having a total population of 7,500 persons or more but less than 20,000 persons, the selected area shall not exceed 5 square miles*. Notwithstanding the provisions of s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ may designate an enterprise zone in eight of the identified communities. The governing body having jurisdiction over such area shall create an enterprise zone development agency pursuant to s. 290.0056 and submit a strategic plan pursuant to s. 290.0057. Enterprise zones designated pursuant to this section shall be effective *January 1, 1997* ~~July 1, 1996~~, and shall terminate December 31, 2005.

(b) Notwithstanding any provisions of this section to the contrary, communities in coastal counties with a county population greater than 20,000, which can demonstrate that the community has historically been a fishing community and has therefore had a direct adverse impact from the adoption of the constitutional amendment limiting the use of nets, shall also be eligible to apply for designation of an area as an enterprise zone. The community must comply with the requirements of s. 290.0055,

except s. 290.0055(3). Such communities shall apply to the Office of Tourism, Trade, and Economic Development by August 15, 1996. The office may designate one enterprise zone under this paragraph, which shall be effective January 1, 1997, and which shall be in addition to the eight zones authorized under paragraph (a). Such enterprise zone shall terminate December 31, 2005. The governing body having jurisdiction over such area shall create an enterprise zone development agency pursuant to s. 290.0056 and submit a strategic plan pursuant to s. 290.0057.

(3) For the purpose of nominating and designating areas pursuant to subsection (2), the requirements set out in s. 290.0058(2) shall not apply.

(4) Notwithstanding the enterprise zone residency requirements set out in ss. 212.096(1)(c) and 220.03(1)(q), businesses located in enterprise zones designated pursuant to this section may receive the credit provided under s. 212.096 or s. 220.181 for hiring any person within the jurisdiction of the nominating community of such enterprise zone. All other provisions of ss. 212.096, 220.03(1)(q), and 220.181 apply to such businesses.

Section 142. Subsections (3) and (5) of section 374.976, Florida Statutes, are amended to read:

374.976 Authority to address impacts of waterway development projects.—

(3) All financial assistance and support furnished by the Florida Inland Navigation District and the West Coast Inland Navigation District to member counties and local governments within the districts shall require matching funds. Such matching funds shall be clearly identified and enumerated as to amount and source. Such financial assistance and support except as provided pursuant to paragraph (1)(a) *and except for a project approved in a county that is recovering from a state of emergency declared under chapter 252,* shall not exceed the proportional share of ad valorem tax collections from each county.

(5) The Florida Inland Navigation District may furnish assistance and support to seaports for the purpose of planning and carrying out dredge material management projects and other environmental mitigation projects. Port projects shall benefit publicly maintained channels and harbors. Any port eligible for funding shall be located in a member county of the district, and each port shall contribute matching funds for funded projects. *Financial assistance for such port projects shall not be included in calculating the proportional share of ad valorem tax collections of the county in which the port is located, provided the port seeking assistance can demonstrate a regional benefit realized from the port's activities. However, no port project funded pursuant to this section can exceed the proportional share of ad valorem taxation of the counties in the district which are benefited from the project.*

Section 143. Section 380.24, Florida Statutes, is amended to read:

380.24 Local government participation.—Units of local government abutting the Gulf of Mexico or the Atlantic Ocean, or which include or are contiguous to waters of the state where marine species of vegetation listed by rule as ratified in s. 373.4211 constitute the dominant plant community, shall develop a coastal zone protection element pursuant to s. 163.3177. Such units of local government shall be eligible to receive technical assistance from the state in preparing coastal zone protection elements and shall be the only units of local government eligible to apply to the department for available financial assistance. Local government participation in the coastal management program authorized by this act shall be voluntary. *All permitting and enforcement of dredged-material management and other related activities subject to permit under the provisions of chapters 161 and 253 and part IV of chapter 373 for deepwater ports identified in s. 403.021(9)(b) shall be done through the Department of Environmental Protection consistent with the provisions of s. 403.021(9).*

Section 144. Subsection (9) of section 403.021, Florida Statutes, is amended to read:

403.021 Legislative declaration; public policy.—

(9)(a) The Legislature finds and declares that it is essential to preserve and maintain authorized water depth in the existing navigation channels, port harbors, turning basins, and harbor berths of this state in order to provide for the continued safe navigation of deepwater shipping commerce. The department shall recognize that maintenance of authorized *water* ~~channel~~ depths *consistent with port master plans developed pursuant to s. 163.3178(2)(k)* is an ongoing, continuous, beneficial, and necessary activity *that is in the public interest*; and it shall develop a regulatory process *that* ~~which~~ shall enable the ports of this state to conduct such activities in an environmentally sound, *safe,* expeditious, and *cost-efficient* ~~efficient~~ manner. *It is the further intent of the Legislature that the permitting and enforcement of dredging, dredged-material management, and other related activities for Florida's deepwater ports pursuant to this chapter and chapters 161, 253, and 373 shall be consolidated within the department's Division of Environmental Resource Permitting and, with the concurrence of the affected deepwater port or ports, may be administered by a district office of the department or delegated to an approved local environmental program.*

(b) The provisions of paragraph (a) apply only to the port waters, *dredged-material management* ~~spoil disposal~~ sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, ~~and~~ Pensacola, *Fernandina, and Key West.*

Section 145. Subsections (38) and (39) are added to section 403.061, Florida Statutes, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(38) Enter into a memorandum of agreement with the Florida Ports Council which provides a supplemental permitting process for the issuance of a joint coastal permit pursuant to s. 161.055 or environmental resource permit pursuant to part IV of chapter 373, to a port listed in s. 311.09(1), for maintenance dredging and the management of dredged materials from maintenance dredging of all navigation channels, port harbors, turning basins, and harbor berths. Such permit shall be issued for a period of 5 years and shall be annually extended for an additional year if the port is in compliance with all permit conditions at the time of extension.

(39) Enter into a memorandum of agreement with the Florida Ports Council which provides a supplemental permitting process for the issuance of a conceptual joint coastal permit pursuant to s. 161.055 or environmental resource permit pursuant to part IV of chapter 373, to a port listed in s. 311.09(1), for dredging and the management of materials from dredging and for other related activities necessary for development, including the expansion of navigation channels, port harbors, turning basins, harbor berths, and associated facilities. Such permit shall be issued for a period of up to 15 years.

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 146. This act does not prevent or otherwise affect the regulation of a port that is a department of a local government by a separate department of that local government having regulatory jurisdiction over the port.

Section 147. Section 403.953, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 403.953, F.S., for present text.)

403.953 Eligibility criteria.—In determining if a proposed project is eligible for review under this part, the director of the Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., the Secretary of Environmental Protection, the Secretary of Community Affairs, and the Secretary of Transportation, has discretion and flexibility to determine the project's inherent quality, such as its overall benefits to the economy and the community, as well as the ways in which the project's design and location would minimize adverse environmental impacts.

(1) The eligibility criteria for a proposed project are:

(a) The permanent location of a business or government facility or the expansion of an existing business or government facility in this state.

(b) The creation of at least 100 jobs. This number may be reduced at the discretion of the affected local government if the governing body of the local government adopts a resolution specifying how the proposed project, with fewer jobs created, especially benefits the local economy. A project may not be reviewed under this part if it creates fewer than 25 jobs.

(c) Payment of an estimated annual average wage that equals at least 115 percent of the area average wage.

(d) The proposed project is economically and technically feasible and viable in the judgment of the Office of Tourism, Trade, and Economic Development and based on available evidence.

(e) All onsite infrastructure necessary to support the project will be constructed and maintained.

(f) The concurrence of the affected local government that the proposed project should be allowed to use the process under this section.

(g) In the judgment of the Office of Tourism, Trade, and Economic Development and based on available evidence, the applicant proposing the project is committed to quality development, as reflected by the project's desirable economic, community, and environmental attributes. Such commitment shall be to:

1. Create high-quality jobs that diversify the economic base of the state and the community and raise the average wages of workers in the state.

2. Site the project in a community that is experiencing relatively high rates of unemployment, underemployment, or poverty or is experiencing some other economic distress.

3. Site and design the project so as to protect and preserve the natural resources of the state.

4. Engineer the project so as to prevent and reduce pollution.

(2) The following projects are ineligible for review under this part:

(a) A project funded and operated by a local government, as defined in s. 377.709, and located within that government's jurisdiction.

(b) A project, the primary purpose of which is to:

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.

2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project.

3. Extract natural resources.

4. Produce oil.

5. Construct, maintain, or operate an oil, petroleum, natural gas, or sewage pipeline. This subparagraph does not apply to a natural gas pipeline or sewage pipeline used for building sanitation and comfort.

Section 148. It is the intent of the Legislature to foster the economic growth of Florida's deepwater seaports. Florida's seaports are working together as political subdivisions of the state to accomplish the planning for and development of Florida's future economic growth. The Legislature intends that state funds be used on a matching basis with Florida's ports for the investment in port facility expansion. The Legislature also recognizes that the dredging of port channels and harbors and the safe navigation of shipping is in the public interest. Therefore, the Legislature establishes a planning process by which seaports and environmental agencies will work in advance of the need for a dredging permit to resolve environmental issues to provide for a more timely and efficient environmental permitting process for Florida's deepwater seaports.

Section 149. Expedited permitting.—

(1) It is the intent of the Legislature to encourage and facilitate the location and expansion of those types of economic development projects which offer job creation and high wages, strengthen and diversify the state's economy, and have been thoughtfully planned to take into consideration the protection of the state's environment. It is also the intent of the Legislature to provide for an expedited permitting process for such projects.

(2) The Governor, through the Office of Tourism, Trade, and Economic Development shall direct the creation of regional permit action teams, for the purpose of expediting review of permit applications submitted by businesses creating at least 100 jobs, or the creation of at least 50 jobs if the project is located in an enterprise zone, in a county having a population of less than 50,000 or in a county having a population of less than 100,000 which is contiguous to a county having a population of 50,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county. Jobs are defined as full-time-equivalent positions not including construction jobs. The regional teams shall be established through the execution of memoranda of agreement between the office and the respective heads of the Departments of Environmental Protection, Community Affairs, Transportation, and Agriculture and Consumer Services, the Game and Fresh Water Fish Commission, appropriate regional planning councils, and any appropriate water management districts. The memoranda of agreement should also accommodate participation in this expedited process by local governments and federal agencies as circumstances warrant.

(3) Each memorandum of agreement shall include a process for final agency action on permit applications within 90 days after receipt of a completed application, unless the applicant agrees to a longer time period or the office determines that unforeseen or uncontrollable circumstances preclude final agency action within the 90-day time frame. Permit applications governed by federally delegated or approved permitting programs whose requirements would prohibit or be inconsistent with the 90-day time frame are exempt from this provision.

(4) Each agreement shall be executed by the office no later than January 1, 1997. The office shall inform the Legislature by February 1, 1997, of which agencies have not entered into an agreement, and identify the barriers to achieving an agreement for legislative consideration and action, as necessary.

(5) The memoranda of agreement may provide for the waiver or modification of procedural rules prescribing forms, fees, procedures, or time limits for the review or processing of permit applications under the jurisdiction of those agencies that are party to the memoranda of agreement. Notwithstanding any other provision of law to the contrary, a memoranda of agreement may provide for proceedings and hearings otherwise held separately by the parties to the memoranda of agreement to be combined into one proceeding or held jointly and at one location. Such waivers or modifications shall not be available for permit applications governed by federally delegated or approved permitting programs, the requirements of which would prohibit, or be inconsistent with, such a waiver or modification.

(6) The memoranda of agreement shall include guidelines to be used in working with state, regional, and local permitting authorities. Guidelines may include, but are not limited to, the following:

(a) A central contact point for filing permit applications and obtaining information on permit requirements;

(b) Identification of individuals within each respective agency who will be responsible for processing the permit for that agency;

(c) An agreement that any challenges be brought pursuant to the summary hearing provisions of section 120.54, Florida Statutes;

(d) A mandatory preapplication review process to reduce permitting conflicts by providing guidance to applicants regarding the permits needed from each agency, site planning and development, site suitability and limitations, facility design and steps the applicant can take to ensure expeditious permit application review. As a part of this process, the first interagency meeting to discuss a project shall be held within 14 days after the office's determination that the project is eligible for expedited review; and

(e) Additional incentives for an applicant to propose a project that provides a net ecosystem benefit.

(7) This expedited permitting process shall not modify, qualify, or otherwise alter existing agency nonprocedural standards for permit approval, unless expressly authorized by law. If it is determined that the

company is not eligible to use this process, the company must permit the project through the normal permitting processes.

(8) If a project is certified, the office shall require each state, regional, and local agency from which a permit is necessary to review the project and provide an analysis of its permittability. This analysis is intended to assist the permit applicant in assessing the feasibility of the project site and in planning for the permitting process. This analysis shall not be final nor bind the agency in any way and shall be based on the best available information furnished at the time. The agencies participating in the memoranda of agreement shall determine the information needed to prepare this analysis. This analysis shall be made available to the applicant within 30 days from the date the information is received in the Office of Tourism, Trade, and Economic Development.

(9) The Office of Tourism, Trade, and Economic Development shall be responsible for certifying a business as eligible for undergoing expedited review under this agreement. Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development Initiative may recommend to the Office of Tourism, Trade, and Economic Development that a project meeting the minimum job creation threshold undergo expedited review. On a case-by-case basis and at the request of a county or municipal government, the office may allow a business not meeting the minimum job creation threshold, but creating a minimum of 25 jobs, to use the expedited permit review process. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the Office of Tourism, Trade, and Economic Development to certify that any project is eligible for expedited review under this part.

(10) The Office of Tourism, Trade, and Economic Development, working with the Rural Economic Development Initiative and the teams established through the memoranda of agreement, shall provide technical assistance in preparing permits for counties having a population of less than 50,000 residents, or counties having less than 100,000 residents which are contiguous to counties having less than 50,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

(11) The following projects are ineligible for review under this part:

(a) A project funded and operated by a local government, as defined in section 377.709, Florida Statutes, and located within that government's jurisdiction.

(b) A project, the primary purpose of which is to:

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.

2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project.

3. Extract natural resources.

4. Produce oil.

5. Construct, maintain, or operate an oil, petroleum, natural gas, or sewage pipeline.

Section 150. Paragraph (d) of subsection (3) and subsections (4), (5), (6), and (7) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; legislative findings; policy and purpose; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(3) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(d) Each proposal for the granting of such tax credit requires the prior approval of the *director* ~~secretary~~.

(4) ELIGIBILITY REQUIREMENTS.—

(a) Each community contribution by an insurer must be in a form specified in subsection (7).

(b) Each community contribution must be reserved exclusively for use in a project.

(c) The project must be undertaken by an "eligible sponsor," which term is defined as:

1. A community action program;

2. A community development corporation;

3. A neighborhood housing services corporation;

4. A local housing authority created pursuant to chapter 421;

5. A community redevelopment agency created pursuant to s. 163.356;

6. The Florida Industrial Development Corporation;

7. A historic preservation district agency or organization;

8. A private industry council;

9. An enterprise zone development agency created pursuant to s. 290.0057; or

10. Such other agency as the *director* ~~secretary~~ may, from time to time, designate by rule.

In no event shall a contributing insurer have a financial interest in the eligible sponsor.

(d) The project shall be located in an area designated as an enterprise zone pursuant to s. 290.0065. Any project designed to construct or rehabilitate low-income housing is exempt from the area requirement of this paragraph.

(5) APPLICATION REQUIREMENTS.—

(a) Any eligible sponsor wishing to participate in this program must submit a proposal to the *Office of Tourism, Trade, and Economic Development* ~~department~~ which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which the proposed project is located certifying that the project is consistent with local plans and regulations.

(b)1. Any insurer wishing to participate in this program must submit an application for tax credit to the *office* ~~department~~ which sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor must verify, in writing, the terms of the application and indicate its willingness to receive the contribution, which verification must accompany the application for tax credit.

2. The insurer must submit a separate application for tax credit for each individual contribution which it proposes to contribute to each individual project.

(6) ADMINISTRATION.—

(a)1. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ is authorized to adopt all rules necessary to administer this section, including rules for the approval or disapproval of proposals by insurers.

2. The decision of the *director* ~~secretary~~ shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the insurer. A copy of the decision shall be transmitted to the Executive Director of the Department of Revenue, who shall apply such credit to the tax liability of the insurer.

3. The *office* ~~Department of Commerce~~ shall monitor all projects periodically, in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less frequently than once every 2 years.

(b) The Department of Revenue shall adopt any rules necessary to ensure the orderly implementation and administration of this section.

(7) DEFINITIONS.—For the purpose of this section:

(a) "Community contribution" means the grant by an insurer of any of the following items:

1. Cash or other liquid assets.

2. Real property.

3. Goods or inventory.

4. Other physical resources which are identified by the department.

(b) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(c)~~(b)~~ "Local government" means any county or incorporated municipality in the state.

(d) "Office" means the Office of Tourism, Trade, and Economic Development.

(e)~~(c)~~ "Project" means any activity undertaken by an eligible sponsor, as defined in subsection (4), which is designed to construct, improve, or substantially rehabilitate housing or commercial, industrial, or public resources and facilities or to improve entrepreneurial and job-development opportunities for low-income persons.

~~(d) "Secretary" means the secretary of the Department of Commerce.~~

Section 151. There is created an International Trade Grants Program to be administered by Enterprise Florida, Inc. Enterprise Florida, Inc., may accept and administer moneys appropriated to it for providing international trade grants. The International Trade and Economic Development Board shall establish an application, review, and selection process similar to the guidelines as established for cultural facilities in section 265.701, Florida Statutes. The implementation of this program is contingent upon funds being provided in the 1996-1997 General Appropriations Act. No more than 1 percent of such appropriated funds may be used for administrative costs associated with implementing and administering this program. The International Trade and Economic Development Board shall have complete and final authority regarding grant awards under this program.

Section 152. This act does not affect the validity of any judicial or administrative proceeding pending as of December 31, 1996. The Office of Tourism, Trade, and Economic Development shall be substituted, as of January 1, 1997, for the Department of Commerce as a party in interest in any such pending proceedings.

Section 153. Notwithstanding any other provision of law, any contract or interagency agreement existing on or before December 31, 1996, between the Department of Commerce or entities or agents of the department, and other agencies, entities, or persons, shall continue as binding contracts or agreements with the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

Section 154. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 155. Section 286.24, Florida Statutes; section 288.011, Florida Statutes, as amended by section 218 of chapter 95-148, Laws of Florida; sections 288.015 and 288.025, Florida Statutes; section 288.03, Florida Statutes; section 873 of chapter 95-148, Laws of Florida; sections 288.045, 288.0575, 288.06, 288.07, 288.08, 288.09, 288.115, and 288.116, Florida Statutes; section 288.117, Florida Statutes, as amended by section 222 of chapter 95-148, Laws of Florida; section 288.121, Florida Statutes, as amended by section 1 of chapter 95-368, Laws of Florida; sections 288.701, 288.779, 288.801, 288.802, 288.8032, 288.804, 288.8041, 288.805, 288.806, 288.807, 288.808, 288.810, 288.811, and 288.813, Florida Statutes; section 288.814, Florida Statutes, as amended by section 226 of chapter 95-148, Laws of Florida; section 288.815, Florida Statutes, as amended by section 3 of chapter 95-368, Laws of Florida; section 288.817, Florida Statutes; section 288.8185, Florida Statutes, as amended by section 227 of chapter 95-148, Laws of Florida; section 288.819, Florida Statutes, as amended by section 228 of chapter 95-148, Laws of Florida; sections 288.820 and 288.822, Florida Statutes; section 288.823, Florida Statutes, as amended by section 229 of chapter 95-148, Laws of Florida; section 288.824, Florida Statutes, as amended by section 230 of chapter 95-148, Laws of Florida; and section 288.825, Florida Statutes, are repealed effective December 31, 1996.

Section 156. (1) An officer, employee, agent, or representative of:

(a) A state agency;

(b) A political subdivision of the state; or

(c) A corporation, partnership, association, or other entity that does business or contracts with a state agency, receives state funds, or claims a credit against any tax imposed by the state may not travel to or do business with any country located in the Western Hemisphere which lacks diplomatic relations with the United States.

(2) A political subdivision that violates this section is ineligible to receive state funds.

(3) A corporation, partnership, association, or other entity that violates this section is ineligible to:

(a) Engage in business or contract with a state agency;

(b) Receive state funds; or

(c) Claim a credit against any tax imposed by the state.

Section 157. Sections 16 and 17 of this act providing additional jobs credits, section 13 of this act providing additional sales tax exemptions, and sections 15 and 18 of this act expanding tax credits within enterprise zones shall take effect only if CS/SB 1662 or similar legislation becomes law.

Section 158. Except as otherwise provided in this act, this act shall take effect July 1, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; creating s. 14.2015, F.S.; creating the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor and prescribing its powers and duties; repealing s. 20.17, F.S., which creates the Department of Commerce; transferring the duties, personnel, property, and unexpended balances of appropriations of the Welcome Center Section of the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce to the Department of Transportation; amending s. 120.54, F.S.; providing duties for agencies and the Office of Tourism, Trade, and Economic Development with respect to rulemaking and rule adoption; creating within the Executive Office of the Governor a rules ombudsman; prescribing duties and functions; amending ss. 159.803 and 159.8083, F.S.; conforming provisions; amending s. 159.8081, F.S.; revising certain allocations from the manufacturing facility bond pool; conforming provisions; amending s. 163.3177, F.S.; clarifying that maintenance may be used as a reason to facilitate deepwater commercial navigation; amending s. 163.3178, F.S.; providing definitions and contract agreements; amending s. 166.231, F.S.; clarifying terms; authorizing an exemption of certain services from tax imposed; amending s. 199.185, F.S.; providing for exemption from intangibles tax on certain credit card receivables to certain banks; amending s. 212.08, F.S.; modifying an exemption for certain machinery and equipment from tax imposed; providing conditions; exempting charges for electricity used in production of certain items or used in association with such production from tax imposed; providing an exemption for certain newspaper, magazine, and newsletter subscriptions; providing applicability; creating s. 414.029, F.S.; providing conditions; creating the WAGES Program Business Registry; requiring reporting; amending s. 212.096, F.S.; providing for computation of the enterprise zone jobs credit against sales tax; exempting a portion of wages for the credit provided; creating ss. 212.098, 212.097, F.S.; creating the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; creating s. 220.189, F.S.; allowing credit for the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; amending s. 220.181, F.S.; providing for computation of the enterprise zone jobs credit; exempting a portion of the wages from the exemption provided; amending s. 220.02, F.S.; specifying the order in which credits may be taken; amending s. 220.13, F.S.;

requiring an add-back for the credit pursuant to s. 220.189, F.S.; amending ss. 212.20, 216.136, 220.03, 220.183, F.S.; conforming provisions; amending s. 239.249, F.S.; requiring school districts and community colleges to participate in the performance-based, incentive funding program for vocational and technical education; providing for delayed participation; authorizing a different baseline year for newly participating education agencies; authorizing the Workforce Development Board of Enterprise Florida, Inc., to designate conditions under which technical education programs may be offered to improve the economic development or welfare transition programs of a region; providing for participation by independent postsecondary education institutions; amending s. 272.11, F.S.; requiring the Florida Commission on Tourism to operate the capitol information center; amending s. 287.012, F.S.; authorizing the establishment and operation of foreign offices; amending s. 287.0943, F.S.; designating responsibility for the Minority Business Certification Task Force to the Department of Labor and Employment Security; defining the term "acting as a conduit"; amending s. 287.09431, F.S.; providing for approval of certification core criteria by the department; repealing s. 287.0945, F.S., which provides powers, duties, and functions of the Commission on Minority Economic and Business Development; creating s. 287.09451, F.S.; transferring the Minority Business Advocacy and Assistance Office to the Department of Labor and Employment Security and redefining its powers, duties, and responsibilities; amending s. 287.0947, F.S.; renaming the Florida Council on Small and Minority Business Development as the Florida Advisory Council on Small and Minority Business; reducing the number of members on the council; requiring the council to report to the Secretary of the Department of Labor and Employment Security; redefining the powers and duties of the council; amending s. 288.012, F.S.; providing for the establishment of foreign tourism offices; amending s. 288.017, F.S.; providing for the administration of the cooperative advertising matching grants program; creating s. 288.018, F.S.; creating the Regional Rural Development Grants Program within the Office of Tourism, Trade, and Economic Development; amending s. 288.021, F.S.; providing for the establishment of an economic development liaison within agencies to be the primary point of contact for the agency with the Office of Tourism, Trade, and Economic Development; amending ss. 288.0251, 288.035, F.S.; conforming provisions; amending s. 288.041, F.S.; providing duties of Enterprise Florida, Inc., and of the Department of Community Affairs relating to the solar energy industry; amending s. 288.047, F.S.; providing for costs and expenditures for the Quick-Response Training Program to be documented and separated from those incurred by the training provider; conforming provisions; amending ss. 288.053, 288.054, 288.055, F.S.; conforming provisions; amending s. 288.063, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to make expenditures for direct costs of transportation projects; creating s. 288.065, F.S.; establishing the Rural Community Development Revolving Loan Fund; amending s. 288.095, F.S.; providing for the administration of the Economic Development Trust Fund by the Office of Tourism, Trade, and Economic Development; amending s. 288.106, F.S.; revising the Qualified Target Industry Business Tax Refund Program and providing for its transfer to the Office of Tourism, Trade, and Economic Development; amending s. 288.1162, F.S.; conforming provisions; revising a definition; changing a date for purposes of qualifying as a new professional sports franchise; changing the number of facilities that may be certified; amending ss. 288.1168, 288.1185, F.S.; conforming provisions; amending s. 288.122, F.S.; transferring the Tourism Promotional Trust Fund to the Office of Tourism, Trade, and Economic Development; amending s. 288.1221, F.S.; providing additional legislative intent; amending s. 288.1222, F.S.; revising definitions; amending s. 288.1223, F.S.; revising the membership and duties of the Florida Commission on Tourism; transferring the commission to the Office of Tourism, Trade, and Economic Development; amending s. 288.1224, F.S.; revising powers and duties of the commission; authorizing the commission to contract with a direct-support organization for certain tourism marketing and promotion services, functions, and programs; specifying additional requirements of a marketing plan; requiring the commission to develop a budget for certain purposes; authorizing the commission to establish and operate tourism offices in foreign countries; providing powers of the commission relating to such authority; requiring the commission to create an advisory committee to develop a plan to protect and promote the tourism assets of this state; providing for members of the committee; requiring the committee to submit the plan to the commission for review; amending s. 288.1226, F.S.; requiring the Florida Commission on Tourism to establish a Florida Tourism Industry Marketing Corporation by a certain time; providing that the corporation is not an agency for certain purposes; increasing membership of the board of directors of the corporation; providing additional powers and duties of the corporation; providing for an independent audit of the corporation; requiring the corporation to make quarterly reports to the commission; providing requirements; creating s. 288.1227, F.S.; providing for an annual report and audits for the Florida Commission on Tourism and its direct-support organization; creating s. 288.1228, F.S.; providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization or other not-for-profit corporation to assist in the promotion and development of entertainment industries; creating s. 288.1229, F.S.; providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization to assist in the promotion and development of sports and sports-related industries; amending s. 288.124, F.S.; providing for administration of the convention grants program; creating s. 288.7011, F.S.; providing for assistance to certified development corporations; amending s. 288.703, F.S.; revising and providing definitions relating to small and minority business assistance act; amending s. 288.705, F.S.; deleting a requirement that the Small Business Development Center report to the Department of Commerce and the Commission on Minority Economic and Business Development regarding the statewide contracts register; providing for reports to the Department of Labor and Employment Security regarding the statewide contracts register; amending s. 288.707, F.S.; placing the Florida Black Business Investment Board under the Office of Tourism, Trade, and Economic Development; amending s. 288.7091, F.S.; prescribing duties of the Florida Black Business Investment Board; creating s. 288.7095, F.S.; providing for duties of black business investment corporations; creating s. 288.7096, F.S.; establishing the Black Business Investment Corporations Advisory Council; providing for oversight of black business investment corporations by the Office of Tourism, Trade, and Economic Development; amending s. 288.714, F.S.; requiring annual reports to the Secretary of the Department of Labor and Employment Security; repealing s. 288.803, F.S., which creates the Florida International Affairs Commission; amending s. 288.772, F.S.; revising and deleting definitions related to the Florida Export Finance Corporation; amending s. 288.773, F.S.; conforming provisions; amending s. 288.774, F.S.; revising the powers and limitations related to the Florida Export Finance Corporation; amending s. 288.775, F.S.; conforming provisions; amending s. 288.776, F.S.; conforming provisions; deleting certain provisions relating to the board of the Florida Export Finance Corporation; amending ss. 288.777, 288.7771, 288.8155, 288.816, 288.8175, 288.826, F.S.; conforming provisions to the transfer of responsibilities made by the act; amending s. 288.809, F.S.; renaming the Florida International Affairs Foundation as the Florida Intergovernmental Relations Foundation; providing that the foundation is organized to support intergovernmental relations programs; replacing references to the Florida International Affairs Commission with the Department of State; amending s. 288.901, F.S.; restructuring the board of Enterprise Florida, Inc.; providing for office location; providing for certain job preferences; providing that an employee lease agreement program may be established by the Department of Management Services; creating s. 288.9015, F.S.; providing for Enterprise Florida, Inc., to be the principal economic development organization for the state; amending s. 288.902, F.S.; revising membership and duties of the Enterprise Florida Nominating Council; amending s. 288.903, F.S.; providing for powers and duties of the board of directors and the president of Enterprise Florida, Inc.; amending s. 288.904, F.S.; revising the powers of the board of directors of Enterprise Florida, Inc.; amending s. 288.905, F.S.; providing for duties of the board of directors of Enterprise Florida, Inc.; providing for the development of a strategic plan for economic development for the state; amending s. 288.906, F.S.; providing for annual reports, audits, and confidentiality for Enterprise Florida, Inc.; creating s. 288.9412, F.S.; creating the International Trade and Economic Development Board within Enterprise Florida, Inc.; creating s. 288.9413, F.S.; providing for the organization of the board of directors of the International Trade and Economic Development Board; creating s. 288.9414, F.S.; establishing the powers and authority of the board of directors of the International Trade and Economic Development Board; amending s. 288.9511, F.S.; prescribing definitions; defining the term "board" to mean the Technology Development Board; amending s. 288.9512, F.S.; providing for the creation, purpose, and membership of the Technology Development Board; amending s. 288.9513, F.S.; providing for the organization of the board of directors for the Technology Development Board; amending s. 288.9514, F.S.; providing for powers and authority of the board of directors for the Technology Development Board; amending s. 288.9515, F.S.; providing for the authorization of programs by the Technology Development Board; amending s. 288.9516, F.S.; providing for the annual report of the Technology Development Board; amending s. 288.9517, F.S.; providing for audits and confidentiality for the Technology Development Board; repealing s. 288.9518, F.S., relating to the indemnification of officers, directors, employees, and

agents against personal liability or accountability; amending s. 288.9519, F.S.; authorizing a not-for-profit organization to promote high-technology business and industry in this state; amending s. 288.9520, F.S.; continuing a public records exemption for the Technology Development Board; amending s. 288.9603, F.S.; providing definitions relating to the Florida Development Finance Corporation; amending s. 288.9604, F.S.; conforming provisions; amending s. 288.9606, F.S.; revising the scope of Florida Development Finance Corporation bond validation; amending s. 288.9607, F.S.; revising limitations on loan size; revising requirements related to the guaranty of bond issues; amending s. 288.9608, F.S.; providing for deposits of cash equivalents in guaranty account; amending s. 288.9611, F.S.; establishing a capital development board within Enterprise Florida, Inc.; amending s. 288.9612, F.S.; providing for the organization of the capital development board; amending s. 288.9613, F.S.; prescribing the power and authority of the capital development board; amending s. 288.9614, F.S.; providing for the authorization of programs for the capital development board; amending s. 288.9615, F.S.; providing for the annual report of the capital development board; amending s. 288.9616, F.S.; providing for audits and confidentiality for the capital development board; repealing s. 288.9617, F.S., relating to the indemnification of officers, directors, employees, and agents; transferring, renumbering, and amending s. 288.0475, F.S.; providing for the creation of the workforce development board within Enterprise Florida, Inc.; prescribing legislative intent with respect to transfers of responsibilities made by the act; providing employment preferences for displaced employees of the Department of Commerce; providing conditions and requirements relating to appropriations for Enterprise Florida, Inc.; amending ss. 288.973, 288.975, 288.980, 289.031, 290.004, 290.0056, 290.0066, F.S.; conforming provisions; providing for the designation of additional enterprise zones; providing that certain employees hired after January 1, 1995, may be considered "new employees" for purposes of enterprise zone sales tax and corporate income tax credits; amending s. 290.0058, F.S.; providing a presumption of pervasive poverty for certain census geographic block groups; amending s. 290.0065, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of state-designated enterprise zones under certain circumstances; providing for the designation of certain areas as enterprise zones; providing criteria areas; amending s. 290.0075, F.S.; revising the Enterprise Zone Linked Deposit Program; amending ss. 290.009, 290.014, 311.09, F.S.; conforming provisions; amending s. 311.07, F.S.; providing for program funds to be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade information that will assist Florida's seaports and international trade; creating s. 311.105, F.S.; providing for the creation of the Florida Seaport Environmental Management Committee and its duties; amending s. 311.11, F.S.; conforming provisions; amending s. 313.01, F.S.; providing for the abolishment of the office and position of harbor master in certain counties or municipalities; amending s. 320.08058, F.S.; providing for the transfer of proceeds from the Florida Professional Sports Team License Plate into the Professional Sports Development Trust Fund; conforming provisions; providing an appropriation for port programs; amending s. 370.28, F.S.; providing exceptions to certain enterprise zone requirements for net ban communities; assigning designation responsibility to the Office of Tourism, Trade, and Economic Development; changing application and effective dates; providing for the designation of an additional net ban enterprise zone; amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund; prescribing the manner in which such funds may be used; providing technical changes; amending s. 374.976, F.S.; providing that financial assistance for port projects not be included in calculating ad valorem taxes of the county in which the port is located; amending s. 380.24, F.S.; providing that all permitting and enforcement of dredged-material management be done through the Department of Environmental Protection; amending s. 403.021, F.S.; providing for the Department of Environmental Protection to recognize that the maintenance of water depths is an ongoing and necessary activity and that the permitting and enforcement of dredging and other port-related activities be consolidated within the Division of Environmental Resource Permitting; amending s. 403.061, F.S.; providing for the Department of Environmental Protection to enter into an agreement with the Florida Ports Council to provide a supplemental permitting process; creating an expedited permitting process; providing eligibility criteria for projects; providing legislative intent to foster the economic growth of Florida's deepwater seaports; providing that the act does not affect the regulation of a port by a local government having jurisdiction over the port; amending s. 403.953, F.S.; revising the eligibility criteria for the Job Siting Act; amending s. 624.5105, F.S.; conforming provisions; creating an International Trade Grants Program; providing for the Office of Tourism, Trade, and Economic Development to be substituted for the Department of Commerce as a party in interest in pending proceedings; continuing binding contracts; providing for severability; prohibiting a state agency, political subdivision of the state, or other entity doing business with a state entity, receiving state funds, or claiming a credit against state taxes from traveling or doing business with a country that lacks diplomatic relations with the United States; repealing ss. 286.24, 288.011, 288.015, 288.025, 288.03, 288.045, 288.0575, 288.06, 288.07, 288.08, 288.09, 288.115, 288.116, 288.117, 288.121, 288.701, 288.779, 288.801, 288.802, 288.8032, 288.804, 288.8041, 288.805, 288.806, 288.807, 288.808, 288.810, 288.811, 288.813, 288.814, 288.815, 288.817, 288.8185, 288.819, 288.820, 288.822, 288.823, 288.824, 288.825, F.S., relating to programs and duties of the Department of Commerce and the Florida International Affairs Commission; providing a contingent effective date for sections in this act that provide additional jobs credits, provide additional sales tax exemptions, and expand tax credits within enterprise zones; providing an effective date.

Senator Diaz-Balart moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 324, between lines 9 and 10, insert:

Section 152. The Executive Office of the Governor shall allocate $3,000,000 from funds appropriated in Specific Appropriation 1481A, in HB 2715 from trust funds (Florida International Trade and Promotions Trust Fund) to the International Trade and Economic Development Board. These funds shall be used by the board for international business promotion grants designed to promote the export of Florida goods and services. These funds are to be competitively awarded to private, not-for-profit, chambers of commerce and economic development organizations, not created by state statute or local ordinance, with a documented history and expertise in trade promotion. Particular emphasis shall be placed in assisting Florida small businesses and minority firms to penetrate and succeed in the international marketplace. The International Trade and Economic Development Board shall adopt criteria and procedures to be applied in reviewing grant applications and administering the grant program.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 340, line 22, after the semicolon (;) insert: providing for the allocation of funds for international business promotion grants;

Senator Ostalkiewicz moved the following amendment to **Amendment 1** which failed:

Amendment 1B (with title amendment)—On page 52, line 3, after the period (.) insert: *Beginning with applicants certified on or after July 1, 1996, as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162, if the professional sports franchise that uses the facility with respect to which payments are being distributed under this subparagraph ceases operating in that facility within 25 years after the date on which the applicant is certified, the franchise must repay to the State Treasury all payments that have been distributed under this subparagraph after the certification date with respect to that facility.* However, the requirement to repay such payments shall not apply if the franchise moves to another facility within the same county.

And the title is amended as follows:

On page 328, line 24, delete that line and insert: 220.189, F.S.; amending s. 212.20, F.S.; providing for recapture of payments made with respect to a facility for a professional sports franchise under specified circumstances; amending ss. 216.136,

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C—On page 144, line 13, delete "*country*" and insert: *county*

Senator Holzendorf moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (with title amendment)—On page 176, between lines 16 and 17, insert:

Section 67. Subsection (1) of section 288.709, Florida Statutes, is amended to read:

288.709 Powers of the Florida Black Business Investment Board.—The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of ss. 9-21, chapter 85-104, Laws of Florida, including, but not limited to, the power to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business and rules pursuant to chapter 120. *However, any proposed rules affecting the operation or administration or financial well being of any of the Black Business Investment Corporations must first be approved by a majority of the Black Business Investment Corporations.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 333, line 25, after the semicolon (;) insert: amending s. 288.709, F.S.; providing for approval of certain rules relating to Black Business Investment Corporations;

Senator Dudley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1E—On page 23, line 14, after the period (.) insert: *"Purchase of electricity" means the purchase of electric power by a person who will consume it within the municipality.*

Senator McKay moved the following amendments to **Amendment 1** which were adopted:

Amendment 1F—On page 124, lines 5-7, type and strike all such lines

Amendment 1G—On page 201, line 23, delete "*12*" and insert: *14*

Amendment 1 as amended was adopted.

On motion by Senator McKay, by two-thirds vote **CS for CS for SB 958** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator McKay, by unanimous consent—

HB 709—A bill to be entitled An act relating to the Florida Tourism Industry Marketing Corporation; amending s. 288.1226, F.S.; providing an exemption from public records requirements for the identity of persons responding in connection with marketing or research projects conducted by the corporation and trade secrets obtained pursuant thereto; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 709** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 2916—A bill to be entitled An act relating to parole; amending ss. 947.16, 947.174, 947.1745, F.S., relating to eligibility for parole, parole interviews, and the establishment of a parole release date; providing for the Parole Commission to review an inmate's presumptive parole release date less frequently; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendments which were moved by Senator Crist and adopted:

Amendment 1—On page 2, line 30, on page 3, line 19, on page 4, line 15, before "within" insert: *once*

Amendment 2—On page 3, line 1, on page 3, line 20, before "every" insert: *once*

On motion by Senator Crist, by two-thirds vote **SB 2916** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator Grant, by two-thirds vote **CS for HB 2455** was withdrawn from the Committees on Governmental Reform and Oversight; Judiciary; and Ways and Means.

On motion by Senator Grant—

CS for HB 2455—A bill to be entitled An act relating to military affairs; creating the "Soldiers and Airmen Relief Act"; creating s. 250.5201, F.S.; providing for a stay of proceedings in court when troops are called out in state service for a certain period; creating s. 250.5202, F.S.; providing for the stay of eviction or distress actions during a period of state active duty; creating s. 250.5204, F.S.; providing requirements with respect to installment contracts for the purchase of property by persons in state active duty; providing procedures; creating s. 250.5205, F.S.; providing requirements with respect to mortgages and trust deeds with respect to persons in state active duty; providing an effective date.

—a companion measure, was substituted for **CS for SB 2924** and read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 2455** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motions by Senator Jones, by two-thirds vote—

CS for HB 1225—A bill to be entitled An act relating to trust funds; creating the Indigent Criminal Defense Trust Fund within the Justice Administrative Commission; providing for sources of moneys and purposes; requiring that appropriations from the fund be proportional to each circuit's collections; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—a companion measure, was substituted for **SB 2470** and by two-thirds vote read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for HB 1225** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 28—A bill to be entitled An act relating to crimes and crime prevention; authorizing a county to adopt an ordinance imposing additional fines upon criminal offenders; authorizing the court to order defendants to pay the fines under certain circumstances; providing for collecting and accounting for the fines by the clerk of the court; providing for the county to expend the fines to cover the costs of collecting the fines and for crime-prevention purposes; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 28** to **CS for HB 77**.

Pending further consideration of **SB 28** as amended, on motions by Senator Dyer, by two-thirds vote—

CS for HB 77—A bill to be entitled An act relating to fines in criminal cases; amending s. 775.083, F.S.; authorizing counties to adopt ordinances imposing additional fines upon criminal offenders; authorizing the court to order defendants to pay the fines under certain circumstances; providing for collecting and accounting for the fines by the clerk of the court; providing for counties to expend the fines to cover the costs of collecting the fines and for crime-prevention purposes; providing an effective date.

—a companion measure, was substituted for **SB 28** and by two-thirds vote read the second time by title. On motion by Senator Dyer, by two-thirds vote **CS for HB 77** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator Wexler, by two-thirds vote **CS for HB 385** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Wexler—

CS for HB 385—A bill to be entitled An act relating to capital felonies; amending s. 27.7001, F.S.; providing legislative intent to restrict scope of collateral representation provided in capital cases; amending s. 27.702, F.S.; deleting provisions limiting capital collateral representation to indigent persons; providing requirements for the capital collateral representative with respect to filing notices and securing files; authorizing the court to appoint or permit counsel other than the capital collateral representative to appear as counsel of record; amending s. 27.703, F.S.; providing for substitute counsel to be paid from funds appropriated to the Justice Administrative Commission; amending s. 119.07, F.S., relating to public records; providing legislative intent with respect to discovery in collateral postconviction proceedings; amending s. 921.141, F.S.; providing a 30-day time limit upon the making of findings in support of a death sentence; making the death sentence subject to automatic review and disposition rendered within 2 years after the filing of a notice of appeal; providing as an aggravating circumstance for sentencing purposes that the capital felony was committed by a person placed on probation; providing as an aggravating circumstance for sentencing purposes that the capital felony was committed by a criminal street gang member; providing as an aggravating circumstance that the victim of the capital felony was particularly vulnerable due to advanced age or disability or because of the defendant's familial or custodial authority over the victim; requiring consideration of any factors in the defendant's background mitigating against imposition of the death penalty; amending s. 921.142, F.S.; providing a 30-day time limit upon the making of findings in support of a death sentence; making the death sentence subject to automatic review and disposition rendered within 2 years after the filing of a notice of appeal; creating s. 922.095, F.S.; providing that failure to pursue collateral relief within a specified period is grounds for issuance of a death warrant; creating 924.055, F.S.; providing legislative intent with respect to the timely progress of postconviction proceedings in capital cases; providing certain time limitations for postconviction motions, petitions, and proceedings in capital cases; amending s. 940.03, F.S.; requiring that an application for executive clemency for a person sentenced to death be filed within a specified period; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 452** and read the second time by title. On motion by Senator Wexler, by two-thirds vote **CS for HB 385** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote **SJR 210**, **SB 1044**, **CS for SB's 1884 and 2682**, **SB 2602**, **CS for SB 2376** and **CS for HB 961** were established as the Special Order Calendar.

Consideration of **SB 1080** and **SB 1182** was deferred.

SB 1266—A bill to be entitled An act relating to education; amending s. 233.067, F.S., relating to comprehensive health education and substance abuse prevention; authorizing school-based AIDS-education incentive grants; specifying proposal requirements; requiring consideration of factors in awarding grants; requiring annual reports; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 1266** to **HB 1241**.

Pending further consideration of **SB 1266** as amended, on motion by Senator Holzendorf, by two-thirds vote **HB 1241** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Holzendorf—

HB 1241—A bill to be entitled An act relating to education; amending s. 233.067, F.S., relating to comprehensive health education and substance abuse prevention; authorizing school-based AIDS education incentive grants; specifying proposal requirements; requiring consideration of factors in awarding grants; requiring annual reports; providing an effective date.

—a companion measure, was substituted for **SB 1266** and read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 1241** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 1274—A bill to be entitled An act relating to geographic information; creating s. 282.404, F.S.; defining the term "geographic information"; creating the Florida Geographic Information Board and the Florida Geographic Information Advisory Council; providing for the composition of the board and the council and their duties; repealing ss. 282.402, 282.403, F.S., which provide for the Florida Growth Management Data Communications Network and its coordinating council; providing an effective date.

—was read the second time by title.

Senator Harden moved the following amendments which were adopted:

Amendment 1—On page 2, lines 20-22, delete those lines and insert: artificial divisions of geography; and

6. Measured features listed in paragraphs 1.-4. herein, and geographic features produced pursuant to chapter 472.

Amendment 2 (with title amendment)—On page 8, before line 1, insert:

Section 3. Part III of chapter 23, Florida Statutes, consisting of sections 23.20, 23.21, and 23.22, Florida Statutes, is created to read:

23.20 Legislative intent with respect to paperwork reduction.—The Legislature finds that:

(1) The paperwork burden associated with collecting information from individuals, private-sector organizations, and local governments may have a significant economic impact on these entities as they attempt to comply with the state's information reporting requirements.

(2) These information-reporting requirements are found in most interactions between state government and these entities, such as application and permitting processes, title registration, various licensure processes, environmental monitoring, growth management, and tax collection.

(3) The failure of state agencies to identify information they are collecting and to share that information with other agencies, as well as with local governments, has increased the paperwork burden on other entities.

(4) The state must minimize the paperwork burden by evaluating its need for information, determining whether it already has access to the necessary information, and coordinating data collection initiatives at their source.

(5) The collection of information by state government must be done in a manner that balances the efficiency and cost-effectiveness of government with the cost and convenience to individuals, private-sector organizations, and local governments providing the information.

23.21 Definitions.—For purposes of this part:

(1) "Department" means a principal administrative unit within the executive branch of state government, as defined in chapter 20, and includes the State Board of Administration, the Executive Office of the Governor, the Game and Fresh Water Fish Commission, the Parole Commission, the Agency for Health Care Administration, the Board of Regents, the State Board of Community Colleges, the Justice Administrative Commission, the Capital Collateral Representative, and separate budget entities placed for administrative purposes within a department.

(2) "Paperwork burden" means the resources expended by the entity providing information. Resources may include the time, effort, or financial expenditure associated with reviewing the instructions; acquiring, installing, and using technology to obtain, compile, or report the information; searching data sources; completing and reviewing the collected information; or transmitting the required information to the requesting department.

(3) "Collect information" means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties of facts or opinions by or for a department, regardless of form or format, calling for answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than departments or employees of this state.

23.22 Paperwork reduction; activities of departments.—

(1) In order to reduce the amount of paperwork associated with the collection of information from individuals, private-sector organizations, and local governments and to provide more efficient and effective assistance to such individuals and organizations in completing necessary paperwork required by the government, each department head shall, to the extent feasible:

(a) Integrate information systems between programs and departments to reduce the paperwork burden on such individuals, private-sector organizations, and local governments.

(b) Implement a department-wide paperwork review process designed to achieve the following outcomes:

l. Streamline information-collection processes that balance the cost and efficiency desired by the department with the cost and convenience to the reporting entities.

2. Ensure the reporting entities' participation in the identification of data elements, the estimation of the paperwork burden on them, and the design of information-collection instruments and processes.

3. Collect information necessary for the performance of agency functions without duplicating other information accessible to the agency.

(c) Coordinate information gathering through such techniques as one-stop permitting, licensing, and public services.

(d) Design information collection forms and similar instruments to make them easy to understand and "user-friendly" to the individuals, private-sector organizations, and local governments that are required to complete and return them. Departmental telephone numbers or electronic mail addresses for the public to obtain assistance in completing the forms must be provided on each form.

(e) Evaluate existing and prospective statutes and rules for the paperwork burden they generate and seek modification of the statutes and rules to reduce the paperwork burden being placed on individuals, private-sector organizations, and local government.

(f) Collaborate with the Division of Library and Information Services, pursuant to s. 119.09, to identify and index records retention requirements placed on private-sector organizations and local governments in Florida, clarify and reduce the requirements, and educate the affected entities through various communications media, including voice, data, video, radio, and image.

(2) Departments shall consider applying to the Innovation Investment Program, pursuant to s. 216.235, for financial assistance required in streamlining and integrating information systems to reduce paperwork requirements.

(3) Departments shall make available, upon request, a list of the initiatives taken to reduce paperwork associated with collecting information from individuals, private-sector organizations, and local governments.

Section 4. Section 282.003, Florida Statutes, is amended to read:

282.003 Short title.—This chapter may be cited as the "Information *Technology* Resources Management ~~and Paperwork Reduction~~ Act *of 1996*."

Section 5. Section 282.305, Florida Statutes, is amended to read:

282.305 Information Resource Commission; Board of Regents; powers and duties.—

(1) The Information Resource Commission shall:

(a) Provide overall leadership and coordination of information resources management within the executive branch of state government.

~~(b) After consultation with the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State:~~

~~1. Coordinate the planning by state executive agencies, excluding the Board of Regents and the State University System, for the review and evaluation of reporting requirements and forms to assist in the reduction of unnecessary paperwork, and provide technical assistance for such planning.~~

~~2. Provide technical assistance, upon request, to other state governmental entities in planning the review and evaluation of reporting requirements and forms to assist in the reduction of unnecessary paperwork.~~

(b)~~(c)~~ Require all departments, as the executive director may prescribe, to plan and report to the commission *on* the use of information technology resources, the impact of those resources on the duties and functions of the department, the cost incurred, the information produced, and the procedures followed in obtaining information technology resources.

(c)~~(d)~~ Develop, publish, monitor, and report on compliance with policies, procedures, and standards relating to information resources management, including, but not limited to, state policies on data administration, information systems development, and computer security.

(d)~~(e)~~ Coordinate and make available to state agencies an information resources management training program designed to serve the technical and managerial needs of government, including, but not limited to, project management ~~and paperwork reduction~~.

(e)~~(f)~~ Provide technical and managerial assistance relating to information resources management ~~and paperwork reduction~~ when requested by a department and, to the extent practicable, serve as a clearinghouse, in conjunction with the Information Resources Management Advisory Council created pursuant to s. 282.314 and the Department of Management Services, with respect to core skills, including, but not limited to, project management, testing and evaluation, request-for-proposal development, contract negotiation, and alternative dispute resolution. The technical and managerial assistance shall be available as needed to state agencies that desire assistance in the engagement in or management of information technology resource projects. Requests by agencies for assistance must be directed to the entity with the appropriate expertise.

(f)~~(g)~~ Identify, develop, and recommend to the Executive Office of the Governor and the appropriations committees of the Legislature, by April 15 of each year, issues relating to information resources management to be considered for inclusion in the legislative budget instructions to the agencies prepared pursuant to s. 216.023(3).

(g)~~(h)~~ Prepare, by June 15 of each year, a list of projects included in the General Appropriations Act which are subject to special monitoring under s. 282.322. The commission shall forward the list of such projects to each of the affected agencies, the Auditor General, the Joint Legislative Auditing Committee, and the Legislative Information Technology Resource Committee.

(h)~~(i)~~ In consultation with the Information Resources Management Advisory Council, identify, develop, and submit recommendations to the Executive Office of the Governor, President of the Senate, and Speaker of the House of Representatives for streamlining data centers and other computing facilities, including measures for managing excess capacity at multiple facilities, and providing for standardization and fewer facilities.

(i)~~(j)~~ Adopt rules to implement this act.

(j)~~(k)~~ Contract with other governmental agencies and persons pursuant to part I of chapter 287.

(k)~~(l)~~ Ensure implementation of and compliance with provisions relating to the Florida Fiscal Accounting Management Information System information resources management plan established pursuant to s. 215.96 and require a department, when applicable, to submit a detailed report as to the reasons for its failure to implement or comply with such provisions the report shall be in a format prescribed by the commission.

(2) The Board of Regents shall perform the functions described in paragraphs (1)(a), *(b)-(d)* ~~(c)-(e), (k),~~ and *(j)* ~~(l)~~ for the State University System including providing technical and managerial assistance relating to information resource management ~~and paperwork reduction~~ when requested by a university. The Board of Regents is authorized to adopt rules as may be necessary to carry out the duties and authority conferred upon the board by this chapter. The Board of Regents shall consult with the Information Resource Commission and seek the recommendations of the commission relating to information resources management prior to adopting information resources management policies and standards for the State University System. If the Board of Regents does not follow the recommendations of the commission, the board shall file with the commission a written explanation of its decision relating to such recommendations.

Section 6. Subsections (1), and (2) of section 282.3061, Florida Statutes, are amended to read: 282.3061 State Strategic Plan for Information Resources Management.—

(1) The executive director of the Information Resource Commission shall prepare for the commission's review and approval a State Strategic Plan for Information Resources Management by February 1 of each even-numbered year. The plan shall accurately reflect and provide for the implementation of the goals and policies of the State Comprehensive Plan. The State Strategic Plan for Information Resources Management shall:

(a) Provide a strategic direction for information resources management ~~and paperwork reduction~~ by state government for the ensuing 4 fiscal years.

(b) Establish state goals and objectives relating to information resources management ~~and paperwork reduction~~.

(c) Provide long-range policy guidelines for the state in achieving integrated and efficient information resources management ~~and paperwork reduction~~.

(d) Identify major statewide issues relating to improved information resources management ~~and paperwork reduction~~ by state government.

(e) Identify the priorities for new SUNCOM Network services to be implemented by the Division of Communications of the Department of Management Services.

(f) Include a list and description of the information resources management projects that have been designated for special monitoring in the General Appropriations Act.

(2) In developing the State Strategic Plan for Information Resources Management, the executive director shall assess the current practices of state agencies regarding information resources management, current and future information resources management technologies and practices and their potential application in state government~~, and paperwork reduction~~. In addition, the executive director shall consult with the Division of Communications of the Department of Management Services as to the direction of development of communications and communications services in the state and in the industry.

Section 7. Subsection (1)(b) of section 282.3062, Florida Statutes, is amended to read:

(1) By February 1 of each year, the Information Resource Commission shall prepare an Annual Report on the information resources management activities of state government based on the Annual Performance Reports submitted by the departments. The Annual Report on Information Resources Management shall:

(b) Describe major accomplishments of the state and each department in information resources management ~~and paperwork reduction~~.

Section 8. Section 282.3051, Florida Statutes, is repealed.

Section 9. Section 282.102, Florida Statutes, is amended to read:

282.102 Powers and duties of Division of Communications of the Department of Management Services.—The Division of Communications of the Department of Management Services shall have the following powers, duties, and functions:

(1) To *publish the portfolio of services available from the division, including pricing information* ~~develop a State Implementation Plan for Communications Services~~.

(2) To coordinate the purchase, lease, and use of all communications services for state government, including communications services provided as part of any other total system to be used by the state or any of its agencies.

(3) To advise *and render aid to* state agencies and political subdivisions of the state as to systems or methods to be used *for organizing and meeting* ~~to meet~~ communications requirements efficiently and effectively.

(4) To consolidate the communications systems and services of state agencies and to provide for their joint use by the agencies when determined by the division to be economically efficient or performance-effective.

(5) To adopt technical standards for the state communications system which will assure the interconnection of computer networks and information systems of state agencies. ~~Such standards must be in accordance with the policies and standards adopted by the Information Resource Commission.~~

(6) To assume management responsibility for any consolidated communications system or service when determined by the division to be economically efficient or performance-effective.

(7) To enter into agreements for the support and use of the communications services of state agencies and of political subdivisions of the state.

~~(8) To provide for the rendering of aid between state government and its political subdivisions with respect to the organizing of communication systems.~~

(8)~~(9)~~ To use or acquire, with agency concurrence ~~and approval by the Governor and Cabinet~~, communications facilities now owned or operated by any state agency.

(9)~~(10)~~ To standardize policies and procedures for the use of such services.

~~(11) To delegate to state agencies the powers of acquisition, lease, and utilization of communications facilities and services.~~

(10)~~(12)~~ To purchase from or contract with suppliers and communications *companies* ~~common carriers~~ for communications facilities or services, including private line services.

(11)~~(13)~~ To apply for, receive, and hold, or assist agencies in applying for, receiving, or holding, such authorizations, licenses, and allocations or channels and frequencies to carry out the purposes of ss. 282.101-282.109.

(12)~~(14)~~ To acquire real estate, equipment, and other property.

(13)~~(15)~~ To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.

(14)~~(16)~~ *To delegate to state agencies the powers of acquisition and utilization of communications equipment, facilities, and services or to control and approve the purchase, lease, and use of all communications equipment, services, and facilities, including communications services provided as part of any other total system to be used by the state or any of its agencies.* ~~Unless delegated to the agencies, to control and approve the purchase, lease, and use of all communications equipment and facilities, including communications services provided as part of any other total system to be used by the state or any of its agencies.~~ This subsection does not apply to the data processing hardware of an agency *as* defined in *chapter 282* ~~s. 282.303(6)~~.

(15)~~(17)~~ To take ownership, custody, and control of existing communications equipment and facilities, with agency concurrence ~~and approval by the Governor and Cabinet~~, including all right, title, interest, and equity therein, to carry out the purposes of ss. 282.101-282.109. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications ~~or telephone~~ company.

(16)~~(18)~~ To prescribe rules and regulations for the use of the state communications system.

(17)~~(19)~~ To provide a means whereby political subdivisions of the state may use the state communications system upon such terms and under such conditions as the division may establish.

(18)~~(20)~~ To apply for and accept federal funds for any of the purposes of ss. 282.101-282.109 as well as gifts and donations from individuals, foundations, and private organizations.

(19)~~(21)~~ To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(20)~~(22)~~ Unless delegated to the agencies, to manage and control, but not intercept or interpret, communications within the SUNCOM Network~~, pursuant to the state Implementation plan for Communications Services~~ by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to the SUNCOM Network.

(e) Ensuring orderly and reliable communications services in accordance with the standards and policies of all state agencies and the service agreements executed with state agencies.

(21)~~(23)~~ To plan, design, and conduct experiments in communications services, equipment, and technologies, and to implement enhancements in the state communications system when justified and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed 1 percent of the annual budget for the SUNCOM Network for any fiscal year. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

~~(24) To provide to the Information Resource Commission, by December 1 of each year, a forecast of proposed SUNCOM Network services for use by the commission in developing the State Strategic Plan for Information Resources Management.~~

~~(25) To submit to the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Executive Office of the Governor, the Information Resource Commission, and the Auditor General, by October 1 of each year, a performance report on the progress made, costs incurred, services provided, and benefits realized for the prior fiscal year as compared to the State Implementation Plan for the same period.~~

Section 10. Subsection (4) of section 282.103, Florida Statutes, is repealed.

Section 11. Section 282.104, Florida Statutes, is amended to read:

282.104 Use of state SUNCOM Network by municipalities.—Any municipality may request the Division of Communications to provide *any or all of the SUNCOM Network's portfolio of communications services* ~~for utilization of the state SUNCOM Network for the purpose of use of the state long-distance communications system by such municipality,~~ upon such terms and under such conditions as the division may establish. The requesting municipality shall pay its share of ~~all initial~~ installation *and recurring* costs *according to the published rates for SUNCOM Network services and as invoiced by the division* ~~required to connect that municipality to the state SUNCOM Network~~. Such municipality shall also pay for *any requested modifications to existing SUNCOM Network services, if any charges apply* ~~all initial installation costs for adding additional facilities to the state SUNCOM Network~~.

Section 12. Subsection (1) of section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(1) The Division of Communications of the Department of Management Services shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) *Expend the majority of its total direct revenues for the provision of contractual services to the state, a municipality, or a political subdivision of the state* ~~Receive no more than 25 percent of its total revenue from any source other than a state agency or political subdivision of the state during each fiscal year for which authorization is sought~~; and

(b) *Receive only a small portion of its total revenues from any source other than a state agency, a municipality, or a political subdivision of the state during the period of time SUNCOM Network services are requested* ~~Expend at least 75 percent of its total direct work hours of labor required for the provision of services to the state or a political subdivision of the state~~.

Section 13. Section 282.107, Florida Statutes, is amended to read:

282.107 ~~Rules of the division; periodic review of the state~~ SUNCOM Network*; criteria for usage.*—

~~(1) The division shall adopt rules setting forth its criteria for determining eligibility to use the state SUNCOM Network. One of the criteria shall be that each facility added to the SUNCOM Network will result in a net reduction of expenditures for communications services.~~

(1)~~(2)~~ The division shall periodically review the qualifications of *subscribers using* ~~facilities included in~~ the state SUNCOM Network and shall terminate services provided to any facility not qualified pursuant to ss. 282.101-282.111 or rules adopted hereunder. In the event of nonpayment of *invoices by subscribers whose SUNCOM Network invoices* ~~bills by entities the bills of which~~ are paid from sources other than legislative appropriations, such nonpayment represents good and sufficient reason to terminate service ~~in accordance with rules of the department~~.

(2)~~(3)~~ The division shall adopt rules setting forth its procedures for withdrawing and restoring authorization to use the state SUNCOM Network. Such rules shall provide a minimum of 30 days' notice to affected parties prior to termination of voice communications service.

(3)~~(4)~~ Nothing in this section shall be construed to limit or restrict the ability of the Florida Public Service Commission to set jurisdictional tariffs of *telecommunications* ~~telephone~~ companies.

Section 14. Section 282.1095, Florida Statutes, is amended to read:

282.1095 *State agency law enforcement radio system* ~~Mutual aid channel.—~~

(1) For the purpose of acquiring and implementing a statewide radio communications system to serve law enforcement units of state agencies, and *to serve* local law enforcement agencies through a mutual aid channel, the Joint Task Force on State Agency Law Enforcement Communications *is established in the Department of Management Services* and the State Agency Law Enforcement Radio System Trust Fund *is* ~~are hereby~~ established in the Department of Management Services from July 1, 1988, through December 31, 2003. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 327.25.

(2)(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of six members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Game and Fresh Water Fish Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

(b) Each *appointed* ~~initial~~ member of the joint task force shall ~~be appointed for a term beginning July 1, 1988, and ending June 30, 1994, and shall~~ serve at the pleasure of the appointing official. ~~Thereafter, each member of the joint task force shall be appointed for a term of 1 year, beginning July 1 and ending on the following June 30, except that the terms of members appointed beginning July 1, 2002, shall expire on December 31, 2003.~~ Any vacancy on the joint task force shall be filled in the same manner as the original appointment ~~and for the remainder of the unexpired term~~.

(c) The joint task force shall elect a chair from among its members *to serve a 1-year term. A vacancy in the chair of the joint task force must be filled for the remainder of the unexpired term by an election of the joint task force members* ~~The chair shall serve until the expiration of his or her term as a member of the joint task force~~.

(d) The joint task force shall meet as necessary, but at least quarterly, at the call of the chair and at the time and place designated by him or her.

(e) The per diem and travel expenses incurred by a member of the joint task force in attending its meetings and in attending to its affairs shall be paid pursuant to s. 112.061, from funds budgeted to the state agency that the member represents.

(f) *The Division of Communications is hereby authorized to rent or lease space on any tower under its control. The division may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the division for each site, when it is determined to be practicable and feasible to make space available. The division may refuse to lease space on any tower at any site. All moneys collected by the division for such rents, leases, and subleases shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund and may be used by the division to construct, maintain, or support the system.* ~~The joint task force shall cease to exist at midnight, December 31, 2003.~~

(g) The Division of Communications is hereby authorized to rent, lease, or sublease ground space on lands acquired by the division or the Department of Management Services for the construction of privately owned or publicly owned towers. The division may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the division to accomplish its duties under this paragraph and paragraph (f) shall be established in the General Appropriations Act and shall be funded by the State Agency Law Enforcement Radio System Trust Fund.

(3) ~~The Governor and Cabinet, as head of the Department of General Services, shall establish a 5½-year pilot project beginning January 1, 1989, and ending June 30, 1994, pursuant to which the Joint Task Force on State Agency Law Enforcement Communications shall establish a radio communications system to serve law enforcement agencies in the southeast portion of the state.~~ Moneys in the trust fund may be used by the joint task force to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to *construct, operate, and maintain the statewide radio system* ~~conduct the pilot project~~. ~~On January 1, 1993, and January 1, 1994, the joint task force shall submit an updated status report on the performance of the pilot project to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives. These reports shall include evaluations of the efficiency and effectiveness of the pilot system in serving the requirements of the five joint task force agencies, and shall recommend further action, if any, with respect to further statewide implementation.~~ Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 327.25~~,~~ shall be used to *help* fund the ~~entire~~ costs of the *system* ~~pilot project~~. Upon ~~successful~~ completion of the *system* ~~pilot project and approval of the Governor and Cabinet and upon appropriation by the Legislature~~, moneys in the trust fund may also be used by the joint task force to ~~complete establishment of the radio communications system throughout the state and to~~ provide for payment of the recurring maintenance costs of the system. ~~If the pilot project is not deemed successful by the joint task force with the concurrence of the Governor and Cabinet, the remaining statewide implementation shall be abandoned effective immediately, the surcharges imposed pursuant to ss. 320.0802 and 327.25 shall be terminated within 6 months but no later than midnight December 31, 1994, and all moneys in the trust fund shall revert to general revenue, unallocated.~~ During ~~the pilot program and~~ statewide implementation ~~periods~~, moneys in the trust fund may be used by the joint task force to maintain and enhance, over and above existing agency budgets, existing radio equipment systems of the state agencies represented by the task force members, up to a maximum of 10 percent per year per agency, of the existing radio equipment inventory until the existing radio equipment can be replaced pursuant to implementation of the statewide radio communications system.

(4)*(a)* The joint task force, shall establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system~~, which shall be approved by the Governor and Cabinet~~.

(b) The joint task force shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.

(5)(a) The Division of Communications of the Department of Management Services shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

(b) The positions necessary for the division to accomplish its duties under this section shall be established through the budgetary process and shall be funded by the State Agency Law Enforcement Radio System Trust Fund. ~~However, effective July 1, 1988, six initial positions are established in the division. Moneys, not to exceed $500,000, necessary for the purpose of paying all startup costs relating to the operation of the Joint Task Force on State Agency Law Enforcement Communications, including fixed capital outlay, shall be transferred in accordance with s. 215.18 to the State Agency Law Enforcement Radio System Trust Fund created by this section. The department shall repay such moneys, together with interest at the same rate earned by the State Treasurer on investments of state funds, no later than June 30, 1989.~~

Section 15. Subsections (2) and (3) of section 282.111, Florida Statutes, are amended to read:

282.111 Statewide system of regional law enforcement communications.—

(2) The Division of Communications is hereby authorized and directed to develop *and maintain* a statewide system of regional law enforcement communications. In formulating such a system, the division shall divide the state into appropriate regions and shall develop a program which shall include, but not be limited to, the following provisions:

(a) The communications requirements for each county and municipality comprising the region.

(b) An interagency communications provision which shall depict the communication interfaces between municipal, county, and state law enforcement entities which operate within the region.

~~(c) An organizational layout provision which shall include each law enforcement entity and the number of radio operating units, fixed, mobile, and handheld, per entity.~~

(c)~~(d)~~ Frequency allocation and use provision which shall include, on an entity basis, each assigned and planned radio channel and the type of operation, simplex, duplex, or half-duplex, on each channel.

~~(e) An operational provision which shall include the dispatching, logging, and operating procedures as pertains to communications on an entity basis, a regional basis, and an emergency basis.~~

~~(f) A law enforcement agency service telephone provision which shall include the telephone and numbering plan throughout the region.~~

(3) ~~The statewide system of regional law enforcement communications shall be developed by the Division of Communications no later than June 1, 1973. The division shall be responsible for the implementation and coordination of such system into the state communications plan.~~ The division shall adopt any necessary rules and regulations for implementing and coordinating *the statewide system of regional law enforcement communications* ~~such system~~.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 11 after the semicolon (;) insert: creating part III of ch. 23, F.S.; providing legislative intent relating to paperwork reduction; providing definitions; providing for reduction of certain paperwork; providing procedures and criteria; amending s. 282.003, F.S.; revising a short title; amending s. 282.305, F.S., deleting references to paperwork reduction; amending s. 282.3061, F.S.; deleting references to paperwork reductions; amending s. 282.3062, F.S., deleting references to paperwork reduction; amending s. 282.307, F.S., relating to paperwork reduction; repealing s. 282.3051, F.S., relating to paperwork reduction reporting requirements; amending s. 282.102, F.S.; revising provisions relating to the powers and duties of the Division of Communications of the Department of Management Services; amending s. 282.103, F.S.; deleting a provision relating to the SUNCOM Network as a project; amending s. 282.104, F.S.; revising provisions relating to the use of the state SUNCOM Network by municipalities; amending s. 282.105, F.S.; revising provisions relating to SUNCOM use by nonprofit corporations; amending s. 282.107, F.S.; revising provisions relating to the rules of the Division of Communications and periodic review of the SUNCOM Network; amending s. 282.1095, F.S.; revising provisions relating to the state agency mutual aid channel; revising provisions relating to the mutual aid joint task force; authorizing the Division of Communications to lease and sublease tower space or land that it controls; authorizing rents; authorizing the use of the law enforcement radio system by additional agencies; amending s. 282.111, F.S.; revising provisions relating to the statewide system of regional law enforcement communications; deleting obsolete dates and provisions;

On motion by Senator Harden, by two-thirds vote **SB 1274** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for CS for SB 2214—A bill to be entitled An act relating to geriatric care; creating a task force within the Department of Elderly Affairs to study a geriatric model of care; providing for membership; providing responsibilities; requiring a report; providing for dissolution of the task force by a specified date; providing for a study of the regulation of in-home services; providing an effective date.

—was read the second time by title.

Senator Wexler moved the following amendment which was adopted:

Amendment 1—On page 1, line 19 through page 2, line 29, delete those lines and insert: no more than 25 members, who shall be nominated by the groups and entities named in this section and appointed by the Secretary of Elderly Affairs. Participation in the task force is optional and is at the discretion of each identified group. There are no approved travel expenses or per diem reimbursements for members of the task force. The task force activities shall not duplicate any activities already completed by the Commission on Long Term Care in Florida.

(a) The task force shall include one representative nominated by each of the following educational institutions:

1. The Medical School of the University of Florida.
2. The Medical School of the University of South Florida.
3. The Medical School of the University of Miami.
4. The Nova Southeast Medical School.

(b) The task force shall include one representative nominated by each of the following agencies:

1. The Agency for Health Care Administration.
2. The Department of Health and Rehabilitative Services.
3. The Department of Elderly Affairs.
4. Florida Board of Medicine.
5. Florida Board of Osteopathic Medicine.

(c) The task force shall include one representative nominated from each of the following associations, professions, or industries:

1. The Florida Pharmacy Association.
2. The Florida Nurses Association.
3. The Association of Voluntary Hospitals, Inc.
4. The Florida Hospital Association.
5. League of Hospitals.
6. Florida Hospices, Inc.
7. Florida Health Care Association.
8. Florida Association of Homes for the Aging.
9. American Association of Retired Persons, Florida Chapter.
10. The Florida Silver-Haired Legislature.
11. The Florida Medical Association.
12. Florida Osteopathic Association.
13. Florida Dental Association.
14. The Florida Assisted Living Association.
15. Associated Home Health Industries of Florida.
16. The Florida Psychological Association.

Senators Weinstein and Wexler offered the following amendment which was moved by Senator Weinstein and adopted:

Amendment 2 (with title amendment)—On page 1, line 13, insert:

Section 1. Section 641.60, Florida Statutes, is created to read:

641.60 Statewide Managed Care Ombudsman Committee.—

(1) As used in ss. 641.60-641.75:

(a) "Agency" means the Agency for Health Care Administration.

(b) "Covered medical service" means a service that has been contracted for under the managed care program agreement.

(c) "District" means one of the health service planning districts as defined in s. 408.032(5).

(d) "District committee" means a district managed care ombudsman committee.

(e) "Enrollee" means an individual who has contracted, or on whose behalf a contract has been entered into, with a managed care program for health care.

(f) "Managed care program" means a health care delivery system that emphasizes primary care and integrates the financing and delivery of services to enrolled individuals through arrangements with selected providers, formal quality assurance and utilization review, and financial incentives for enrollees to use the program's providers. Such a health care delivery system may include arrangements in which providers receive prepaid set payments to coordinate and deliver all inpatient and outpatient services to enrollees or arrangements in which providers receive a case management fee to coordinate services and are reimbursed on a fee-for-service basis for the services they provide. A managed care program may include a state-licensed health maintenance organization, a Medicaid prepaid health plan, a Medicaid primary care case management program, or other similar program.

(g) "Physician" means a person licensed under chapter 458, chapter 459, chapter 460, or chapter 461.

(h) "Statewide committee" means the Statewide Managed Care Ombudsman Committee.

(2) There is created within the Agency for Health Care Administration a Statewide Managed Care Ombudsman Committee. The statewide committee shall act as a consumer protection and advocacy organization on behalf of all health care consumers receiving services through managed care programs in the state. The statewide committee shall work in conjunction with the agency in protecting the public health, safety, and welfare, as provided under this section and ss. 641.65, 641.70, and 641.75. The statewide committee shall have administrative authority over the district committees established in s. 641.65.

(3) The statewide committee shall consist of the chairpersons of the district committees.

(4) The members of the statewide committee shall elect a chairperson to a term of 1 year. A person may not serve as chairperson for more than two consecutive terms.

(5)(a) Members of the statewide committee shall receive no compensation, but may be reimbursed for travel expenses in accordance with s. 112.061.

(b) Travel expenses for the statewide committee shall be funded from the Health Maintenance Organization Quality Care Trust Fund, created by s. 641.57. The statewide committee may solicit grants, gifts, donations, bequests, or other payments including money, property, or services from any governmental or public entity or private entity or person to fund other expenses of the committee and the district committees. Any such moneys received shall be deposited into a trust fund administered by the agency.

(6) The statewide committee or a member of the committee:

(a) Shall serve as a volunteer organization to protect the rights of all enrollees participating in managed care programs in this state.

(b) Shall receive complaints regarding quality of care from the agency, and may assist the agency with the investigation and resolution of complaints.

(c) May conduct site visits with the agency, as the agency determines is appropriate.

(d) May review existing and new or revised managed care quality assurance programs of the agency and make recommendations as to how the rights of managed care enrollees are affected by such programs.

(e) May submit a report to the Legislature, no later than January 1, as appropriate, concerning activities, recommendations, and complaints reviewed or developed by the statewide committee and district committees during the preceding year.

(f) Shall conduct meetings at least two times a year at the call of the chairperson and at other times at the call of the agency director or by written request of three members.

(g) Shall adopt agency guidelines to carry out its purposes and responsibilities and those of the district committees.

(h) Shall monitor the district committees and provide technical assistance to members of district committees.

Section 2. Section 641.65, Florida Statutes, is created to read:

641.65 District managed care ombudsman committees.—

(1) A district managed care ombudsman committee is created in each district of the agency that has staff assigned for the regulation of managed care programs. Each district committee is subject to direction from and the supervision of the statewide committee.

(2) Each district committee shall have no fewer than nine members and no more than 16 members, including at least: one physician licensed under chapter 458, one physician licensed under chapter 459, one physician licensed under chapter 460, and one physician licensed under chapter 461, one psychologist, one registered nurse, one clinical social worker, one attorney, and one consumer. For the consumer member, preference shall be given to members of organized consumer or advocacy groups with national or statewide membership. No member may be employed by or affiliated with a managed care program.

(3)(a) The agency director shall appoint the first three members of each district committee, and those three members shall select the remaining members, subject to approval of the agency director. If any of the first three members are not appointed within 60 days after the statewide committee is established and after a request is submitted to the agency director, those members shall be appointed by a majority vote of the statewide committee without further action by the agency director.

(b) Members shall be appointed to serve for a term of 3 years, except that at the time of initial appointment, terms shall be staggered so the first 40 percent of members appointed shall serve for a term of 2 years and the remaining members shall serve for a term of 3 years. Members may serve only two consecutive terms.

(c) Upon the expiration of the term of a member or upon the occurrence of a vacancy, the district committee shall appoint a successor, subject to the approval of the agency director.

(d) If the agency director fails to approve or disapprove a replacement member within 30 days after the district committee provides the agency director with a nomination, the nomination is automatically approved.

(4) Each district committee shall elect a chairperson for a term of 1 year. A person may not serve as chairperson for more than two consecutive terms.

(5) If a district committee member misses, without cause, two-thirds of the regular district committee meetings in a calendar year, the member is automatically removed, and the district committee shall select a replacement.

(6) Each district committee or member of the committee:

(a) Shall serve to protect the health, safety, and rights of all enrollees participating in managed care programs in this state.

(b) Shall receive complaints regarding quality of care from the agency, and may assist the agency with the resolution of complaints.

(c) May conduct site visits with the agency, as the agency determines is appropriate. A complaint may be referred by the agency to the committee, as to whether an enrollee's managed care program may have inappropriately denied the enrollee a covered medical service, may be inappropriately delaying the provision of a covered medical service to the enrollee, or is providing substandard covered medical services. The committee shall establish and follow uniform criteria in reviewing information and receiving complaints.

(d) Shall submit an annual report to the statewide committee concerning activities, recommendations, and complaints reviewed or developed by the district committee during the year.

(e) Shall conduct meetings as required at the call of its chairperson, the call of the agency director, the call of the statewide committee, or by written request of a majority of the district committee members.

Section 3. Section 641.70, Florida Statutes, is created to read:

641.70 Agency duties relating to the Statewide Managed Care Ombudsman Committee and the district managed care ombudsman committees.—

(1) The agency shall adopt rules that specify:

(a) Procedures by which the statewide committee and district committees receive reports of enrollee complaints from the agency.

(b) Procedures by which enrollee information shall be made available to members of the statewide committee and to the district committees.

(c) Procedures by which recommendations made by the committees shall be considered for incorporation into policies and procedures of the agency.

(d) Procedures by which statewide committee members shall be reimbursed for authorized expenditures.

(e) Any other procedures that are necessary to administer this section and ss. 641.60 and 641.65.

(2) The Agency for Health Care Administration shall provide a meeting place for district committees in agency offices and shall provide the necessary administrative support to assist the statewide committee and district committees, within available resources.

(3) The director of the agency shall ensure the full cooperation and assistance of agency employees with members of the statewide committee and district committees.

Section 4. Section 641.75, Florida Statutes, is created to read:

641.75 Immunity from liability; limitation on testimony.—

(1) Any member of the statewide committee or a district committee who receives or investigates a complaint of an enrollee of a managed care program in accordance with the procedures and guidelines of the agency shall be immune from liability for good faith action on behalf of such an enrollee.

(2) Except as otherwise provided by law, all other matters before the statewide committee or district committees shall be open to the public and subject to chapter 119 and s. 286.011.

(3) Members of any state or district ombudsman committee shall not be required to testify in any court with respect to matters held to be confidential except as may be necessary to enforce ss. 641.60-641.75.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, delete that line and insert: An act relating to the study and oversight of health care activities; creating s. 641.60, F.S.; providing definitions; creating the Statewide Managed Care Ombudsman Committee; providing for membership, powers, duties, and funding of the committee; providing for reports; creating s. 641.65, F.S.; creating district managed care ombudsman committees; providing for membership, powers, and duties of the committees; creating s. 641.70, F.S.; providing duties of the Agency for Health Care Administration relating to the statewide and district committees; creating s. 641.75, F.S.; providing committee members immunity from liability for good faith action on behalf of an enrollee in a managed care program; providing for public records and meetings; providing that committee members shall not be required to testify on certain matters; creating a.

On motion by Senator Wexler, by two-thirds vote **CS for CS for SB 2214** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 1114—A bill to be entitled An act relating to medical procedures performed by school-based personnel; amending s. 232.46, F.S.; requiring certain training of school personnel who administer prescribed medication; requiring review by medical personnel; creating s. 232.465, F.S.; prohibiting certain medical services by nonmedical school district personnel; authorizing certain health-related services; providing for establishment of emergency procedures; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 1114** to **CS for HB 483**.

Pending further consideration of **CS for SB 1114** as amended, on motions by Senator Johnson, by two-thirds vote—

CS for HB 483—A bill to be entitled An act relating to medical procedures performed by school district personnel; amending s. 232.46, F.S.; requiring certain training of school personnel who administer prescribed medication; creating s. 232.465, F.S.; prohibiting certain medical services by nonmedical school district personnel; authorizing certain health-related services; providing for establishment of emergency procedures; prohibiting school district personnel from providing certain services under certain circumstances; amending s. 409.9071, F.S.; providing for individual educational plans to include medical necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1114** and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote **CS for HB 483** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motions by Senator Meadows, by two-thirds vote—

CS for HB 915—A bill to be entitled An act relating to enterprise zones; amending s. 287.0945, F.S.; authorizing water management districts to implement recommendations to achieve minority business enterprise procurement goals; amending s. 290.0055, F.S.; providing a method for changing the boundaries of an approved enterprise zone; amending s. 370.28, F.S.; revising and providing exceptions to certain enterprise zone requirements for net ban communities; providing for the designation of an additional net ban enterprise zone; providing an effective date.

—a companion measure, was substituted for **CS for SB 652** and by two-thirds vote read the second time by title.

Senator Meadows moved the following amendment which was adopted:

Amendment 1—On page 1 of unengrossed House Amendment 3, lines 17-20, delete those lines

On motion by Senator Meadows, by two-thirds vote **CS for HB 915** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

RECESS

The President declared the Senate in informal recess at 5:33 p.m.

EVENING SESSION

The Senate was called to order by the President at 6:06 p.m. A quorum present—39:

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	

SPECIAL ORDER CALENDAR, continued

RECONSIDERATION OF BILL

On motion by Senator Meadows, the Senate reconsidered the vote by which—

CS for HB 915—A bill to be entitled An act relating to enterprise zones; amending s. 287.0945, F.S.; authorizing water management districts to implement recommendations to achieve minority business enterprise procurement goals; amending s. 290.0055, F.S.; providing a method for changing the boundaries of an approved enterprise zone; amending s. 370.28, F.S.; revising and providing exceptions to certain enterprise zone requirements for net ban communities; providing for the designation of an additional net ban enterprise zone; providing an effective date.

—as amended passed this day.

On motion by Senator Meadows, by two-thirds vote the Senate reconsidered the vote by which **CS for HB 915** was read the third time.

On motion by Senator Meadows, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Senator Meadows moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 1, line 17 through page 3, line 7, delete those lines

And the title is amended as follows:

On page 3, lines 17-21, delete those lines

On motion by Senator Meadows, by two-thirds vote **CS for HB 915** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SJR 210—A joint resolution proposing an amendment to Section 2 of Article XI of the State Constitution relating to the Constitution Revision Commission.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 2 of Article XI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1996:

SECTION 2. Revision commission.—

(a) Within thirty days after the adjournment of the *1997* regular session of the legislature ~~convened in the tenth year following that in which this constitution is adopted~~, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

(1) the attorney general of the state;

(2) fifteen members selected by the governor;

(3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and

(4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chairman. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chairman, adopt its rules of procedure, examine the constitution of the state, ~~except for matters relating directly to taxation or the state budgetary process that are to be reviewed by the taxation and budget reform commission established in section 6,~~ hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

CONSTITUTION REVISION COMMISSION; CONVENING; DUTIES WITH RESPECT TO TAXATION AND STATE BUDGETARY MATTERS

Proposing an amendment to Section 2 of Article XI of the State Constitution to change from 1998 to 1997 the convening of the next Constitution Revision Commission, in conformity with the schedule previously established by the Florida Supreme Court. Removing the restriction upon the commission's authority to examine matters relating to taxation or the state budgetary process that are otherwise to be reviewed by the Taxation and Budgetary Reform Commission every ten years.

—was read the second time in full. On motion by Senator Grant, by two-thirds vote **SJR 210** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Sullivan, by two-thirds vote—

CS for HB 1839—A bill to be entitled An act relating to performance review of school districts; amending s. 11.51, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to contract for reviews; creating ss. 11.515 and 230.2302, F.S.; requiring selection of private firms to conduct reviews; providing for purpose and scope of reviews; providing requirements; providing an effective date.

—a companion measure, was substituted for **SB 1044** and by two-thirds vote read the second time by title. On motion by Senator Sullivan, by two-thirds vote **CS for HB 1839** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

Consideration of **CS for SB's 1884 and 2682** was deferred.

SB 1182—A bill to be entitled An act relating to education; transferring certain functions from the State Board of Education to the Commissioner of Education; amending s. 20.15, F.S.; requiring the commissioner to assign duties to the Division of Public Schools; amending s. 228.03, F.S., relating to the scope of the state school system; amending s. 228.041, F.S.; requiring the commissioner to adopt rules regarding the school day and exceptional students; amending s. 228.062, F.S.; requiring the commissioner to adopt rules to implement the migrant education program; amending s. 228.085, F.S.; requiring the commissioner to adopt a state comprehensive plan for mathematics, science, and computer education; amending s. 228.0855, F.S.; requiring the commissioner to adopt a statewide comprehensive plan for the establishment of prototype technology schools; amending s. 228.086, F.S.; requiring the commissioner to adopt rules for regional centers of excellence in mathematics, science, computers, technology, and global awareness; amending s. 228.088, F.S.; requiring the commissioner to adopt rules relating to utilization of security programs; amending s. 228.195, F.S.; requiring the commissioner to prescribe rules for school food service programs; amending s. 228.301, F.S.; providing for security of tests administered by commissioner; amending s. 228.502, F.S.; requiring the commissioner to adopt rules for administration of Education Success Incentive program; amending s. 229.512, F.S.; deleting state board approval of certain appointments and providing for commissioner rule regarding school improvement and education accountability; creating s. 229.515, F.S.; authorizing the commissioner to adopt rules having the effect of law; amending s. 229.565, F.S.; requiring the commissioner to approve student performance standards and adopt standards of excellence and transferring to the commissioner certain duties assigned to the state board; amending s. 229.59, F.S.; requiring the commissioner to adopt rules relating to submission of educational improvement projects;

amending s. 229.594, F.S.; providing the commissioner's role in reviewing components of school improvement and accountability; amending s. 229.805, F.S.; requiring provision of educational television in accordance with rules adopted by the commissioner; amending s. 229.8051, F.S.; requiring the commissioner to adopt rules for administration of the state public broadcasting system; amending s. 229.814, F.S.; requiring the commissioner to adopt rules prescribing performance standards and examinations for the high school equivalency diploma program; amending s. 230.03, F.S.; providing commissioner's rulemaking authority regarding the district school system; amending s. 230.22, F.S.; providing commissioner's rulemaking authority regarding the operation of school districts; amending s. 230.23, F.S.; requiring the commissioner to prescribe rules for various programs of school districts; amending s. 230.2316, F.S.; providing for rules of the commissioner relating to second chance schools and add-on certification programs; amending s. 230.23166, F.S.; requiring the commissioner to adopt rules to implement a teenage parent program; amending s. 230.2318, F.S.; requiring the commissioner to adopt rules to implement the school resource officer program; amending s. 230.32, F.S.; providing commissioner's authority to adopt rules and to set minimum standards for school operational programs; amending s. 230.321, F.S.; providing commissioner's authority to prescribe duties of superintendents; amending s. 230.33, F.S.; providing commissioner's authority over superintendents; amending s. 230.64, F.S.; requiring the commissioner to prescribe minimum standards for area technical centers; amending s. 230.71, F.S.; requiring the commissioner to adopt rules implementing intergenerational school volunteer programs; amending s. 231.02, F.S.; requiring the commissioner to adopt rules governing certification of instructional personnel; amending s. 231.0861, F.S.; requiring the commissioner to adopt certain examination and performance requirements; amending s. 231.15, F.S.; authorizing the commissioner to classify positions for which certificates are required; amending s. 231.17, F.S.; authorizing the commissioner to adopt rules regarding applicant's eligibility and certification; amending s. 231.1715, F.S.; requiring the commissioner to prescribe rules for the confidentiality of examinations; amending s. 231.172, F.S.; requiring submission of recommendations to the commissioner for approval of alternate preparation programs for teachers; amending s. 231.24, F.S.; requiring the commissioner to adopt rules for renewal of professional certificates; amending s. 231.263, F.S.; requiring the commissioner to adopt rules for the recovery network program for educators; amending s. 231.28, F.S.; requiring the commissioner to establish the Principles of Professional Conduct for the Education Profession; amending s. 231.30, F.S.; requiring the commissioner to establish certification fees; amending s. 231.3505, F.S.; requiring the commissioner to establish certification requirements for a director of career education; amending s. 231.36, F.S.; requiring the commissioner to prescribe rules governing the issuance of professional certificates; amending s. 231.546, F.S.; directing the Education Standards Commission to make recommendations to the commissioner; amending s. 231.613, F.S.; requiring rules of the commissioner relating to inservice training; amending s. 231.62, F.S.; requiring the commissioner to identify career education programs having critical teacher shortages; amending s. 232.01, F.S.; requiring rules of the commissioner relating to school attendance; amending s. 232.23, F.S.; providing that procedures for maintenance and transfer of pupil records shall be as prescribed by rules of the commissioner; amending s. 232.2468, F.S.; authorizing the commissioner to adopt rules relating to graduation, habitual truancy, and dropout rates; amending s. 232.247, F.S.; requiring rules of the commissioner relating to special high school graduation requirements for exceptional students; amending s. 232.25, F.S.; requiring rules of the commissioner relating to pupils subject to the control of the school; amending s. 232.303, F.S.; authorizing the commissioner to adopt rules relating to interagency student services; amending s. 232.435, F.S.; requiring the commissioner to approve courses relating to athletic trainers; amending s. 233.011, F.S.; authorizing the commissioner to develop rules to implement accountability provisions; amending s. 233.015, F.S.; requiring the commissioner to adopt rules for conducting purges of courses; amending s. 233.056, F.S.; requiring rules of the commissioner relating to operation of instructional programs for visually impaired students and deaf or hard-of-hearing students; amending s. 233.058, F.S.; requiring the commissioner to adopt rules for English language instruction for limited English proficient students; amending s. 233.061, F.S.; providing the commissioner authority to adopt rules prescribing required instruction; amending s. 233.067, F.S.; providing that administration of the comprehensive health education and substance abuse prevention program be pursuant to rules adopted by the commissioner; amending s. 233.068, F.S.; requiring a report to the commissioner on the effectiveness of job-related vocational instruction; amending s. 233.115, F.S.; providing for adoption of instructional materials by the commissioner; amending s. 233.17, F.S.; authorizing the commissioner to approve by rule certain terms of adoption; amending s. 233.37, F.S.; providing for rules of the commissioner regarding the disposal of instructional materials; amending s. 233.39, F.S.; requiring the commissioner to prescribe rules for the renovation and repair of textbooks; amending s. 234.01, F.S.; providing for transportation of students pursuant to rules adopted by the commissioner; amending s. 234.02, F.S.; providing for rules of the commissioner for the safety and health of pupils being transported by the school district; amending s. 234.03, F.S.; providing for rules of the commissioner relating to tort liability; amending s. 234.051, F.S.; requiring the commissioner to prescribe safety specifications for school buses; amending s. 234.091, F.S.; requiring the commissioner to prescribe general qualifications for school bus drivers; amending s. 234.101, F.S.; requiring the commissioner to adopt requirements for school bus drivers; amending s. 234.301, F.S.; authorizing the commissioner to adopt rules for school bus pool purchases; amending s. 235.01, F.S.; requiring the commissioner to adopt rules for implementation of the Educational Facilities Act; amending s. 235.014, F.S.; requiring the commissioner to review and approve surveys and priority rankings for recommended educational facilities; amending s. 235.04, F.S.; requiring the commissioner to adopt rules for the disposal of real property; amending s. 235.056, F.S.; providing for commissioner's requirements for educational facilities; amending s. 235.06, F.S.; directing the commissioner to adopt and administer rules prescribing safety and health standards for occupants of educational facilities; amending s. 235.15, F.S.; providing for rules of the commissioner governing educational plant surveys and providing for approval of projects; amending s. 235.19, F.S.; directing the commissioner to adopt rules for site planning and selection; amending s. 235.211, F.S.; providing for the commissioner to set standards for educational facilities; amending s. 235.26, F.S.; requiring the commissioner to adopt the uniform building code for public educational facilities construction and granting the commissioner final review of questions, disputes, or interpretations of the uniform code; amending s. 235.31, F.S.; providing for rules of the commissioner relating to prequalification of bidders; amending s. 235.32, F.S.; providing for rules of the commissioner relating to building specifications; amending s. 235.435, F.S.; providing for rules of the commissioner relating to educational plant needs; amending s. 236.02, F.S.; providing for rules of the commissioner relating to reports, the minimum term of operation of schools, and the employment of personnel; amending s. 236.0801, F.S.; providing for commissioner approval of education goal; amending s. 236.081, F.S.; requiring rules of the commissioner relating to funding of public schools; amending s. 236.0811, F.S.; requiring rules of the commissioner relating to a school board's master plan for inservice educational training; amending s. 236.083, F.S.; requiring rules of the commissioner for determination of annual allocation for student transportation; amending s. 236.0841, F.S.; providing for rules of the commissioner regarding employment of certain personnel; amending s. 236.1225, F.S.; providing for rules of the commissioner for governing the gifted education grants program; amending s. 236.13, F.S.; providing for rules of the commissioner governing the expenditure of funds by school boards; amending s. 236.685, F.S.; providing for rules of the commissioner relating to teacher-to-student ratio or class size; amending s. 237.211, F.S.; requiring the commissioner to adopt rules prescribing minimum security standards for the direct deposit of funds; amending s. 237.40, F.S.; providing for rules of the commissioner relating to annual audit of direct-support organizations; amending s. 239.121, F.S.; providing for rules of the commissioner for certification of occupational specialists; amending s. 316.615, F.S.; providing for rules of the commissioner relating to physical examination requirements for school bus operators; amending s. 402.3025, F.S.; providing for adoption by the commissioner of standards for preschool education programs in public schools; providing that rules of the state board in effect September 30, 1996, shall remain in effect until amended or revoked; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Harris and failed:

Amendment 1 (with title amendment)—On page 126, lines 15 through 25, delete those lines and insert:

Section 95. Subsection (3) of section 316.615, Florida Statutes, is amended and a new subsection (6) is added to read:

316.615 School buses; physical requirements of drivers.—

(3) No person shall operate or cause to be operated a motor vehicle covered by subsection (1) or subsection (2) when transporting school children unless the operator has met the physical examination requirements established by law and by rule adopted by the *Commissioner* ~~State Board~~ of Education. The operator shall pass an annual physical examination and have posted in the vehicle a certificate to drive same.

(6) The provisions of this chapter shall not be deemed to prevent any county from inspecting and regulating the operation of private school buses. Notwithstanding the foregoing, any private school bus operator under contract with a local public school board which regulates and periodically inspects private school buses pursuant to said contract shall be exempt from local inspection and regulatory requirements.

And the title is amended as follows:

On page 9, line 21, before the semicolon (;) insert: and the inspection and regulation of private school bus operators under contract with a local public school board

On motion by Senator Harris, by two-thirds vote **SB 1182** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

On motions by Senator Myers, the rules were waived and by two-thirds vote—

CS for HB 555—A bill to be entitled An act relating to health care; creating the "Senator William G. 'Doc' Myers Public Health Act of 1996"; amending ss. 20.04 and 20.19, F.S.; renaming the Department of Health and Rehabilitative Services as the Department of Children and Family Services; modifying purposes and organization of the department and the health and human service boards; transferring from the Department of Health and Rehabilitative Services to the Department of Health matters relating to public and environmental health and children's medical services; providing legislative intent that the Department of Children and Family Services may contract with Children's Medical Services in the Department of Health for child protection and sexual abuse treatment programs; providing legislative intent relating to creation of a Department of Health; creating s. 20.43, F.S.; establishing the Department of Health; providing purpose and organizational structure; providing for regulation of health care practitioners; amending s. 20.165, F.S.; deleting references to health care practitioners from provisions relating to the Department of Business and Professional Regulation; amending s. 20.42, F.S.; revising organization of the Agency for Health Care Administration, to conform; transferring responsibilities relating to health care practitioner licensure and regulation to the Department of Health; creating s. 455.2055, F.S.; providing for appointment of members of regulatory boards under the Department of Health; amending s. 154.02, F.S.; renaming the Public Health Unit Trust Fund as the County Health Department Trust Fund and transferring administration to the Department of Health; amending s. 154.04, F.S.; providing for the appointment of county health department directors and administrators; creating s. 381.00315, F.S.; providing for public health emergencies and advisories; amending s. 391.051, F.S.; revising qualifications of the director of children's medical services; providing for appointment of a transition advisory committee; requiring a schedule of transition activities and certain recommendations; providing timeframes; establishing a task force to study and make recommendations regarding the appropriate governmental structure for the purchase, regulation, and delivery of health care in the state; requiring a report; providing certain reorganizational authority and budget flexibility for the Department of Children and Family Services and the Department of Health; providing limitations; providing for future repeal; providing for the continuation of rules; providing for transfer of certain trust funds and cash balances; providing for the effect of the act on pending judicial and administrative proceedings; providing severability; directing the statute editors to prepare a reviser's bill; providing an appropriation; providing effective dates.

—a companion measure, was substituted for **SB 2602** and by two-thirds vote read the second time by title.

Senator Bankhead moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Senator William G. 'Doc' Myers Public Health Act of 1996."

Section 2. Section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(1) The department is the principal administrative unit of the executive branch. Each department must bear a title beginning with the words "State of Florida" and continuing with "Department of ____."

(2) For field operations, departments may establish district or area offices that combine division, bureau, section, and subsection functions.

(3) For their internal structure, all departments, except for the Departments of *Children and Family* ~~Health and Rehabilitative~~ Services, Corrections, Revenue, and Transportation, must adhere to the following standard terms:

(a) The principal unit of the department is the "division." Each division is headed by a "director."

(b) The principal unit of the division is the "bureau." Each bureau is headed by a "chief."

(c) The principal unit of the bureau is the "section." Each section is headed by an "administrator."

(d) If further subdivision is necessary, sections may be divided into "subsections," which are headed by "supervisors."

(4) Within the Department of *Children and Family* ~~Health and Rehabilitative~~ Services there are organizational units called "program offices," *headed by* ~~integral to the positions of deputy secretary,~~ assistant secretaries~~, and deputy assistant secretary, and organizational units called "program offices," which operate in a staff capacity to the Deputy Secretary for Human Services~~.

(5) Within the Department of Corrections the principal policy and program development unit of the department is the "office." Each "office" is headed by a director.

(6) Within the Department of Transportation the principal policy and program development unit of the department is the "office." Each "office" is headed by a director.

(7)(a) Unless specifically authorized by law, the head of a department may not reallocate duties and functions specifically assigned by law to a specific unit of the department. Those functions or agencies assigned generally to the department without specific designation to a unit of the department may be allocated and reallocated to a unit of the department at the discretion of the head of the department.

(b) Within the limitations of this subsection, the head of the department may recommend the establishment of additional divisions, bureaus, sections, and subsections of the department to promote efficient and effective operation of the department. However, additional divisions, or offices in the Department of *Children and Family* ~~Health and Rehabilitative~~ Services, the Department of Corrections, and the Department of Transportation, may be established only by specific statutory enactment. New bureaus, sections, and subsections of departments may be initiated by a department and established as recommended by the Department of Management Services and approved by the Executive Office of the Governor, or may be established by specific statutory enactment.

(c) For the purposes of such recommendations and approvals, the Department of Management Services and the Executive Office of the Governor, respectively, must adopt and apply specific criteria for assessing the appropriateness of all reorganization requests from agencies. The criteria must be applied to future agency requests for reorganization and must be used to review the appropriateness of bureaus currently in existence. Any current bureau that does not meet the criteria for a bureau must be reorganized into a section or other appropriate unit.

(8) The Executive Office of the Governor must maintain a current organizational chart of each agency of the executive branch, which must identify all divisions, bureaus, units, and subunits of the agency. Agencies must submit such organizational charts in accordance with guidelines established by the Executive Office of the Governor.

Section 3. Effective July 1, 1997, subsection (3) of section 20.04, Florida Statutes, as amended by chapter 95-272, Laws of Florida, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(3) For their internal structure, all departments, except for the Departments of *Children and Family* ~~Health and Rehabilitative~~ Services, Corrections, and Transportation, must adhere to the following standard terms:

(a) The principal unit of the department is the "division." Each division is headed by a "director."

(b) The principal unit of the division is the "bureau." Each bureau is headed by a "chief."

(c) The principal unit of the bureau is the "section." Each section is headed by an "administrator."

(d) If further subdivision is necessary, sections may be divided into "subsections," which are headed by "supervisors."

Section 4. *Legislative intent.—It is the intent of the Legislature that the Department of Children and Family Services deliver all family-related services in an integrated and effective manner. The Legislature recognizes that, in order to facilitate this purpose, the department shall be granted statutory authority and flexibility to use its resources through decentralized administration of services and that the role of the central office shall be to provide program expertise and monitoring in order to ensure accountability in a decentralized human services delivery system. The Department of Children and Family Services shall be responsible for all social, economic, developmental, and mental health and substance abuse services for which the state has authority, and matters related thereto.*

Section 5. Section 20.19, Florida Statutes, is amended to read:

20.19 Department of *Children and Family* ~~Health and Rehabilitative~~ Services.—There is created a Department of *Children and Family* ~~Health and Rehabilitative~~ Services.

(1) *MISSION AND* PURPOSE.—

(a) The mission of the Department of Children and Family Services is to work in partnership with local communities to help people be self-sufficient and live in stable families and communities.

(b)~~(a)~~ The purposes of the Department of *Children and Family* ~~Health and Rehabilitative~~ Services are to deliver, or provide for the delivery of, all *family* ~~health, social, and rehabilitative~~ services offered by the state through the department to its citizens and include, but are not limited to:

1. Cooperating with other state and local agencies in integrating the delivery of all *family and* health~~, social, and rehabilitative~~ services offered by the state to those citizens in need of assistance.

2. Providing such assistance as is authorized to all eligible clients in order that they might achieve or maintain economic self-support and self-sufficiency to prevent, reduce, or eliminate dependency.

3. Preventing or remedying the neglect, abuse, or exploitation of children and of adults unable to protect their own interests.

4. Aiding in the preservation, rehabilitation, and reuniting of families.

5. Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care.

6. Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions when necessary.

7. *Improving the quality of life for persons with mental illnesses and persons with developmental disabilities.* ~~Preventing the occurrence and spread of communicable diseases and other physical and mental diseases and disabilities to the maximum degree possible.~~

~~8. Conducting public health surveillance and investigative activities to protect citizens and visitors in the state from environmentally related disease.~~

~~9. Promoting the maintenance and improvement of health and mental health.~~

~~10. Disseminating health information to the public with recommendations for self-help aimed at the prevention of disease and the maintenance and improvement of the health of all residents of and visitors in this state.~~

~~11. Providing preventive and primary health care services through county public health units to ensure access to such services to facilitate a healthy start for children and to help prevent long-term disabling conditions.~~

~~12. Planning and developing health resources to assure effective and efficient delivery of high-quality health services fully accessible to all citizens.~~

~~13. Paying for health care and medical care in the most reasonably expeditious fashion while promoting cost-effectiveness, quality, and patient dignity in those medical payment programs authorized by the Legislature.~~

~~14. Participating as a partner in community efforts to improve schools, promote school safety, prevent juvenile crime, and support families through collaborative efforts and information sharing among the partners to the fullest extent authorized by law.~~

~~15. Reducing out-of-wedlock births and teenage pregnancies. The department shall report to the Governor and the Legislature at least once every 2 years on its activities, programs, and recommendations intended to accomplish the purposes of this subparagraph.~~

(c)~~(b)~~ In fulfillment of *this mission and* these purposes, the department shall create a 5-year strategic plan which reflects broad societal outcomes, sets forth a broad framework within which the district plans are developed, and establishes a set of measurable goals and objectives and operational performance standards *to ensure that the department is accountable to the people of Florida.*

(d)~~(c)~~ The secretary, deputy *secretary* ~~secretaries~~, district administrators, and assistant secretaries are authorized to appoint ad hoc advisory committees when necessary. The problem or issue that an ad hoc committee is asked to address, and the timeframe within which the committee is to complete its work, shall be specified at the time of the initial appointment of the committee. ~~Such~~ Ad hoc advisory committees shall include representatives of individuals, groups, associations, or institutions that may be affected by the issue or problem that the ~~ad hoc advisory~~ committee is asked to examine. *Committee* members ~~of ad hoc advisory committees~~ shall receive no compensation, but may, within existing resources of the department, be reimbursed for travel expenses as provided for in s. 112.061. ~~The department may adopt a rule which establishes the general operating procedures for any ad hoc advisory committees that may be created pursuant to this paragraph.~~

(2) SECRETARY OF *CHILDREN AND FAMILY* ~~HEALTH AND REHABILITATIVE~~ SERVICES; DEPUTY SECRETARY.—

(a) The head of the department is the Secretary of *Children and Family* ~~Health and Rehabilitative~~ Services. The secretary is appointed by the Governor subject to confirmation by the Senate. The secretary serves at the pleasure of the Governor.

(b) The secretary shall appoint a deputy secretary who shall act in the absence of the secretary. The deputy secretary is directly responsible to the secretary, performs such duties as are assigned by the secretary, and serves at the pleasure of the secretary.

~~(c) In accordance with the provisions of s. 20.055, the inspector general reports directly to the secretary.~~

~~(d) There is created under the Secretary of Health and Rehabilitative Services the Office of Evaluation. The Office of Evaluation has the following responsibilities:~~

~~1. Technical support and coordinated management of the department's outcome evaluation and program effectiveness efforts within each program office.~~

~~2. Development of policies and procedures to ensure the validity, reliability, and utility of the department's evaluations.~~

~~3. Ensuring the integrity and quality of program evaluations conducted by the department.~~

~~4. Development of procedures for the competitive procurement of external evaluations, including detailed specifications for all evaluation contracts.~~

~~5. Development of the budget for the department's evaluation efforts and identification of future evaluation needs, including infrastructure needs to support the outcome evaluation function.~~

~~6. Such other duties relating to evaluation as may be assigned to the Office of Evaluation by the secretary.~~

(c)~~(e)~~ The secretary shall ensure the establishment of statewide needs assessment methodologies for all departmental client *target groups* ~~service programs~~, to be applied uniformly across the state in order to identify the total statewide need for *the target group* ~~each service~~ and ensure comparability of data from one service district ~~or one commitment~~ region to another. As appropriate, these methodologies shall include health, economic, and sociodemographic indicators of need and shall ensure the use of uniform waiting list criteria.

(d)~~(f)~~ The secretary has the authority and responsibility to ensure that the purpose of the department is fulfilled in accordance with state and federal laws, rules, and regulations.

(e)~~(g)~~ ~~In addition to other duties,~~ The secretary is responsible for evaluation, departmental legal services, *and* inspector general~~, and internal audit~~ functions. The secretary may assign performance of evaluation functions or departmental legal services to any appropriate unit within the department ~~but shall maintain internal auditing as the secretary's responsibility~~.

(f)~~(h)~~ The secretary may establish regional processing centers to provide selected administrative functions designed to support multiple districts. These offices may not have line authority over district offices and may not be interposed between district management and the secretary. These offices may be created, consolidated, restructured, or rearranged by the secretary, within the limitations provided for in chapter 216, in order to achieve more effective and efficient performance of service delivery and support functions to multiple districts. In the establishment of any administrative processing centers pursuant to this paragraph, the department is directed to avoid consolidation of functions that support service-delivery decisionmaking such as budgetary functions; discretionary decisions regarding procurement of goods and services; and decisions regarding recruitment, hiring, and evaluation of staff. This paragraph does not restrict local decisionmaking by supervisors or managers regarding discretionary functions. Any consolidation of administrative functions under this paragraph shall be designed to minimize any adverse impact on service districts or institutions.

(3) OFFICE OF STANDARDS AND EVALUATION.—There is created under the secretary the Office of Standards and Evaluation which has the following responsibilities:

(a) With the assistance of the assistant secretaries, district administrators, and health and human service boards, establishing outcome measures and performance and productivity standards related to service delivery, support, and procedures.

(b) Directing the development of monitoring and quality assurance systems for statewide and district services that will routinely assess the efficiency and effectiveness of departmental and provider staff and services.

(c) Validating the monitoring and quality assurance activities of statewide and district service providers and staff to ensure that these activities are being conducted routinely and that corrective action is being taken to eliminate deficiencies detected by these activities.

(d) Conducting evaluations, directly or by contract, of programs and services provided by the department to determine whether improvement in the condition of individuals, families, and communities has occurred as a result of these programs and services. The evaluations must include an assessment of the short-term effects on individuals and families and the long-term effects on communities and the state. Outcome evaluation studies shall be conducted in response to priorities determined by the department and the Legislature and to the extent that funding is provided by the Legislature.

(e) Consulting with the Inspector General to ensure the integrity of the monitoring and evaluation process and the validity of the data derived from these activities.

(f) Developing procedures for the competitive procurement of external evaluations, including detailed specifications for all evaluation contracts.

(g) Developing the budget for the department's evaluation efforts and identifying future evaluation needs, including infrastructure needs to support the outcome evaluation function.

(h) Such other duties relating to evaluation as may be assigned to the Office of Standards and Evaluation by the secretary.

~~(3) DEPUTY SECRETARY FOR HEALTH.—The secretary shall appoint a Deputy Secretary for Health who is the State Health Officer and serves at the pleasure of, and is directly responsible to, the secretary. The Deputy Secretary for Health is responsible for all programs, activities, and functions of the department relating to public health matters, including environmental health. The State Health Officer is responsible for declaring public health emergencies and issuing public health advisories. The State Health Officer must be a physician licensed under chapter 458 or chapter 459 who has specialized training or experience in public health programming and administration.~~

~~(a) The Deputy Secretary for Health has the following responsibilities:~~

~~1. Ensuring that public health programs are implemented according to legislative intent and as provided in state and federal laws, rules, and regulations.~~

~~2. Program planning and interprogram planning and development.~~

~~3. Departmental health planning and health statistics and information functions.~~

~~4. Ensuring that county public health units plan with schools for the development of supplemental school health programs to meet the needs of children and their families.~~

~~5. Reviewing, monitoring, and ensuring compliance with statewide program standards and performance objectives.~~

~~6. Conducting outcome evaluations and ensuring program effectiveness.~~

~~7. Monitoring district spending plans as they relate to public health.~~

~~8. Issuing any health advisory which is intended to warn the public of any situation that is potentially hazardous to public health and to protect the health and safety of the public.~~

~~9. Other duties as are assigned by the secretary.~~

~~(b) The secretary may appoint assistant health officers, as deemed appropriate, to assist the State Health Officer, at the request of the State Health Officer. Each assistant health officer serves at the pleasure of the secretary and is directly responsible to the State Health Officer. The offices of the assistant health officers shall operate in a staff capacity to the State Health Officer, and the responsibilities of the offices include needs identification, program and service monitoring, and technical assistance to the State Health Officer.~~

~~(c) State health institutions are managed as components of continuums of care. To that end, it is the intent of the Legislature that institutional resources and community-based resources be managed in a coordinated and flexible manner to facilitate maximum development of community-based continuums of care and minimum use of institutional services. Further, it is the intent of the Legislature that budget management of state health institutions include mechanisms to transfer institutional funds to service districts in order to successfully reduce the use by each district of its share of institutional resources.~~

~~(d) Prior to issuing any health advisory, the State Health Officer must consult with any state or local agency the areas of responsibility of which may be affected by such advisory. Upon determining that issuing a health advisory is necessary to protect the public health and safety, and prior to issuing the advisory, the State Health Officer must notify each county public health unit within the area which is affected by the advisory of his or her intent to issue the advisory. The State Health Officer is authorized to take any action appropriate to enforce any health advisory.~~

~~(e) The department may establish within existing resources an Office of Health Promotion and Wellness to be directed by the Assistant Health Officer for Health Promotion and Wellness, who shall report to the State Health Officer.~~

~~(f) The department may establish with existing resources the Office of Public Health Policy and Research to be supervised by the Assistant Health Officer for Public Health Policy and Research, who shall report directly to the State Health Officer. The assistant health officer shall direct all public health information systems, public health planning, public health research, and public health policy analysis activities administered by the State Health Office. The office shall seek constructive solutions to statewide public health problems and encourage the efficient and effective delivery of public health services. It shall assist in forming public health policies by coordinating, sponsoring, and conducting research on major public health issues; developing, implementing, and managing public health information systems, including the vital statistics system; and conducting analyses of public health policy issues, including workforce, cost, health status, environmental, family health, disease control, and health promotion issues. The office shall assist in developing model public health programs, including health promotion programs; secure grant funds to support the testing of model and innovative public health programs; and evaluate public health program impacts and client outcomes. The office shall produce periodic public health reports and comprehensive public health plans.~~

(4) *PROGRAM OFFICES* ~~DEPUTY SECRETARY FOR HUMAN SERVICES. The secretary shall appoint a Deputy Secretary for Human Services who serves at the pleasure of, and is directly responsible to, the secretary. The secretary shall appoint an Assistant Deputy Secretary for Human Services who serves at the pleasure of the secretary and is directly responsible to the Deputy Secretary for Human Services.~~

(a) *There are created program offices, each of which shall be headed by an assistant secretary who shall be appointed by and serve at the pleasure of the secretary. Each program office shall have* ~~Except as otherwise provided in this section, the Deputy Secretary for Human Services has~~ the following responsibilities:

1. Ensuring that *family* ~~human~~ services programs are implemented according to legislative intent and as provided in state and federal laws, rules, and regulations.

2. *Establishing program standards and performance objectives* ~~Program planning, interprogram planning, and development~~.

3. Reviewing, monitoring, and ensuring compliance with statewide *standards* ~~goals, objectives,~~ and ~~operational~~ performance *objectives* ~~standards~~.

4. Conducting outcome evaluations and ensuring program effectiveness.

5. Developing workload and productivity standards.

6. Developing resource allocation methodologies.

7. Compiling reports, analyses, and assessment of client needs on a statewide basis.

~~5. Monitoring of district human services programs and spending plans.~~

~~6. Interprogram policy development, short-term and long-term planning, standards setting, monitoring, quality control, staff development, training, and technical assistance.~~

8.~~7.~~ Ensuring the continued interagency collaboration with the Department of Education for the development and integration of effective programs to serve children and their families.

~~8. Ensuring the development and implementation of a client-oriented, case management system in the service programs of the department.~~

9. Other duties as are assigned by the secretary.

(b)~~1. Program offices operate in a staff capacity to the Deputy Secretary for Human Services. Each program office is headed by an assistant secretary who is appointed by, and serves at the pleasure of, the secretary and is directly responsible to the Deputy Secretary for Human Services. The Assistant Secretary for Children's Medical Services is responsible for all programs, activities, and functions of the department relating to all children's medical services programs operated by the department. The Assistant Secretary for Children's Medical Services must be a physician licensed under chapter 458 or chapter 459, and must have specialized training and experience in child health as defined in s. 391.051. The secretary shall appoint a Deputy Assistant Secretary for Alcohol and Drug Abuse and a Deputy Assistant Secretary for Mental Health, who both report directly to the Assistant Secretary for Alcohol, Drug Abuse, and Mental Health. The Deputy Secretary for Human Services shall delegate to the program offices the following responsibilities, which include, but are not limited to:~~

~~a. Establishment of program standards and performance objectives.~~

~~b. Development of program policies and rules, and provision of policy interpretations in order to achieve statewide consistency.~~

~~c. The review and monitoring of programs and the provision of technical assistance to programs in order to ensure compliance and accountability with statewide program standards, performance objectives, and state and federal laws, rules, and regulations.~~

~~d. Outcome evaluation and program effectiveness.~~

~~e. Development of staffing and workload standards.~~

~~f. Development of budget and resource allocation methodologies and strategies.~~

~~g. Compilation of reports, analyses, and assessments of client needs and services on a statewide basis.~~

~~h. Staff development and training.~~

~~i. General statewide supervision of the administration of service programs.~~

~~j. Any other program planning and development duties assigned by the secretary.~~

~~2.~~ The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging is for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

~~a. Children's Medical Services Program Office.—The responsibilities of this office encompass all children's medical services programs operated by the department.~~

1.~~b.~~ Economic *Self-Sufficiency* ~~Services~~ Program Office.—The responsibilities of this office encompass all income support programs within the department, such as aid to families with dependent children (AFDC), food stamps, *welfare reform,* and state supplementation of the supplemental security income (SSI) program.

2.~~c.~~ Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for de-

velopmentally disabled persons. Developmental disabilities include any disability defined in s. 393.063.

~~d. Aging and Adult Services Program Office.—The responsibilities of this office encompass all aging and adult programs operated by the department, including SSI-related program eligibility determinations.~~

3.~~c.~~ Children and Families Program Office.—The responsibilities of this program office encompass *early intervention services for children and families at risk;* intake services for protective investigation services for abandoned, abused, and neglected children; interstate compact on the placement of children programs; ~~children's protective services;~~ adoption; child care; *out-of-home* ~~foster~~ care programs *and other*~~;~~ specialized services to families; and *child protection and sexual abuse treatment teams created under chapter 415* ~~programs serving children through the Menninger Foundation, including the CHARLEE Program~~.

4.~~f.~~ Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department. ~~In addition, the responsibility for adult forensic programs and children's mental health programs and services, except programs serving children through the Menninger Foundation, including the CHARLEE Program, the Eckerd Family Youth Alternatives, Inc., and the Elaine Gordon Treatment Center, shall be located within this office.~~

~~3. State institutions, other than health institutions, are managed as components of related continuums of care. To that end, it is the intent of the Legislature that institutional resources and community-based resources be managed in a coordinated and flexible manner to facilitate maximum development of community-based continuums of care and minimum use of institutional services. Further, it is the intent of the Legislature that budget management of state institutions include mechanisms to transfer institutional funds to service districts in order to successfully reduce the use by the district of its share of institutional resources. Each civil mental health and developmental services institution must have an advisory board that includes representatives selected by each district served by that institution. The advisory board shall assist in policy development, participate in the institution's quality assurance process, and coordinate the delivery of services provided by the community and the institution.~~

(5) *ASSISTANT* ~~DEPUTY~~ SECRETARY FOR ADMINISTRATION.—

(a) The secretary shall appoint *an Assistant* ~~a Deputy~~ Secretary for Administration who serves at the pleasure of~~, and is directly responsible to,~~ the secretary. The *Assistant* ~~Deputy~~ Secretary for Administration is responsible for:

1. Supervising all of the budget management activities of the department and serving as the chief budget officer of the department.

2. Providing administrative and management support services above the district level.

3. Monitoring administrative and management support services in the districts.

4. Developing and implementing uniform policies, procedures, and guidelines with respect to personnel administration, finance and accounting, budget, grants management and disbursement, contract administration, procurement, information and communications systems, management evaluation and improvement, and general services, including housekeeping, maintenance, and leasing of facilities.

5. Performing such other administrative duties as are assigned by the secretary.

~~(b) The Deputy Secretary for Administration may establish regional administration centers to manage those administrative functions which can be managed at a regional level more efficiently and cost-effectively than at the district level.~~

(b)~~(c)~~ If reductions in a district's operating budget become necessary during any fiscal year, the department shall develop a formula to be used in its recommendations to the Governor and Legislature which ~~equitably treats counties that have voluntarily appropriated funds to department programs and~~ does not disproportionately reduce a district's operating budget because of *voluntary* ~~such~~ county appropriations *to department programs.*

(6) SERVICE DISTRICTS.—The department shall plan and administer its programs of *family* ~~health, social, and rehabilitative~~ services through service districts and subdistricts composed of the following counties:

District 1.—Escambia, Santa Rosa, Okaloosa, and Walton Counties;

District 2, Subdistrict A.—Holmes, Washington, Bay, Jackson, Calhoun, and Gulf Counties;

District 2, Subdistrict B.—Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor Counties;

District 3.—Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua Counties;

District 4.—Baker, Nassau, Duval, Clay, and St. Johns Counties;

District 5.—Pasco and Pinellas Counties;

District 6.—Hillsborough and Manatee Counties;

District 7, Subdistrict A.—Seminole, Orange, and Osceola Counties;

District 7, Subdistrict B.—Brevard County;

District 8, Subdistrict A.—Sarasota and DeSoto Counties;

District 8, Subdistrict B.—Charlotte, Lee, Glades, Hendry, and Collier Counties;

District 9.—Palm Beach County;

District 10.—Broward County;

District 11, Subdistrict A.—Dade County;

District 11, Subdistrict B.—Monroe County;

District 12.—Flagler and Volusia Counties;

District 13.—Marion, Citrus, Hernando, Sumter, and Lake Counties;

District 14.—Polk, Hardee, and Highlands Counties; and

District 15.—Indian River, Okeechobee, St. Lucie, and Martin Counties.

(7) HEALTH AND HUMAN SERVICES BOARDS.—

(a) There is created *at least one* ~~a~~ health and human services board in each service district *for the purpose of encouraging the initiation and support of interagency cooperation and collaboration in addressing family services needs and promoting service integration* ~~or subdistrict~~. The initial membership and the authority to appoint the members shall be allocated among the counties of each district ~~or subdistrict~~ as follows:

1. District 1 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Escambia County, 6 members; Okaloosa County, 3 members; Santa Rosa County, 2 members; and Walton County, 1 member.

2. District 2 has a board composed of 23 members, with 5 at-large members to be appointed by the Governor, and 18 members to be appointed by the boards of county commissioners in the respective counties, as follows: Holmes County, 1 member; Washington County, 1 member; Bay County, 2 members; Jackson County, 1 member; Calhoun County, 1 member; Gulf County, 1 member; Gadsden County, 1 member; Franklin County, 1 member; Liberty County, 1 member; Leon County, 4 members; Wakulla County, 1 member; Jefferson County, 1 member; Madison County, 1 member; and Taylor County, 1 member.

3. District 3 has a board composed of 19 members, with 4 at-large members to be appointed by the Governor, and 15 members to be appointed by the boards of county commissioners of the respective counties, as follows: Hamilton County, 1 member; Suwannee County, 1 member; Lafayette County, 1 member; Dixie County, 1 member; Columbia County, 1 member; Gilchrist County, 1 member; Levy County, 1 member; Union County, 1 member; Bradford County, 1 member; Putnam County, 1 member; and Alachua County, 5 members.

4. District 4 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be ap-

pointed by the boards of county commissioners of the respective counties, as follows: Baker County, 1 member; Nassau County, 1 member; Duval County, 7 members; Clay County, 2 members; and St. Johns County, 1 member.

5. District 5 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Pasco County, 3 members; and Pinellas County, 9 members.

6. District 6 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Hillsborough County, 9 members; and Manatee County, 3 members.

7. District 7 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners in the respective counties, as follows: Seminole County, 3 members; Orange County, 5 members; Osceola County, 1 member; and Brevard County, 3 members.

8. District 8 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners in the respective counties, as follows: Sarasota County, 3 members; DeSoto County, 1 member; Charlotte County, 1 member; Lee County, 3 members; Glades County, 1 member; Hendry County, 1 member; and Collier County, 2 members.

9. District 9 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the Board of County Commissioners of Palm Beach County.

10. District 10 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the Board of County Commissioners of Broward County.

11. District 11 *has two boards, one from Dade County and one from Monroe County*.~~, Subdistrict A, and Subdistrict B,~~ Each ~~have a~~ board *is* composed of 15 members, with 3 at-large members to be appointed to each board by the Governor, and 12 members to be appointed by each of the respective boards of county commissioners.

12. District 12 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Flagler County, 3 members; and Volusia County, 9 members.

13. District 13 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Marion County, 4 members; Citrus County, 2 members; Hernando County, 2 members; Sumter County, 1 member; and Lake County, 3 members.

14. District 14 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Polk County, 9 members; Highlands County, 2 members; and Hardee County, 1 member.

15. District 15 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Indian River County, 3 members; Okeechobee County, 1 member; St. Lucie County, 5 members; and Martin County, 3 members.

Notwithstanding any other provisions of this subsection, in districts ~~or subdistricts~~ consisting of two counties, the number of members to be appointed by any one board of county commissioners may not be fewer than 3 nor more than 9.

(b) At any time after the adoption of initial bylaws pursuant to paragraph (o), a district ~~or subdistrict~~ health and human services board may adopt a bylaw that enlarges the size of the board up to a maximum of 23 members, or otherwise adjusts the size or composition of the board, including a decision to change from a district board to subdistrict boards, or from a subdistrict board to a district board, if in the judgment of the board, such change is necessary to adequately represent the diversity of the population within the district or subdistrict. In the creation of subdistrict boards, the bylaws shall set the size of the board, not to exceed 15 members, and shall set the number of appointments to be made by the Governor and the respective boards of county commissioners in the subdistrict. The Governor shall be given the authority to appoint no fewer than one-fifth of the members. Current members of the district board shall become members of the subdistrict board in the subdistrict where they reside. Vacancies on a newly created subdistrict board shall be filled from among the list of nominees submitted to the subdistrict nominee qualifications review committee pursuant to subsection (8).

(c) The appointments by the Governor and the boards of county commissioners are from nominees selected by the appropriate district ~~or subdistrict~~ nominee qualifications review committee pursuant to subsection (8). Membership of each board must be representative of its district ~~or subdistrict~~ with respect to age, gender, and ethnicity. For boards having 15 members or fewer, at least two members must be consumers of the department's services. For boards having more than 15 members, there must be at least three consumers on the board. Members must have demonstrated their interest and commitment to, and have appropriate expertise for, meeting the health and *family* ~~human~~ services needs of the community. The Governor shall appoint nominees whose presence on the health and human services board will help assure that the board reflects the demographic characteristics and consumer perspective of each of the service districts.

(d)1. Board members shall submit annually a disclosure statement of health and *family* ~~human~~ services interests to the department's inspector general and the board. Any member who has an interest in a matter under consideration by the board must abstain from voting. Board members are subject to the provisions of s. 112.3145, relating to disclosure of financial interests.

2. *Individual providers or* employees of provider agencies, other than employees of units of local or state government, may not serve as health and human services board members but may serve in an advisory capacity to the board. Salaried employees of units of local or state government occupying positions providing services under contract with the department may not serve as members of the board. Elected officials who have authority to appoint members to a health and human services board may not serve as members of a board. The district administrator shall serve as a nonvoting ex officio member of the board. A department employee may not be a member of the board.

~~(e)1. In order to establish staggered terms for members of the board, all initial appointments by the boards of county commissioners of Escambia, Walton, Bay, Gadsden, Jackson, Leon, Alachua, Putnam, Marion, Lake, Duval, Brevard, Orange, Charlotte, Lee, Sarasota, Martin, and St. Lucie Counties are for 2-year terms. In addition, the boards of county commissioners of Volusia, Pinellas, Polk, Hillsborough, Palm Beach, Broward, and Dade Counties are to designate seven of their respective initial appointments to the board to have 2-year terms. Thereafter, all appointments to each board shall be for 4-year terms.~~

(e)~~2.~~ Appointments to fill vacancies created by the death, resignation, or removal of a member are for the unexpired term. A member may not serve more than two full consecutive terms.

(f)~~3.~~ A member who is absent from three meetings within any 12-month period, without having been excused by the chairperson, is deemed to have resigned, and the board shall immediately declare the seat vacant. Members may be suspended or removed for cause by a majority vote of the board members or by the Governor.

(g)~~(f)~~ Members of the health and human services boards shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. Payment may also be authorized for preapproved child care expenses or lost wages for members who are consumers of the department's services and for preapproved child care expenses for other members who demonstrate hardship.

(h)~~(g)~~ Appointees to the health and human services board are subject to the provisions of chapter 112, part III, Code of Ethics for Public Officers and Employees.

(i)~~(h)~~ Actions taken by the board must be consistent with departmental policy and state and federal laws, rules, and regulations.

(j)~~(i)~~ The department shall provide comprehensive orientation and training to the members of the boards to enable them to fulfill their responsibilities.

(k)~~(j)~~ Each health and human services board, and each of its subcommittees, shall hold periodic public meetings and hearings throughout the district to receive input on the development of the district service delivery plan, the legislative budget request, and the performance of the department.

(l)~~(k)~~ Except as otherwise provided in this section, responsibility and accountability for local *family* ~~human~~ services planning rests with the health and human services boards. All local *family-services-related* ~~health-and-human-services-related~~ planning or advisory councils ~~under the jurisdiction of the department~~ shall submit their plans to the health and human services boards. *The boards shall provide input on the plan's attention to integrating service delivery at the local level.* ~~In addition, a plan developed by a health and human services board must consider the data supplied by the district juvenile justice board on the clients served by the juvenile justice programs and services within the district as well as the recommendations of the district juvenile justice board with respect to the unmet needs of juveniles within the district. The health and human services board shall inform the district juvenile justice board of the manner in which the health and human services board used such data in developing its plans and recommendations.~~ The health and human services boards may establish additional subcouncils or technical advisory committees.

~~(l) It is the policy of the state to provide a family-centered constellation of services. The primary goal of these services is the preservation of families. District goals and objectives must be consistent with this statewide policy.~~

(m) The health and human services boards shall operate through an annual agreement negotiated between the secretary and the board. Such agreements must include expected outcomes and provide for periodic reports and evaluations of district and board performance and must also include a core set of service elements to be developed by the secretary and used by the boards in district needs assessments to ensure consistency in the development of district legislative budget requests.

(n) The annual agreement between the secretary and the board must include provisions that specify the procedures to be used by the parties to resolve differences in the interpretation of the agreement or disputes as to the adequacy of the parties' compliance with their respective obligations under the agreement.

(o) Health and human services boards have the following responsibilities, with respect to those programs and services assigned to the districts, as developed jointly with the district administrator:

1. Establish district *outcome measures* ~~goals and objectives~~ consistent with statewide *outcomes* ~~policy parameters~~.

2. Conduct district needs assessments using methodologies consistent with those established by the secretary ~~pursuant to paragraph (2)(e)~~.

3. *Negotiate with the secretary a district performance agreement* ~~Develop and approve a district service delivery plan~~ that:

a. Identifies current resources and services available;

b. Identifies unmet needs and gaps in services;

c. Establishes service and funding priorities; ~~and~~

d. *Establishes outcome measures for the district; and* ~~Recommends new services or deletion of existing services.~~

e. Identifies expenditures and the number of clients to be served, by service.

4. Provide budget oversight, including development and approval of the district's legislative budget request.

5. Provide policy oversight, including development and approval of district policies and procedures.

6. Act as a focal point for community participation in department activities such as:

a. Assisting in the integration of all health and social services within the community;

b. Assisting in the development of community resources;

c. Advocating for community programs and services;

d. Receiving and addressing concerns of consumers and others; and

e. Advising the district administrator on the administration of service programs throughout the district ~~or subdistrict~~.

7. Advise the district administrator on ways to integrate the delivery of family and health care services at the local level.

8. Make recommendations which would enhance district productivity and efficiency, ensure achievement of performance standards, and assist the district in improving the effectiveness of the services provided.

9. Review contract provider performance reports.

10.~~7.~~ Immediately upon appointment of the membership, develop bylaws that clearly identify and describe operating procedures for the board. ~~The bylaws may authorize the chairpersons of subdistrict boards to designate one or more committees composed of members of both subdistrict boards to act on districtwide issues.~~ At a minimum, the bylaws must specify notice requirements for all regular and special meetings of the board, the number of members required to constitute a quorum, and the number of affirmative votes of members present and voting that are required to take official and final action on a matter before the board.

11.~~8.~~a. Determine the board's internal organizational structure, including the designation of standing committees. In order to foster the coordinated and integrated delivery of *family* ~~human~~ services in its community, a local board shall use a committee structure that is based on issues, such as children, housing, transportation, or health care. Each such committee must include consumers, advocates, providers, and department staff from every appropriate program area. In addition, each board and district administrator shall jointly identify community entities, including, but not limited to, the Area Agency on Aging, and resources outside the department to be represented on the committees of the board.

b. The district juvenile justice boards established in s. 39.025 constitute the standing committee on issues relating to planning, funding, or evaluation of programs and services relating to the juvenile justice continuum.

12.~~9.~~ Participate with the secretary in the selection of a district administrator according to the provisions of paragraph (9)(b).

13.~~10.~~ Complete an annual evaluation of the district ~~or subdistrict~~ and review the evaluation at a meeting of the board at which the public has an opportunity to comment.

14.~~11.~~ Provide input to the secretary on the annual evaluation of the district administrator. The board may request that the secretary submit a written report on the actions to be taken to address negative aspects of the evaluation. At any time, the board may recommend to the secretary that the district administrator be discharged. Upon receipt of such a recommendation, the secretary shall make a formal reply to the board stating the action to be taken with respect to the board's recommendation.

15.~~12.~~ Elect a chair and other officers, as specified in the bylaws, from among the members of the board.

(8) DISTRICT NOMINEE QUALIFICATIONS REVIEW COMMITTEES.—

(a) There is created a nominee qualifications review committee in each service district ~~or subdistrict~~ for the purpose of screening and evaluating applicants and recommending nominees for the *district* health and human services board ~~of the district or subdistrict~~. A member of a nominee qualifications review committee must be a resident of the district ~~or subdistrict~~ and is not eligible to be nominated for appointment to a health and human services board.

(b) The appointments to a nominee qualifications review committee are made as follows:

1. In a district ~~or subdistrict~~ composed of one county, the Governor shall appoint two members, the board of county commissioners shall appoint two members, the district school board shall appoint one member, the chief judge of the circuit shall appoint one member, and these appointees shall appoint three additional members.

2. In a district ~~or subdistrict~~ composed of two counties, the Governor shall appoint two members, each board of county commissioners shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint three additional members.

3. In a district ~~or subdistrict~~ composed of three counties, the Governor shall appoint two members, each board of county commissioners shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint four additional members.

4. In a district ~~or subdistrict~~ composed of four counties, the Governor shall appoint two members, each board of county commissioners shall appoint one member, except that the board of county commissioners of the most populous county shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint four additional members.

5. In a district ~~or subdistrict~~ composed of five counties, the Governor shall appoint three members, each board of county commissioners shall appoint one member, except that the board of county commissioners of the most populous county shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint five additional members.

6. In a district ~~or subdistrict~~ composed of six counties, the Governor shall appoint three members, each board of county commissioners shall appoint one member, except that the board of county commissioners of the most populous county shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint three additional members.

7. In a district ~~or subdistrict~~ composed of eight counties, the Governor shall appoint three members, each board of county commissioners shall appoint one member, except that the board of county commissioners of the most populous county shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint three additional members.

8. In a district ~~or subdistrict~~ composed of 11 counties, the Governor shall appoint 2 members, each board of county commissioners shall appoint 1 member, except that the board of county commissioners of the most populous county shall appoint 2 members, each district school board shall appoint 1 member, the chief judge of the circuit containing the most populous county shall appoint 1 member, and these appointees shall appoint 3 additional members.

(c) Appointees to a district nominee qualifications review committee must have substantial professional or volunteer experience in planning, delivering, or evaluating health and *family* ~~human~~ services within their communities. In addition to these qualifications, it is the intent of the Legislature that nominee qualifications review committees represent the diversity of their respective districts ~~or subdistricts~~ by the inclusion of representation of such groups as:

1. County government;

2. District school systems;

3. The judiciary;

4. Law enforcement;

5. Consumers of departmental services;

6. Advocates for persons receiving or eligible to receive services provided or funded by the department;

7. Funders of health and *family* ~~human~~ services in the community;

8. The medical community;

9. Chambers of commerce;

10. Major cities; and

11. Universities and community colleges.

(d) The initial terms of persons appointed by the Governor or board of county commissioners are for 2 years. Persons initially appointed by other appointing authorities have 4-year terms. Thereafter, the terms of all appointees are 4 years. A person who, at the expiration of his or her term, has served on a nominee qualifications review committee for more than 5 years is not eligible for reappointment.

(e) Members of a nominee qualifications review committee shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. Payment may also be authorized for preapproved child care expenses or lost wages for members who are consumers of the department and for preapproved child care expenses for other members who demonstrate hardship.

(f) Each district nominee qualifications review committee shall conduct its business according to the following procedures:

1. The public shall be provided reasonable advance notice of regular and special meetings;

2. A majority of the members, plus one, is necessary to constitute a quorum, and the affirmative vote of a majority of those present is necessary to take official action;

3. All meetings and records shall be open to the public pursuant to s. 286.011;

4. The deadline for submission of nominee applications may not be less than 30 days after the date of publication of a notice of vacancy and solicitation of nominee applications from interested persons; and

5. A person may not be nominated for appointment to a district health and human services board except by submission of a standard nominee application form, which shall be developed by the department and distributed to all nominee qualifications review committees.

(g) Each district nominee qualifications review committee shall submit to the appointing authorities in its respective district a pool of nominees equal to three times the number of vacancies on the district ~~or subdistrict~~ health and human services board. The pool of nominees submitted by each district nominee qualifications review committee must be balanced with respect to age, gender, ethnicity, and other demographic characteristics so that the appointees to the district health and human services board reflect the diversity of the population within its service district. It is the further intent of the Legislature that the Governor appoint nominees whose presence on the health and human services board will help assure that the board reflects the demographic characteristics and consumer perspectives of each of the service districts ~~or subdistricts~~. If, following the appointments by the boards of county commissioners, the remaining nominees in the pool do not, in the judgment of the Governor, provide sufficient diversity to effectuate the intent of this paragraph, the Governor may request that the district ~~or subdistrict~~ nominee qualifications review committee submit the names of three additional nominees for each vacant position on the board.

(9) DISTRICT ADMINISTRATOR.—

(a) The secretary shall appoint a district administrator for each of the service districts~~, pursuant to paragraph (b)~~. Each district administrator serves at the pleasure of the secretary~~, is directly responsible to the secretary,~~ and has the same standing within the department as an assistant secretary. Except as otherwise provided in this section, each district administrator has direct line authority over all departmental programs assigned to the district. In addition to those responsibilities

assigned by law, the district administrator shall carry out those duties delegated by the secretary.

(b) Upon the resignation or removal of a district administrator, the secretary shall notify the chairperson of the health and human services board in the district and shall advertise the position in accordance with departmental policy. The board, or a designated committee of the board, shall solicit applications for the position of district administrator, screen applicants, and submit the names of not more than five nor fewer than three qualified candidates to the secretary. The secretary shall appoint the district administrator from among the nominees submitted by the health and human services board. If the secretary determines that none of the nominees should be appointed, the secretary shall notify the board and request that additional recruitment efforts be initiated and that, following such efforts, the names of additional qualified nominees be submitted. Applications for the position of district administrator are public records; and meetings of the board or a committee of the board for the purpose of screening, evaluating, or interviewing an applicant for the position of district administrator are open to the public.

(c) The duties of the district administrator include, but are not limited to:

1. Ensuring jointly with the health and human services board that the administration of all service programs is carried out in conformity with state and federal laws, rules, and regulations, statewide service plans, and any other policies, procedures, and guidelines established by the secretary.

2. Administering the offices of the department within the district and directing and coordinating all personnel, facilities, and programs of the department located in that district, except as otherwise provided herein.

3. Applying standard information, referral, intake, diagnostic and evaluation, and case management procedures established by the secretary. Such procedures shall include, but are not limited to, a protective investigation system for dependency programs serving abandoned, abused, and neglected children.

4. Centralizing to the greatest extent possible the administrative functions associated with the provision of services of the department within the district.

5. Coordinating the services provided by the department in the district with those of other districts, with the Secretary of Juvenile Justice, the district juvenile justice manager, and public and private agencies that provide health, social, educational, or rehabilitative services within the district. Such coordination of services includes cooperation with the superintendent of each school district in the department's service district to achieve the first state education goal, readiness to start school.

6. Except as otherwise provided in this section, appointing *all personnel within the* district ~~program managers, program supervisors, and the superintendent of each institution within the district and approving all other personnel appointments within the district~~. *The district administrator and the secretary shall jointly appoint the superintendent of each institution under the jurisdiction of the department within the district.*

7. Establishing, with the approval of the health and human services board, such policies and procedures as may be required to discharge his or her duties and implement and conform the policies, procedures, and guidelines established by the secretary to the needs of the district.

8. Transferring up to 10 percent of the total district budget, with the approval of the secretary, to maximize effective program delivery, the provisions of ss. 216.292 and 216.351 notwithstanding.

(d) *Two or more district administrators may, with the approval of the secretary, consolidate administrative functions in order to achieve more efficient and effective performance of service delivery and support functions.* ~~To assist him or her in the discharge of duties, each district administrator may appoint, in consultation with the Deputy Secretary for Health, a deputy district administrator for health, and may also appoint a district program manager for social services. The deputy district administrator for health may have line authority over all district programs, activities, and functions relating to public health, including environmental health matters, and other programs as may be assigned by the district administrator. Each district administrator may appoint a district manager for administrative services. Each deputy district administrator for health, district program manager, and the district manager for administrative services serves at the pleasure of the district administrator.~~

~~(e) There may be program supervisors in each district who serve in a line capacity to the district administrator and report directly to the district administrator or the administrator's designee. Program supervisors are appointed by the district administrator in conformity with qualifications established through state personnel system procedures. Program supervisors may be employed on a full-time, part-time, or fee-for-service contractual basis. The duties of a program supervisor include, but are not limited to:~~

~~1. Administering district service programs in conformity with statewide policies, procedures, and guidelines established by the secretary.~~

~~2. Recommending changes in district program policy.~~

~~3. Identifying and developing community resources.~~

~~4. Identifying district needs.~~

~~5. Serving as program spokesperson in educating the public as to the availability of programs and the needs of clients.~~

~~6. Serving as primary staff development adviser in assessing the needs of staff and developing training and staff development programs.~~

(e)~~(f)~~ Programs at the district level are in the following areas: ~~aging and adult services; children's medical services; health;~~ alcohol, drug abuse, and mental health; developmental services; economic *self-sufficiency* services; and children and family services. There may be a program supervisor for each program, or the district administrator may combine programs ~~including children, youth, and families~~ under a program manager or program supervisor if such arrangement is approved by the secretary.

(f)~~(g)~~ The district manager for administrative services shall provide the following administrative and management support services to the district in accordance with the uniform policies, procedures, and guidelines established by the *Assistant* ~~Deputy~~ Secretary for Administration:

1. Finance and accounting.

2. Grants management and disbursement.

3. Personnel administration.

4. Purchasing and procurement.

5. General services, including housekeeping and maintenance of facilities.

6. Assisting the district administrator in preparation of the district budget request and administration of the approved operating budget.

7. The district manager for administrative services is the chief budget officer of the district.

8. Other administrative duties as assigned by the district administrator.

(g) To ensure effective contract management, each district administrator shall establish an interdisciplinary contract evaluation team to assess the efficacy of district contracts and evaluate contractor performance and administrative compliance. The contract evaluation team shall report their findings to, and coordinate their activities with, the Office of Standards and Evaluation.

(10) STATEWIDE HEALTH AND HUMAN SERVICES BOARD.—There is created the Statewide Health and Human Services Board consisting of the chairs of the district health and human services boards or their designees. The statewide board shall meet at least twice annually and as needed, upon the call of the secretary. *The statewide board shall*~~, to~~ advise the secretary on statewide issues and identify barriers to *and opportunities for* effective and efficient local service delivery *and the integration of health and family services*. Each member attending these meetings is entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(11) DEPARTMENTAL BUDGET.—

(a) The secretary shall develop and submit annually to the Legislature a comprehensive departmental summary budget document which arrays each district budget request along program lines and, for the purpose of legislative appropriation, consists of *the following* ~~five~~ distinct budget entities:

1. Department Administration.

2. Statewide Services.

~~3. Multidistrict Services.~~

3.~~4.~~ Entitlement Benefits and Services.

4.~~5.~~ District Services.

The department shall revise its budget entity designations to conform with the *four* ~~five distinct~~ budget entities. The department, in accordance with chapter 216, shall transfer, as necessary, funds and positions among budget entities to realign appropriations with the revised budget entity designations. Such authorized revisions must be consistent with the intent of the approved operating budget. The various district budget requests developed pursuant to paragraph (d) shall be included in the comprehensive departmental summary budget document. ~~The department shall periodically review the appropriateness of the budget entity designations and the adequacy of its delegated authority to transfer funds between entities and submit the reviews to the Speaker of the House of Representatives and the President of the Senate.~~

(b) To fulfill this responsibility, the secretary may review, amend, and approve the annual budget request of all departmental activities pursuant to s. 216.023.

(c) It is the responsibility of the *Assistant* ~~Deputy~~ Secretary for Administration to promulgate the necessary budget timetables, formats, and data requirements for all departmental budget requests in accordance with the statewide budget requirements of the Executive Office of the Governor.

(d) It is the responsibility of the district administrator, jointly with the health and human services board, to develop an annual *district* budget request to be reviewed, amended, and approved by the secretary. Annual budget requests are based on units of service and the costs of those services.

(e)~~1.~~ The department's program planning, budgeting, and information systems capabilities are required to be linked. Identification of resource requirements and legislative appropriations are based upon systematic identification of *target* client *populations* ~~needs~~ and appropriate service arrays, defined units of measurement and data captured for unit costing purposes, and tracking services delivered in a manner so that program outcomes can be determined. The department shall implement an integrated, unit cost based budgeting system across *target client populations* ~~program areas pursuant to the schedule in paragraph (f)~~.

~~2. Pursuant to program budgets in the General Appropriations Act, the Letter of Intent, and the resources appropriated to fund this process and considering district requests submitted in accordance with paragraph (d), the secretary shall, to the maximum extent possible, contract with each district administrator for the maximum units of service possible. These contracts are translated into district budgets, and both the contracts and the district budgets are submitted to the Executive Office of the Governor and the legislative appropriations committees. All amendments to the contracts and district budgets pursuant to contract amendments must be provided to the Executive Office of the Governor and the legislative appropriations committees at least 7 days before the effective date of the change.~~

~~3. Funds may be made available to the districts only for actual services provided pursuant to the contracts. This does not preclude the advancement of funds if reconciliations based on actual units of service provided are made within 15 days after each quarter.~~

~~(f)1. The use of unit cost data as the basis for the department's budget is phased in beginning during the 1991-1992 fiscal year and shall be completed by the 1996-1997 fiscal year.~~

~~2. The programs of the department shall begin using this budget process on the following timetable:~~

~~a. Fiscal year 1991-1992: Alcohol, drug abuse, and mental health programs and developmental services programs.~~

~~b. Fiscal year 1992-1993: Economic services programs and aging and adult services programs.~~

~~c. Fiscal year 1993-1994: Medicaid programs and children's medical services programs.~~

~~d. Fiscal year 1994-1995: Children and families programs, health programs, and all other programs.~~

~~3. For the first 2 years after each program begins using this budget process, subparagraph (e)3. does not apply to the program.~~

~~(g) The units of service are developed by the program offices from data provided pursuant to subsection (13). The department shall prepare legislation to incorporate these units of service into the respective statutes not later than the legislative session 1 year after the fiscal year in which unit cost data is used as the basis for the program's budget.~~

(12) CONFORMITY WITH FEDERAL STATUTES AND REGULATIONS.—It is the intent of the Legislature that this section not conflict with any federal statute or implementing regulation governing federal grant-in-aid programs administered by the department. Whenever such a conflict is asserted by the applicable agency of the Federal Government, the secretary of the department shall submit to the United States Department of Health and Human Services, or other applicable federal agency, a request for a favorable policy response or a waiver of the conflicting portions. If such request is approved, as certified in writing by the Secretary of the United States Department of Health and Human Services or head of the other applicable federal agency, the secretary of the department is authorized to make the adjustments in the organization and state service plan prescribed by this section which are necessary for conformity to federal statutes and regulations. Prior to making such adjustments, the secretary shall provide to the Speaker of the House of Representatives and the President of the Senate an explanation and justification of the position of the department and shall outline all feasible alternatives consistent with the provisions of this section. These alternatives may include the state supervision of local service agencies by the department if such agencies are designated by the Governor. The Governor is hereby authorized to designate local agencies of county governments to provide services pursuant to federally required state plans administered by the department. These local agencies shall provide services for and on behalf of the county governments included within the geographic boundaries of the local agency. The board of commissioners of each county within the local agency shall annually approve the service plan to be provided by the local service agency. In order to assure coordination with other health and *family* ~~rehabilitation~~ services provided to citizens within each county, local service agencies designated by the Governor pursuant to this section shall correspond to the service districts created pursuant to subsection (6). The district administrator of each service district is designated the head of the local service agency. As head of the local service agency, the district administrator shall administer the service programs in conformity with statewide policies, procedures, and guidelines established by the department. The local agency shall administer its program pursuant to a written agreement with the department which:

(a) Indicates that the local agency will conduct its program under the supervision of the department in accordance with the state plan and in compliance with statewide standards as established by the department, including standards of organization and administration.

(b) Sets forth the methods to be followed by the department in its supervision of the local agency, including an evaluation of the effectiveness of the program of the local agency.

(c) Sets forth the basis on which the department participates financially in its locally administered programs.

(d) Indicates whether the local agency will utilize another local public or nonprofit agency in the provision of services and the arrangements for such utilization.

The local agency is responsible for the administration of all aspects of the program within the political subdivisions which it serves. In order to

assure uniformity of personnel standards, the local agency shall utilize the state personnel rules and regulations, including provisions related to tenure, selection, appointment, and qualifications of personnel.

(13) INFORMATION SYSTEMS.—

(a) The secretary shall appoint a Chief Management Information Officer to serve as the department's information resource manager with the authority for agency development and management information systems maintenance, policies, and procedures as provided for in s. 282.311. The Chief Management Information Officer shall direct and promote information as a strategic asset and facilitate integration of data systems and agency and interagency resource sharing as allowed by applicable statutes. The Chief Management Information Officer serves at the pleasure of the secretary.

(b) The Chief Management Information Officer is directly responsible for the management of the management information systems service center that provides primary information systems support for all entities within the department and maintains fee-for-service provisions for use by other agencies. The Chief Management Information Officer shall negotiate service-level agreements between the management information systems service center and users and shall facilitate integrated information systems practices and procedures throughout the service districts ~~and commitment regions,~~ and with local service providers.

(c) The secretary ~~of the department~~ shall implement a priority program aimed at the design, testing, and integration of automated information systems necessary for effective and efficient management of the department and clients. These systems shall contain, minimally, management data, client data, and program data deemed essential for the ongoing administration of service delivery, as well as for the purpose of management decisions. It is the intent of the Legislature that these systems be developed with the idea of providing maximum administrative support to the delivery of services and to allow for the development of a more logical alignment of programs, services, and budget structures to effectively address the problems of any person who receives the services of the department. It is also essential that these systems comply with federal program requirements and ensure confidentiality of individual client information.

(d) The department's information systems are developed to support a client outcome-based budget and management system. At a minimum, these systems must use a unit of service basis to measure contract performance, integrate client demographic and unit cost information, and provide for program outcome measurement.

(e) For the purpose of funding this effort, the department shall include in its annual budget request a comprehensive summary of costs involved, as well as human resources saved, and the availability of costs for private sector systems in the establishment of these automated systems. Such budget request shall also include a complete inventory of current staff, equipment, and facility resources available for completion of the desired systems. The department shall review all forms for duplicative content and, to the maximum extent possible, reduce, consolidate, and eliminate such duplication to provide for a uniform, integrated, and concise management information collection system. *The department is authorized to charge reasonable administrative fees to other state agencies using the department's information systems.*

(14) ELIGIBILITY REQUIREMENTS.—The department shall review the eligibility requirements of its various programs and, to the maximum extent possible, consolidate them into a single eligibility system.

(15) PURCHASE OF SERVICES.—Whenever possible, the department, in accordance with the established program objectives and performance criteria, shall contract for the provision of services by counties, municipalities, not-for-profit corporations, for-profit corporations, and other entities capable of providing needed services, if services so provided are more cost-efficient than those provided by the department.

(16) HEADQUARTERS; SERVICE FACILITIES.—

(a) The department shall maintain its headquarters and all offices above the district office level in Tallahassee.

(b) Within each of its service districts ~~and commitment regions~~, the department shall locate its service facilities in the same place when it is possible to do so without removing service facilities from proximity to the clients they serve. The department shall implement a plan by which all or substantially all services within a district are moved, as existing leases expire, to centers located close to prospective users or clients. These centers may be shared with other public users and may be designated as community service centers.

(17) PROCUREMENT OF HEALTH SERVICES.—Nothing contained in chapter 287 requires competitive bids for health services involving examination, diagnosis, or treatment.

(18) CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It is the intent of the Legislature that when county governments are required by law to participate in the funding of programs, the department shall consult with designated representatives of county governments in developing policies and service delivery plans for those programs.

(19) OUTCOME EVALUATION AND PROGRAM EFFECTIVENESS.—

(a) It is the intent of the Legislature to:

1. Ensure that information be provided to decisionmakers so that resources are allocated to programs of the department ~~under the Children and Families Program; Aging and Adult Services Program; Alcohol, Drug Abuse, and Mental Health Program; Developmental Services Program; Economic Services Program; Children's Medical Services Program; and Health Program~~ that achieve desired performance levels.

2. Provide information about the cost of such programs and their differential effectiveness so that the quality of such programs can be compared and improvements made continually.

3. Provide information to aid in the development of related policy issues and concerns.

4. Provide information to the public about the effectiveness of such programs in meeting established goals and objectives.

5. Provide a basis for a system of accountability so that each client is afforded the best programs to meet his or her needs.

6. Improve service delivery to clients.

7. Modify or eliminate activities that are not effective.

(b) *To accomplish these purposes, the effectiveness of department programs shall be evaluated and reported to the Governor and the Legislature pursuant to chapter 94-249, Laws of Florida, the Government Performance and Accountability Act.* ~~As used in this subsection, the term:~~

~~1. "Client" means any person who is being provided treatment or services by the department or by a provider under contract with the department.~~

~~2. "Outcome" means the condition or circumstances of the client after services or treatment have been provided and the extent of change in modifying or stabilizing the original condition or need that led to client services or treatment.~~

~~3. "Program component" means an aggregation of generally related objectives which, because of their special character, related workload, and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.~~

~~4. "Program effectiveness" means the ability of the program to achieve desired client outcomes, goals, and objectives.~~

~~5. "Program office" means any program office under the Deputy Secretary for Human Services and all programs under the Deputy Secretary for Health.~~

~~(c) The department shall:~~

~~1. Establish within the Children and Families Program; Aging and Adult Services Program; Alcohol, Drug Abuse, and Mental Health Program; Developmental Services Program; Economic Services Program;~~

~~Children's Medical Services Program; and Health Program a comprehensive system to annually measure and report client outcome and program effectiveness for each program that each program office operates or contracts. Client-outcome measures are a required provision of all contracts entered into by the department with respect to the provision of services under the jurisdiction of the programs.~~

~~2.a. Provide operational definitions of and criteria for client outcome and program effectiveness for each specific program component, to include, but not be limited to, a definition of successful program completion.~~

~~b. The Children and Families Program Office shall define and report recidivism in addition to the requirements of this section.~~

~~c. As appropriate, program offices under this section shall report clients who reenter services and treatment within 1 year after release, discharge, or successful completion of a program.~~

~~3. Establish goals and objectives for each specific program component.~~

~~4. Establish the information and specific data elements required for the management of client-outcome measures.~~

~~5. Develop a program office-specific, standardized terminology and procedures manual to be followed by each program. The procedures shall include standard formats for the collection of data from the various program components with clearly defined documentation requirements.~~

~~6. Establish procedures for the continuous flow of client-outcome information.~~

~~7. Develop procedures to analyze client-outcome data in relation to program process.~~

~~8. Implement continuous longitudinal studies to determine the long-range effects of programs. The longitudinal studies shall track a cohort representative sample of clients at 5 years after their initial completion of a program. Whenever possible, longitudinal studies shall compare a representative sample of clients completing the program with a comparable cohort group that did not enter the program.~~

~~a. The Children and Families Program Office shall determine the long-range effect of prevention, residential, and nonresidential programs for dependent children.~~

~~b. The Aging and Adult Services Program Office shall determine the long-range effects of programs, including, but not limited to, programs that provide community services, in-home care, and other nonresidential services, to determine their effect in preventing residential placement.~~

~~c. The Alcohol, Drug Abuse, and Mental Health Program Office shall determine the long-range effects of programs, including, but not limited to, prevention, community-based programs, outpatient programs, inpatient programs, and nonresidential and residential programs for children and adults.~~

~~d. The Children's Medical Services Program Office shall determine the long-range effects of programs, including, but not limited to, prevention and early intervention programs, including infant metabolic screening, developmental evaluation, inpatient programs, and outpatient programs.~~

~~e. The Developmental Services Program Office shall determine the long-range effects of programs, including, but not limited to, prevention, early intervention, family support services, developmental training programs, community-based supported employment, and community residential programs.~~

~~f. The Economic Services Program Office shall determine the long-range effects of programs, including, but not limited to, programs that implement the provisions of the Family Support Act of 1988, Pub. L. No. 100-485, pursuant to s. 409.029.~~

~~g. The State Health Office shall determine the long-range effects of programs, including, but not limited to, maternal and child health; family planning; the Special Supplemental Food Program for Women, Infants, and Children; primary health care; dental health; communicable diseases; and environmental health.~~

~~9. Establish appropriate methodology and statistical analysis to ensure the reliability, validity, and utility of client-outcome data.~~

~~10. Establish appropriate interdistrict evaluation teams using private sector experts to evaluate the quality of the services delivered by program.~~

~~Each program office under this subsection shall submit an annual report to the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of each house of the Legislature, the appropriate substantive and appropriations committees of each house of the Legislature, and the Governor, no later than December 31 of each calendar year. The annual program-outcome report shall contain, at a minimum, for each specific program component a comprehensive description of the population served by the program, a specific description of the services provided by the program, client-outcome measures, an assessment of program effectiveness, cost, a comparison of expenditures to federal and state funding, immediate and long-range concerns, the status or results of the longitudinal studies, and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The department's Inspector General shall ensure the reliability and validity of the information contained in the report.~~

~~(d) The Auditor General shall periodically evaluate the client-outcome and program-effectiveness system to determine if the process is achieving the legislative intent of this section and shall prepare a report thereof, the initial report to be submitted on December 31, 1993, and a report to be submitted every 5 years thereafter to the persons specified in paragraph (c).~~

(20) INNOVATION ZONES.—The health and human services board may propose designation of an innovation zone for any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a district, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(a)1. The district administrator shall submit a proposal for an innovation zone to the secretary. If the purpose of the proposed innovation zone is to demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, the proposal may request the secretary to waive such existing rules, policies, or procedures or to otherwise authorize use of alternative procedures or practices. Waivers of such existing rules, policies, or procedures must comply with applicable state or federal law.

2. For innovation zone proposals that the secretary determines require changes to state law, the secretary may submit a request for a waiver from such laws, together with any proposed changes to state law, to the chairs of the appropriate legislative committees for consideration.

3. For innovation zone proposals that the secretary determines require waiver of federal law, the secretary may submit a request for such waivers to the applicable federal agency.

(b) An innovation zone project may not have a duration of more than 2 years, but the secretary may grant an extension.

(c) The Statewide Health and Human Services Board, in conjunction with the secretary, shall develop a *family* ~~health and human~~ services innovation transfer network for the purpose of providing information on innovation zone research and projects or other effective initiatives in *family* ~~health and human~~ services to the health and human services boards established under subsection (7).

(d) Prior to implementing an innovation zone pursuant to the requirements of this subsection and chapter 216, the secretary shall, in conjunction with the Auditor General, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. No more than 15 innovative zones shall be in operation at any one time within the districts.

Section 6. *(1) All powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Health and Rehabilitative Services relating to public health matters, including environmental health and the A.G. Holley State Hospital, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Health, as created by this act. The Department of Health may organize, classify, and manage the positions transferred in a manner that will reduce duplication, achieve maximum efficiency, and ensure accountability.*

(2) All powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Children's Medical Services program of the Department of Health and Rehabilitative Services, except for child protection and sexual abuse treatment teams established in chapter 415, Florida Statutes, including all components of Children's Medical Services assigned to the department's service districts, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Health and assigned to the Division of Children's Medical Services of the Department of Health, as created by this act. The Department of Health may organize, classify, and manage the positions transferred in a manner that will reduce duplication, achieve maximum efficiency, and ensure accountability.

Section 7. *Legislative intent.—It is the intent of the Legislature that a Department of Health be created to serve the people of Florida, the Governor, and the Legislature by ensuring the preservation of healthful communities and the provision of high quality health care for the people of Florida. The mission of the Department of Health shall be to promote and protect the health and safety of all residents in this state through the establishment and maintenance of high quality standards for the public health environment and the delivery of public health services. The Department of Health shall be responsible for children's medical services and all public health services for which the state has authority, and matters related thereto.*

Section 8. Section 20.43, Florida Statutes, is created to read:

20.43 Department of Health.—There is created a Department of Health.

(1) The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(a) Prevent to the fullest extent possible, the occurrence and progression of communicable and noncommunicable diseases and disabilities.

(b) Maintain a constant surveillance of disease occurrence and accumulate health statistics necessary to establish disease trends and to design health programs.

(c) Conduct special studies of the causes of diseases and formulate preventive strategies.

(d) Promote the maintenance and improvement of the environment as it affects public health.

(e) Promote the maintenance and improvement of health in the residents of the state.

(f) Provide leadership, in cooperation with the public and private sectors, in establishing statewide and community public health delivery systems.

(g) Provide health care and early intervention services to infants, toddlers, children, adolescents, and high-risk perinatal patients who are at risk for disabling conditions or have chronic illnesses.

(h) Develop working associations with all agencies and organizations involved and interested in health and health care delivery.

(i) Analyze trends in the evolution of health systems, and identify and promote the use of innovative, cost-effective health delivery systems.

(j) Serve as the statewide repository of all aggregate data accumulated by state agencies related to health care; analyze that data and issue periodic reports and policy statements, as appropriate; require that all aggregated data be kept in a manner that promotes easy utilization by the public, state agencies, and all other interested parties; provide technical assistance as required; and work cooperatively with the state's higher education programs to promote further study and analysis of health care systems and health care outcomes.

(k) Biennially publish, and annually update, a state health plan that assesses current health programs, systems, and costs; makes projections of future problems and opportunities; and recommends changes needed in the health care system to improve the public health.

(l) Regulate health practitioners, to the extent authorized by the Legislature, as necessary for the preservation of the health, safety, and welfare of the public.

(2) The head of the Department of Health is the Secretary of Health and State Health Officer. The secretary must be a physician licensed under chapter 458 or chapter 459 who has advanced training or extensive experience in public health administration. The secretary is appointed by the Governor subject to confirmation by the Senate. The secretary serves at the pleasure of the Governor.

(3) The following divisions of the Department of Health are established:

(a) Division of Administration.

(b) Division of Environmental Health.

(c) Division of Disease Control.

(d) Division of Family Services.

(e) Division of Children's Medical Services.

(f) Effective July 1, 1997, Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.
2. Health care services pools, as provided under s. 402.48.
3. The Board of Acupuncture, created under chapter 457.
4. The Board of Medicine, created under chapter 458.
5. The Board of Osteopathic Medicine, created under chapter 459.
6. The Board of Chiropractic, created under chapter 460.
7. The Board of Podiatric Medicine, created under chapter 461.
8. Naturopathy, as provided under chapter 462.
9. The Board of Optometry, created under chapter 463.
10. The Board of Nursing, created under chapter 464.
11. The Board of Pharmacy, created under chapter 465.
12. The Board of Dentistry, created under chapter 466.
13. Midwifery, as provided under chapter 467.
14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.
15. The Board of Nursing Home Administrators, created under part II of chapter 468.
16. Occupational therapy, as provided under part III of chapter 468.
17. Respiratory therapy, as provided under part V of chapter 468.
18. Dietetics and nutrition practice, as provided under part X of chapter 468.
19. Athletic trainers, as provided under part XIV of chapter 468.
20. Electrolysis, as provided under chapter 478.
21. The Board of Massage, created under chapter 480.
22. The Board of Clinical Laboratory Personnel, created under part IV of chapter 483.
23. Medical physicists, as provided under part V of chapter 483.
24. The Board of Opticianry, created under part I of chapter 484.
25. The Board of Hearing Aid Specialists, created under part II of chapter 484.
26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department shall contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

(4) The department shall plan and administer its public health programs through its county health departments and may, for administrative purposes and efficient service delivery, establish up to 15 service areas to carry out such duties as may be prescribed by the secretary. The boundaries of the service areas shall be the same as, or combinations of, the districts of the health and human services boards established in s. 20.19 and, to the extent practicable, shall take into consideration the boundaries of the jobs and education regional boards.

(5) The secretary and division directors are authorized to appoint ad hoc advisory committees as necessary. The issue or problem that the ad hoc committee shall address, and the timeframe within which the committee is to complete its work, shall be specified at the time the committee is appointed. Ad hoc advisory committees shall include representatives of groups or entities affected by the issue or problem that the committee is asked to examine. Members of ad hoc advisory committees shall receive no compensation, but may, within existing departmental resources, receive reimbursement for travel expenses as provided in s. 112.061.

Section 9. Effective July 1, 1997, subsections (2) and (4) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(a) Division of Administration.

(b) Division of Alcoholic Beverages and Tobacco.

(c) Division of Certified Public Accounting.

1. The director of the division shall be appointed by the secretary of the department, subject to approval by a majority of the Board of Accountancy.

2. The offices of the division shall be located in Gainesville.

(d) Division of Florida Land Sales, Condominiums, and Mobile Homes.

(e) Division of Hotels and Restaurants.

~~(f) Division of Medical Quality Assurance.~~

(f)~~(g)~~ Division of Pari-mutuel Wagering.

(g)~~(h)~~ Division of Professions.

(h)~~(i)~~ Division of Real Estate.

1. The director of the division shall be appointed by the secretary of the department, subject to approval by a majority of the Florida Real Estate Commission.

2. The offices of the division shall be located in Orlando.

(i)~~(j)~~ Division of Regulation.

(j)~~(k)~~ Division of Technology, Licensure, and Testing.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. Barbers' Board, created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XIII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

6. Board of Cosmetology, created under chapter 477.

7. Electrical Contractors' Licensing Board, created under part II of chapter 489.

8. Board of Employee Leasing Companies, created under part XI of chapter 468.

9. Board of Funeral Directors and Embalmers, created under chapter 470.

~~10. Board of Hearing Aid Specialists, created under part II of chapter 484.~~

10.~~11.~~ Board of Landscape Architecture, created under part II of chapter 481.

~~12. Board of Massage, created under chapter 480.~~

11.~~13.~~ Board of Pilot Commissioners, created under chapter 310.

12.~~14.~~ Board of Professional Engineers, created under chapter 471.

13.~~15.~~ Board of Professional Geologists, created under chapter 492.

14.~~16.~~ Board of Professional Surveyors and Mappers, created under chapter 472.

15.~~17.~~ Board of Veterinary Medicine, created under chapter 474.

(b) The following board and commission are established within the Division of Real Estate:

1. Florida Real Estate Appraisal Board, created under part II of chapter 475.

2. Florida Real Estate Commission, created under part I of chapter 475.

(c) The following board is established within the Division of Certified Public Accounting:

1. Board of Accountancy, created under chapter 473.

~~(d) The following boards are established within the Division of Medical Quality Assurance:~~

~~1. Board of Acupuncture, created under chapter 457.~~

~~2. Board of Chiropractic, created under chapter 460.~~

~~3. Board of Clinical Laboratory Personnel, created under part IV of chapter 483.~~

~~4. Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.~~

~~5. Board of Dentistry, created under chapter 466.~~

~~6. Board of Medicine, created under chapter 458.~~

~~7. Board of Nursing, created under chapter 464.~~

~~8. Board of Nursing Home Administrators, created under part II of chapter 468.~~

~~9. Board of Opticianry, created under part I of chapter 484.~~

~~10. Board of Optometry, created under chapter 463.~~

~~11. Board of Osteopathic Medicine, created under chapter 459.~~

~~12. Board of Pharmacy, created under chapter 465.~~

~~13. Board of Physical Therapy Practice, created under chapter 486.~~

~~14. Board of Podiatric Medicine, created under chapter 461.~~

~~15. Board of Psychological Examiners, created under chapter 490.~~

~~16. Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.~~

Section 10. Effective July 1, 1997, paragraph (a) of subsection (2) of section 20.42, Florida Statutes, is amended to read:

20.42 Agency for Health Care Administration.—There is created the Agency for Health Care Administration within the Department of Business and Professional Regulation. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Business and Professional Regulation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) ORGANIZATION OF THE AGENCY.—The agency shall be organized as follows:

(a) The Division of Health Quality Assurance, which shall be responsible for~~:~~

~~1.~~ health facility licensure and inspection.~~; and~~

~~2. Effective July 1, 1994, the Board of Medicine, created under chapter 458; the Board of Osteopathic Medicine, created under chapter 459; the Board of Acupuncture, created under chapter 457; the Board of Chiropractic, created under chapter 460; the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491; the Board of Dentistry, created under chapter 466; the Board of Optometry, created under chapter 463; the Board of Pharmacy, created under chapter 465; the Board of Podiatric Medicine, created under chapter 461; the Board of Nursing, created under chapter 464; the Board of Psychological Examiners, created under chapter 490; the Board of Speech-Language Pathology and Audiology, created under chapter 468; the Board of Nursing Home Administrators, created under part II of chapter 468; occupational therapy, as regulated under part III of chapter 468; respiratory therapy, as regulated under part V of chapter 468; physical therapy, as regulated under chapter 486; the Board of Clinical Laboratory Personnel, created under part IV of chapter 483; midwifery, as regulated under chapter 467; dietetics and nutrition practice, as regulated under part X of chapter 468; electrolysis, as regulated under chapter 478; nursing assistants, as regulated under s. 400.211; and the Board of Opticianry, created under part I of chapter 484.~~

Section 11. *Effective July 1, 1997, the regulation of nursing assistants, as provided under s. 400.211, Florida Statutes; health care services pools, as provided under s. 402.48, Florida Statutes; the Board of Acupuncture, created under chapter 457, Florida Statutes; the Board of Medicine, created under chapter 458, Florida Statutes; the Board of Osteopathic Medicine, created under chapter 459, Florida Statutes; the Board of Chiropractic, created under chapter 460, Florida Statutes; the Board of Podiatric Medicine, created under chapter 461, Florida Statutes; naturopathy, as provided under chapter 462, Florida Statutes; the Board of Optometry, created under chapter 463, Florida Statutes; the Board of Nursing, created under chapter 464, Florida Statutes; the Board of Pharmacy, created under chapter 465, Florida Statutes; the Board of Dentistry, created under chapter 466, Florida Statutes; midwifery, as provided under chapter 467, Florida Statutes; the Board of Speech-Language Pathology and Audiology, created under part I of chapter 468, Florida Statutes; the Board of Nursing Home Administrators, created under part II of chapter 468, Florida Statutes; occupational therapy, as provided under part III of chapter 468, Florida Statutes; respiratory therapy, as provided under part V of chapter 468, Florida Statutes; dietetics and nutrition practice, as provided under part X of chapter 468, Florida Statutes; electrolysis, as provided under chapter 478, Florida Statutes; the Board of Clinical Laboratory Personnel, created under part IV of chapter 483, Florida Statutes; medical physicists, as provided under part V of chapter 483, Florida Statutes; the Board of Opticianry, created under part I of chapter 484, Florida Statutes; the Board of Physical Therapy Practice, created under chapter 486, Florida Statutes; the Board of Psychology, created under chapter 490, Florida Statutes; and the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491, Florida Statutes, under the Division of Health Quality Assurance of the Agency for Health Care Administration, or under the agency, within the Department of Business and Professional Regulation, including all licensing, examination, publication, administrative, and management information services, but not consumer complaint, investigative, or prosecutorial services, provided by the Agency for Health Care Administration, is transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, and assigned to the Division of Medical Quality Assurance within the Department of Health, as created by this act.*

Section 12. *Effective July 1, 1997, the regulation of athletic trainers, as provided under part XIV of chapter 468, Florida Statutes; the Board of Massage, created under chapter 480, Florida Statutes; and the Board of Hearing Aid Specialists, created under part II of chapter 484, Florida Statutes, is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Business and Professional Regulation to the Department of Health. If prior to the effective date of this act these provisions have been transferred from the Department of Business and Professional Regulation to the Agency for Health Care Administration, then they shall be transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Agency for Health Care Administration to the Department of Health, as created by this act.*

Section 13. Effective July 1, 1997, section 455.2055, Florida Statutes, is created to read:

455.2055 Department of Health; board appointments.—

(1) The members of each board within the Department of Health shall be appointed by the Governor, subject to confirmation by the Senate. Consumer members on the board shall be appointed pursuant to subsection (2). Members shall be appointed for 4-year terms, and such terms shall expire on October 31. However, a term of less than 4 years may be utilized to ensure that:

(a) No more than two members' terms expire during the same calendar year for boards consisting of seven or eight members.

(b) No more than three members' terms expire during the same calendar year for boards consisting of 9 to 12 members.

(c) No more than five members' terms expire during the same calendar year for boards consisting of 13 or more members.

A member whose term has expired shall continue to serve on the board until such time as a replacement is appointed. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member may serve for more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms of the member's own appointment thereafter.

(2) Each board with five or more members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with fewer than five members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

(3) Notwithstanding any other provision of law, the Department of Health is authorized to establish uniform application forms and certificates of licensure for use by the boards within the department. Nothing in this subsection authorizes the Department of Health to vary any substantive requirements, duties, or eligibilities for licensure or certification as provided by law.

Section 14. Section 154.02, Florida Statutes, is amended to read:

154.02 *County Health Department* ~~Public Health Unit~~ Trust Fund.—

(1) To enable counties to provide public health ~~unit~~ services and maintain public health ~~unit~~ equipment and facilities, each county in the state with a population exceeding 100,000, according to the last state census, may levy an annual tax not exceeding 0.5 mill; each county in the state with a population exceeding 40,000 and not exceeding 100,000, according to the last state census, may levy an annual tax not exceeding 1 mill; and each county in the state with a population not exceeding

40,000, according to the last state census, may levy an annual tax not exceeding 2 mills, on the dollar on all taxable property in such county, the proceeds of which tax, if so contracted with the state, shall be paid to the Treasurer. However, the board of county commissioners may elect to pay in 12 equal monthly installments. Such funds in the hands of the Treasurer shall be placed in the *county health department* ~~public health unit~~ trust funds of the county by which such funds were raised, and such funds shall be expended by the Department of Health ~~and Rehabilitative Services~~ solely for the purpose of carrying out the intent and object of the public health contract.

(2) The Treasurer shall maintain a full-time *County Health Department* ~~Public Health Unit~~ Trust Fund which shall contain all state and local funds to be expended by *county health departments* ~~public health units~~. Such funds shall be expended by the Department of Health ~~and Rehabilitative Services~~ solely for the purposes of carrying out the intent and purpose of this part. Federal funds may be deposited in the trust fund.

(3) The *County Health Department* ~~Public Health Unit~~ Trust Fund shall be governed as follows:

(a) Each *county health department* ~~public health unit~~ shall be accounted for separately within the trust fund;

(b) For each participating county, the trust fund shall be divided into three levels of service, one for each type of service to be provided pursuant to s. 154.01(2)(a), (b), and (c);

(c) Funds appropriated by the Legislature or any county for the purpose of providing *county health department* ~~public health unit~~ services, as defined in s. 154.01(2), shall be disbursed through the trust fund;

(d) Under no circumstances may there be transfers of funds between levels of service without the proper contract amendments unless the *county health department* ~~public health unit~~ director determines that an emergency exists wherein a time delay would endanger the public health and the State Health Officer has approved the transfer. The State Health Officer shall forward written evidence of his or her approval to the *county health department* ~~public health unit~~ within 30 days after the transfer; and

(e) Any surplus funds, including fees or accrued interest, remaining in any *county health department* ~~public health unit~~ account at the end of the fiscal year shall be credited to the state or county, as appropriate, in such amounts as may be determined by multiplying the surplus funds remaining in a program account by the percentage of funding provided by each governmental entity for the rendering of the particular health service for which such account was established. Such surplus funds may be applied toward the funding requirements of each participating governmental entity in the following year; however, in each such case, all surplus funds, including fees and accrued interest, shall remain in the trust fund and shall be accounted for in a manner which clearly illustrates the amount which has been credited to each participating governmental entity.

(4) Each fiscal quarter, the Department of Health ~~and Rehabilitative Services~~ shall render to each board of county commissioners providing funds to the trust fund, and to each *county health department* ~~public health unit~~ director or ~~public health unit~~ administrator, uniform financial statements of *county health department* ~~public health unit~~ account balances. It is the intent of the Legislature that these statements be uniform so that comparability between the same programs in separate *county health departments* ~~public health units~~ may be enhanced. These uniform statements shall contain all useful and relevant information concerning the operations of the *county health departments* ~~public health units~~ and shall specifically contain the following information for each county:

(a) The amount of funds expended year-to-date for each type of service within each of the three levels of service;

(b) The revenue and cash balances year-to-date in each *county health department* ~~public health unit~~ trust fund;

(c) The units of service and the number of clients served, where applicable, year-to-date for each type of service in each of the three levels of service;

(d) The actual amount of revenue deposited in the trust fund year-to-date by the state and the county, by source, compared to the amount of revenue, by source, from the state and the county that was projected in the contract for the contract year; and

(e) The final report for the contract year shall clearly state the amount of funds remaining in each *county health department* ~~public health unit~~ and the percentage of such funds that are credited to the state and the county.

Section 15. Section 154.04, Florida Statutes, is amended to read:

154.04 Personnel of *county health departments* ~~public health units~~; duties; compensation.—

(1)(a) The personnel of a minimum *county health department* ~~public health unit~~ shall consist of a *county health department* ~~public health unit~~ director or ~~public health unit~~ administrator and a full-time public health nurse, a public health environmental specialist, and a clerk. All such personnel shall be selected from those especially trained in public health administration and practice, so far as the same shall relate to the duties of their respective positions.

(b) The *county health department* ~~public health unit~~ director shall be a *physician licensed under chapter 458 or chapter 459* ~~doctor of medicine or a doctor of osteopathy~~ who is trained in public health administration and shall be appointed by the Secretary of *Health* ~~the department after consultation with the State Health Officer and the district administrator and~~ after the concurrence of the boards of county commissioners of the respective counties.

~~(c)~~ A *county health department* ~~public health unit~~ administrator trained in public health administration may be appointed by the Secretary of *Health* ~~the department after consultation with the State Health Officer and the district administrator and~~ after the concurrence of the boards of county commissioners of the respective counties.~~, if:~~

~~1. The deputy district administrator for health is a doctor of medicine or a doctor of osteopathy; or~~

~~2. An onsite full-time medical director is a physician licensed under chapter 458 or chapter 459.~~

(c)~~(d)~~1. A registered nurse or certified physician assistant working in a county *health department* ~~public health unit~~ is authorized to assess a patient and order medications, provided that:

a. No *licensed* physician ~~licensed pursuant to chapter 458 or chapter 459~~ is on the premises;

b. The patient is assessed and medication ordered in accordance with rules promulgated by the department and pursuant to a protocol approved by a physician ~~licensed pursuant to chapter 458 or chapter 459~~ who supervises the patient care activities of the registered nurse or certified physician assistant;

c. The patient is being assessed by the registered nurse or certified physician assistant as a part of a program approved by the department; and

d. The medication ordered appears on a formulary approved by the department and is prepackaged and prelabeled with dosage instructions and distributed from a source authorized under chapter 499 to repackage and distribute drugs, which source is under the supervision of a consultant pharmacist employed by the department.

2. Each county *health department* ~~public health unit~~ shall adopt written protocols which provide for supervision of the registered nurse or certified physician assistant by a physician licensed pursuant to chapter 458 or chapter 459 and for the procedures by which patients may be assessed, and medications ordered and delivered, by the registered nurse or certified physician assistant. Such protocols shall be signed by the supervising physician, the director of the county *health department* ~~public health unit~~, and the registered nurse or certified physician assistant.

3. Each county *health department* ~~public health unit~~ shall maintain and have available for inspection by representatives of the Department *of Health* ~~and the Department of Business and Professional Regulation~~

all medical records and patient care protocols, including records of medications delivered to patients, in accordance with rules of the department.

4. The Department *of Health* shall adopt rules which establish the conditions under which a registered nurse or certified physician assistant may assess patients and order and deliver medications, based upon written protocols of supervision by a physician licensed pursuant to chapter 458 or chapter 459, and which establish the formulary from which medications may be ordered.

5. The department shall require that a consultant pharmacist conduct a periodic inspection of each county *health department* ~~public health unit~~ in meeting the requirements of this paragraph.

(2) The personnel of the *county health department* ~~public health unit~~ shall be employed by the Department of Health ~~and Rehabilitative Services~~. The compensation of such personnel shall be determined under the rules of the Division of Personnel Management Services of the Department of Management Services. Such employees shall engage in the prevention of disease and the promotion of health under the supervision of the Department of Health ~~and Rehabilitative Services~~.

Section 16. Section 381.00315, Florida Statutes, is created to read:

381.00315 Public health advisories.—The State Health Officer is responsible of declaring public health emergencies and issuing public health advisories. Prior to issuing any health advisory, the State Health Officer must consult with any state or local agency regarding areas of responsibility which may be affected by such advisory. Upon determining that issuing a health advisory is necessary to protect the public health and safety, and prior to issuing the advisory, the State Health Officer must notify each county health department within the area which is affected by the advisory of the State Health Officer's intent to issue the advisory. The State Health Officer is authorized to take any action appropriate to enforce any health advisory.

Section 17. Section 391.051, Florida Statutes, is amended to read:

391.051 Qualifications of director.—*The director of children's medical services must be a physician licensed under chapter 458 or chapter 459 who has specialized training and experience in the provision of medical care to children and has recognized skills in leadership and the promotion of children's health programs. The director of children's medical services shall be the division director of the Division of Children's Medical Services as provided under s. 20.43.* ~~The secretary of the department shall appoint as staff director of the Children's Medical Services Program Office a physician licensed and in good standing in any state who is experienced in providing medical care to children and who has recognized skills in leadership and the promotion of children's health programs.~~

Section 18. *Effective July 1, 1996, the Governor shall appoint a six-member transition advisory committee plus a committee chairperson to serve until June 30, 1997. The purpose of the committee is to prepare for the implementation of the Department of Health and the reorganization of the Department of Health and Rehabilitative Services. The members of the committee must include representatives from the Department of Health and Rehabilitative Services, including representatives from the State Health Office and Children's Medical Services and from district or regional offices and local offices involved in the transfer of functions to the new department. The committee shall be located, for administrative purposes, within the Department of Health and Rehabilitative Services.*

(1) By October 1, 1996, the committee shall prescribe a schedule of transition activities and functions with respect to the creation of the Department of Health. The schedule must address, at a minimum, building leases, information support systems, cash ownership and transfer, administrative support functions, inventory and transfers of equipment and structures, expenditure transfers, budget authority and positions, and certifications forward.

(2) The committee shall review current activities and make recommendations regarding consolidation of duplicative functions, elimination of overlap, and improvement of the organizational structure of the new department. The committee shall report its findings, including recommendations for changes in state policy, rules, and statutes that will improve health care administration and service delivery by the Department of Health as provided in this act, to the Secretary of Health, the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 1997.

(3) The Governor shall appoint a Secretary of Health by October 31, 1996.

Section 19. *(1) Legislative findings and intent.—The Legislature finds that the provision and regulation of health care is an increasingly important state concern. The Legislature also finds that the extensive involvement of state government in the financing and delivery of health services to the residents of this state requires a focused, efficient, and coordinated approach to the administration of programs serving these functions. Therefore, the Legislature intends to establish a task force to study the present governmental structure for the administration of state health programs, including mental health and developmental disabilities, and make recommendations for the most appropriate organizational arrangement for the efficient and effective purchasing, regulation, and delivery of health care goods and services.*

(2) Effective June 15, 1996, there is created a 15-member task force to study the organization and structure of state health programs. The task force shall be appointed by July 1, 1996, hold its first meeting by July 15, 1996, and include the following members:

(a) One member appointed by the Governor, who shall serve as chairperson and shall not be a current state employee.

(b) Five members appointed by the Speaker of the House of Representatives, of whom: two shall be representatives, one a member of the Democratic Party and one a member of the Republican Party; one shall be a licensed health care practitioner; one shall be a representative of a health care institution provider; and one shall be a consumer.

(c) Five members appointed by the President of the Senate, of whom: two shall be senators, one a member of the Republican Party and one a member of the Democratic Party; one shall be a licensed health care practitioner; one shall be a representative of a health care institution provider; and one shall be a consumer.

(d) The Secretary of Health and Rehabilitative Services.

(e) The Secretary of Elderly Affairs.

(f) The Director of Health Care Administration.

(g) The State Health Officer.

(3) The task force shall conduct a study of the following:

(a) The appropriate number and structure of state agencies responsible for health care functions, including state health care data collection and analysis, the development of health care policy, health care financing and purchasing, environmental health regulation, health facility regulation, the regulation of health professions, the delivery of health services, and coordination with health care programs at the local level.

(b) Public health care service delivery in state and local agencies and government-sponsored programs; the advantages and disadvantages of a centralized versus decentralized administration, and monitoring of such programs; and the appropriate role, function, and responsibilities, if any, of the district and statewide health and human services boards.

(c) The compatibility of the goals and functions of various health programs with the priorities of the state agencies within which the health programs are presently housed.

(d) The relationship between health facility and health care practitioner regulation, and the proper arrangement of investigatory and licensure functions in order to maximize the quality of health care provided to state residents.

(e) The compatibility of health care financing and purchasing with responsibility for the delivery of health care services to state residents.

(4) The task force shall be housed within the Joint Legislative Management Committee of the Legislature and staffed by the committee.

(5) Task force members shall serve without compensation, but shall be reimbursed for travel expenses while engaged in task force duties, as provided in s. 112.061, Florida Statutes.

(6) The task force shall submit its final report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 1996. The report shall include recommendations relating to the structure and organization of publicly funded health-related programs and agencies; the organizational placement of health facility and health care practitioner regulation in order to ensure the highest quality of health care; the role and mission of local and state agencies with public health care functions; methods for coordinating health services delivery with health care financing, policy, purchasing, and regulatory requirements; and the advantages and disadvantages of centralizing health care administration and accountability.

(7) This section shall take effect upon becoming a law.

Section 20. *The Department of Health and the Department of Children and Family Services shall enter into an interagency agreement to ensure coordination and cooperation in identifying client populations, developing service delivery systems, and meeting the needs of the state's residents. The interagency agreement must address cooperative programmatic issues, rules-development issues, and any other issues that must be resolved to ensure the continued working relationship among the health and family services programs of the two departments.*

Section 21. *(1) In accordance with the provisions of chapter 216, Florida Statutes, 20 percent of any unobligated General Revenue Fund or any trust fund appropriation for salaries and benefits, expenses, other personal services, operating capital outlay, and special categories remaining at the end of a fiscal year shall be available to the Department of Children and Family Services for purchases of productivity-enhancing technology, to improve existing services, and for community services initiatives. Funds used for such purposes may be certified forward.*

(2) In addition to the transfer authority provided in subsection (1), the department may transfer up to 0.25 percent of the general revenue appropriations from administrative costs of any budget entity within the department and the necessary administrative positions to increase the staff of the Office of Standards and Evaluation as described in s. 20.19(3), Florida Statutes. The staff may be established notwithstanding the provisions of s. 216.262(1)(a), Florida Statutes, but in conjunction with s. 216.177, Florida Statutes. The expenses of the department for independent contracting or consultation and the salaries and expenses associated with staff authorized in the General Appropriations Act or established through transfer pursuant to this subsection for outcome evaluation and program effectiveness functions shall be paid from funds transferred pursuant to this subsection.

Section 22. *(1) The secretary may transfer funds, positions, and budget authority within the department, pursuant to chapter 216, Florida Statutes, provided the department comports generally with legislative intent.*

(2) The secretary may transfer salary rate within the department with the prior approval of the Executive Office of the Governor and in accordance with chapter 216, Florida Statutes.

(3) The secretary may establish, abolish, or consolidate district programs and other offices and may reallocate duties and functions within the department without regard to established service areas. Administrative services may be delivered at the institutional level or higher, as determined by the secretary to be in the best interests of efficient delivery of support services.

Section 23. *All trust funds and cash balances related to programs transferred from one department to another by this act which are in existence on the effective date of such transfer shall be reestablished in the appropriate department.*

Section 24. *This act does not affect the validity of any judicial or administrative proceeding pending as of the effective date of this act, and any entity to which are transferred the powers, duties, and functions of any agency relating to the pending proceedings shall be substituted as a party in interest.*

Section 25. *If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 26. *The Division of Statutory Revision of the Joint Legislative Management Committee is directed to prepare a reviser's bill for introduction at a subsequent session of the Legislature to change "Department of Health and Rehabilitative Services" to "Department of Children and Family Services," wherever that term appears in chapters 39, 63, 410, 411, 414, 415, and 419, Florida Statutes, and ss. 409.016-409.803, Florida Statutes; to change "Department of Health and Rehabilitative Services" to "Department of Health," wherever the term appears in chapters 153, 154, 381, 382, 383, 384, 385, 386, 387, 388, 390, 391, and 392, Florida Statutes; to change "county public health unit" to "county health department" wherever the term appears in Florida Statutes; and to make such further changes as are necessary to conform the Florida Statutes to the organizational changes effected by this act.*

Section 27. *There is hereby appropriated from the General Revenue Fund to the Department of Health, as created in this act, the sum of $1,311,497 and 13 full-time equivalent positions to implement the provisions of this act. In the event that a similar appropriation for this purpose is provided for in the General Appropriations Act or any other act which becomes law, this section is repealed.*

Section 28. *(1) There is hereby appropriated $75,000 from the General Revenue Fund to the Board of Regents for the purpose of establishing a Task Force to review, study, and make recommendations regarding the optimal organizational structure for the delivery of social services in Florida.*

(2) The Governor shall appoint one expert from the area of social services, one consumer of social services and one educator to serve on the Task Force. The President of the Florida Senate and the Speaker of the Florida House of Representatives shall each designate two senior-level private sector executives whose organizations have undergone significant restructuring during the past decade and whose organizations have been recognized for excellence in customer-based services and management practices to serve on the Task Force. The Task Force shall designate the Chair of the group.

(3) The Task Force shall submit to the Governor, the President of the Senate and the Speaker of the House a report of its findings, recommendations, and proposed legislation no later than January 15, 1997.

Section 29. Except as otherwise provided herein, this act shall take effect January 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; creating the "Senator William G. 'Doc' Myers Public Health Act of 1996"; amending ss. 20.04 and 20.19, F.S.; renaming the Department of Health and Rehabilitative Services as the Department of Children and Family Services; modifying purposes and organization of the department and the health and human service boards; transferring from the Department of Health and Rehabilitative Services to the Department of Health matters relating to public and environmental health and children's medical services; providing legislative intent relating to creation of a Department of Health; creating s. 20.43, F.S.; establishing the Department of Health; providing purpose and organizational structure; providing for regulation of health care practitioners; amending s. 20.165, F.S.; deleting references to health care practitioners from provisions relating to the Department of Business and Professional Regulation; amending s. 20.42, F.S.; revising organization of the Agency for Health Care Administration, to conform; transferring responsibilities relating to health care practitioner licensure and regulation to the Department of Health; creating s. 455.2055, F.S.; providing for appointment of members of regulatory boards under the Department of Health; amending s. 154.02, F.S.; renaming the Public Health Unit Trust Fund as the County Health Department Trust Fund and transferring administration to the Department of Health; amending s. 154.04, F.S.; providing for the appointment of county health department directors and administrators; creating s. 381.00315, F.S.; providing for public health emergencies and advisories; amending s. 391.051, F.S.; revising qualifications of the director of children's medical services; providing for appointment of a transition advisory committee; requiring a schedule of transition activities and certain recommendations; providing timeframes; establishing a task force to study and make recommendations regarding the appropriate governmental structure for the purchase, regulation, and delivery of health care in the state; requiring a report; providing certain reorganizational authority and budget flexibility for the Department of Children and Family Services and the

Department of Health; providing limitations; providing for the continuation of rules; providing for transfer of certain trust funds and cash balances; providing for the effect of the act on pending judicial and administrative proceedings; providing severability; directing the statute editors to prepare a reviser's bill; providing an appropriation; providing for a task force to study the organizational structure for the delivery of social services; providing for appointments; providing for a report; providing an appropriation; providing effective dates.

On motion by Senator Myers, by two-thirds vote **CS for HB 555** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Meadows, the rules were waived and by two-thirds vote—

HB 2705—A bill to be entitled An act relating to comprehensive planning and land management; amending s. 163.3171, F.S.; authorizing the state land planning agency and a local government to enter into certain agreements with each other and with a landowner, developer, or governmental agency; amending s. 163.3177, F.S.; providing that the future land use plan element of a county's local government comprehensive plan may designate areas for possible municipal incorporation; revising the requirements for the intergovernmental coordination element of comprehensive plans; revising provisions relating to certain required interlocal or other formal agreements; revising requirements for implementation of intergovernmental coordination element requirements by local governments; amending ss. 163.3180 and 163.3191, F.S.; correcting references; amending s. 163.3187, F.S.; revising conditions under which a local government is authorized to adopt small scale development amendments to its comprehensive plan without regard to statutory limits on frequency of plan amendments; requiring certain information in the notice of such amendments; revising provisions which restrict amendments to local government comprehensive plans if an evaluation and appraisal report or addendum has not been submitted; repealing s. 163.3202(6), F.S., relating to adoption by local governments of land development regulations to implement certain requirements of the intergovernmental coordination element deleted by this act; creating s. 163.3217, F.S.; authorizing counties to adopt a municipal overlay for municipal incorporation as an amendment to their comprehensive plans and providing requirements with respect thereto; amending s. 165.041, F.S.; requiring that a feasibility study and the municipal overlay, where adopted, be submitted in conjunction with a proposed special act enacting a municipal charter; creating s. 186.803, F.S.; authorizing governmental entities to use certain maps and graphic information materials for certain planning and area identification purposes and providing requirements with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact, and repealing subsection (27) thereof; removing provisions which allow termination of the development-of-regional-impact program within the jurisdiction of a local government that has adopted a comprehensive plan that has been found in compliance and that includes an intergovernmental coordination element that meets certain requirements deleted by this act; providing that certain time restrictions with respect to comprehensive plan amendments do not apply to concurrent plan amendments; removing provisions which allow expedited development-of-regional-impact review under certain conditions; revising provisions relating to requests for additional information regarding an application for development approval by a regional planning agency; revising requirements relating to the date of the public hearing on an application; providing conditions under which a local government may issue a development permit after the termination or expiration date contained in the development order; specifying the purpose of substantial deviation provisions; specifying the time for the public hearing on a change to an approved development of regional impact that a developer asserts is not a substantial deviation; revising time limitations applicable to review by a regional planning agency or the state land planning agency of proposed changes; providing for use of a dispute resolution process with respect to determination of a developer's or owner's rights, responsibilities, and obligations; amending s. 380.061, F.S., to conform; amending s. 380.0651, F.S.; revising requirements relating to statewide guidelines and standards with respect to development-of-regional-impact review for port facilities; amending s. 380.07, F.S.; conforming language; revising provisions relating to the effect of filing a notice of appeal for a development of regional impact within the jurisdiction of more than one local government; repealing s. 380.07(3), F.S., which provides for appeals to the Florida Land and Water Adjudicatory Commission of certain development orders issued by a local government that has terminated the development-of-regional-impact program; repealing s. 380.11(1)(b) and (2)(e), F.S., which provide for enforcement through injunctive action or administrative proceeding with respect to certain projects within a jurisdiction where the development-of-regional-impact program has been terminated; authorizing the Department of Community Affairs to undertake a sustainable communities demonstration project; providing intent; providing guidelines to be followed by the department in determining whether to designate all or part of a local government as a sustainable community; providing procedures and requirements for such designation and removal thereof; providing for administrative review; providing the benefits to be received by such local governments with respect to comprehensive plan amendments, exemption from development-of-regional-impact and Florida Quality Development program review; providing duties of the Executive Office of the Governor and other departments with respect to specified programs in designated local governments; authorizing certain agreements; requiring reports; specifying the period of such designation and providing for renewal; providing for review and repeal; establishing the Florida Conflict Resolution Consortium as a statewide center within the State University System; providing an effective date.

—a companion measure, was substituted for **CS for SB 2376** and by two-thirds vote read the second time by title. On motion by Senator Meadows, by two-thirds vote **HB 2705** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for HB 961—A bill to be entitled An act relating to retirement; amending s. 112.05, F.S.; eliminating references to the "standard benefit" and providing for the calculation of the cost-of-living adjustment pursuant to s. 121.101, F.S.; amending s. 112.64, F.S.; modifying requirements for determining payroll growth assumptions for unfunded liability amortization schedules; amending s. 112.658, F.S.; providing for the Office of Program Policy Analysis and Government Accountability, rather than the Auditor General, to determine compliance of the Florida Retirement System with the Florida Protection of Public Employee Retirement Benefits Act; amending ss. 121.021 and 121.30, F.S.; adopting a $150,000 COLA-adjusted federal compensation limitation applicable to future employees and clarifying that existing employees remain subject to a $200,000 COLA-adjusted federal compensation limitation for the Florida Retirement System or optional plans joined in lieu thereof; removing obsolete language from the definition of "city"; redefining "compensation" to exclude certain FRS employer contributions to salary reduction, deferred compensation, or tax-sheltered annuity plans from consideration as compensation for retirement purposes; amending s. 121.051, F.S.; declaring certain employees ineligible to participate in the Florida Retirement System; providing for compulsory participation of employees of certain dependent governmental entities under the jurisdiction of an independent governmental entity in the Florida Retirement System; amending s. 121.052, F.S.; authorizing certain elected officials to elect membership in the Senior Management Service Class under specified conditions; clarifying provisions relating to purchase of retirement credit for upgraded service by certain elected officers and former elected officers; amending s. 121.055, F.S.; allowing certain elected officials to participate in the Senior Management Service Optional Annuity Program under certain conditions; providing for compulsory membership in the Senior Management Service Class for certain senior managers in the Department of Military Affairs; amending s. 121.091, F.S.; allowing an exemption in the reemployment-after-retirement limitation for participants in a phased retirement program within the State Community College System; amending s. 121.101, F.S.; eliminating the use of the standard benefit when calculating the initial cost-of-living adjustment; clarifying provisions relating to determination of the monthly benefit; establishing a supplemental cost-of-living adjustment for certain retirees and beneficiaries; amending s. 121.1115, F.S.; clarifying requirements for purchase of retirement credit for out-of-state public employment; creating s. 121.182, F.S.; authorizing counties to purchase annuities for county personnel; amending ss. 122.02 and 122.355, F.S.; clarifying that existing State and County Officers' and Employees' Retirement System employees remain subject to a $200,000 COLA-adjusted federal compensation limitation; amending ss. 238.01 and 238.325, F.S.; clarifying that existing Teachers' Retirement System employees remain subject to a $200,000 COLA-adjusted federal compensation limitation; adjusting contribution rates for the various classes and

subclasses of membership in the Florida Retirement System; providing effective dates.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 112.05, Florida Statutes, is amended to read:

112.05 Retirement; cost-of-living adjustment; employment after retirement.—

(2)~~(a)~~ *An annual cost-of-living adjustment shall be made to the monthly benefit payable to retirees who are retired under this section pursuant to the provisions of s. 121.101* ~~On July 1, 1974, and each July 1 thereafter, an initial cost-of-living adjustment shall be made to the monthly benefit payable to certain retirees who are retired under the provisions of this section and who are 65 years old or older on July 1 of the adjustment year. The cost-of-living adjustment provided in this subsection shall also be applicable to all persons who are retired, or who may hereafter retire, under this section, on the first July 1 following their 65th birthday and each July 1 thereafter~~.

~~(b) The initial cost-of-living adjustment authorized by this subsection shall be made by using the formula provided in, and pursuant to, the provisions of s. 121.101 for initial adjustments, except that the standard benefit for any retiree under this section shall be 48 percent of the retiree's average final compensation, regardless of years of service.~~

~~(c) On each July 1 following the initial adjustment of a retiree's benefit, the monthly benefit shall be adjusted to an amount equal to the sum of the monthly benefit being received on June 30 immediately preceding the adjustment date, plus a percentage of this benefit, such percentage to be equal to the percentage change in the average cost-of-living index as of the date of adjustment from the average cost-of-living index for the next preceding adjustment date. However, the percentage change used to make the cost-of-living adjustment shall not exceed 3 percent for any annual adjustment date.~~

~~(d) Any retiree whose benefit has been adjusted pursuant to s. 112.362 shall not be entitled to the cost-of-living adjustment provided in this subsection until receipt of the adjusted benefit provided by s. 112.362 for 1 full year.~~

~~For purposes of the implementation of the July 1, 1981, adjustment provided in paragraph (c), the June 30, 1981, monthly benefit shall be considered equal to the monthly benefit as adjusted pursuant to this paragraph, and the July 1, 1981, adjustment pursuant to paragraph (c) shall be in addition to the adjustment provided by this paragraph.~~

Section 2. Subsection (5) of section 112.64, Florida Statutes, is amended to read:

112.64 Administration of funds; amortization of unfunded liability.—

(5)*(a)* If the amortization schedule for unfunded liability is to be based on a contribution derived in whole or in part from a percentage of the payroll of the system or plan membership, the assumption as to payroll growth shall not exceed the average payroll growth for the *10* ~~3~~ years prior to the latest actuarial valuation of the system or plan unless a transfer, merger, or consolidation of government functions or services occurs, in which case the assumptions for payroll growth may be adjusted and may be based on the membership of the retirement plan or system subsequent to such transfer, merger, or consolidation.

(b) An unfunded liability amortization schedule that includes a payroll growth assumption and is in existence on September 30, 1996, or is established thereafter, may be continued using the same payroll growth assumption, or one not exceeding the payroll growth assumption established at the start of the schedule, regardless of the actual 10-year average payroll growth rate, provided that:

1. The assumptions underlying the payroll growth rate are consistent with the actuarial assumptions used to determine unfunded liabilities, including, but not limited to, the inflation assumption; and

2. The payroll growth rate is reasonable and consistent with future expectations of payroll growth.

(c) An unfunded liability amortization schedule that does not include a payroll growth assumption and is in existence on September 30, 1996, or is established thereafter, may be continued or modified to include a payroll growth assumption, provided that such assumption does not exceed the 10-year average payroll growth rate as of the actuarial valuation date such change in the amortization schedule commences. Such schedule may be continued thereafter, subject to the reasonable and consistent requirements in paragraph (b).

Section 3. Section 112.658, Florida Statutes, is amended to read:

112.658 *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~ to determine compliance of the Florida Retirement System.—

(1) The *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~ shall determine, through the examination of actuarial reviews, financial statements, and the practices and procedures of the Division of Retirement, the compliance of the Florida Retirement System with the provisions of this act.

(2) The *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~ shall employ an independent consulting actuary who is an enrolled actuary as defined in this part to assist in the determination of compliance.

(3) The *Office of Program Policy Analysis and Government Accountability* ~~Auditor General~~ shall employ the same actuarial standards to monitor the Division of Retirement as the Division of Retirement uses to monitor local governments.

Section 4. Subsections (7) and (22) of section 121.021, Florida Statutes, are amended to read:

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

(7) "City" means any municipality duly incorporated under the laws of the state~~, if such municipality is eligible to participate under chapter 210 (tax on cigarettes)~~.

(22) "Compensation" means the monthly salary paid a member by his or her employer for work performed arising from that employment, including overtime payments paid from a salary fund~~.~~*, except that:*

(a) Under no circumstances shall compensation include fees paid professional persons for special or particular services or include salary payments made from a faculty practice plan operated by rule of the Board of Regents for eligible clinical faculty at the University of Florida and the University of South Florida.

(b) For all purposes under this chapter, the *member's* compensation or gross compensation *contributed as employee-elective salary reductions or deferrals to* ~~of any member participating in~~ any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the Internal Revenue Code shall be deemed to *be* ~~have been~~ the compensation or gross compensation which the member would *receive* ~~have received~~ if he or she were not participating in such program *and shall be treated as compensation for retirement purposes under this chapter. Any public funds otherwise paid by an employer into an employee's salary reduction, deferred compensation, or tax-sheltered annuity program on or after July 1, 1990 (the date as of which all employers were notified in writing by the division to cease making contributions to the System Trust Fund based on such amounts) shall be considered a fringe benefit, and shall not be treated as compensation for retirement purposes under this chapter. However, if an employer was notified in writing by the division to cease making such contributions as of a different date, that employer shall be subject to the requirements of said written notice.*

(c) For any person who first becomes a member on or after July 1, 1996, compensation for any plan year shall not include any amounts in excess of the Internal Revenue Code Section 401(a)(17) limitation [as amended by the Omnibus Budget Reconciliation Act of 1993], which limitation of $150,000 effective July 1, 1996, shall be adjusted as required by federal law for qualified government plans and shall be further

adjusted for changes in the cost of living in the manner provided by Internal Revenue Code Section 401(a)(17)(B). For any person who first became a member prior to July 1, 1996, compensation for all plan years beginning on or after July 1, 1990, shall not include any amounts in excess of the compensation limitation [originally $200,000] established by Internal Revenue Code Section 401(a)(17) prior to the Omnibus Budget Reconciliation Act of 1993, which limitation shall be adjusted for changes in the cost of living since 1989, in the manner provided by Internal Revenue Code Section 401(a)(17)(1991). This limitation, which has been part of the Florida Retirement System since plan years beginning on or after July 1, 1990, shall be adjusted as required by federal law for qualified government plans.

Section 5. Paragraph (d) is added to subsection (1) of section 121.051, Florida Statutes, and paragraph (c) is added to subsection (2) of that section, to read:

121.051 Participation in the system.—

(1) COMPULSORY PARTICIPATION.—

(d) Employees of a not-for-profit corporation or association created by the Board of County Commissioners of Palm Beach County for the purpose of owning, operating, or managing a public bus transit system formerly operated or managed by a private corporation subject to 49 U.S.C., Section 5333(b), shall not be eligible to participate in the Florida Retirement System.

(2) OPTIONAL PARTICIPATION.—

(c) Notwithstanding any other provision of this chapter to the contrary, any independent participating agency that has failed to report the employees of a dependent governmental entity within its jurisdiction for membership in the Florida Retirement System as required under this chapter shall enroll the employees of the dependent entity into the system effective July 1, 1996. The eligible employees of the dependent entity shall be compulsory members of the Florida Retirement System as of that date. Such employees are eligible to claim past service as provided in s. 121.081.

Section 6. Present paragraphs (f) and (g) of subsection (1) of section 121.055, Florida Statutes, are redesignated as paragraphs (g) and (h), respectively, and new paragraph (f) is added to that subsection to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(f) Effective July 1, 1996, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System employed with the Department of Military Affairs in the positions of the Adjutant General, Assistant Adjutant General-Army, Assistant Adjutant General-Air, State Quartermaster, Director of Military Personnel, Director of Administration, and additional directors as designated by the agency head, not to exceed a total of 10 positions. In lieu of participation in the Senior Management Service Class, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

Section 7. Paragraph (b) of subsection (9) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—No benefits shall be paid under this section unless the member has terminated employment as provided in s. 121.021(39) and a proper application has been filed in the manner prescribed by the division.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(b)1. Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be reemployed by any private or public employer after retirement and receive retirement benefits and compensation from his or her employer without any limitations, except that a person may not receive both a salary from reemployment with any agency participating in the Florida Retirement System and retirement benefits under this chapter for a period of 12 months immediately subsequent to the date of retirement.

2. Any person to whom the limitation in subparagraph 1. applies who violates such reemployment limitation and who is reemployed with any agency participating in the Florida Retirement System before completion of the 12-month limitation period shall give timely notice of this fact in writing to the employer and to the division and shall have his or her retirement benefits suspended for the balance of the 12-month limitation period. Any person employed in violation of this paragraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received while reemployed during this reemployment limitation period shall be repaid to the retirement trust fund, and retirement benefits shall remain suspended until such repayment has been made. Benefits suspended beyond the reemployment limitation shall apply toward repayment of benefits received in violation of the reemployment limitation.

3. A district school board may reemploy a retired member as a substitute or hourly teacher, teacher aide, transportation assistant, bus driver, or food service worker on a noncontractual basis after he or she has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. District school boards reemploying such teachers, teacher aides, transportation assistants, bus drivers, or food service workers are subject to the retirement contribution required by subparagraph 7. Reemployment of a retired member as a substitute or hourly teacher, teacher aide, transportation assistant, bus driver, or food service worker is limited to 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during his or her first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

4. A community college board of trustees may reemploy a retired member as an adjunct instructor, that is, an instructor who is noncontractual and part-time, *or as a participant in a phased retirement program within the State Community College System,* after he or she has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. Boards of trustees reemploying such instructors are subject to the retirement contribution required in subparagraph 7. A retired member may be reemployed as an adjunct instructor for no more than 780 hours during the first 12 months of retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain sus-

pended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

5. The State University System may reemploy a retired member as an adjunct faculty member or as a participant in a phased retirement program within the State University System after the retired member has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The State University System is subject to the retired contribution required in subparagraph 7., as appropriate. A retired member may be reemployed as an adjunct faculty member or a participant in a phased retirement program for no more than 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

6. The Board of Trustees of the Florida School for the Deaf and the Blind may reemploy a retired member as a substitute teacher, substitute residential instructor, or substitute nurse on a noncontractual basis after he or she has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The Board of Trustees of the Florida School for the Deaf and the Blind reemploying such teachers, residential instructors, or nurses is subject to the retirement contribution required by subparagraph 7. Reemployment of a retired member as a substitute teacher, substitute residential instructor, or substitute nurse is limited to 780 hours during the first 12 months of his or her retirement. Any retired member reemployed for more than 780 hours during the first 12 months of retirement shall give timely notice in writing to the employer and to the division of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the first 12 months of retirement. Any person employed in violation of this subparagraph and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during the first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until payment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

7. The employment by an employer of any retiree of any state-administered retirement system shall have no effect on the average final compensation or years of creditable service of the retiree. Prior to July 1, 1991, upon employment of any person, other than an elected officer as provided in s. 121.053, who has been retired under any state-administered retirement program, the employer shall pay retirement contributions in an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for regular members of the Florida Retirement System. Effective July 1, 1991, contributions shall be made as provided in s. 121.122 for renewed membership.

8. Any person who has previously retired and who is holding an elective public office or an appointment to an elective public office eligible for the Elected State and County Officers' Class on or after July 1, 1990, shall be enrolled in the Florida Retirement System as provided in s. 121.053(1)(b) or, if holding an elective public office that does not qualify for the Elected State and County Officers' Class on or after July 1, 1991, shall be enrolled in the Florida Retirement System as provided in s. 121.122, and shall continue to receive retirement benefits as well as compensation for the elected officer's service for as long as he or she remains in elective office. However, any retired member who served in an elective office prior to July 1, 1990, suspended his or her retirement benefit, and had his or her Florida Retirement System membership reinstated shall, upon retirement from such office, have his or her retirement benefit recalculated to include the additional service and compensation earned.

9. Any person who is holding an elective public office which is covered by the Florida Retirement System and who is concurrently employed in nonelected covered employment may elect to retire while continuing employment in the elective public office, provided that he or she shall be required to terminate his or her nonelected covered employment. Any person who exercises this election shall receive his or her retirement benefits in addition to the compensation of the elective office without regard to the time limitations otherwise provided in this subsection. No person who seeks to exercise the provisions of this subparagraph, as the same existed prior to May 3, 1984, shall be deemed to be retired under those provisions, unless such person is eligible to retire under the provisions of this subparagraph, as amended by chapter 84-11, Laws of Florida.

10. The limitations of this paragraph apply to reemployment in any capacity with an "employer" as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

Section 8. Subsections (2), (3), and (5) of section 121.101, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

121.101 Cost-of-living adjustment of benefits.—

(2) *As* ~~The terms~~ used in this section, ~~are defined as follows:~~

~~(a) "Standard benefit" means the monthly benefit calculated in accordance with s. 121.091 as for normal retirement, early retirement, or disability retirement, and adjusted, if an optional form of benefit payment was elected by the member, in the same ratio as his or her original benefit payment was adjusted. Such determination shall be made on the assumptions that:~~

~~1. Creditable service is the number of years of service for which benefits are provided by the system under which benefits are being paid; and~~

~~2. Average final compensation is the compensation base on which benefits being paid were determined.~~

~~(b)~~ "initial benefit" means the first monthly benefit payable to a retiree or beneficiary in accordance with the laws governing the determination of such benefit at the time of retirement or earlier death.

(3) ~~On each July 1,~~ Commencing July 1, 1987, the benefit of each retiree and annuitant shall be adjusted *on each July 1 thereafter,* as follows:

(a) For those retirees and annuitants who have never received a cost-of-living adjustment under this section, the amount of *the monthly* benefit payable for the 12-month period commencing on the adjustment date shall be the *amount* ~~sum~~ of the member's initial benefit *plus an amount equal to* ~~and~~ a percentage of the member's *initial* ~~standard~~ benefit*; this percentage is derived by dividing the number of months the member has received an initial benefit by 12, and multiplying the result by 3*~~, such percentage to be equal to three times the number of months the member has received an initial benefit, divided by twelve~~.

(b) For those retirees and annuitants who have received a cost-of-living adjustment under this section, the adjusted monthly benefit shall be the *amount* ~~sum~~ of the monthly benefit being received on June 30 immediately preceding the adjustment date *plus an amount equal to* ~~and~~ 3 percent of this benefit.

(5) The initial benefit ~~and standard benefit~~ of a retiree who elected an optional form of benefit payment which provided for a percentage of the benefit to be continued to a beneficiary after his or her death shall be reduced at the death of the retiree by application of the stated percentage.

(7) The purpose of this subsection is to establish a supplemental cost-of-living adjustment for certain retirees and beneficiaries who receive monthly retirement benefits under the provisions of chapter 121 and the existing systems consolidated therein, s. 112.05 for certain state officers and employees, and s. 238.171 for certain elderly incapacitated teachers.

(a) On July 1, 1996, each such retiree retiring prior to July 1, 1976, and each annuitant of such a retiree, who had 25 or more years of service, who is neither receiving nor eligible to receive Social Security benefits, and whose monthly benefit as of July 1, 1996, is less than $1,000, shall, upon application to the administrator, receive a supplemental cost-of-living adjustment. Such supplemental cost-of-living adjustment shall be applied by adjusting the retiree's or annuitant's monthly benefit to an amount equal to the sum of the monthly benefit being received on July 1, 1996, plus a percentage of the July 1, 1996, benefit. This percentage shall equal the product of 1 percent multiplied by the number of complete years that have elapsed between the member's date of retirement and July 1, 1996. However, if the supplemental cost-of-living adjustment plus the July 1, 1996, monthly benefit would exceed $1,000, the adjustment shall be reduced to an amount which would result in a monthly benefit equal to $1,000.

(b) Application for the supplemental cost-of-living adjustment provided by this subsection shall include certification by the retiree or annuitant that he or she is not receiving, and is not eligible to receive, Social Security benefits and shall include written authorization for the division to have access to information from the Social Security Administration concerning his or her entitlement to, or eligibility for, Social Security benefits. Such supplemental cost-of-living adjustment shall not be paid unless and until the application requirements of this paragraph are met.

Section 9. Section 121.1115, Florida Statutes, is amended to read:

121.1115 Purchase of retirement credit for out-of-state service.—Effective January 1, 1995, a member of the Florida Retirement System may purchase creditable service for periods of public employment in another state and receive creditable service for such periods of employment. Upon completion of each year of service earned under the Florida Retirement System, a member may purchase up to 1 year of retirement credit for his or her out-of-state service, subject to the following provisions:

(1) LIMITATIONS AND CONDITIONS.—To receive credit for the out-of-state service:

(a) The out-of-state service being claimed must have been*:*

1. Performed in a position of employment with the state or a political subdivision thereof*;*~~.~~

2. Covered by a retirement or pension plan provided by the state or political subdivision; and

3. Performed prior to a period of membership in the Florida Retirement System.

(b) The member must have completed a minimum of 10 years of creditable service under the Florida Retirement System, excluding out-of-state service.

(c) Not more than 5 years of creditable service may be claimed for *creditable* ~~such out-of-state~~ service *aggregated under the provisions of this section*~~, and such service may be claimed only as service in the Regular Class of membership~~.

(d) The out-of-state service *credit* claimed *under this section shall be credited only as service in the Regular Class of membership,* and any benefit or pension based thereon~~,~~ shall be subject to the limitations and restrictions of s. 112.65.

(e) *A member shall be eligible to receive service credit for out-of-state service performed after leaving the Florida Retirement System only upon return to membership and completion of at least 1 year of creditable service in the Florida Retirement System following the out-of-state service.* Military service may not be claimed under this section as out-of-state service.

(2) COST.—For each year claimed, the member must pay into the System Trust Fund an amount equal to 20 percent of the member's annual compensation for the first full work year of creditable service earned under the Florida Retirement System, but not less than $12,000, plus interest at 6.5 percent compounded annually from the date of first annual salary earned until full payment is made. The employer may pay all or a portion of the cost of this service credit.

Section 10. Section 121.182, Florida Statutes, is created to read:

121.182 Retirement annuities authorized for county personnel.—Counties are authorized to purchase annuities for all county personnel with 25 or more years of creditable service who have reached age 50 and have applied for retirement under the Florida Retirement System. No such annuity shall provide for more than the total difference in retirement income between the retirement benefit based on average monthly compensation and creditable service as of the member's early retirement date and the early retirement benefit. Counties may also purchase annuities for members of the Florida Retirement System who have out-of-state service in another state or country which is documented as valid by the appropriate county. Such annuities may be based on no more than 5 years of out-of-state service and may equal, but not exceed, the benefits that would be payable under the Florida Retirement System if credit for out-of-state service was authorized under that system. Counties are authorized to invest funds, purchase annuities, or provide local supplemental retirement programs for purposes of providing annuities for county personnel. All retirement annuities shall comply with s. 14, Art. X of the State Constitution.

Section 11. Present subsections (6) and (7) of section 121.30, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section to read:

121.30 Statements of purpose and intent and other provisions required for qualification under the Internal Revenue Code of the United States.—

(6)(a) When computing benefits accrued or contributions to be made on behalf of any person who first becomes a member or participant on or after July 1, 1996, compensation taken into account for any plan year shall not include any amounts in excess of the Internal Revenue Code Section 401(a)(17) limitation [as amended by the Omnibus Budget Reconciliation Act of 1993] which limitation of $150,000 effective July 1996, shall be adjusted as required by federal law for qualified government plans and shall be further adjusted for changes in the cost of living in the manner provided by Internal Revenue Code Section 401(a)(17)(B).

(b) When computing benefits accrued or contributions to be made on behalf of any person who first became a member or participant prior to July 1, 1996, compensation for all plan years beginning on or after July 1, 1990, shall not include any amounts in excess of the compensation limitation [originally $200,000] established by the Internal Revenue Code Section 401(a)(17) prior to the Omnibus Budget Reconciliation Act of 1993, which limitation shall be adjusted for changes in the cost of living since 1989, in the manner provided by Internal Revenue Code Section 401(a)(17)(1991). This limitation, which has been part of the Florida Retirement System since plan years beginning on or after July 1, 1990, shall be adjusted as required by federal law for qualified government plans.

Section 12. Subsection (3) of section 122.02, Florida Statutes, is amended to read:

122.02 Definitions.—The following words and phrases as used in this chapter shall have the following meaning unless a different meaning is plainly required by the context:

(3) "Salary" shall mean the fixed monthly compensation paid officers and employees, and where officers' or employees' compensation is derived from fees set by statute, salary shall be the total cash remuneration received from such fees. Under no circumstances shall salary include fees paid professional persons for special or particular services. *However, salary for all plan years beginning on or after July 1, 1990, shall not include any amounts in excess of the compensation limitation [originally $200,000] established by Internal Revenue Code Section*

401(a)(17) prior to the Omnibus Budget Reconciliation Act of 1993, which limitation shall be adjusted for changes in the cost of living since 1989, in the manner provided by Internal Revenue Code Section 401(a)(17)(1991). This limitation, which has been part of the State and County Officers' and Employees' Retirement System since plan years beginning on or after July 1, 1990, shall be adjusted as required by federal law for qualified government plans.

Section 13. Present subsection (6) of section 122.355, Florida Statutes, is amended and renumbered as subsection (7), and a new subsection (6) is added to that section, to read:

122.355 Statements of purpose and intent and other provisions required for qualification under the Internal Revenue Code of the United States.—Any other provisions in this chapter to the contrary notwithstanding, it is specifically provided that:

(6) The compensation limits established by Internal Revenue Code Section 401(a)(17) prior to the Omnibus Budget Reconciliation Act of 1993, and adjusted for changes in the cost of living since 1989, in the manner provided by Internal Revenue Code Section 401(a)(17)(1991), was part of the State and County Officers' and Employees' Retirement System on July 1, 1993.

(7)~~(6)~~ *Except as otherwise provided herein,* the provisions of this section are declaratory of the legislative intent upon the original enactment of this chapter and are hereby deemed to have been in effect from such date.

Section 14. Subsection (13) of section 238.01, Florida Statutes, is amended to read:

238.01 Definitions.—The following words and phrases as used in this chapter shall have the following meanings unless a different meaning is plainly required by the context:

(13) "Earnable compensation" means the full compensation payable to a teacher working the full working time for his or her position. In respect to plans A, B, C, and D only, in cases where compensation includes maintenance, the division shall fix the value of that part of the compensation not paid in money; provided that all members shall from July 1, 1955, make contributions to the retirement system on the basis of "earnable compensation" as defined herein and all persons who are members on July 1, 1955, may, upon application, have their "earnable compensation" for the time during which they have been members prior to that date determined on the basis of "earnable compensation" as defined in this law, upon paying to the retirement system, on or before the date of retirement, a sum equal to the additional contribution with accumulated regular interest thereon they would have made if "earnable compensation" had been defined, at the time they became members, as it is now defined. *However, earnable compensation for all plan years beginning on or after July 1, 1990, shall not include any amounts in excess of the compensation limitation [originally $200,000] established by Internal Revenue Code Section 401(a)(17) prior to the Omnibus Budget Reconciliation Act of 1993, which limitation shall be adjusted for changes in the cost of living since 1989, in the manner provided by Internal Revenue Code Section 401(a)(17)(1991). This limitation, which has been part of the Teachers' Retirement System since plan years beginning on or after July 1, 1990, shall be adjusted as required by federal law for qualified government plans.*

Section 15. Present subsection (6) of section 238.325, Florida Statutes, is amended and renumbered as subsection (7), and a new subsection (6) is added to that section, to read:

238.325 Statements of purpose and intent and other provisions required for qualification under the Internal Revenue Code of the United States.—Any other provisions in this chapter to the contrary notwithstanding, it is specifically provided that:

(6) The compensation limits established by Internal Revenue Code Section 401(a)(17) prior to the Omnibus Budget Reconciliation Act of 1993, and adjusted for changes in the cost of living since 1989, in the manner provided by Internal Revenue Code Section 401(a)(17)(1991), was part of the Teachers' Retirement System of Florida on July 1, 1993.

(7)~~(6)~~ *Except as otherwise provided herein,* the provisions of this section are declaratory of the legislative intent upon the original enactment of this chapter and are hereby deemed to have been in effect from such date.

Section 16. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to retirement; amending s. 112.05, F.S.; eliminating references to the "standard benefit" and providing for the calculation of the cost-of-living adjustment pursuant to s. 121.101, F.S.; amending s. 112.64, F.S.; modifying requirements for determining payroll growth assumptions for unfunded liability amortization schedules; amending s. 112.658, F.S.; providing for the Office of Program Policy Analysis and Government Accountability, rather than the Auditor General, to determine compliance of the Florida Retirement System with the Florida Protection of Public Employee Retirement Benefits Act; amending ss. 121.021 and 121.30, F.S.; adopting a $150,000 COLA-adjusted federal compensation limitation applicable to future employees and clarifying that existing employees remain subject to a $200,000 COLA-adjusted federal compensation limitation for the Florida Retirement System or optional plans joined in lieu thereof; removing obsolete language from the definition of "city"; redefining "compensation" to exclude certain FRS employer contributions to salary reduction, deferred compensation, or tax-sheltered annuity plans from consideration as compensation for retirement purposes; amending s. 121.051, F.S.; declaring certain employees ineligible to participate in the Florida Retirement System; providing for compulsory participation of employees of certain dependent governmental entities under the jurisdiction of an independent governmental entity in the Florida Retirement System; clarifying provisions relating to purchase of retirement credit for upgraded service by certain elected officers and former elected officers; amending s. 121.055, F.S.; providing for compulsory membership in the Senior Management Service Class for certain senior managers in the Department of Military Affairs; amending s. 121.091, F.S.; allowing an exemption in the reemployment-after-retirement limitation for participants in a phased retirement program within the State Community College System; amending s. 121.101, F.S.; eliminating the use of the standard benefit when calculating the initial cost-of-living adjustment; clarifying provisions relating to determination of the monthly benefit; establishing a supplemental cost-of-living adjustment for certain retirees and beneficiaries; amending s. 121.1115, F.S.; clarifying requirements for purchase of retirement credit for out-of-state public employment; creating s. 121.182, F.S.; authorizing counties to purchase annuities for county personnel; amending ss. 122.02 and 122.355, F.S.; clarifying that existing State and County Officers' and Employees' Retirement System employees remain subject to a $200,000 COLA-adjusted federal compensation limitation; amending ss. 238.01 and 238.325, F.S.; clarifying that existing Teachers' Retirement System employees remain subject to a $200,000 COLA-adjusted federal compensation limitation; providing effective dates.

On motion by Senator Thomas, by two-thirds vote **CS for HB 961** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTIONS

On motions by Senator Jennings, the rules were waived and by two-thirds vote **CS for SB 2552**, **SB 1238**, **SB 1240**, **SB 1650**, **CS for SB 1728** and **CS for SB 2472** were established as the Special Order Calendar; and by two-thirds vote **CS for SB 2314** was withdrawn from the Committee on Ways and Means and placed on the Special Order Calendar; and by two-thirds vote **CS for HB 711** was withdrawn from the Committee on Governmental Reform and Oversight and placed on the Special Order Calendar.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB's 1883 and 2067** was withdrawn from the Committee on Commerce and Economic Opportunities.

On motions by Senator Kirkpatrick, by unanimous consent—

CS for HB's 1883 and 2067—A bill to be entitled An act relating to the Florida workforce; creating the "Workforce Florida Act of 1996"; providing legislative intent; providing for a workforce development strategy; providing for a charter process; providing for Regional Workforce Development Boards; delineating board membership, roles, and duties; creating the "Untried Worker Placement and Employment Incentive Act"; defining the term "untried worker"; authorizing the pilot program; outlining program responsibilities; providing for future repeal; amending s. 288.0475, F.S.; revising the membership of the board of directors of Enterprise Florida Jobs and Education Partnership; authorizing the partnership to appoint subcommittees to comply with certain federal requirements; deleting reference to the advisory committee to the State Job Training Coordinating Council; providing additional powers and duties of the Enterprise Florida Jobs and Education Partnership board; providing for financial disclosure by board members; requiring the Enterprise Florida Jobs and Education Partnership to establish performance goals and standards; amending s. 446.20, F.S.; designating the Enterprise Florida Jobs and Education Partnership as the State Human Resource Investment Council; repealing s. 446.31, F.S., relating to the Florida Human Resource Development Council; providing for the future repeal of the Advisory Board on Constructive Youth Programs, the Education Success Incentive Council, and the Quick Response Advisory Committee; creating s. 290.0067, F.S.; providing for renaissance area; providing for legislative findings; providing for a pilot program; providing for future repeal; providing for the application of the act; providing a timeframe for the designation of primary service providers; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1—On page 18, line 5, after the period (.) insert: *Notwithstanding section 216.351, Florida Statutes, to allow time for documentation of program performance, funds allocated for the incentives provided in this section and section 239.249, Florida Statutes, must be carried forward to the next fiscal year and must be awarded for the current year's performance, unless federal law requires the funds to revert at the year's end.*

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 23, line 29 through page 28, line 5, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 31, line 30, after the semicolon (;) through page 32, line 3, through the semicolon (;) delete those lines

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 3—On page 13, line 4, delete "*75*" and insert: *50*

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB's 1883 and 2067** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

Consideration of **CS for SB 2552** was deferred.

RECESS

The Senate recessed at 7:00 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by Senator Silver at 8:23 p.m. A quorum present—39:

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	

SPECIAL ORDER CALENDAR, continued

On motion by Senator Sullivan, by two-thirds vote **HB 1009** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Sullivan, the rules were waived and—

HB 1009—A bill to be entitled An act relating to education; creating s. 229.0535, F.S.; providing responsibility of the State Board of Education to implement a system of school improvement and accountability; authorizing intervention in the operation of district school systems with low-performing schools; authorizing recommendation of specified actions; authorizing the withholding of funds; amending s. 39.01, F.S.; revising definition relating to habitually truant children for purposes of proceedings relating to juveniles; amending s. 39.426, F.S.; revising the composition of case staffing committees; amending s. 228.041, F.S.; revising definition of habitual truant for purposes of the Florida School Code; amending s. 230.2316, F.S., relating to dropout prevention; revising definition of second chance schools; authorizing assignment of truants to second chance schools; providing requirements for programs to eliminate truancy; amending s. 232.17, F.S.; revising duties of attendance assistants relating to regular school attendance by students; amending s. 232.19, F.S., relating to court procedure and penalties; revising procedures in cases of habitual truancy; requiring educational evaluation and a cooperative agreement; amending s. 229.592, F.S., relating to waiver of statutes; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1884 and 2682** and read the second time by title.

Senator Bankhead moved the following amendment which was adopted:

Amendment 1—On page 6, line 14 through page 18 line 15, delete those lines and insert:

Section 3. Subsection (73) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter:

(73) "To be habitually truant" means that:

(a) The child has *15 unexcused absences within 90 days with or* ~~been absent from school~~ without the knowledge or justifiable consent of the child's parent or legal guardian and is not exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education;

(b) In addition to the actions described in s. 232.17, the school administration has completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. *After a minimum of 3 and prior to 15 unexcused absences within 90 days,* one or more meetings have been held, *either in person or by phone,* between a school attendance *assistant* ~~professional~~ or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance *assistant* ~~professional~~ or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met ~~and the school administration shall proceed to the next escalating activity~~;

2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any

changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, *including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior*; ~~and~~

3. Educational evaluation, *pursuant to the requirements of s. 232.19(3)(b)3.*, ~~which may include psychological evaluation,~~ has been provided ~~to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition~~; *and*

4. The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant has referred the student and family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in s. 232.19(3). The case staffing committee may request the department or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies.

If a child within the compulsory school attendance age is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant. If a child within the compulsory school attendance age has 15 unexcused absences or fails to enroll in school, the State Attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may elect to file a child-in-need-of-services petition.

(c) A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake counselor or case manager of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior; and

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) shall be handled as prescribed in s. 232.19.

Section 4. Subsection (2) of section 39.426, Florida Statutes, is amended to read:

39.426 Case staffing; services and treatment to a family in need of services.—

(2) The composition of the case staffing committee shall be based on the needs of the family and child. It shall include ~~the intake counselor pursuant to s. 39.423, the intake counselor's supervisor,~~ a representative *from* ~~of~~ the child's school ~~district,~~ and a representative of the Department of Juvenile Justice, and may include *a supervisor of the department's contracted provider,* a representative from the area of health, mental health, *substance abuse,* social, or educational services, *the alternative sanctions coordinator,* and any person recommended by the child or family.

Section 5. Subsection (28) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(28) HABITUAL TRUANT.—A habitual truant is a student who has *15 unexcused absences within 90 days* ~~been absent from school~~ with or without the knowledge or consent of the student's parent or legal guardian and who is not exempt from attendance by virtue of being over the age of compulsory school attendance, by meeting the criteria in s. 232.06 or s. 232.09, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 232.17 and 232.19, without resultant successful remediation of the truancy problem before being dealt with as a *child in need of services* ~~dependent child~~ according to the provisions of chapter 39.

Section 6. Paragraphs (a) and (e) of subsection (3), paragraphs (a) and (e) of subsection (4), and paragraphs (a) and (g) of subsection (5) of section 230.2316, Florida Statutes, are amended to read:

230.2316 Dropout prevention.—

(3) DEFINITIONS.—As used in this section, the term:

(a) "Educational alternatives programs" means educational programs which are designed to offer variations of traditional instructional programs and strategies for the purpose of increasing the likelihood that grade 4 through grade 12 students who are unmotivated, or *deemed habitually truant as defined in s. 228.041(28) or* unsuccessful in traditional programs remain in school and enroll in a program of study that leads to a high school diploma or its equivalent.

(e) "Second chance schools" means school district programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies *for students deemed habitual truants as defined in s. 228.041(28), or* for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers from the Commissioner of Education to chapters 230-235 and 239 and State Board of Education rules that prevent the provision of appropriate educational services to violent, severely disruptive, and delinquent students in small nontraditional settings and in court-adjudicated settings.

(4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—All programs funded pursuant to the provisions of this section shall be positive and shall reflect strong parental and community involvement. In addition, specific programs shall meet the following criteria:

(a) Educational alternatives programs.—

1. The program differs from traditional education programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and employs alternative teaching methodologies, curricula, learning activities, or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. Student participation in such programs shall be voluntary. The minimum period of time during which the student participates in the program shall be equivalent to two instructional periods per day unless the program utilizes a student support and assistance component rather than regularly scheduled courses.

2. A student support and assistance component may be used to provide academic assistance and coordination of support services to students enrolled full time in a regular classroom who are eligible for educational alternative programs. This component shall include auxiliary services provided to students or teachers, or both. Students participating in this model shall generate funding only for the time that they receive extra services or auxiliary help.

3. The student has been identified as being a potential dropout based upon one of the criteria:

a. The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels or high absenteeism *or habitual truancy as defined in s. 228.041(28)*;

b. The student has not been successful in school as determined by retentions, failing grades, or low achievement test scores and has needs and interests that cannot be met through traditional programs;

c. The student has been identified as a potential school dropout by student services personnel using district criteria. District criteria that

are used as a basis for student referral to an educational alternatives program shall identify specific student performance indicators that the educational alternative program seeks to address;

d. The student has performed successfully in the educational alternatives program and wishes to remain enrolled in such program.

4. The remedial compensatory program must be coordinated in a manner which permits the exclusion of instructional staff members employed through the use of funds in this program from the comparability requirements of the Federal Compensatory Education Program.

(e) Second chance schools.—

1. A student enrolled in a sixth, seventh, eighth, ninth, or tenth grade class may be assigned to a second chance school if the student meets the following criteria:

a. The student is a habitual truant as defined in s. 228.041(28).

b. The student's excessive absences have detrimentally affected the student's academic progress and the student may have unique needs that a traditional school setting may not meet.

c. The student's high incidences of truancy have been directly linked to a lack of motivation.

d. The student has been identified as at risk of dropping out of school.

2. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to s. 39.426, F.S., determines that such placement could be beneficial to the student and the criteria included in (e)(1) are met.

3.~~1.~~ A student may be assigned to a second chance school if the student meets one of the following criteria:

a. The student habitually exhibits disruptive behavior in violation of the code of student conduct adopted by the school board.

b. The student interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or, while the student is under the jurisdiction of the school either in or out of the classroom, frequent conflicts of a disruptive nature occur.

c. The student has committed a serious offense which warrants suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "serious offense" is behavior which:

(I) Threatens the general welfare of students or others with whom the student comes into contact;

(II) Includes violence;

(III) Includes possession of weapons or drugs; or

(IV) Is harassment or verbal abuse of school personnel or other students.

4.~~2.~~ Prior to assignment of students to second chance schools, school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, *a reduction in the incidence of truancy,* and the development of more effective interpersonal skills.

5.~~3.~~ Students assigned to second chance schools must be evaluated by the school's local child study team before placement in a second chance school. The study team shall ensure that students are not eligible for placement in a program for emotionally disturbed children.

6.~~4.~~ Students who exhibit academic and social progress and who wish to return to a traditional school shall be evaluated by school district personnel prior to reentering a traditional school.

7.~~5.~~ Second chance schools shall be funded at the dropout prevention program weight pursuant to s. 236.081 and may receive school safety funds or other funds as appropriate.

(5) PROGRAM PLANNING AND IMPLEMENTATION.—

(a) Each district may establish one or more alternative programs for dropout prevention at the elementary, middle, junior high school, or high school level. *Programs designed to eliminate habitual truancy shall emphasize academic performance and may provide specific instruction in the areas of vocational education, pre-employment training, and behavioral management. Such programs shall utilize instructional teaching methods appropriate to the specific needs of the student.*

(g) Districts may modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs pursuant to the provisions of this section. Such modifications must be approved by the commissioner and may include lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction, and activities conducted within the student support and assistance component of education alternatives.

Section 7. Paragraph (c) of subsection (2) of section 232.17, Florida Statutes, is amended to read:

232.17 Attendance assistants; qualifications; compensation; duties.—Provisions for the employment, qualifications, compensation, and duties of attendance assistants shall be as follows:

(2) DUTIES AND RESPONSIBILITIES OF ATTENDANCE ASSISTANTS.—The duties and responsibilities of the attendance assistant shall be exercised under the direction of the superintendent and shall be as follows:

(c) Give written notice.—Under the direction of the superintendent, the attendance assistant shall give written notice, either in person or by registered mail, to the parent, *guardian, or other person having control* when no valid reason is found for a child's nonenrollment in ~~or absence from~~ school *or when the child has a minimum of 3 but fewer than 15 unexcused absences within 90 days,* requiring enrollment or attendance within 3 days from the date of notice. If such notice and requirement are ignored, the attendance assistant shall report the case to the superintendent, and *may refer the case to the case staffing committee, established pursuant to s. 39.426, if the conditions of s. 232.19(3) have been met. The superintendent may* ~~that official as hereinafter provided shall~~ take such steps as are necessary to bring criminal prosecution against the parent, guardian, or other person having control. No further written notice of the child's absence from school is required to be given to the parent, *guardian, or other person having control* unless the child, upon his or her return to school, remains in attendance for 10 consecutive days.

Section 8. Subsection (3) of section 232.19, Florida Statutes, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(3) HABITUAL TRUANCY CASES.—*The school social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies.* ~~If a child becomes a habitual truant, the school administration must file with the children-in-need-of-services/family-in-need-of-services case staffing committee, as established in s. 39.426, within their juvenile justice district, a complaint alleging the facts and a request to file a children-in-need-of-services petition, and the child must be dealt with as a child in need of services according to the provisions of chapter 39.~~ Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria must be met and documented in writing prior to the filing of a petition:

(a) The child must have *15 unexcused absences within 90 days* ~~been absent from school~~ with or without the knowledge or consent of the child's parent or legal guardian and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education.~~; and~~

(b) In addition to the actions described in s. 232.17, the school administration must have completed the following activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. *After a minimum of 3 and prior to 15 unexcused absences within 90 days,* one or more meetings must have been held*, either in person or by phone,* between a school attendance *assistant* ~~professional~~ or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance *assistant* ~~professional~~ or school social worker has documented the refusal of the parent or guardian to participate in the meetings, this requirement has been met.~~; and~~

2. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, *such* ~~the~~ changes must have been instituted but proved unsuccessful in remedying the truant behavior. *Such* ~~The~~ curriculum changes may *include* ~~have included~~ enrollment of the child in an alternative education program that *meets* ~~met~~ the specific educational and behavioral needs of the child*, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior.*

3. Educational evaluation, which may include psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition.

If a child within the compulsory school attendance age is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall be passed.

(c) The district manager of the Department of Juvenile Justice or the district manager's designee and the superintendent of the local school district or the superintendent's designee must have developed a cooperative interagency agreement which clearly defines each department's role, responsibility, and function in working with habitual truants and their families. The interagency agreement shall specify that the participants address issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans. The interagency agreement shall delineate timeframes for implementation and identify a mechanism for reporting results by the district juvenile justice manager or the district manager's designee and the superintendent of schools or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed. The cooperative agreement may designate which agency shall be responsible for the intervention steps in s. 39.01(73), or s. 232.19, if such designation shall yield more effective and efficient intervention services.

Senator Sullivan moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 6 between lines 13 and 14, insert:

Section 3. Present paragraph (s) of subsection (1) of section 236.081, Florida Statutes, is redesignated as paragraph (t) and a new paragraph (s) is added to that subsection to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(s) Extended-school-year program.—It is the intent of the Legislature that students be provided additional instruction by extending the school year to 210 days or more. Districts may apply to the Commissioner of Education for funds to be used in planning and implementing an extended-school-year program. The Department of Education shall recommend to the Legislature the policies necessary for full implementation of an extended school year.

Section 4. This act shall take effect upon becoming a law.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: amending s. 236.081, F.S.; revising provisions relating to computation of the basic amount to be allocated to each school district for operation of schools; providing for an extended-school-year program; providing an effective date.

Senator Meadows moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 6, line 14 through page 18, line 15, delete those lines and insert:

Section 1. (1) The Department of Education shall establish a computer data base containing the names of persons whose employment is terminated under section 231.36(1)(a) or (4)(c), Florida Statutes, which information shall be available to the superintendents of the public school districts and their designees.

(2) The superintendent of each public school district shall report to the Department of Education the name of any person terminated under section 231.36(1)(a) or (4)(c), Florida Statutes, within 10 working days after the date of final action by the school board on the termination, and the department shall immediately enter the information in the computer records.

Section 2. Paragraph (b) of subsection (2) of section 231.02, Florida Statutes, is amended to read:

231.02 Qualifications of personnel.—

(2)

(b) *Any provision of law notwithstanding, by January 1, 1997 for personnel currently required to be certified under s. 231.17, and January 1, 1998 for all other personnel currently employed by any district school system or any other public school who have not been fingerprinted and screened in the same manner outlined in paragraph (a) shall submit a complete set of fingerprints taken by an authorized law enforcement officer or an employee of the school or district who is trained to take fingerprints. The fingerprints shall be submitted to the Department of Law Enforcement for state processing and the Federal Bureau of Investigation for federal processing. School districts which have authorized terminal access to the Florida Crimes Telecommunications Network or the National Crime Information Center may use that equipment for the background check required by this paragraph. Employees found through fingerprint processing to have been convicted of a crime involving moral turpitude shall not be employed in any position requiring direct contact with students. The cost of the fingerprint processing may be borne by the school district or the individual employee at a cost not to exceed $24.00. Any additional cost shall be borne by the Department of Education.* Each local school board and laboratory school shall develop policies necessary for the implementation of this subsection. The Commissioner of Education shall provide guidelines regarding standards of good moral character for use in the development of these policies. Within these standards, the lack of good moral character shall be defined as having been convicted of a crime involving moral turpitude.

Section 3. Section 231.045, Florida Statutes, is created to read:

231.045 Periodic criminal history record checks.—In cooperation with the Florida Department of Law Enforcement, the department shall have the authority to periodically perform a criminal history record check on individuals who hold a certificate pursuant to s. 231.17.

Section 4. Effective January 1, 1997, section 231.1712, Florida Statutes, is repealed and effective January 1998, section 231.1713, Florida Statutes, is repealed.

Section 5. Subsection (1) of section 231.261, Florida Statutes, is amended to read:

231.261 Education Practices Commission; organization.—

(1) There is created the Education Practices Commission, to consist of *15* ~~13~~ members, including *7* ~~5~~ teachers, 5 administrators, and 3 lay citizens (of whom 2 shall be former school board members), appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations, the commissioner shall consult with the teaching and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(a) A teacher member, in order to be qualified for appointment:

1. Must be certified to teach in the state.

2. Must be a resident of the state.

3. Must have practiced the profession in this state for at least 5 years immediately preceding the appointment.

(b) A school administrator member, in order to be qualified for appointment:

1. Must have an endorsement on the teaching certificate in the area of school administration or supervision.

2. Must be a resident of the state.

3. Must have practiced the profession as an administrator for at least 5 years immediately preceding the appointment.

(c) The lay members must be residents of the state.

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: requiring the establishment of a state data base containing the names of persons whose employment is terminated by school districts; amending s. 231.02, F.S.; requiring fingerprinting and background checks of certain employees of district school systems and other public schools; prohibiting certain individuals from employment in a position requiring direct contact with students; deleting a requirement for the adoption of local policies; deleting the requirement for the Commissioner of Education to provide guidelines regarding standards of good moral character; creating s. 231.045, F.S.; authorizing the Department of Education to periodically check criminal history records on certified educators; repealing s. 231.1712, F.S., relating to fingerprinting of certified instructional personnel upon initial employment; repealing s. 231.1713, F.S., relating to persons not required to be refingerprinted or rescreened in order to comply with caretaker screening or fingerprinting requirements; amending s. 231.261, F.S.; increasing the membership of the Education Practices Commission;

Senator Harris moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 6, line 14, through page 18, line 15, insert:

Section 3. Subsection (2) of section 232.26, Florida Statutes, is amended to read:

232.26 Authority of principal.—

(2) Suspension proceedings, pursuant to rules of the State Board of Education, may be initiated against any pupil enrolled as a student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents or legal guardian or custodian of such pupil by the principal of the school pursuant to rules promulgated by the State Board of Education and to rules developed pursuant to s. 231.085, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any pupil who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed 10 days, as determined by the superintendent. Such suspension shall not affect the delivery of educational services to the pupil, and the pupil shall be immediately enrolled in a daytime alternative education program, or an evening alternative education program, where appropriate. If the *court determines that the pupil did commit the felony or delinquent act which would have been a felony if committed by an adult, the school board shall have the authority to expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the pupil in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting.* ~~If the pupil is found guilty of a felony, the superintendent shall have the authority to determine if a recommendation for expulsion shall be made to the school board; however, such suspension or expulsion shall not affect the delivery of educational services to the pupil in any residential or nonresidential program outside the public school.~~ Any pupil who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 *may* ~~shall~~ be entitled to a waiver of the discipline or expulsion:

(a) If the pupil divulges information leading to the arrest and conviction of the person who supplied such controlled substance to him or her, or if the pupil voluntarily discloses his or her unlawful possession of such controlled substance prior to his or her arrest. Any information divulged which leads to such arrest and conviction is not admissible in evidence in a subsequent criminal trial against the pupil divulging such information.

(b) If the pupil commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.

(3) A pupil may be disciplined or expelled for unlawful possession or use of any substance controlled under Chapter 893 upon the third violation of this provision.

(4)~~(3)~~ Any recommendation for the expulsion of a handicapped student shall be made in accordance with the rules promulgated by the State Board of Education.

Section 4. For purpose of incorporating the amendment to section 232.26, Florida Statutes, in a reference thereto, subsection (11) of section 39.045, Florida Statutes, is reenacted to read:

39.045 Oaths; records; confidential information.—

(11) Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act. Upon notification, the principal is authorized to begin disciplinary actions pursuant to s. 232.26. The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the child. The principal must immediately notify the child's immediate classroom teachers.

Section 5. Section 232.271, Florida Statutes, is created to read:

232.271 Removal by teacher.—

(1) A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline-management techniques consistent with the student code of conduct under s. 230.23.

(2) A teacher may remove from class a student:

(a) Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or

(b) Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

(3) If a teacher removes a student from class under subsection (2), the principal may place the student in another appropriate classroom, in in-

school suspension, or in an alternative education program as provided by s. 230.2316; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under s. 232.272 determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within five days of the removal of the student from the classroom.

(4) Any teacher who removes 25 percent of his or her total class enrollment shall be required to complete professional development to improve classroom management skills.

(5) The department shall conduct a study on the number of students who are expelled from classrooms, placement alternatives for students who are expelled, and the number of decisions by teachers that are overridden by the placement review committee. A preliminary report to the Legislature shall be submitted no later than March 1, 1997. A final report shall be submitted to the Legislature by September 1, 1997.

Section 6. Section 232.272, Florida Statutes, is created to read:

232.272 Placement review committee.—Each school shall establish a committee to determine placement of a student when a teacher withholds consent to the return of a student to the teacher's class. Committee membership must include at least the following:

(1) Two teachers selected by the school's faculty; and

(2) One member from the school's staff who is selected by the principal.

The teacher who withheld consent to readmitting the student may not serve on the committee. The teacher and the placement review committee must render decisions within five days of the removal of the student from the classroom.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: amending s. 232.26, F.S.; revising procedures and conditions relating to suspension or expulsion of a student who is charged with certain actions; authorizing a waiver of discipline or expulsion under certain situations; reenacting s. 39.045(11), F.S., relating to notification of delinquent acts, to incorporate the amendment to s. 232.26, F.S., in a reference; creating s. 232.271, F.S.; providing for a teacher's authority to remove disruptive students from the classroom; requiring certain teachers to complete professional development classes under certain circumstances; requiring a study; creating s. 232.272, F.S.; establishing a placement review committee

On motion by Senator Sullivan, by two-thirds vote **HB 1009** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 1238—A bill to be entitled An act relating to the confidentiality of records pertaining to an economic development agency; amending s. 288.075, F.S.; redefining the term "economic development agency," as used in providing for the confidentiality of the records of such an agency; providing for future repeal and legislative review; providing a finding of public necessity for this exemption from the public records law; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **SB 1238** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

SB 1240—A bill to be entitled An act exempting information from public disclosure; creating s. 288.1066, F.S.; providing that proprietary information submitted to the Department of Commerce or the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor for purposes of administering the qualified defense contractor tax refund program and the qualified target industry tax refund program is confidential and exempt from disclosure under the public records law; providing for future review and repeal under the Open Government Sunset Review Act of 1995; providing a finding of public necessity; repealing s. 288.1065, F.S., relating to an exemption from public disclosure requirements which has expired as provided in s. 3, ch. 93-420, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **SB 1240** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28 Nays—1

SB 1650—A bill to be entitled An act relating to confidentiality of donors and prospective donors; creating s. 288.12275, F.S.; providing an exemption from public records law for information identifying donors and prospective donors to the Florida Commission on Tourism, Inc.; creating s. 288.12285, F.S.; providing an exemption from public records law for information identifying donors and prospective donors to the direct-support organization authorized to assist in the promotion of entertainment industries; creating s. 288.12295, F.S.; providing an exemption from public records law for information identifying donors and prospective donors to the direct-support organization authorized to assist in the promotion of sports-related industries; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator McKay moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 1, line 24 through page 2, line 5, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 3-7, delete those lines and insert: and prospective donors; creating s.

Amendment 2—On page 3, lines 5-20, delete those lines and insert: the direct-support organizations authorized to promote entertainment and sports-related industries in order to enable these entities to effectively and efficiently administer marketing and promotion programs on behalf of the state. The purpose of the exemptions is to honor the request for anonymity of donors or prospective donors to the not-for-profit corporations and thereby encourage donations from individuals and entities that might otherwise decline to contribute. Without the exemptions, potential donors may be dissuaded from contributing to the entertainment and sports-related direct-support organizations because such donors fear being harmed by the release of sensitive financial information. Difficulty in soliciting donations would hamper the ability of the direct-support organizations to carry

Amendment 3—In title, on page 1, line 18, after the semicolon (;) insert: providing for future repeal and legislative review;

On motion by Senator McKay, by two-thirds vote **SB 1650** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—1

RECONSIDERATION OF BILL

On motion by Senator McKay, the Senate reconsidered the vote by which—

SB 1240—A bill to be entitled An act exempting information from public disclosure; creating s. 288.1066, F.S.; providing that proprietary information submitted to the Department of Commerce or the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor for purposes of administering the qualified defense

contractor tax refund program and the qualified target industry tax refund program is confidential and exempt from disclosure under the public records law; providing for future review and repeal under the Open Government Sunset Review Act of 1995; providing a finding of public necessity; repealing s. 288.1065, F.S., relating to an exemption from public disclosure requirements which has expired as provided in s. 3, ch. 93-420, Laws of Florida; providing an effective date.

—passed this day.

Pending further consideration of **SB 1240**, on motions by Senator McKay, the rules were waived and by two-thirds vote—

CS for HB 1429—A bill to be entitled An act relating to public records; creating s. 288.1066; providing an exemption from public records requirements for certain proprietary, trade secret, and tax data information submitted to the Department of Commerce, the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., or county or municipal governmental entities and their employees in connection with administration of the qualified defense contractor and qualified target industry tax refund programs; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 1240** and by two-thirds vote read the second time by title. On motion by Senator McKay, by two-thirds vote **CS for HB 1429** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—1

MOTION

On motion by Senator Jennings, the rules were waived and by two-thirds vote **SB 1636**, **CS for SB 1658**, **CS for SB 814**, **SB 818**, **CS for SB 932** and **SB 2476** were established as the Special Order Calendar.

CS for SB 2552—A bill to be entitled An act relating to water management; amending s. 373.019, F.S.; defining the term "independent scientific peer review"; amending s. 373.042, F.S.; requiring water management districts to revise standards for minimum flows and levels of water in specific areas; requiring an independent scientific peer review of data when there is a dispute in an administrative proceeding; amending s. 373.116, F.S.; providing for notice of permit applications; amending s. 373.1963, F.S.; requiring the Southwest Florida Water Management District to provide assistance to the West Coast Regional Water Supply Authority; providing for the district to levy an ad valorem tax upon request of the authority; requiring annual financial audits; creating s. 373.2231, F.S.; establishing mitigation measures for an applicant who cannot meet permitting criteria; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for SB 2552** to **CS for CS for HB's 2385 and CS for HB 2399**.

Pending further consideration of **CS for SB 2552** as amended, on motions by Senator Latvala, the rules were waived and by two-thirds vote—

CS for CS for HB's 2385 and CS for HB 2399—A bill to be entitled An act relating to water resources; amending s. 373.019, F.S.; defining "independent scientific peer review"; amending s. 373.042, F.S.; providing procedures and requirements relating to establishment of certain minimum flows or levels in Hillsborough, Pasco, and Pinellas Counties; providing for independent scientific peer review of scientific or technical data and methodologies, under certain circumstances; providing for report thereof; providing for admissibility of such report in an administrative hearing challenging establishment of minimum flows or levels; amending s. 373.116, F.S.; providing for notice to local governments of applications for consumptive use permits; amending s. 373.1963, F.S.; specifying additional duties of the West Coast Regional Water Supply Authority; requiring a report; providing for certain review of water use withdrawals alleged to be causing adverse impacts; amending s. 373.536, F.S.; authorizing the Executive Office of the Governor to approve or disapprove water management district budgets; providing procedures; providing an effective date.

—a companion measure, was substituted for **CS for SB 2552** and by two-thirds vote read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for CS for HB's 2385 and CS for HB 2399** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—1

Consideration of **CS for SB 1728** was deferred.

CS for SB 2472—A bill to be entitled An act relating to land acquisition and management; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to submit a report to the Legislature designating certain lands for specified purposes; creating s. 253.780, F.S.; providing limitations on land acquisition programs, requirements for notice to owners, and the ability to be removed from a project; amending s. 259.032, F.S.; specifying uses for certain lands; requiring an exotic plant management plan; requiring a report and an annual inventory of certain lands; creating s. 259.033, F.S.; providing limitations on land acquisition programs, requirements for notice to owners, and the ability to be removed from a project; amending s. 259.035, F.S.; specifying contents of a report; amending s. 259.041, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain land acquisition authority to water management districts; specifying criteria for the acquisition of less-than-fee interests in lands; requiring a report; providing for Department of Natural Resources coordination and compilation of certain land data; amending s. 259.101, F.S.; requiring the department and water management districts to study revenue bond limitations; requiring a report; creating s. 372.21, F.S.; providing limitations on land acquisition programs, requirements for notice to owners, and the ability to be removed from a project; creating s. 373.065, F.S.; providing limitations on land acquisition programs, requirements for notice, and the ability to be removed from a project; amending s. 373.139, F.S.; providing requirements for acquisition of less-than-fee interests in lands; requiring water management districts to incorporate certain land acquisition programs of local governments into district land acquisition plans; requiring certain governmental entities to submit an annual report to the Governor and Legislature; specifying contents of the report; amending s. 373.403, F.S.; providing a definition; amending s. 373.4135, F.S.; revising provisions relating to mitigation and mitigation banking; requiring the department and water management districts to identify certain lands eligible for mitigation projects or mitigation banking; specifying certain costs associated with mitigation bank activities; requiring the department and water management districts to establish trust accounts for mitigation bank or mitigation projects funds; amending s. 373.59, F.S.; specifying additional requirements for certain water management district reports; providing an additional use of district interests in land under certain circumstances; requiring certain entities to prepare a cost-benefit analysis of certain land acquisition options under certain circumstances; requiring water management districts to complete an exotic plant management plan and a long-term management cost report for certain lands; requiring a conceptual management plan for certain land acquisitions; requiring a final management plan; specifying contents; amending s. 375.031, F.S.; providing limitations on certain land acquisition or conservation programs under certain circumstances; providing requirements for notice to certain landowners of possible acquisition of lands under such programs; requiring managing agencies to adopt certain management plans; amending s. 375.045, F.S.; requiring certain agencies or districts to prepare an exotic plant management plan and a long-term management cost report; providing requirements; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present paragraph (b) of subsection (7) of section 253.03, Florida Statutes, is redesignated as paragraph (c) and a new paragraph (b) is added to that subsection, to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(7)

(b) On or before March 1 of each year, the board shall submit a report to the President of the Senate and the Speaker of the House of Representatives designating publicly owned lands that may be eligible for mitigation projects or mitigation banks and projects that could provide better economic or environmental benefits to the state. Alternatives that could provide positive economic or environmental benefits include, but are not limited to, the sale of surplus lands, leasing of land for uses compatible with the purposes for which the interest was acquired, and conveyance of interests in land with restrictions sufficient to ensure protection of the interest retained.

Section 2. Section 253.780, Florida Statutes, is created to read:

253.780 Limitations on land acquisition programs; notice to owners; removal from project.—

(1) Land acquisition programs described in or authorized by this chapter do not impose increased regulatory restrictions or requirements on the owners of lands that have been identified for possible acquisition under the programs unless specifically prescribed by law. As used in this section, the term "acquisition" refers to the purchase or other exchange of consideration for any legal interest in real property, including fee simple, less-than-fee simple, easement, tenancy, or right-of-way.

(2) Any map, inventory, or related graphic information prepared by any state agency, commission, water management district, regional planning council, or special district that specifically identifies lands for potential acquisition may be used for planning purposes, but shall not be:

(a) Used for regulatory purposes;

(b) Used as the sole basis for a consistency determination under chapter 163 or chapter 380; or

(c) Legally binding when incorporated or referenced in any other program or regulation unless specifically adopted by rule or ordinance.

(3) By December 31, 1996, each governmental entity that implements a land acquisition program described in or authorized by this chapter shall provide written notice to the owners of all properties identified in each land acquisition project that the described properties are being considered for possible acquisition. For land acquisition programs or projects implemented by the governmental entity after the effective date of this section, the notice shall be provided to each affected landowner within 60 days after the governmental entity's approval of each land acquisition project. The notice shall be in substantially the following form:

NOTICE OF LAND ACQUISITION PROJECT

The . . . (name of governmental entity). . . hereby notifies each owner of lands identified herein by parcel number and depicted on the location map below that the described lands have been identified by . . . (name of governmental entity). . . for possible acquisition under the authority granted by . . . (citation to authorizing statutes). . . . Owners of identified lands may obtain additional information regarding the land acquisition project by contacting . . . (name, address, and telephone number of government entity). . . .

Notification shall be given to each owner of affected parcels as shown in the latest available ad valorem tax roll data collected by the Department of Revenue, unless an individual project consists of more than 200 separate ownership interests among the affected parcels, in which event notice may be published in a newspaper of general paid circulation, interest, and readership in each affected county pursuant to chapter 50. The published notice shall be no less than 2 columns wide by 10 inches long in a standard size or tabloid size newspaper, and the headline in the advertisement shall be set in type no smaller than 18 points. The notice, which shall contain a geographic location map clearly indicating the area covered by the acquisition project, shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(4) The owner of property described in a governmental entity's list of approved land acquisition projects, but not funded for purchase in the current fiscal year's acquisition work plan, may request removal of the property from the list. Upon receipt of an owner's certified letter requesting removal of described property from the list of approved but unfunded land acquisition projects, the governmental entity responsible for implementation of the land acquisition program shall remove the property from the list of approved acquisition projects within 6 months or by the end of the fiscal year for which the acquisition work plan is effective, whichever is sooner. If funding becomes available for an approved land acquisition project that was not funded in the current fiscal year's acquisition work plan after the governmental entity receives an owner's request to remove property from the project, the owner's request shall be honored and the property removed from the project. Within 1 year after the date that the governmental entity receives an owner's request to remove property from an approved land acquisition project, the owner may request reinstatement of the property in the project, and the governmental entity may honor that request by restoring the property to the same status within the approved land acquisition project from which it was removed without the necessity of additional review under this chapter. Removal of property from an approved land acquisition project does not preclude the governmental entity's reconsideration of the property at a later time in accordance with the review, ranking, and notice procedures required by this chapter.

Section 3. Section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(1) It is the policy of the state that the citizens of this state shall be assured public ownership of natural areas for purposes of maintaining this state's unique natural resources; protecting air, land, and water quality; and providing lands for natural resource based recreation. In recognition of this policy, it is the intent of the Legislature to provide such public lands for the people residing in urban and metropolitan areas of the state as well as those residing in less populated, rural areas; it is the further intent of the Legislature, with regard to the lands described in paragraph (3)(c), that a high priority be given to the acquisition of such lands in or near counties exhibiting the greatest concentration of population and, with regard to the lands described in subsection (3), that a high priority be given to acquiring lands or rights or interests in lands within any area designated as an area of critical state concern under s. 380.05 which, in the judgment of the advisory council established pursuant to s. 259.035, cannot be adequately protected by application of land development regulations adopted pursuant to s. 380.05.

(2)(a) The Conservation and Recreation Lands Trust Fund is established within the Department of Environmental Protection. The fund shall be used as a nonlapsing, revolving fund exclusively for the purposes of this section. The fund shall be credited with proceeds from the following excise taxes:

1. The excise taxes on documents as provided in s. 201.15; and

2. The excise tax on the severance of phosphate rock as provided in s. 211.3103.

The Department of Revenue shall credit to the fund each month the proceeds from such taxes as provided in this paragraph.

(b) There shall annually be transferred from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund that amount, not to exceed $20 million annually, as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to s. 375.051 to acquire lands on the established priority list as determined by the advisory council pursuant to s. 259.035; however, no moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds. Amounts transferred annually from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund pursuant to this paragraph shall have the highest priority over other payments or transfers from the Conservation and Recreation Lands Trust Fund, and no other payments or transfers shall be made from the Conservation and Recreation Lands Trust Fund until such transfers to the Land Acquisition Trust Fund have been made.

(3) The Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys from the fund in any one year to acquire the fee or any lesser interest in lands for the following public purposes:

(a) To conserve and protect environmentally unique and irreplaceable lands that contain native, relatively unaltered flora and fauna representing a natural area unique to, or scarce within, a region of this state or a larger geographic area;

(b) To conserve and protect lands within designated areas of critical state concern, if the proposed acquisition relates to the natural resource protection purposes of the designation;

(c) To conserve and protect native species habitat or endangered or threatened species;

(d) To conserve, protect, manage, or restore important ecosystems, landscapes, and forests, if the protection and conservation of such lands is necessary to enhance or protect significant surface water, groundwater, coastal, recreational, timber, or fish or wildlife resources which cannot otherwise be accomplished through local and state regulatory programs;

(e) To provide areas, including recreational trails, for natural resource based recreation; or

(f) To preserve significant archaeological or historic sites.

(4) Lands acquired under this section shall be for use as state-designated parks, recreation areas, preserves, reserves, historic or archaeological sites, geologic or botanical sites, recreational trails, forests, wilderness areas, wildlife management areas, or other state-designated recreation or conservation lands; or they shall qualify for such state designation and use if they are to be managed by other governmental agencies or nonstate entities as provided for in this section. *Lands acquired under this section may be used for water supply purposes, including water production and transmission, provided such uses are sustainable and compatible with the purposes for which the lands were acquired.*

(5) The board of trustees may allocate, in any year, an amount not to exceed 5 percent of the money credited to the fund in that year, such allocation to be used for the initiation and maintenance of a natural areas inventory to aid in the identification of areas to be acquired pursuant to this section.

(6) Moneys in the fund not needed to meet obligations incurred under this section shall be deposited with the Treasurer to the credit of the fund and may be invested in the manner provided by law. Interest received on such investments shall be credited to the Conservation and Recreation Lands Trust Fund.

(7) The board of trustees may enter into any contract necessary to accomplish the purposes of this section.

(8) Lands to be considered for purchase under this section are subject to the selection procedures of s. 259.035 and related rules and shall be acquired in accordance with acquisition procedures for state lands provided for in s. 259.041, except as otherwise provided by the Legislature. An inholding or an addition to a project selected for purchase pursuant to this chapter or s. 259.035 is not subject to the selection procedures of s. 259.035 if the estimated value of such inholding or addition does not exceed $500,000. When at least 90 percent of the acreage of a project has been purchased pursuant to this chapter or s. 259.035, the project may be removed from the list and the remaining acreage may continue to be purchased. Moneys from the fund may be used for title work, appraisal fees, environmental audits, and survey costs related to acquisition expenses for lands to be acquired, donated, or exchanged which qualify under the categories of this section, at the discretion of the board. When the Legislature has authorized the Department of Environmental Protection to condemn a specific parcel of land and such parcel has already been approved for acquisition under this section, the land may be acquired in accordance with the provisions of chapter 73 or chapter 74, and the fund may be used to pay the condemnation award and all costs, including a reasonable attorney's fee, associated with condemnation.

(9)(a) All lands managed under this section shall be:

1. Managed in a manner that will provide the greatest combination of benefits to the public and to the resources.

2. Managed for public outdoor recreation which is compatible with the conservation and protection of public lands.

3. Managed for water supply purposes, which may include water production and transmission, provided such uses are sustainable and compatible with the purposes for which the lands were acquired.

4.~~3.~~ Managed for the purposes for which the lands were acquired, consistent with paragraph (11)(a).

Management may include the following public uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, birding, sailing, jogging, and other related outdoor activities.

(b)1. Concurrent with its adoption of the annual Conservation and Recreational Lands list of acquisition projects pursuant to s. 259.035, the board of trustees shall adopt a management prospectus for each project. The management prospectus shall delineate: the management goals for the property; the conditions that will affect the intensity of management; an estimate of the revenue-generating potential of the property, if appropriate; a timetable for implementing the various stages of management and for providing access to the public, if applicable; provisions for protecting existing infrastructure and for ensuring the security of the project upon acquisition; the anticipated costs of management and projected sources of revenue, including legislative appropriations, to fund management needs; recommendations as to how many employees will be needed to manage the property; and recommendations as to whether local governments, volunteer groups, the former landowner, or other interested parties can be involved in the management.

2. Concurrent with the approval of the acquisition contract pursuant to s. 259.041(3)(c) for any interest in lands, the board of trustees shall designate an agency or agencies to manage such lands and shall evaluate and amend, as appropriate, the management policy statement for the project as provided by s. 259.035, consistent with the purposes for which the lands are acquired.

3. Immediately following the acquisition of any interest in lands under this section, the Department of Environmental Protection, acting on behalf of the board of trustees, may issue to the lead managing entity an interim assignment letter to be effective until the execution of a formal lease.

(10) Governmental agencies or nonstate entities designated to manage lands under this section shall develop and adopt, with the approval of the board of trustees, an individual management plan for each project designed to conserve and protect such lands and their associated natural resources. Once a plan is adopted, the managing agency or entity shall update the plan at least every 5 years in a form and manner prescribed by rule of the board of trustees. Such plans may include transfers of leasehold interests to appropriate conservation organizations designated by the Land Management Advisory Council for uses consistent with the purposes of the organizations and the protection, preservation, and proper management of the lands and their resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults. *For each project for which lands were acquired before July 1, 1995, the managing agency must develop and adopt by March 1, 1997, an "exotic plant management plan" that details the activities and operations that the agency will implement to control invasive exotic plant species on that project. The exotic plant management plan must include activity implementation schedules, proposed operational budgets, and identified sources of funding, and must be approved in accordance with the provisions of this subsection.* For each project for which lands are acquired after July 1, 1995, an individual management plan *and exotic plant management plan must* ~~shall~~ be adopted and in place no later than 1 year after the essential parcel or parcels identified in the annual Conservation and Recreation Lands report prepared pursuant to s. 259.035(2)(a) have been acquired.

(a) Individual management plans shall conform to the appropriate policies and guidelines of the state land management plan and shall include, but not be limited to:

1. A statement of the purpose for which the lands were acquired, the projected use or uses as defined in s. 253.034, and the statutory authority for such use or uses.

2. Key management activities necessary to preserve and protect natural resources and restore habitat, and for controlling the spread of

nonnative plants and animals, and for prescribed fire and other appropriate resource management activities.

3. A specific description of how the managing agency plans to identify, locate, protect, and preserve, or otherwise use fragile, nonrenewable natural and cultural resources.

4. A priority schedule for conducting management activities, based on the purposes for which the lands were acquired.

5. A cost estimate for conducting priority management activities, to include recommendations for cost-effective methods of accomplishing those activities.

6. A cost estimate for conducting other management activities which would enhance the natural resource value or public recreation value for which the lands were acquired. The cost estimate shall include recommendations for cost-effective methods of accomplishing those activities.

7. A determination of the public uses that would be consistent with the purposes for which the lands were acquired.

(b) The Division of State Lands shall submit a copy of each individual management plan for parcels which exceed 160 acres in size to each member of the Land Management Advisory Council. The council shall, within 60 days after receiving a plan from the division, review each plan for compliance with the requirements of this subsection and with the requirements of the rules established by the board pursuant to this subsection. The council shall also consider the propriety of the recommendations of the managing agency with regard to the future use or protection of the property. After its review, the council shall submit the plan, along with its recommendations and comments, to the board of trustees. The council shall specifically recommend to the board of trustees whether to approve the plan as submitted, approve the plan with modifications, or reject the plan.

(c) The board of trustees shall consider the individual management plan submitted by each state agency and the recommendations of the Land Management Advisory Council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any lands owned by the board of trustees which is not in accordance with an approved individual management plan is subject to termination by the board of trustees.

By July 1 of each year, each governmental agency and each nonstate entity designated to manage lands shall report to the Secretary of Environmental Protection on the progress of funding, staffing, and resource management of every project for which the agency or entity is responsible. *By March 1, 1997, each governmental agency and each nonstate entity designated to manage lands owned by the Board of Trustees of the Internal Improvement Trust Fund must complete and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that details the long-term management cost for those lands, together with an identification of funding sources for the management activities described. The reports must include restoration expenses and capital project shortfalls, identify the sources of funding necessary to implement and complete restoration and capital projects, and employ consistent management cost criteria, formulas, and reporting formats.*

(11)(a) The Legislature recognizes that acquiring lands pursuant to this chapter serves the public interest by protecting land, air, and water resources which contribute to the public health and welfare, providing areas for natural resource based recreation, and ensuring the survival of unique and irreplaceable plant and animal species. The Legislature intends for these lands to be managed and maintained for the purposes for which they were acquired and for the public to have access to these lands where it is consistent with acquisition purposes and would not harm the resources the state is seeking to protect on the public's behalf.

(b) An amount equal to 1 percent of the cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund shall be made available for the purposes of management, maintenance, and capital improvements, and for associated contractual services, for lands acquired pursuant to this section and s. 259.101 to which title is vested in the board of trustees. Each agency with management responsibilities shall annually request from the Legislature funds sufficient to fulfill such responsibilities. Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets.

(c) In requesting funds provided for in paragraph (b) for long-term management of acquisitions and for associated contractual services, the managing agencies shall recognize the following categories of land management needs:

1. Lands which are low-need tracts, requiring basic resource management and protection, such as state reserves, state preserves, state forests, and wildlife management areas. These lands generally are open to the public but have no more than minimum facilities development.

2. Lands which are moderate-need tracts, requiring more than basic resource management and protection, such as state parks and state recreation areas. These lands generally have extra restoration or protection needs, higher concentrations of public use, or more highly developed facilities.

3. Lands which are high-need tracts, with identified needs requiring unique site-specific resource management and protection. These lands generally are sites with historic significance, unique natural features, or very high intensity public use, or sites that require extra funds to stabilize or protect resources.

(d)1. Up to one-fifth of the funds provided for in paragraph (b) shall be reserved by the board of trustees for interim management of acquisitions and for associated contractual services, to ensure the conservation and protection of natural resources on project sites and to allow limited public recreational use of lands. Interim management activities may include, but not be limited to, resource assessments, control of invasive exotic species, habitat restoration, fencing, law enforcement, controlled burning, and public access consistent with preliminary determinations made pursuant to paragraph (9)(b). The board of trustees shall make these interim funds available immediately upon purchase.

2. For the 1995-1996 fiscal year only, funds in the Conservation and Recreation Lands Trust Fund that are not specifically appropriated for the interim management of public lands pursuant to subparagraph 1. may be appropriated for the control and eradication of nuisance aquatic plants in public water bodies. This subparagraph is repealed on July 1, 1996.

(e) The department shall set long-range and annual goals for the control and removal of nonnative, upland, invasive plant species on public lands. Such goals shall differentiate between aquatic plant species and upland plant species. In setting such goals, the department may rank, in order of adverse impact, species which impede or destroy the functioning of natural systems. Notwithstanding paragraph (a), up to one-fourth of the funds provided for in paragraph (b) shall be reserved for control and removal of nonnative, upland, invasive species on public lands.

(f) The department shall prepare an annual inventory of all lands in which it holds an interest, designating those that may be eligible for mitigation projects or mitigation banks, as well as those that could provide better economic or environmental benefits to the state. Alternatives that could provide positive economic or environmental benefits include, but are not limited to, the sale of surplus lands, leasing of land for uses compatible with the purposes for which the interest was acquired, and conveyance of interests in land with restrictions sufficient to ensure protection of the interest retained.

(12)(a) Beginning in fiscal year 1994-1995, not more than 3.75 percent of the Conservation and Recreation Lands Trust Fund shall be made available annually to the department for payment in lieu of taxes to qualifying counties for actual tax losses incurred as a result of board of trustees acquisitions for state agencies under the Florida Preservation 2000 Program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the fund to be used for land acquisition in accordance with the provisions of this section.

(b) Payment in lieu of taxes shall be available to counties which levy an ad valorem tax of at least 9 mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and have a population of 75,000 or less and to counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380.

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

(d) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. Payment in lieu of taxes shall be limited to a total of 10 years of annual payments.

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

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

(13) Moneys credited to the fund each year which are not used for management, maintenance, or capital improvements pursuant to subsection (11); for payment in lieu of taxes pursuant to subsection (12); or for the purposes of subsection (5) shall be available for the acquisition of land pursuant to this section.

(14) The board of trustees may adopt rules to further define the categories of land for acquisition under this chapter.

(15) For fiscal year 1995-1996 only, moneys credited to the fund may be appropriated to provide grants to qualified local governmental entities pursuant to the provisions of s. 375.075. This subsection is repealed on July 1, 1996.

Section 4. Section 259.033, Florida Statutes, is created to read:

259.033 Limitations on land acquisition programs; notice to owners; removal from project.—

(1) Land acquisition programs described in or authorized by this chapter do not impose increased regulatory restrictions or requirements on the owners of lands that have been identified for possible acquisition under the programs unless specifically prescribed by law. As used in this section, the term "acquisition" refers to the purchase or other exchange of consideration for any legal interest in real property, including fee simple, less-than-fee simple, easement, tenancy, or right-of-way.

(2) Any map, inventory, or related graphic information prepared by any state agency, commission, water management district, regional planning council, or special district that specifically identifies lands for potential acquisition may be used for planning purposes, but shall not be:

(a) Used for regulatory purposes;

(b) Used as the sole basis for a consistency determination under chapter 163 or chapter 380; or

(c) Legally binding when incorporated or referenced in any other program or regulation unless specifically adopted by rule or ordinance.

(3) By December 31, 1996, each governmental entity that implements a land acquisition program described in or authorized by this chapter shall provide written notice to the owners of all properties identified in each land acquisition project that the described properties are being considered for possible acquisition. For land acquisition programs or projects implemented by the governmental entity after the effective date of this section, the notice shall be provided to each affected landowner within 60 days after the governmental entity's approval of each land acquisition project. The notice shall be in substantially the following form:

NOTICE OF LAND ACQUISITION PROJECT

The . . . (name of governmental entity). . . hereby notifies each owner of lands identified herein by parcel number and depicted on the location map below that the described lands have been identified by . . . (name of governmental entity). . . for possible acquisition under the authority granted by . . . (citation to authorizing statutes). . . . Owners of identified lands may obtain additional information regarding the land acquisition project by contacting . . . (name, address, and telephone number of government entity). . . .

Notification shall be given to each owner of affected parcels as shown in the latest available ad valorem tax roll data collected by the Department of Revenue, unless an individual project consists of more than 200 separate ownership interests among the affected parcels, in which event notice may be published in a newspaper of general paid circulation, interest, and readership in each affected county pursuant to chapter 50. The published notice shall be no less than 2 columns wide by 10 inches long in a standard size or tabloid size newspaper, and the headline in the advertisement shall be set in type no smaller than 18 points. The notice, which shall contain a geographic location map clearly indicating the area covered by the acquisition project, shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(4) The owner of property described in a governmental entity's list of approved land acquisition projects, but not funded for purchase in the current fiscal year's acquisition work plan, may request removal of the property from the list. Upon receipt of an owner's certified letter requesting removal of described property from the list of approved but unfunded land acquisition projects, the governmental entity responsible for implementation of the land acquisition program shall remove the property from the list of approved acquisition projects within 6 months or by the end of the fiscal year for which the acquisition work plan is effective, whichever is sooner. If funding becomes available for an approved land acquisition project that was not funded in the current fiscal year's acquisition work plan after the governmental entity receives an owner's request to remove property from the project, the owner's request shall be honored and the property removed from the project. Within 1 year after the date that the governmental entity receives an owner's request to remove property from an approved land acquisition project, the owner may request reinstatement of the property in the project, and the governmental entity may honor that request by restoring the property to the same status within the approved land acquisition project from which it was removed without the necessity of additional review under this chapter. Removal of property from an approved land acquisition project does not preclude the governmental entity's reconsideration of the property at a later time in accordance with the review, ranking, and notice procedures required by this chapter.

Section 5. Paragraph (a) of subsection (2) of section 259.035, Florida Statutes, is amended to read:

259.035 Advisory council; powers and duties.—

(2)(a) The council shall, by the time of the first board meeting in February of each year, establish or update a list of acquisition projects selected for purchase pursuant to this chapter. Acquisition projects shall be ranked, in order of priority, individually as a single group or individually within up to 10 separate groups. The council shall submit to the board of trustees, together with its list of acquisition projects, a Conservation and Recreation Lands report. For each project on an acquisition list, the council shall include in its report the stated purpose for acquiring the project, an identification of the essential parcel or parcels within the project without which the project cannot be properly managed, a management policy statement for the project, a management prospectus pursuant to *s. 259.032(10)(b)* ~~s. 259.032(9)(b)~~, an estimate of land value based on county tax assessed values, a map delineating project boundaries, a brief description of the important natural and cultural resources to be protected, preacquisition planning and budgeting, coordination with other public and nonprofit public-lands acquisition programs, a preliminary statement of the extent and nature of public use, an interim management budget, and designation of a management agency or agencies. *Commencing with the Conservation and Recreation Lands report prepared for the board of trustees' first board meeting in February 1997, the council must identify in its report lands that will necessitate the acquisition of fee simple interests to achieve the state's goals relating to the protection of conservation and recreation lands under this chapter.* The Department of Environmental Protection shall prepare the information required by this section for each acquisition project selected for purchase pursuant to this chapter. In addition, the department shall prepare, by July 1 of each year, an acquisition work plan for each project on the acquisition list for which funds will be available for acquisition during the fiscal year. The work plan need not disclose any information that is required by this chapter or chapter 253 to remain confidential.

Section 6. Subsection (1) of section 259.041, Florida Statutes, is amended, present subsections (12), (13), (14), (15), (16), (17), and (18) of that section are renumbered as subsections (14), (15), (16), (17), (19), (20), and (21) respectively, and new subsections (12), (13), and (18) are added to that section, to read:

259.041 Acquisition of state-owned lands for preservation, conservation, and recreation purposes.—

(1) Neither the Board of Trustees of the Internal Improvement Trust Fund nor its duly authorized agent shall commit the state, through any instrument of negotiated contract or agreement for purchase, to the purchase of lands with or without appurtenances unless the provisions of this section have been fully complied with. However, the board of trustees may waive any requirement of this section, except the requirements of subsections (3), *(15)* ~~(13)~~, and *(16)* ~~(14)~~; or, notwithstanding chapter 120, may waive any rules adopted pursuant to this section, except rules adopted pursuant to subsections (3), *(15)* ~~(13)~~, and *(16)* ~~(14)~~; *or may delegate to a water management district the authority to negotiate, contract to purchase, and close land purchases on behalf of the board of trustees in accordance with water management district land acquisition procedures described in s. 373.139;* or may substitute other reasonably prudent procedures, provided the public's interest is reasonably protected. The title to lands acquired pursuant to this section shall vest in the board of trustees as provided in s. 253.03(1), unless otherwise provided by law. All such lands, title to which is vested in the board of trustees pursuant to this section, shall be administered pursuant to the provisions of s. 253.03.

(12) The following provisions apply to the acquisition of less-than-fee interests in land:

(a) For each proposed acquisition of a less-than-fee interest in land that otherwise meets the criteria of this section and for which the landowner is willing to sell a less-than-fee interest, the acquiring entity shall prepare or obtain a cost-benefit analysis of the difference between acquisition of a fee interest and the proposed less-than-fee interest that includes acquisition costs, management expenses, impacts to tax revenues of the local government, and income potential from compatible revenue-generating activities on the property. The option supported by the lowest present value-to-cost ratio shall be pursued unless an exception is sufficiently justified.

(b) Title to the real property forming the basis for a less-than-fee acquisition shall not include any exception that compromises the purpose for which the interest may be acquired.

(c) Lands acquired on a less-than-fee basis should be available for public recreation if such use is compatible with the purpose for which the lands were acquired.

(d) Any contract for the purchase of a less-than-fee interest in lands shall provide for completion of a physical inventory of the subject property, at the expense of the acquiring entity, prior to consummation of the purchase.

(e) Any document that conveys a less-than-fee interest in lands under this section shall be recorded in the public records of each county in which the real property is located and shall contain conditions necessary to protect the interest being acquired, including physical access to the property sufficient to enforce the conditions.

(13) By February 1 of each year, any governmental entity that acquired or attempted to acquire lands under the provisions of this chapter must prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an annual report that describes:

(a) The progress achieved by the entity in the implementation and administration of public land acquisition programs during the prior calendar year.

(b) The entity's attempts to acquire less-than-fee interests in lands, obstacles to the use of less-than-fee acquisition alternatives encountered by the reporting entity, and specific proposals for resolving such impediments, including appropriate recommendations for statutory modification.

(c) Lands owned or managed by the governmental entity that may be eligible for mitigation projects or mitigation banks.

(18) The Department of Environmental Protection shall coordinate and integrate all land acquisition programs implemented by public and private not-for-profit entities in the state and establish a procedure for the exchange and compilation of conservation land data from state agencies, commissions, water management districts, local governments, and private not-for-profit entities. The resulting comprehensive statewide database should be further cataloged by region and should be readily accessible by both public and private interests.

Section 7. Subsection (7) of section 259.101, Florida Statutes, is amended to read:

259.101 Florida Preservation 2000 Act.—

(7) ALTERNATE ~~GOVERNMENTAL~~ USE OF ACQUIRED LANDS.—

(a) The Board of Trustees of the Internal Improvement Trust Fund, or, in the case of water management district lands, the owning water management district, may authorize the granting of a lease, easement, or license for the use of any lands acquired pursuant to subsection (3), for any governmental use permitted by s. 17, Art. IX of the State Constitution of 1885, as adopted by s. 9(a), Art. XII of the State Constitution and which is determined by the board or the owning water management district to be compatible with the purposes for which such lands were acquired.

(b) Notwithstanding the provisions of paragraph (a), no such lease, easement, or license shall be entered into by the Department of Environmental Protection or other appropriate state agency if the granting of such lease, easement, or license would adversely affect the exclusion of the interest on any revenue bonds issued to fund the acquisition of the affected lands from gross income for federal income tax purposes, as described in s. 375.045(4).

(c) The department and the water management districts shall jointly investigate the feasibility of restructuring current limitations in Preservation 2000 revenue bonds that restrict private resource-management activities on lands acquired with funds generated by the bonds. In addition, the department and districts shall obtain expert evaluation of bond restrictions that limit the use of and activities on public conservation lands purchased with P-2000 funds. By January 1, 1997, the department and districts shall file with the President of the Senate and the Speaker of the House of Representatives a report detailing the results of their investigation and recommending modifications to future revenue bond documents which would permit compatible yet more productive use of P-2000 lands.

Section 8. Section 372.21, Florida Statutes, is created to read:

372.21 Limitations on land acquisition programs; notice to owners; removal from project.—

(1) Land acquisition programs described in or authorized by this chapter do not impose increased regulatory restrictions or requirements on the owners of lands that have been identified for possible acquisition under the programs unless specifically prescribed by law. As used in this section, the term "acquisition" refers to the purchase or other exchange of consideration for any legal interest in real property, including fee simple, less-than-fee simple, easement, tenancy, or right-of-way.

(2) Any map, inventory, or related graphic information prepared by any state agency, commission, water management district, regional planning council, or special district that specifically identifies lands for potential acquisition may be used for planning purposes, but shall not be:

(a) Used for regulatory purposes;

(b) Used as the sole basis for a consistency determination under chapter 163 or chapter 380; or

(c) Legally binding when incorporated or referenced in any other program or regulation unless specifically adopted by rule or ordinance.

(3) By December 31, 1996, each governmental entity that implements a land acquisition program described in or authorized by this chapter shall provide written notice to the owners of all properties identified in each land acquisition project that the described properties are

being considered for possible acquisition. For land acquisition programs or projects implemented by the governmental entity after the effective date of this section, the notice shall be provided to each affected landowner within 60 days after the governmental entity's approval of each land acquisition project. The notice shall be in substantially the following form:

NOTICE OF LAND ACQUISITION PROJECT

The . . . (name of governmental entity). . . hereby notifies each owner of lands identified herein by parcel number and depicted on the location map below that the described lands have been identified by . . . (name of governmental entity). . . for possible acquisition under the authority granted by . . . (citation to authorizing statutes). . . . Owners of identified lands may obtain additional information regarding the land acquisition project by contacting . . . (name, address, and telephone number of government entity). . . .

Notification shall be given to each owner of affected parcels as shown in the latest available ad valorem tax roll data collected by the Department of Revenue, unless an individual project consists of more than 200 separate ownership interests among the affected parcels, in which event notice may be published in a newspaper of general paid circulation, interest, and readership in each affected county pursuant to chapter 50. The published notice shall be no less than 2 columns wide by 10 inches long in a standard size or tabloid size newspaper, and the headline in the advertisement shall be set in type no smaller than 18 points. The notice, which shall contain a geographic location map clearly indicating the area covered by the acquisition project, shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(4) The owner of property described in a governmental entity's list of approved land acquisition projects, but not funded for purchase in the current fiscal year's acquisition work plan, may request removal of the property from the list. Upon receipt of an owner's certified letter requesting removal of described property from the list of approved but unfunded land acquisition projects, the governmental entity responsible for implementation of the land acquisition program shall remove the property from the list of approved acquisition projects within 6 months or by the end of the fiscal year for which the acquisition work plan is effective, whichever is sooner. If funding becomes available for an approved land acquisition project that was not funded in the current fiscal year's acquisition work plan after the governmental entity receives an owner's request to remove property from the project, the owner's request shall be honored and the property removed from the project. Within 1 year after the date that the governmental entity receives an owner's request to remove property from an approved land acquisition project, the owner may request reinstatement of the property in the project, and the governmental entity may honor that request by restoring the property to the same status within the approved land acquisition project from which it was removed without the necessity of additional review under this chapter. Removal of property from an approved land acquisition project does not preclude the governmental entity's reconsideration of the property at a later time in accordance with the review, ranking, and notice procedures required by this chapter.

Section 9. Section 373.065, Florida Statutes, is created to read:

373.065 Limitations on land acquisition programs; notice to owners; removal from project.—

(1) Land acquisition programs described in or authorized by this chapter do not impose increased regulatory restrictions or requirements on the owners of lands that have been identified for possible acquisition under the programs unless specifically prescribed by law. As used in this section, the term "acquisition" refers to the purchase or other exchange of consideration for any legal interest in real property, including fee simple, less-than-fee simple, easement, tenancy, or right-of-way.

(2) Any map, inventory, or related graphic information prepared by any state agency, commission, water management district, regional planning council, or special district that specifically identifies lands for potential acquisition may be used for planning purposes, but shall not be:

(a) Used for regulatory purposes;

(b) Used as the sole basis for a consistency determination under chapter 163 or chapter 380; or

(c) Legally binding when incorporated or referenced in any other program or regulation unless specifically adopted by rule or ordinance.

(3) By December 31, 1996, each governmental entity that implements a land acquisition program described in or authorized by this chapter shall provide written notice to the owners of all properties identified in each land acquisition project that the described properties are being considered for possible acquisition. For land acquisition programs or projects implemented by the governmental entity after the effective date of this section, the notice shall be provided to each affected landowner within 60 days after the governmental entity's approval of each land acquisition project. The notice shall be in substantially the following form:

NOTICE OF LAND ACQUISITION PROJECT

The . . . (name of governmental entity). . . hereby notifies each owner of lands identified herein by parcel number and depicted on the location map below that the described lands have been identified by . . . (name of governmental entity). . . for possible acquisition under the authority granted by . . . (citation to authorizing statutes). . . . Owners of identified lands may obtain additional information regarding the land acquisition project by contacting . . . (name, address, and telephone number of government entity). . . .

Notification shall be given to each owner of affected parcels as shown in the latest available ad valorem tax roll data collected by the Department of Revenue, unless an individual project consists of more than 200 separate ownership interests among the affected parcels, in which event notice may be published in a newspaper of general paid circulation, interest, and readership in each affected county pursuant to chapter 50. The published notice shall be no less than 2 columns wide by 10 inches long in a standard size or tabloid size newspaper, and the headline in the advertisement shall be set in type no smaller than 18 points. The notice, which shall contain a geographic location map clearly indicating the area covered by the acquisition project, shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(4) The owner of property described in a governmental entity's list of approved land acquisition projects, but not funded for purchase in the current fiscal year's acquisition work plan, may request removal of the property from the list. Upon receipt of an owner's certified letter requesting removal of described property from the list of approved but unfunded land acquisition projects, the governmental entity responsible for implementation of the land acquisition program shall remove the property from the list of approved acquisition projects within 6 months or by the end of the fiscal year for which the acquisition work plan is effective, whichever is sooner. If funding becomes available for an approved land acquisition project that was not funded in the current fiscal year's acquisition work plan after the governmental entity receives an owner's request to remove property from the project, the owner's request shall be honored and the property removed from the project. Within 1 year after the date that the governmental entity receives an owner's request to remove property from an approved land acquisition project, the owner may request reinstatement of the property in the project, and the governmental entity may honor that request by restoring the property to the same status within the approved land acquisition project from which it was removed without the necessity of additional review under this chapter. Removal of property from an approved land acquisition project does not preclude the governmental entity's reconsideration of the property at a later time in accordance with the review, ranking, and notice procedures required by this chapter.

Section 10. Section 373.139, Florida Statutes, is amended to read:

373.139 Acquisition of real property.—

(1) The Legislature declares it to be necessary for the public health and welfare that water and water-related resources be conserved and protected. The acquisition of *interests in* real property for this objective shall constitute a public purpose for which public funds may be expended.

(2) The governing board of the district is empowered and authorized to acquire fee title to real property *or less-than-fee interests* and easements therein by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, and preservation of wetlands, streams and lakes, except that eminent domain powers may be used only for acquiring real property for flood control and water

storage or for curing title defects or encumbrances to real property to be acquired from a willing seller.

(3) The following provisions apply to the acquisition of less-then-fee interests in land:

(a) Title to the real property forming the basis for a less-than-fee acquisition must not include any exception that compromises the purpose for which the interest may be acquired.

(b) Lands acquired on a less-than-fee basis should be available for public recreation if such use is compatible with the purpose for which the lands were acquired.

(c) Any contract for the purchase of a less-than-fee interest in lands must provide for completion of a physical inventory of the subject property, at the expense of the acquiring entity, prior to consummation of the purchase.

(d) Any document that conveys a less-than-fee interest in lands under this section must be recorded in the public records of the county or counties wherein the real property is located and must contain conditions necessary to protect the interest being acquired, including physical access to the property sufficient to enforce the conditions.

(4)~~(3)~~ Title information, appraisal reports, offers, and counteroffers are confidential and exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing board. In the event that negotiation is terminated by the district, the title information, appraisal report, offers, and counteroffers shall become available pursuant to s. 119.07(1). Notwithstanding the provisions of this section and s. 253.025, a district and the Division of State Lands may share and disclose title information, appraisal reports, appraisal information, offers, and counteroffers when joint acquisition of property is contemplated. A district and the Division of State Lands shall maintain the confidentiality of such title information, appraisal reports, appraisal information, offers, and counteroffers in conformance with this section and s. 253.025. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(5)~~(4)~~ The governing board of the district may purchase tax certificates or tax deeds issued in accordance with chapter 197 relating to property eligible for purchase under this section.

(6)~~(5)~~ Lands acquired for the purposes enumerated in subsection (2) may also be used for recreational purposes, and whenever practicable such lands shall be open to the general public for recreational uses.

(7)~~(6)~~ For the purpose of introducing water into, or drawing water from, the underlying aquifer for storage or supply, the governing board is authorized to hold, control, and acquire by donation, lease, or purchase any *interest in* land, public or private.

(8)~~(7)~~ This section shall not limit the exercise of similar powers delegated by statute to any state or local governmental agency or other person. *Each water management district must identify and integrate into district land acquisition plans the water resource-related conservation and land acquisition programs of local governments within the district's jurisdiction.*

(9) By February 1 of each year, each water management district that acquired or attempted to acquire lands under the provisions of this chapter must prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an annual report that describes:

(a) The progress achieved by the entity in the implementation and administration of public land acquisition programs during the prior calendar year.

(b) The entity's attempts to acquire less-than-fee interests in lands, obstacles to the use of less-than-fee acquisition alternatives encountered by the reporting entity, and specific proposals for resolving such impediments, including appropriate recommendations for statutory modification.

(c) Lands owned or managed by the governmental entity that may be eligible for mitigation projects or mitigation banks.

Section 11. Subsections (2) and (3) of section 373.59, Florida Statutes, are amended, subsections (9), (10), (11), (12), (13), and (14) of that section are redesignated as subsections (12), (13), (14), (15), (16), and (17), respectively, and new subsections (9), (10), and (11) are added to that section, to read:

373.59 Water Management Lands Trust Fund.—

(2)(a) By January 15 of each year, each district shall file with the Legislature and the Secretary of Environmental Protection a report of acquisition activity together with modifications or additions to its 5-year plan of acquisition. The report shall also include a description of land management activity. Expenditure of moneys from the Water Management Lands Trust Fund shall be limited to the costs for acquisition, management, maintenance, and capital improvements of lands included within the 5-year plan as filed by each district and to the department's costs of administration of the fund. The department's costs of administration shall be charged proportionally against each district's allocation using the formula provided in subsection (7). However, no acquisition of lands shall occur without a public hearing similar to those held pursuant to the provisions set forth in s. 120.54. In the annual update of its 5-year plan for acquisition, each district shall identify lands needed to protect or recharge groundwater and shall establish a plan for their acquisition as necessary to protect potable water supplies. Lands which serve to protect or recharge groundwater identified pursuant to this paragraph shall also serve to protect other valuable natural resources or provide space for natural resource based recreation. *Commencing with the annual update due January 15, 1997, each district's report must also include:*

1. An identification of lands included in the district's 5-year plan of acquisition that necessitate the acquisition of fee simple interests to achieve the district's water protection and management goals; and

2. An inventory of all lands in which it holds an interest, which further identifies:

a. Lands that could provide better economic or environmental benefits to the state. Alternatives that could provide positive economic or environmental benefits include, but are not limited to, the sale of surplus lands, leasing of land for uses compatible with the purposes for which the interest was acquired, and conveyance of interests in land with restrictions sufficient to ensure protection of the interest retained.

b. Lands that may be eligible for mitigation projects or mitigation banks.

(b) Moneys from the fund shall be used for continued acquisition, management, maintenance, and capital improvements of the following lands and lands set forth in the 5-year land acquisition plan of the district:

1. By South Florida Water Management District—lands in the water conservation areas and areas adversely affected by raising water levels of Lake Okeechobee in accordance with present regulation schedules, and the Savannahs Wetland area in Martin County and St. Lucie County.

2. By Southwest Florida Water Management District—lands in the Four River Basins areas, including Green Swamp, Upper Hillsborough and Cypress Creek, Anclote Water Storage Lands (Starkey), Withlacoochee and Hillsborough riverine corridors, and Sawgrass Lake addition.

3. By St. Johns River Water Management District—Seminole Ranch, Latt Maxey and Evans properties in the upper St. Johns River Basin.

4. By Suwannee River Water Management District—lands in Suwannee River Valley.

5. By Northwest Florida Water Management District—lands in the Choctawhatchee and Apalachicola River Valleys.

(3)(a) Moneys from the Water Management Lands Trust Fund shall be used for acquiring the fee or other interest in lands necessary for water management, water supply, and the conservation and protection of water resources~~, except that such moneys shall not be used for the acquisition of rights-of-way for canals or pipelines~~. Such moneys shall also be used for management, maintenance, and capital improvements.

Lands acquired with moneys from the fund shall be managed and maintained in an environmentally acceptable manner and, to the extent practicable, in such a way as to restore and protect their natural state and condition. *A district may authorize the use and management of interests in lands acquired by the district under this section for the following purposes, provided such uses are sustainable and compatible with the purposes for which the interests were acquired: water supply, including water production and transmission; forestry and agricultural activities; public recreation, including boating, hunting, and fishing; and other revenue-producing activities. Revenues generated from the use of lands shall be accounted for separately and used by the district to meet the management needs of the lands that generated the revenue, except that a minimum of 10 percent of such revenues shall be used to meet the management needs of other lands managed by the district. The district shall annually assess the cost of managing acquired lands and allocate sufficient funds to accomplish those management activities from available funding sources.*

(b) For each proposed acquisition of a less-than-fee interest in land that meets water management, supply, conservation, and protection goals and for which the landowner is willing to sell a less-than-fee interest, the acquiring entity must prepare or obtain a cost-benefit analysis of the difference between acquisition of a fee interest and the proposed less-than-fee interest that includes acquisition costs, management expenses, impacts to tax revenues of the local government, and income potential from compatible revenue-generating activities on the property. The option supported by the lowest present value-to-cost ratio shall be pursued unless an exception is sufficiently justified.

(c)~~(b)~~ The Secretary of Environmental Protection shall release moneys from the Water Management Lands Trust Fund to a district for preacquisition costs within 30 days after receipt of a resolution adopted by the district's governing board which identifies and justifies any such preacquisition costs necessary for the purchase of any lands listed in the district's 5-year plan. The district shall return to the department any funds not used for the purposes stated in the resolution, and the department shall deposit the unused funds into the Water Management Lands Trust Fund.

(d)~~(c)~~ The Secretary of Environmental Protection shall release acquisition moneys from the Water Management Lands Trust Fund to a district following receipt of a resolution adopted by the governing board identifying the lands being acquired and certifying that such acquisition is consistent with the plan of acquisition and other provisions of this act. The governing board shall also provide to the Secretary of Environmental Protection a copy of all certified appraisals used to determine the value of the land to be purchased. If the purchase price is greater than the appraisal price, the governing board shall submit written justification for the increased price. The Secretary of Environmental Protection may withhold moneys for any purchase that is not consistent with the 5-year plan or the intent of this act or that is in excess of appraised value. The governing board may appeal any denial to the Land and Water Adjudicatory Commission pursuant to s. 373.114.

(e)~~(d)~~ The Secretary of Environmental Protection shall release to the districts moneys for management, maintenance, and capital improvements following receipt of a resolution and request adopted by the governing board which specifies the designated managing agency, specific management activities, public use, estimated annual operating costs, and other acceptable documentation to justify release of moneys.

(9) By March 1, 1997, each district must complete for all lands it manages:

(a) An "exotic plant management plan" that details the activities and operations that the district will implement to control invasive exotic plant species on the lands. The exotic plant management plan must include activity implementation schedules, proposed operational budgets, and identified sources of funding.

(b) A report that details the long-term management costs for the lands, together with an identification of funding sources for the management activities described. The reports must include restoration expenses and capital project shortfalls, identify the sources of funding necessary to implement and complete restoration and capital projects, and employ consistent management cost criteria, formulas, and reporting formats. Upon completion, the long-term management report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(10) Prior to closing each acquisition of lands or interests therein, the governing board of the acquiring district must adopt a conceptual management plan that describes: the management goals for the lands and conditions that will affect the intensity of management; proposed management activities, including estimates for restoration of degraded areas and control of invasive exotic plant species; provisions for protecting existing infrastructure and for ensuring the security of the project upon acquisition; the anticipated costs of management and projected sources of revenue, including legislative appropriations, to fund management needs; and an estimate of the number of employees needed to manage the property.

(11) Not more than 1 year from the date that a district acquires an adequate portion of a land acquisition or conservation project to substantially meet the management goals stated in the conceptual land management plan prepared for the project under subsection (9), the governing board must adopt a final management plan for the project that includes, but is not limited to:

(a) A statement of the purpose for which the lands or interests therein were acquired as defined in s. 373.139, the projected use or uses of the lands which are consistent with those purposes, and the statutory authority for such use or uses.

(b) Detailed descriptions of key management activities necessary to preserve, protect, and restore natural resources within the lands; to control the spread of exotic plant species in uplands, wetlands, and waters within the lands; and to conduct prescribed burning and other appropriate resource-management activities.

(c) Specifications that detail how the managing agency plans to identify, locate, protect, and preserve, or otherwise use, fragile, nonrenewable natural resources within the property.

(d) A priority schedule for conducting management activities, based on the purposes for which the lands or interests therein were acquired.

(e) Cost estimates and funding sources, consistent with the conceptual management plan, for conducting priority management activities, including recommendations for cost-effective methods of accomplishing those activities.

(f) A cost estimate for conducting other management activities to enhance the natural resource value or public recreation value of the lands, including recommendations for cost-effective methods of accomplishing those activities.

(g) A schedule for providing access to the public, if applicable.

(h) An estimate of the revenue-generating potential of the property.

(i) Recommendations for involving local governments, volunteer groups, the former or existing landowner, or other interested parties in such management.

Section 12. Section 375.031, Florida Statutes, is amended to read:

375.031 Acquisition of land; procedures.—

(1) The department is empowered and authorized to identify for acquisition lands, water areas, and related resources and to perform all other activities necessary or incident to improving, maintaining, selling, leasing, or disposing of land, water areas, and related resources, and improvements thereon. Prior to the acquisition of such land by the department, the seller of the land shall file a statement with the department disclosing, for at least the last 5 years prior to the conveyance of title to the state, all financial transactions concerning the land, and all parties having a financial interest in any transaction. The Board of Trustees of the Internal Improvement Trust Fund shall hold title to lands so acquired, but the beneficial use, control, and management shall be with the department. All lands identified for acquisition under this chapter shall be acquired with funds from the Land Acquisition Trust Fund.

(2) Land acquisition programs described in or authorized by this chapter do not impose increased regulatory restrictions or requirements on the owners of lands that have been identified for possible acquisition under the programs unless specifically prescribed by law. As used in this section, the term "acquisition" refers to the purchase or other exchange of

consideration for any legal interest in real property, including fee simple, less-than-fee simple, easement, tenancy, or right-of-way.

(a) Any map, inventory, or related graphic information prepared by any state agency, commission, water management district, regional planning council, or special district which specifically identifies lands for potential acquisition may be used for planning purposes, but shall not be:

1. Used for regulatory purposes;

2. Used as the sole basis for a consistency determination under chapter 163 or chapter 380; or

3. Legally binding when incorporated or referenced in any other program or regulation unless specifically adopted by rule or ordinance.

(b) By December 31, 1996, each governmental entity that implements a land acquisition program described in or authorized by this chapter shall provide written notice to the owners of all properties identified in each land acquisition project that the described properties are being considered for possible acquisition. For land acquisition programs or projects implemented by the governmental entity after the effective date of this section, the notice shall be provided to each affected landowner within 60 days after the governmental entity's approval of each land acquisition project. The notice shall be in substantially the following form:

NOTICE OF LAND ACQUISITION PROJECT

The . . . (name of governmental entity). . . hereby notifies each owner of lands identified herein by parcel number and depicted on the location map below that the described lands have been identified by . . . (name of governmental entity). . . for possible acquisition under the authority granted by . . . (citation to authorizing statutes). . . . Owners of identified lands may obtain additional information regarding the land acquisition project by contacting . . . (name, address, and telephone number of government entity). . . .

Notification shall be given to each owner of affected parcels as shown in the latest available ad valorem tax roll data collected by the Department of Revenue, unless an individual project consists of more than 200 separate ownership interests among the affected parcels, in which event notice may be published in a newspaper of general paid circulation, interest, and readership in each affected county pursuant to chapter 50. The published notice shall be no less than 2 columns wide by 10 inches long in a standard size or tabloid size newspaper, and the headline in the advertisement shall be set in type no smaller than 18 points. The notice, which shall contain a geographic location map clearly indicating the area covered by the acquisition project, shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(c) The owner of property described in a governmental entity's list of approved land acquisition projects, but not funded for purchase in the current fiscal year's acquisition work plan, may request removal of the property from the list. Upon receipt of an owner's certified letter requesting removal of described property from the list of approved but unfunded land acquisition projects, the governmental entity responsible for implementation of the land acquisition program shall remove the property from the list of approved acquisition projects within 6 months or by the end of the fiscal year for which the acquisition work plan is effective, whichever is sooner. If funding becomes available for an approved land acquisition project that was not funded in the current fiscal year's acquisition work plan after the governmental entity receives an owner's request to remove property from the project, the owner's request shall be honored and the property removed from the project. Within 1 year after the date that the governmental entity receives an owner's request to remove property from an approved land acquisition project, the owner may request reinstatement of the property in the project, and the governmental entity may honor that request by restoring the property to the same status within the approved land acquisition project from which it was removed without the necessity of additional review under this chapter. Removal of property from an approved land acquisition project does not preclude the governmental entity's reconsideration of the property at a later time in accordance with the review, ranking, and notice procedures required by this chapter.

(3)~~(2)~~ The department may acquire, control, and oversee the development and use of all land, water areas, and related resources generally classified as outdoor areas and may construct, improve, enlarge, extend, and maintain capital improvements and facilities upon such outdoor areas as needed. In performing these functions, the department shall give full consideration to the recommendations of the committee and of other agencies using or desiring to use land or water areas provided by the department.

(4)~~(3)~~(a) All land, water areas, and related resources hereafter needed by the state for outdoor recreation, wildlife management, forestry management, nature preservation, water conservation and control, and other similar or related purposes shall be acquired by the Division of State Lands of the Department of Environmental Protection pursuant to the procedures set forth in chapter 253.

(b) On behalf of the Board of Trustees of the Internal Improvement Trust Fund and before the appraisal of a parcel approved for purchase pursuant to this chapter, the Secretary of Environmental Protection or the director of the Division of State Lands may enter into an option contract to buy such parcel. The option contract shall state that the final purchase price is subject to approval by the board and that this price may not exceed the maximum offer allowed by law. The consideration for such option may not exceed $1,000 or .01 percent of the estimate by the department of the value of the parcel, whichever is greater.

(5)~~(4)~~ The department may acquire by purchase, lease-purchase agreement, or otherwise, on such terms and conditions as it deems wise, any land, water areas, related resources, or other property which it deems is reasonably necessary for outdoor recreation or natural resources conservation under this act, and any and all rights, title, and interest in such land, water areas, related resources, and other property, including any public lands, parks, playgrounds, reservations, roads, or parkways, owned by or in which any county, political subdivision, city, town, village, public agency, or officer of the state has any right, title, or interest, or parts thereof or rights therein and any fee simple absolute or lesser interest in private property, and fee simple absolute in, easement upon, or the benefit of restrictions upon, abutting property to preserve and protect recreation and conservation areas and projects.

(6)~~(5)~~ Land, water areas, and related resources which may be identified through the procedures provided in this act include, but are not limited to, parks and recreation areas, wildlife preserves, forest areas, wetlands, floodways and water storage areas, beaches, water access sites, boating and navigational channels, submerged lands, historical and archaeological sites, and rights-of-way and sites for access roads which may be necessary for maximum development, use, and enjoyment of any outdoor recreation or conservation areas. The terms "land" and "lands" where used singly in this act shall be construed as inclusive of lands, water areas, and related resources.

(7)~~(6)~~ The department may acquire by the exercise of the power of eminent domain, in accordance with the statutes of the state, any land or water areas, related resources, and property and any and all rights, title, and interest in such land or water areas, related resources, and other property which it determines reasonably necessary for the preservation of floodways and water storage areas, boating and navigational channels, rights-of-way for access roads which may be necessary for maximum development and use of any outdoor recreation and conservation areas, and rights-of-way for access which may be necessary for the use and enjoyment of public waterways.

(8)~~(7)~~ The department may contract for the management or lease of acquired land, water areas, and related resources, or improvements thereon, with any state agency for its authorized purposes. The department may, in its discretion, require such state agency to pay, as rentals on such land, water areas, related resources, or improvements, all or any part of the revenues derived from the land. *The managing agency must prepare and adopt a management plan, an exotic plant management plan, and a report detailing the long-term management costs for the acquired lands, water areas, or related resources in accordance with s. 253.034(4) and (5), s. 259.032(10), or s. 373.59(9).*

(9)~~(8)~~ The department may, if it deems it desirable and in the best interest of the program, request the board of trustees to sell or otherwise dispose of any lands or water storage areas acquired under this act. The board of trustees, when so requested, shall offer the lands or water storage areas, on such terms as the department may determine, first to other state agencies and then, if still available, to the county or municipality in which the lands or water storage areas lie. If not acquired by another state agency or local governmental body for beneficial public purposes, the lands or water storage areas shall then be offered by the

board of trustees at public sale, after first giving notice of such sale by publication in a newspaper published in the county or counties in which such lands or water storage areas lie not less than once a week for 3 consecutive weeks. All proceeds from the sale or disposition of any lands or water storage areas pursuant to this section shall be deposited in the Land Acquisition Trust Fund.

(10)~~(9)~~ The department may sell, lease, or otherwise dispose of certain products and user rights in, under, or upon land, water areas, and related resources acquired under the provisions of this act, including, but not limited to, oil and minerals, timber and forest products, sand, gravel, earth, grazing rights, and farming rights on such terms and conditions as it determines, if the sale, lease, or other disposition is not inconsistent with or injurious to the outdoor recreation, conservation, and other purposes for which such lands and water areas were acquired.

(11)~~(10)~~ The department is empowered and authorized to provide matching funds to counties and municipalities of up to 50 percent of the cost of purchasing, exclusive of condemnation, rights-of-way for access roads or walkways to public beaches contiguous with the Atlantic Ocean or the Gulf of Mexico.

Section 13. Subsection (3) of section 375.045, Florida Statutes, is amended to read:

375.045 Florida Preservation 2000 Trust Fund.—

(3) Any agency or district which acquires lands using Preservation 2000 funds, as distributed pursuant to this section and s. 259.101(3), shall manage the lands to make them available for public recreational use, provided that the recreational use does not interfere with the protection of natural resource values. Any such agency or district may enter into agreements with the Department of Environmental Protection or other appropriate state agencies to transfer management authority to or to lease to such agencies lands purchased with Preservation 2000 funds, for the purpose of managing the lands to make them available for public recreational use. The water management districts and the Department of Environmental Protection shall take action to control the growth of nonnative invasive plant species on lands they manage which are purchased with Preservation 2000 funds. *By March 1, 1997, each agency or district that manages lands acquired with Preservation 2000 funds must complete for all lands managed:*

(a) An "exotic plant management plan" that details the activities and operations that the agency or district will implement to control invasive exotic plant species on the lands. The exotic plant management plan must include activity implementation schedules, proposed operational budgets, and identified sources of funding.

(b) A report that details the long-term management costs for the lands, together with an identification of funding sources for the management activities described. The reports must include restoration expenses and capital project shortfalls, identify the sources of funding necessary to implement and complete restoration and capital projects, and employ consistent management cost criteria, formulas, and reporting formats. Upon completion, the long-term management report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Upon a determination by the Department of Environmental Protection that proceeds being held in the trust fund to support distributions outside the Department of Environmental Protection are not likely to be disbursed in accordance with the foregoing considerations, the Department of Environmental Protection shall petition the Governor and Cabinet to allow for the immediate disbursement of such funds for the acquisition of projects approved for purchase pursuant to the provisions of chapter 259.

Section 14. This act shall take effect July 1, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to land acquisition and management; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to submit a report to the Legislature designating certain lands for specified purposes; creating s. 253.780, F.S.; providing limitations on land acquisition programs, requirements for notice to owners, and the ability to be removed from a project; amending s. 259.032, F.S.; specifying uses for certain lands; requiring an exotic plant management plan; requiring a report and an annual inventory of certain lands; creating s. 259.033, F.S.; providing limitations on land acquisition programs, requirements for notice to owners, and the ability to be removed from a project; amending s. 259.035, F.S.; specifying contents of a report; amending s. 259.041, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain land acquisition authority to water management districts; specifying criteria for the acquisition of less-than-fee interests in lands; requiring a report; providing for Department of Natural Resources coordination and compilation of certain land data; amending s. 259.101, F.S.; requiring the department and water management districts to study revenue bond limitations; requiring a report; creating s. 372.21, F.S.; providing limitations on land acquisition programs, requirements for notice to owners, and the ability to be removed from a project; creating s. 373.065, F.S.; providing limitations on land acquisition programs, requirements for notice, and the ability to be removed from a project; amending s. 373.139, F.S.; providing requirements for acquisition of less-than-fee interests in lands; requiring water management districts to incorporate certain land acquisition programs of local governments into district land acquisition plans; requiring certain governmental entities to submit an annual report to the Governor and Legislature; specifying contents of the report; amending s. 373.59, F.S.; specifying additional requirements for certain water management district reports; providing an additional use of district interests in land under certain circumstances; requiring certain entities to prepare a cost-benefit analysis of certain land acquisition options under certain circumstances; requiring water management districts to complete an exotic plant management plan and a long-term management cost report for certain lands; requiring a conceptual management plan for certain land acquisitions; requiring a final management plan; specifying contents; amending s. 375.031, F.S.; providing limitations on certain land acquisition or conservation programs under certain circumstances; providing requirements for notice to certain landowners of possible acquisition of lands under such programs; requiring managing agencies to adopt certain management plans; amending s. 375.045, F.S.; requiring certain agencies or districts to prepare an exotic plant management plan and a long-term management cost report; providing requirements; providing an effective date.

On motion by Senator Bronson, by two-thirds vote **CS for SB 2472** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

CONSIDERATION OF BILLS OUT OF ORDER

On motion by Senator Burt, by two-thirds vote **CS for HB 207** was withdrawn from the Committees on Criminal Justice; Judiciary; and Ways and Means.

On motion by Senator Burt, by unanimous consent—

CS for HB 207—A bill to be entitled An act relating to capital felonies; amending s. 921.141, F.S.; revising the aggravating circumstances for capital felony sentencing; providing an aggravating circumstance when the capital felony was committed by a person previously convicted of a felony and placed on felony probation; providing an aggravating circumstance for capital felony sentencing when the capital felon has committed or attempted to commit abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; providing an aggravating circumstance when the victim of the capital felony was particularly vulnerable due to advanced age or disability or because the defendant stood in a position of familial or custodial authority over the victim; revising the mitigating circumstances for capital felony sentencing; requiring consideration of any factors in the defendant's background mitigating against imposition of the death penalty; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for HB 207** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motion by Senator Burt, by two-thirds vote **CS for HB 211** was withdrawn from the Committees on Criminal Justice and Judiciary.

On motion by Senator Burt, by unanimous consent—

CS for HB 211—A bill to be entitled An act relating to criminal appeals and collateral review of criminal proceedings; creating the "Criminal Appeal Reform Act of 1996"; directing the retitling of chapter 924, relating to appeals, as "Criminal Appeals and Collateral Review"; amending s. 924.05, F.S.; making only direct appeals under chapter 924 a matter of right; creating s. 924.051, F.S.; providing legislative intent and definitions; providing guidelines and terms and conditions of appeals and collateral review in criminal cases; limiting direct appeals to allegations of prejudicial error; limiting appeals after a defendant pleads guilty or nolo contendere; prohibiting collateral relief on grounds that were or could have been raised at trial and, if properly preserved, on direct appeal; placing a time limitation on filing for collateral relief, with exceptions; placing the burden of demonstrating prejudicial error on the party challenging a ruling of a trial court; prohibiting the use of public funds, resources, or employees in appellate or collateral proceedings unless it is constitutionally or statutorily mandated; amending s. 924.06, F.S.; revising criteria for appeal by defendant; limiting the right to appeal of defendants who plead guilty or nolo contendere; creating s. 924.066, F.S.; limiting applications for collateral relief and providing that there is no right to a court-appointed lawyer in noncapital collateral proceedings; amending s. 924.07, F.S., relating to the state's right of appeal, to clarify language; amending s. 924.37, F.S.; providing that a cross-appeal by the state is not jurisdictional; providing for appellate court decision or an issue cross-appealed by the state, under specified circumstances; removing a requirement that an appellate court decide issues appealed by the state; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for HB 211** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—1

On motion by Senator Burt, by unanimous consent—

CS for SB 2712—A bill to be entitled An act relating to offenses against persons; creating s. 782.051, F.S.; describing the offense of felony causing bodily injury and providing penalties therefor; ranking offenses for purposes of sentencing guidelines; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for SB 2712** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motion by Senator Burt, by unanimous consent—

SB 1020—A bill to be entitled An act relating to sentencing; amending s. 921.143, F.S., relating to the appearance of victim or next of kin to make statement at sentencing hearing; providing for the victim or next of kin to make a statement at such appearance in conjunction with submitting a written statement to the state attorney's office to be filed with the court; requiring the prosecuting attorney to advise the victim that such statements may relate to any matter relevant to appropriate disposition and sentence; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Burt, by two-thirds vote **SB 1020** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

SPECIAL ORDER CALENDAR, continued

CS for SB 2316—A bill to be entitled An act relating to criminal justice; providing that this act may be cited as "The Jimmy Ryce Act"; amending s. 775.13, F.S.; providing that a person registered as a sexual predator does not have to register as a convicted felony offender; amending s. 775.22, F.S.; providing additional legislative findings and determinations with respect to the Florida Sexual Predators Act; providing for notification requirements and a hearing for offenders registered as sexual predators; requiring the Department of Law Enforcement to make a list of registered sexual predators available to the public upon request; requiring that a law enforcement agency notify the Department of Law Enforcement if the agency suspects that a person who is required to register as a sexual predator has failed to do so; providing a penalty for certain sexual predators who work in a place where children regularly congregate; providing for a "900" number for sexual predator information; providing for use of income from the "900" number, and income reporting; providing for expiration of the "900" number; amending s. 775.225, F.S.; providing for a hearing in the circuit court to determine if offenders who are required to register under the act pose a threat to the public; requiring the Department of Law Enforcement to provide statewide or local notification of the presence of a sexual predator; creating s. 775.24, F.S.; providing criminal penalties for use of certain disclosed information; providing for an injunction or other preventive orders for misuse of a "900" number for sexual predator information; providing that an appointed official is immune from civil liability for disclosing certain sexual predator information; amending s. 827.071, F.S.; prohibiting the promotion or possession of presentations or materials that depict sexual conduct by a child; providing that it is not a defense to prosecution if the presentation or material is a computer-generated, computer-enhanced, or similarly produced depiction of a child or person who does not exist; reenacting s. 921.0012(3)(e), F.S., relating to the sentencing guidelines, to incorporate the amendment to s. 827.071, F.S., in references thereto; creating s. 847.203, F.S.; requiring certain commercial processors or producers of film, videotape, video discs, or other images and persons who offer computer network services to report a depiction of a child engaged in sexual conduct to a law enforcement agency; providing immunity from civil or criminal liability for making such report; providing a penalty for failing to report as required; creating s. 847.205, F.S.; providing immunity from civil or criminal liability to any person enforcing certain chapters involving offenses against minors or illicit sexual conduct, if engaged in investigating or enforcing any laws or ordinances; creating s. 937.025, F.S.; requiring that a public or private school flag the student records of a child upon being notified by the Department of Law Enforcement that the child is missing; requiring the school to contact the local law enforcement agency and the Department of Law Enforcement when a copy of or information concerning the records of a missing child is requested; providing that the school or a school employee is immune from civil liability for providing information concerning a missing child to a law enforcement agency; creating s. 937.026, F.S.; requiring an employee of the state, local governmental agency, entity licensed by the state or its subdivisions, or public or private school to report to a local law enforcement agency and the Department of Law Enforcement information that could assist in locating a missing child, ascertaining the identity of the person who has custody of a missing child, or determining if a missing child is in danger; providing that a person who makes such report in good faith is immune from criminal or civil liability; creating s. 937.032, F.S.; prohibiting the reporting of false information with respect to a missing child; providing a penalty; amending s. 937.024, F.S.; providing that the supervisor of the registrar shall notify the Department of Law Enforcement of a request for birth records of a missing child which in turn shall notify local law enforcement; providing that upon notification by the Department of Law Enforcement a flag may be removed from the birth records of a missing child; providing an effective date.

—was read the second time by title.

Senator Silver offered the following amendments which were moved by Senator Burt and adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Jimmy Ryce Act."

Section 2. Section 775.21, Florida Statutes, is amended to read:

775.21 The Florida Sexual Predators Act; *definitions;* legislative findings, *purpose,* and intent*; criteria; designation; registration; community and public notification; immunity; penalties.*—

(1) SHORT TITLE.—*This section* ~~Sections 775.21-775.23~~ may be cited as "The Florida Sexual Predators Act."

(2) *DEFINITIONS.—As used in this section, the term:*

(a) "Chief of police" means the chief law enforcement officer of a municipality.

(b) "Community" means any county where the sexual predator lives or otherwise establishes temporary or permanent residence.

(c) "Department" means the Department of Law Enforcement.

(d) "Entering the county" includes being discharged from a correctional facility or jail or secure treatment facility within the county or being under supervision within the county for the commission of a violation enumerated in subsection (4).

(e) "Temporary residence" means a stay of 2 or more weeks.

(3) LEGISLATIVE FINDINGS *AND PURPOSE; LEGISLATIVE INTENT.*~~— The Legislature finds that:~~

(a) *Repeat sex offenders, sex offenders who use physical violence, and sex offenders who prey on children are sexual predators who present an extreme threat to the public safety.* Sex offenders are extremely likely to use physical violence and to repeat their offenses, and most sex offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society at large, while incalculable, clearly exorbitant.

(b) The high level of threat that a *sexual predator* ~~violent or repeat sex offender~~ presents to the public safety, and the long-term effects *suffered by victims of* ~~that~~ sex offenses ~~cause victims~~, provide the state with sufficient justification to design and implement innovative mechanisms as part of a strategy to achieve a significant reduction in the commission of violent and repeat sex offenses, a strategy that includes:

1. *Incarcerating sexual predators and* maintaining adequate facilities to ensure that decisions to release sexual predators into the community are not made on the basis of inadequate space.

2. Providing for *specialized* ~~postincarceration~~ supervision *of sexual predators who are in the community by specially trained probation officers with low caseloads, as described in ss. 948.03(5) and 947.1405(7).* ~~for~~ The sexual predator *is* ~~population,~~ subject to specified terms and conditions ~~established by the Parole Commission as set forth in s. 947.1405(2),~~ implemented at the time of release from incarceration, *or at the time of sentencing,* with a requirement that those who are financially able must pay all or part of the costs of supervision. ~~When the commission has reasonable grounds to believe that a sexual predator has violated the terms and conditions of release, such offender shall be subject to the provisions of s. 947.141 and shall be subject to forfeiture of gain-time pursuant to s. 944.28(1).~~

3. ~~Providing for supervision of sexual predators who are released into the community, by an adequate number of well-trained probation officers with low caseloads, with terms and conditions which may include electronic monitoring and which must include the special conditions as required in s. 947.1405(7).~~

~~4.~~ Requiring the registration of sexual predators, with a requirement that complete and accurate information be maintained and accessible for use by law enforcement authorities, *communities, and the public.*

4.~~5.~~ Providing for *community and public* notification ~~of the community~~ concerning the presence of ~~certain~~ sexual predators.

5. Prohibiting sexual predators from working with children, either for compensation or as a volunteer.

(c) ~~The public is not adequately protected from violent or repeat sex offenses. The nature of sex offenses, the devastation to the victims, the likelihood of violent and repeat offenses, and the costs of victimization are compelling reasons to focus state resources on addressing the problem of sexual predators.~~

~~(d)~~ The state has a compelling interest in protecting the public from *sexual predators and in protecting children from predatory sexual activity* ~~serious sex offenses~~, and there is sufficient justification for requiring *sexual predators to register and for requiring community and public notification* ~~that the public be notified~~ of the presence of ~~certain~~ sexual predators.

(d) It is the determination of the Legislature that, upon the court's written finding that an offender is a sexual predator, it is necessary in order to protect the public, that the sexual predator be registered with the department and that the community and the public be notified of the sexual predator's presence.

(e)~~(3) LEGISLATIVE INTENT.—~~It is the intent of the Legislature to address the problem of sexual predators by*:*

1. Requiring sexual predators supervised in the community to have special conditions of supervision and to be supervised by ~~providing~~ probation officers with low caseloads*;* ~~and special conditions pursuant to the conditional release program,~~

2. Requiring *sexual predators to register with the Florida Department of Law Enforcement, as provided in this section; and* ~~registration and the maintenance of access by law enforcement to locator and other registration information, and~~

3. Requiring community and public notification of the presence of a sexual predator, as provided in this section ~~requiring the sheriff or chief of police to notify the public if, after a hearing, the circuit court finds that a sexual predator poses a threat to the public~~.

(4) SEXUAL PREDATOR CRITERIA.—

(a) For a current offense committed on or after October 1, 1993, and before October 1, 1995:

1. An offender who was found by the court under former s. 775.22 or former s. 775.23 to be a sexual predator is a "sexual predator" if the court made a written finding that the offender was a sexual predator at the time of sentencing, as required by former s. 775.23. Such sexual predator must register or be registered as a sexual predator with the department, but is not subject to community and public notification.

2. If an offender has been registered as a sexual predator by the Department of Corrections, the department, or any other law enforcement agency and:

a. The court did not, for whatever reason, make a written finding at the time of sentencing that the offender was a sexual predator; or

b. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information that indicated that the offender met the sexual predator criteria based on a violation of a similar law in another jurisdiction,

the department shall remove that offender from the department's sexual predator list and shall so notify the state attorney who prosecuted the offense that triggered the administrative sexual predator designation in the case of offenders described in sub-subparagraph a., or the state attorney of the county where the offender permanently or temporarily resides on October 1, 1996, in the case of offenders described in sub-subparagraph b. The state attorney may bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the court then makes a written finding that the offender is a sexual predator, the offender is designated as a sexual predator and must register or be registered as a sexual predator with the department, but is not subject to community and public notification. If the court does not make a written finding that the offender is a sexual predator, the offender is not designated as a sexual predator with respect to that offense, is not required to register or be registered as a sexual predator with the department, and is not subject to community and public notification.

(b) For a current offense committed on or after October 1, 1995, and before October 1, 1996:

1. An offender who was found by the court under former s. 775.22 or former s. 775.23 to be a sexual predator is a "sexual predator" if the court made a written finding that the offender was a sexual predator at the time of sentencing, as required by former s. 775.23. Such sexual predator must register or be registered with the department, and is subject to the community and public notification provisions of former s. 775.225.

2. If an offender has been registered as a sexual predator by the Department of Corrections, the department, or any other law enforcement agency and:

a. The court did not, for whatever reason, make a written finding at the time of sentencing that the offender was a sexual predator; or

b. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information that indicated that the offender met the sexual predator criteria based on a violation of a similar law in another jurisdiction,

the department shall remove that offender from the department's sexual predator list and shall notify the state attorney who prosecuted the offense that triggered the administrative sexual predator designation in the case of offenders described in sub-subparagraph a., or the state attorney of the county where the offender permanently or temporarily resides on October 1, 1996, in the case of offenders described in sub-subparagraph b. The state attorney may bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the court makes a written finding that the offender is a sexual predator, the offender is designated as a sexual predator, must register or be registered as a sexual predator with the department, and is subject to the community and public notification provisions under former s. 775.225. If the court does not make a written finding that the offender is a sexual predator, the offender is not designated as a sexual predator with respect to that offense, is not required to register or be registered as a sexual predator with the department, and is not subject to the community and public notification provisions under former s. 775.225.

(c) For a current offense committed on or after October 1, 1996, upon conviction, an offender shall be designated as a "sexual predator" under subsection (5), and subject to registration under subsection (6) and community and public notification under subsection (7) if:

1. The felony meets the criteria of former ss. 775.22(2) and 775.23(2), specifically, the felony is:

a. A capital, life, or first-degree felony violation of chapter 794 or s. 847.0145, or of a similar law of another jurisdiction; or

b. Any second-degree or greater felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 794.011(2), (3), (4), (5), or (8), s. 794.023, s. 800.04, s. 827.071, s. 847.0133, or s. 847.0145, or of a similar law of another jurisdiction;

2. The offender has not received a pardon for any felony or similar law of another jurisdiction that is necessary for the operation of this paragraph; and

3. A conviction of a felony or similar law of another jurisdiction necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(d) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony. If the offender's prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony under this subsection if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later.

(e) As used in this subsection, the term "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.

(5) SEXUAL PREDATOR DESIGNATION.—For a current offense committed on or after October 1, 1996, an offender is designated as a sexual predator as follows:

(a)1. An offender who meets the sexual predator criteria described in paragraph (4)(c) who is before the court for sentencing for a current offense committed on or after October 1, 1996, is a sexual predator, and the sentencing court must make a written finding at the time of sentencing that the offender is a sexual predator; or

2. If the Department of Corrections, the department, or any other law enforcement agency obtains information that indicates that an offender who permanently or temporarily resides in this state meets the sexual-predator criteria described in paragraph (4)(c) because the offender committed a similar violation in another jurisdiction on or after October 1, 1996, the Department of Corrections, the department, or the law enforcement agency shall notify the state attorney of the county where the offender permanently or temporarily resides of the offender's presence in the community. The state attorney shall file a petition with the criminal division of the circuit court for the purpose of holding a hearing to determine if the offender's criminal record from another jurisdiction meets the sexual-predator criteria. If the court finds that the offender meets the sexual-predator criteria because the offender has violated a similar law or similar laws in another jurisdiction, the court shall make a written finding that the offender is a sexual predator.

When the court makes a written finding that an offender is a sexual predator, the court shall inform the sexual predator of the registration and community and public notification requirements described in this section. Within 48 hours after the court designates an offender as a sexual predator, the clerk of the circuit court shall transmit a copy of the court's written sexual-predator finding to the department. If the offender is sentenced to a term of imprisonment or supervision, a copy of the court's written sexual-predator finding must be submitted to the Department of Corrections.

(b) If the Department of Corrections, the department, or any other law enforcement agency obtains information that indicates that an offender meets the sexual-predator criteria but the court did not make a written finding that the offender is a sexual predator as required in paragraph (a), the Department of Corrections, the department, or the law enforcement agency shall notify the state attorney who prosecuted the offense in the case of offenders described in subparagraph (a)1., or the state attorney of the county where the offender temporarily or permanently resides upon first entering the state in the case of offenders described in subparagraph (a)2. The state attorney shall bring the matter to the court's attention in order to establish that the offender meets the sexual-predator criteria. If the state attorney fails to establish that an offender meets the sexual-predator criteria and the court does not make a written finding that an offender is a sexual predator, the offender is not required to register with the department as a sexual predator, and the department and other law enforcement agencies are not authorized to inform the community and the public of the offender's presence. The offender must comply with the convicted felon registration requirements under s. 775.13. The Department of Corrections, the department, or any other law enforcement agency shall not administratively designate an offender as a sexual predator without a written finding from the court that the offender is a sexual predator.

(6) REGISTRATION.—

(a) A sexual predator must register with the department by providing the following information to the department:

1. Name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, photograph, address of legal residence, address of any current temporary residence, date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the offender.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel, treatment, and abuse registry records; and evidentiary genetic markers when available.

The sexual predator may register directly with the department, or the Department of Corrections or any law enforcement agency may register the sexual predator with the department. The sexual predator is not required to make any further registration as a convicted felony offender in any county.

(b) Each sexual predator who is residing permanently or temporarily in the state outside of a correctional facility, jail, or secure treatment facility must register or be registered with the department within 48 hours after entering the county of permanent or temporary residence. A sexual predator who is registered with the department must provide written notification to the department of any change in permanent or temporary residence within 48 hours after arrival at the new place of permanent or temporary residence.

(c) The department must notify the sheriff and the state attorney of the county and, if applicable, the police chief of the municipality, where the sexual predator permanently or temporarily resides within 48 hours after the sexual predator registers with the department or provides change-of-location information to the department.

(d)1. The department is responsible for the on-line maintenance of current information regarding each registered sexual predator. The department must maintain hotline access for state, local, and federal law enforcement agencies to obtain instantaneous locator file and offender characteristics information on all released registered sexual predators for purposes of monitoring, tracking, and prosecution. The photograph and fingerprints do not have to be stored in a computerized format.

2. The department's sexual predator registration list, containing the information described in subparagraph (a)1., is a public record. The department is authorized to disseminate this public information by any means deemed appropriate, including operating a "900" telephone number for this purpose. When the department provides information regarding a registered sexual predator to the public, department personnel must advise the person making the inquiry that positive identification of a person believed to be a sexual predator cannot be established unless a fingerprint comparison is made, and that it is illegal to use public information regarding a registered sexual predator to facilitate the commission of a crime.

3. The department shall adopt guidelines as necessary regarding the registration of sexual predators and the dissemination of information regarding sexual predators as required by this section.

(e) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has had his or her civil rights restored, or has received a full pardon or has had a conviction set aside in a postconviction proceeding for any felony sex offense that met the criteria for the sexual predator designation; however, a sexual predator who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court for the purpose of removing the sexual predator designation. The court has the discretion to grant or deny such relief.

(7) COMMUNITY AND PUBLIC NOTIFICATION.—

(a) Law enforcement agencies must inform the community and the public of a sexual predator's presence, pursuant to the guidelines adopted by the department for registration of sexual predators and the dissemination of information regarding sexual predators as required by this section. Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police. Information provided to the community and the public regarding a sexual predator must include:

1. The name of the sexual predator;

2. A description of the sexual predator, including a photograph;

3. The sexual predator's current address, including the name of the county or municipality;

4. The circumstances of the sexual predator's offense or offenses; and

5. The age of the victim of the sexual predator's offense or offenses.

This paragraph does not authorize the release of the name of any victim of the sexual predator.

(b) The sheriff or the police chief may coordinate the community and public notification efforts with the department. Statewide notification to the public is authorized, as deemed appropriate by local law enforcement personnel and the department.

(c) The department shall adopt a protocol to assist law enforcement agencies in their efforts to notify the community and the public of the presence of sexual predators. The department, in consultation and cooperation with the Department of Highway Safety and Motor Vehicles, shall determine the feasibility of requiring sexual predators to have a special designation on any drivers license, identification card, or license tag issued in this state.

(8) IMMUNITY.—When the court has made a written finding that an offender is a sexual predator, an elected or appointed official, public employee, or agency is immune from civil liability for damages resulting from the release of information under this section. This subsection does not preclude or diminish any immunity from liability for civil damages provided in s. 944.606.

(9) PENALTIES.—

(a) A sexual predator who fails to register or be registered or who fails, after registration, to provide required location information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 794.011(2), (3), (4), (5), or (8), s. 794.023, s. 800.04, s. 827.071, s. 847.0133, or s. 847.0145, or of a similar law of another jurisdiction, when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Section 775.22, Florida Statutes, is repealed:

~~775.22 Sexual predator registration; requirements, procedure, and penalties.—~~

~~(1) LEGISLATIVE FINDINGS AND PURPOSE.—~~

~~(a) In order to deter the commission of repeat sex offenses and sex offenses involving physical violence, to enhance law enforcement's ability to react when violent or repeat sex offenses are committed, and to collect and analyze statistical and informational data for monitoring and tracking purposes, it is essential to require statewide registration of sexual predators. This must be accomplished by maintaining an accurate and current computer database system for instant 24-hour-a-day access that allows the tracking of sexual predators. The purpose of this section is to enhance the public safety by requiring the registration of sexual predators, providing for the monitoring of their activities and the tracking of their whereabouts, facilitating law enforcement and prosecution, and providing information to communities to enhance public safety. The goal of this section is the on-line establishment of a centralized system through which certain information concerning sexual predators, including locator information, can be instantaneously accessed by local, state, and federal law enforcement.~~

~~(b)1. The Legislature finds that sexual predators often present a high risk of engaging in sexual offenses after being released from incarceration or commitment and that protection of the public from sexual predators is of paramount and compelling governmental importance. The Legislature further finds that local law enforcement's efforts to protect their communities, conduct appropriate investigations, and apprehend offenders who commit sexual offenses are impaired by the lack of information available to the public about convicted sexual predators and that the lack of information shared with the public may result in the failure of the criminal justice system to identify, investigate, apprehend, and prosecute offenders.~~

~~2. The state has a compelling interest in protecting the public from the commission of serious sexual offenses. The purpose of this act is to enhance the public safety by providing for notification to the community concerning the presence of offenders who fit the criteria for the category of sexual predator as defined in this chapter.~~

~~(2) REGISTRATION CRITERIA. Each offender who is convicted, on a current offense committed on or after October 1, 1993, of, or is found to have committed, regardless of adjudication, or pleads guilty or nolo contendere to:~~

~~(a) Any capital, life, or first degree felony violation of chapter 794 or s. 847.0145, or of a similar law of another jurisdiction; or~~

~~(b) Any second degree or greater felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or of a similar law of another jurisdic-~~

~~tion, and who has previously been convicted of or found to have committed, regardless of adjudication, or has pled nolo contendere or guilty to, any violation of s. 794.011(2), (3), (4), (5), or (8), s. 794.023, s. 800.04, s. 827.071, s. 847.0133, or s. 847.0145, or of a similar law of another jurisdiction,~~

~~is a sexual predator and must register or be registered in accordance with this section. In order to be counted as a prior felony for purposes of designation as a sexual predator under this section, the felony must have been sentenced separately prior to the current offense.~~

~~(3) REGISTRATION PROCEDURE.—~~

~~(a) As used in this section, "registration" means provision of the following information to the Department of Law Enforcement, for access and use by local, state, and federal law enforcement:~~

~~1. Name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, photograph, address of legal residence, address of any current temporary residence, date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the offender. The photograph and fingerprints do not have to be stored in a computerized format.~~

~~2. Any other information, including criminal and corrections records, nonprivileged personnel, treatment, and abuse registry records, and evidentiary genetic markers when available, that the Department of Law Enforcement determines is necessary.~~

~~(b) Each sexual predator who is residing permanently or temporarily in the state outside of a correctional facility or jail or secure treatment facility, with respect to whom registration is required by this section, must register or be registered within 48 hours after entering the county of permanent or temporary residence. As used in this paragraph, "entering the county" includes being discharged from a correctional facility or jail or secure treatment facility within the county or being under supervision within the county for the commission of a violation as itemized in paragraph (2)(a) or paragraph (2)(b); "temporary residence" includes a stay of 2 or more weeks; and "notify" means to provide written notice of the sexual predator's registration and location.~~

~~1. Registration shall be made with the Department of Law Enforcement. The sexual predator is not required to make any further registration in any county, and the department must notify the sheriff of the county where the sexual predator permanently or temporarily resides within 48 hours after registration of the sexual predator. A sexual predator who is registered with the Department of Law Enforcement must notify the department of any change in permanent or temporary residence within 48 hours after arrival at the new place of permanent or temporary residence.~~

~~2. The sheriff must notify the police chief of the municipality where the sexual predator resides, if any, within 48 hours after receiving the Department of Law Enforcement's notification of the sexual predator's registration.~~

~~3. The Department of Law Enforcement is responsible for the on-line maintenance of current information regarding each registered sexual predator.~~

~~(c) The registration requirement does not apply to a sexual predator:~~

~~1. Whose civil rights have been restored and who has not been convicted of a felony sex offense subsequent to restoration of civil rights;~~

~~2. Who has received a full pardon for any felony sex offense which met the criteria for a sexual predator designation; or~~

~~3. Whose prior enumerated offense under paragraph (2)(b) was committed before October 1, 1983, and such person has been lawfully released from custody and supervision for any felony sex offense committed prior to October 1, 1983, unless the sexual predator is a fugitive from justice on a felony charge.~~

~~(d) The Department of Law Enforcement shall notify a sexual predator who registers with the department for an offense committed on or after October 1, 1995, of the requirement for a hearing before the circuit court for the county where the sexual predator permanently or temporarily resides, as provided in s. 775.225, to determine whether the sexual predator poses a threat to the public.~~

~~(e) The Department of Law Enforcement may adopt rules as necessary to carry out its responsibilities with regard to the registration of sexual predators as required by this section.~~

~~(f) With respect to an offender released from incarceration or an offender under supervision who is required by this section to be registered as a sexual predator and who is not registered, the Department of Corrections, the county sheriff, or the employing agency of the officer supervising the offender, shall provide the offender with written notice and secure from the offender written acknowledgment of the registration requirements of this section, and shall register the offender with the Department of Law Enforcement in accordance with this section. The Department of Corrections, the county sheriff, or the employing agency of the officer supervising the offender shall also notify an offender who is registered or is required to be registered as a sexual predator that if the offender commits an act defined in this section on or after October 1, 1995, the offender will be subject to a hearing before the circuit court for the county where the sexual predator permanently or temporarily resides, as provided in s. 775.225, to determine whether the sexual predator poses a threat to the public.~~

~~(g)1. Any sexual predator who is required by this section to register or be registered and who fails to register or be registered or who fails, after registration, to provide required notification of location, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~2. Any sexual predator on supervised release from incarceration who is required by this section to register or be registered and who fails to register or be registered or who fails, after registration, to provide required notification of location, commits a violation of the conditions of the supervised release.~~

~~(h) The Department of Law Enforcement shall maintain, as a feature of its computerized sexual predator registration system, hotline access for state, local, and federal law enforcement officers to obtain instantaneous locator file and offender characteristics information on all released registered sexual predators for purposes of monitoring, tracking, and prosecution.~~

Section 4. Section 775.225, Florida Statutes, is repealed:

~~775.225 Public notice of presence of sexual predator; hearing required.—~~

~~(1) Following the registration of a sexual predator as required under s. 775.22, the state attorney shall file a petition with the circuit court for the county where the sexual predator permanently or temporarily resides for the purpose of holding a hearing to determine, by a preponderance of the evidence, whether the sexual predator poses a threat to the public. At the hearing, the sexual predator has the right to be present, to present testimony, to call and cross-examine witnesses, and to be represented by counsel. The court shall consider all relevant evidence, including, but not limited to:~~

~~(a) The relationship between the sexual predator and the victim of the offense described in s. 775.22(2);~~

~~(b) Whether the offense described in s. 775.22(2) involved the use of a weapon or violence, or the threat of violence;~~

~~(c) The circumstances surrounding any prior sexual offenses or violent offenses, including the number of the offenses and the date they were committed;~~

~~(d) Whether there is evidence, based on a psychological or psychiatric evaluation or treatment and evaluation records or expert testimony, which indicates a risk of recidivism;~~

~~(e) The sexual predator's response to treatment, if any; and~~

~~(f) The recent behavior of the sexual predator.~~

~~The state has the right, upon motion, to conduct a mental examination of the sexual predator.~~

~~(2)(a) If, after considering the evidence, the court finds that the sexual predator poses a threat to the public and that notice to the community where the sexual predator temporarily or permanently resides is~~

~~necessary to protect public safety, the court shall submit its finding to the sheriff of that county or the chief of police of that municipality.~~

~~(b) Notwithstanding any other law to the contrary, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the public of the presence of the sexual predator. The notice must be published once a week for 2 consecutive weeks, two publications being sufficient, in a newspaper of general circulation distributed in the county where the sexual predator temporarily or permanently resides. The notice must include:~~

~~1. The name of the sexual predator;~~

~~2. A description of the sexual predator, including a photograph;~~

~~3. The name of the county or municipality where the sexual predator temporarily or permanently resides;~~

~~4. The offense and the circumstances surrounding the conviction of the sexual predator for the offense described in s. 775.22(2); and~~

~~5. The age of the victim of the offense described in s. 775.22(2).~~

~~This paragraph does not authorize the release of the name of the victim.~~

~~(3) An elected official, public employee, or agency is immune from civil liability for damages resulting from the release of information under this section.~~

Section 5. Section 775.23, Florida Statutes, is repealed:

~~775.23 Sexual predators.—~~

~~(1) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds that repeat sex offenders and sex offenders who use physical violence are sexual predators who present an extreme threat to the public safety and that these offenders must be subject to intensive specialized supervision under conditions as required in s. 947.1405(7) upon release from incarceration.~~

~~(2) DEFINITION.—As used in this section, "sexual predator" means an offender who is convicted on the current offense of or is found to have committed, regardless of adjudication, or who pleads nolo contendere or guilty to:~~

~~(a) Any capital, life, or first degree felony violation of chapter 794 or s. 847.0145, or of a similar law of another jurisdiction; or~~

~~(b) Any second degree or greater felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or of a similar law of another jurisdiction, and who has previously been convicted of or found to have committed, regardless of adjudication, or has pled nolo contendere or guilty to, any violation of s. 794.011(2), (3), (4), (5), or (8), s. 794.023, s. 800.04, s. 827.071, s. 847.0133, or s. 847.0145, or of a similar law of another jurisdiction. In order to be counted as a prior felony for purposes of designation as a sexual predator under this section, the felony must have been sentenced separately prior to the current offense.~~

~~(3) FINDING AND NOTICE.—~~

~~(a) Upon sentencing an offender who meets the definition of paragraph (2)(a) or paragraph (2)(b), when the current offense was committed on or after October 1, 1993, the court shall make a written finding that the offender is a sexual predator.~~

~~(b) Upon sentencing a sexual predator for an offense committed on or after October 1, 1995, the court shall notify the sexual predator of the requirement for a hearing before the circuit court for the county where the sexual predator permanently or temporarily resides, as provided in s. 775.225, to determine whether the sexual predator poses a threat to the public.~~

Section 6. Subsection (5) of section 775.13, Florida Statutes, is amended to read:

775.13 Registration of convicted felons, exemptions; penalties.—

(5) The provisions of this law do not apply to *an offender* ~~any person~~:

(a) Who has had his *or her* civil rights restored;

(b) Who has received a full pardon for the offense for which convicted;

(c) Whose conviction of a felony was more than 10 years prior to the time provided for registration under the provisions of this law and who has been lawfully released from incarceration under a felony conviction and sentence for more than 5 years prior to such time for registration, unless *the offender* ~~such person~~ is a fugitive from justice on a felony charge;

(d) Who is a parolee or probationer under the supervision of the Department of Corrections or is a probationer under the supervision of any county probation officer of the state or who has been lawfully discharged from such parole or probation; ~~or~~

(e) Who is a parolee or probationer under the supervision of the United States Parole Commission if the commission knows of and consents to the presence of *the offender* ~~such person~~ in Florida or is a probationer under the supervision of any federal probation officer in the state or who has been lawfully discharged from such parole or probation*; or*

(f) Who is a sexual predator and has registered as required under s. 775.21.

Section 7. Subsections (2) and (7) of section 947.1405, Florida Statutes, are amended to read:

947.1405 Conditional release program.—

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender pursuant to s. 775.084; or

(c) Is found to be a sexual predator under *former* s. 775.23 *or s. 775.21*,

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If an inmate has received a term of probation or community control supervision to be served after release from incarceration, the period of probation or community control must be substituted for the conditional release supervision. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(7) Any inmate who is convicted of a crime committed on or after October 1, 1995, or has been previously convicted of a crime committed on or after October 1, 1995, and who meets the criteria of *former* s.

775.23(2)(a) or (b) *or s. 775.21* shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

(a) A curfew, if appropriate, during hours set by the commission.

(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate.

(c) Active participation in and successful completion of a sex offender treatment program, at the releasee's own expense, unless one is not available within a 50-mile radius of the releasee's residence.

(d) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the commission.

(e) If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, on unsupervised contact with a child under the age of 18, unless authorized by the commission without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the commission.

(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the commission.

(g) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually explicit material.

(h) A requirement that the releasee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA data *base* ~~bank~~.

Section 8. Section 827.071, Florida Statutes, is amended to read:

827.071 Sexual performance by a child; penalties.—

(1) As used in this section~~, the following definitions shall apply~~:

(a) "Deviate sexual intercourse" means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

(b) "Performance" means any play, motion picture, *video,* photograph, or dance or any other visual representation exhibited before an audience.

(c) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do the same.

(d) "Sadomasochistic abuse" means flagellation or torture by or upon a person, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction from inflicting harm on another or receiving such harm oneself.

(e) "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, "sexual battery" does not include an act done for a bona fide medical purpose.

(f) "Sexual bestiality" means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or vagina of the other.

(g) "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

(h) "Sexual performance" means any performance or part thereof which includes sexual conduct by a child of less than 18 years of age.

(i) "Simulated" means the explicit depiction of conduct set forth in paragraph (g) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

(2) A person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, *the person* ~~he~~ employs, authorizes, or induces a child less than 18 years of age to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the *child's* participation ~~by such child~~ in a sexual performance. *A person who* ~~Whoever~~ violates this subsection *commits* ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, *the person* ~~he~~ produces, directs, or promotes any performance *that* ~~which~~ includes sexual conduct by a child less than 18 years of age. *A person who* ~~Whoever~~ violates this subsection *commits* ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, *video,* exhibition, show, representation, or other presentation *that* ~~which~~, in whole or in part, includes any sexual conduct by a child. The possession of three or more copies of such photograph, motion picture, *video,* representation, or presentation is prima facie evidence of an intent to promote. *A person who* ~~Whoever~~ violates this subsection *commits* ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) It is unlawful for any person to knowingly possess a photograph, motion picture, *video,* exhibition, show, representation, or other presentation *that* ~~which~~, in whole or in part, *the person* ~~he~~ knows to include any sexual conduct by a child. The possession of each such photograph, motion picture, *video,* exhibition, show, representation, or presentation is a separate offense. *A person who* ~~Whoever~~ violates this subsection *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6)(a) A person enumerated in this paragraph who knows of or observes, in the scope of the person's professional capacity or employment, any film, photograph, negative, slide, videotape, video disc, video program, or computer program that the person reasonably believes depicts a child under 18 years of age engaging in sexual conduct, must report such knowledge or observation to a law enforcement agency as soon as practically possible. Upon the request of the law enforcement agency, the person shall prepare a copy of the film, photograph, negative, slide, videotape, video disc, video program, or computer program and shall transfer the copy to the law enforcement agency. This section applies to any person who: commercially processes film or photographic prints; commercially produces, directs, edits, or duplicates videotape or video discs; sells, trades, or rents videotapes, video discs, or computer programs that produce video images; commercially programs, operates, or services computers; or commercially offers computer network services or options.

(b) A person who knowingly fails to make a report as required in this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A person who reports information to a law enforcement agency as required in this subsection, or who cooperates with a law enforcement investigation or a criminal prosecution that results from such report, is immune from any civil or criminal liability that may otherwise be incurred or imposed.

Section 9. Subsections (2), (3), and (4) of section 937.024, Florida Statutes, are amended to read:

937.024 Birth records of missing children; registrars' duties.—

(2)(a) ~~Neither the State Registrar nor any local registrar shall provide, in response to any inquiry,~~ A copy of the birth certificate or information concerning the birth record of any child whose record has been flagged or recalled pursuant to paragraph (1)(c) or paragraph (1) (d) *may not be provided by the State Registrar or any local registrar in response to any inquiry,* unless the flag has been removed pursuant to paragraph (1)(e).

(b) When a copy of the birth certificate or information concerning the birth record of a child whose record has been flagged or recalled is requested in person, the person accepting the request shall immediately notify his *or her* supervisor. The person making the request shall complete a form supplying his *or her* name, address, telephone number, social security number, and relationship to the missing child and the name, address, and birth date of the missing child. The driver's license of the person making the request, if available, or some other proper form of identification, shall be photocopied and returned to *the person* ~~him~~. *The person* ~~He~~ shall be informed that a copy of the certificate will be *delivered to the person by mail* ~~mailed to him~~. The registrar's personnel shall note the physical description of the person making the request, and, *when the person leaves* ~~upon the latter's departure from~~ the registrar's office, the supervisor shall immediately notify the *Department of Law Enforcement's Missing Children Information Clearinghouse, which must then notify the* local law enforcement agency *of* ~~as to~~ the request and the information obtained *under* ~~pursuant to~~ this paragraph. The registrar shall retain the form completed by the person making the request.

(c) When a copy of the birth certificate of a child whose record has been flagged or recalled is requested in writing, the person receiving the request shall immediately notify his *or her* supervisor. The supervisor shall immediately notify the *Department of Law Enforcement's Missing Children Information Clearinghouse, which must then notify the* local law enforcement agency *of* ~~as to~~ the request. *If requested, the registrar* ~~and~~ shall provide a copy of the written request *to law enforcement*. The registrar shall retain the original written request.

(3) ~~Nothing in~~ This section *does not* ~~shall~~ preclude the Office of Vital Statistics from flagging and recalling birth certificates or birth records of children reported missing directly to the office by a local law enforcement agency *or* ~~nor~~ from removing such flags from certificates or records based upon notification *from the Department of Law Enforcement's Missing Children Information Clearinghouse or* ~~of~~ local law enforcement.

(4) Upon notification by a local law enforcement agency or by the Department of Law *Enforcement* ~~Enforcement's Florida Crime Information Center~~ that a child born outside the state is missing, the State Registrar of Vital Statistics shall notify the corresponding officer in the state where the child was born that the child has been reported missing.

Section 10. Section 937.025, Florida Statutes, is created to read:

937.025 Missing children; student records; reporting requirements; penalties.—

(1) Notwithstanding any law that provides for the confidentiality of student records maintained by a public or private school, upon notification by the Department of Law Enforcement that a child is listed or reported as a missing child, the school in which the child is currently enrolled, or was previously enrolled, shall flag the student records in such a manner that whenever a copy of or information concerning the records of the missing child is requested, the person authorized to provide such copy or information is alerted to the fact that the child has been listed or reported as missing.

(2) The school shall immediately report to the local law enforcement agency and the Department of Law Enforcement any request concerning flagged student records, and shall report any information regarding the request that may assist law enforcement agencies in locating the missing child.

(3) The school or any employee of the school who provides such notification and information in good faith is immune from civil liability for reporting and providing the information.

(4) Upon notification by the Department of Law Enforcement that the records no longer need to be flagged, the school shall remove the flag from the student records.

(5) Notwithstanding any other law, an employee of the state or a local governmental agency, a person who is employed under a contract with the state or a local governmental agency, or an employee of a public or private school within the state shall promptly report to the local law enforcement agency and the Department of Law Enforcement any information received or possessed that could assist in:

(a) Locating a child who has been reported as missing.

(b) Ascertaining the identity of the person who has actual custody of a missing child.

(c) Determining whether a missing child is in danger of physical injury or death.

(6) Any person who makes a report in good faith to a law enforcement agency as required by this section is immune from civil liability for such action.

(7) A person who knowingly provides false information concerning a missing child or the efforts to locate and return a missing child to a parent, family member, or guardian of a child who has been reported missing commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. Subsection (6) of section 943.031, Florida Statutes, as created by section 1 of chapter 93-204, Laws of Florida, is repealed.

Section 12. This act shall take effect October 1, 1996, except that this section and section 11 of this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public safety; creating the "Jimmy Ryce Act"; revising and restructuring the "Florida Sexual Predators Act"; amending s. 775.21, F.S.; providing a short title; providing definitions; providing legislative findings and purpose and legislative intent; providing criteria for sexual predator designation, registration, and community and public notification requirements; requiring sexual predator registration and community and public notification; providing that a "sexual predator" is a person found by the court to be a sexual predator based on an offense committed on or after October 1, 1993, and before October 1, 1996, or a person who meets the criteria pursuant to s. 775.21, F.S., based on an offense committed on or after October 1, 1996; providing for immunity under certain circumstances; providing a penalty for certain sexual predators who work in situations involving children; repealing ss. 775.22, 775.225, and 775.23, F.S., relating to sexual predator registration, public notice of presence of sexual predator, and sexual predators, to conform to the act; amending s. 775.13, F.S., relating to registration of convicted felons, to provide an exception for felons registered as sexual predators; amending s. 947.1405, F.S., relating to the conditional release program, to conform to the act; amending s. 827.071, F.S., relating to a sexual performance by a child, to require certain commercial processors or producers of film, videotape, video discs, or other images and persons who offer computer network services to report a depiction of a person reasonably believed to be a child engaged in sexual conduct to a law enforcement agency; providing a penalty for failing to report as required; providing immunity from civil or criminal liability for making such report; amending s. 937.024, F.S.; requiring registrar's offices to notify the Department of Law Enforcement of a request for birth records; requiring the Department of Law Enforcement to notify the local law enforcement agency of such request; authorizing registrar's offices to remove flags from records upon notification from the Department of Law Enforcement; creating s. 937.025, F.S.; requiring schools to flag student records and assist law enforcement regarding missing students; providing immunity from civil liability; requiring certain reporting and providing immunity; providing criminal penalties for false reporting; amending s. 943.031, F.S.; abrogating the repeal of s. 943.031, F.S., relating to the Florida Violent Crime Council; providing effective dates.

Amendment 2 (with title amendment)—On page 35, between lines 14 and 15, insert:

Section 12. Section 944.606, Florida Statutes, is amended to read:

944.606 *Sexual offenders* ~~Sex offender~~; notification upon release.—

(1) *As used in this section:*

(a) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.

(b) "Sexual offender" means a person who has been convicted of a felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or a violation of a similar law of another jurisdiction, when the department has received verified information regarding such conviction; an offender's

computerized criminal history record is not, in and of itself, verified information.

(2) The Legislature finds that *sexual* ~~sex~~ offenders pose a high risk of engaging in *sexual* ~~sex~~ offenses even after being released from incarceration or commitment and that protection of the public from *sexual* ~~sex~~ offenders is a paramount governmental interest. *Sexual offenders* ~~Persons found to have committed a sex offense described in subsection (2)~~ have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. *Releasing sexual offender* ~~Release of~~ information ~~about sexual offenders described in subsection (2)~~ to *law enforcement agencies and to persons who request such information* ~~public agencies~~ will further the governmental interests of public safety.

(3)~~(2)~~(a) The department~~, the Parole Commission, and the Control Release Authority~~ *must provide* ~~shall submit the~~ information *regarding any sexual offender who is being released after serving a period of incarceration for any offense, as follows:* ~~about any sex offender as provided by this section to the sheriff of the county from which the person was sentenced, to the sheriff of the county in which the person plans to reside and, if applicable, to the chief of police of the municipality in which the inmate plans to reside. The information shall be submitted for any sex offender who is being released after having served one or more sentences for a felony conviction of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or a prior conviction for a similar offense in this state or another jurisdiction if such prior conviction information is contained in department records.~~

~~(b) The information shall include, but not be limited to:~~

1. The department must provide: the *sexual* offender's name, social security number, race, sex, date of birth, height, weight, and hair and eye color; date and county of sentence and each crime for which the offender was sentenced; a copy of the offender's fingerprints and a photograph taken within 90 days of release; and the offender's intended residence address, if known.

2. The department may provide any other information deemed necessary, including criminal and corrections records, nonprivileged personnel and treatment records, when available ~~The department, the Parole Commission, or the Control Release Authority shall release this information within 6 months prior to the discharge from the custody of the department.~~

(b) The department must provide the information described in subparagraph (a)1. to:

1. The sheriff of the county from where the sexual offender was sentenced;

2. The sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender plans to reside; and

3. Any person who requests such information,

either within 6 months prior to the anticipated release of a sexual offender, or as soon as possible if an offender is released earlier than anticipated.

(c) Upon request, the department must provide the information described in subparagraph (a)2. to:

1. The sheriff of the county from where the sexual offender was sentenced; and

2. The sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender plans to reside,

either within 6 months prior to the anticipated release of a sexual offender, or as soon as possible if an offender is released earlier than anticipated.

(d) Upon receiving information regarding a sexual offender from the department, the sheriff or the chief of police shall provide the information described in subparagraph (a)1. to any individual who requests such information.

(3) *This section does not authorize the department or any law enforcement agency to notify the community and the public of a sexual offender's presence in the community. However, with respect to a sexual offender who has been found to be a "sexual predator" under chapter 775, the Florida Department of Law Enforcement or any other law enforcement agency must inform the community and the public of the sexual predator's presence in the community, as provided in chapter 775.* ~~The department or any law enforcement agency that receives verified information, regardless of the source, about persons found to have committed a sexual offense described in subsection (2) is authorized to publicly release such information in the interest of public safety.~~

(4) *An elected or appointed official, public employee, or agency is immune from civil liability for damages resulting from the release of information under this section.* ~~Any information received by the department or a law enforcement agency under subsections (1) and (2) is verified per se, and the department, a law enforcement agency, or an officer or employee of the department or a law enforcement agency who releases such information is immune from civil liability. The department, a law enforcement agency, or an officer or employee of the department or a law enforcement agency who releases information about persons found to have committed a sexual offense described in subsection (2), when such information was received from sources other than those described in subsections (1) and (2) but was verified by a copy of a judgment of conviction or similar court order, is deemed to have acted in good faith and is immune from civil liability. A computerized criminal history, by itself, is not sufficient verification for a grant of civil immunity under this section.~~

(Renumber subsequent sections.)

And the title is amended as follows:

On page 37, lines 24-25, delete those lines and insert: Florida Violent Crime Council; amending s. 944.606, F.S., relating to sex offender notification; clarifying language and clarifying distinction between release of public information about sexual offenders under ch. 944 and community and public notification regarding sexual predators under ch. 775; providing effective dates.

On motion by Senator Burt, by two-thirds vote **CS for SB 2316** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motion by Senator Harris, by two-thirds vote **CS for HB 109** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motion by Senator Harris—

CS for HB 109—A bill to be entitled An act relating to medical malpractice insurance contracts; amending s. 627.4147, F.S.; revising certain clause requirements relating to rights of insurers or self-insurers to veto certain offers; prohibiting insurers or self-insurers from making or concluding certain offers; providing for written statements from insureds for certain purposes; providing an effective date.

—a companion measure, was substituted for **SB 1636** and read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 3, line 11, insert:

Section 3. Subsection (7) is added to section 627.419, Florida Statutes, to read:

627.419 Construction of policies.—

(7) No health insurance policy, health care services plan, or other contract which provides coverage for any diagnostic or surgical procedure involving bones or joints of the skeleton shall discriminate against coverage for any similar diagnostic or surgical procedure involving bones or joints of the jaw and facial region, if, under accepted medical standards, such procedure or surgery is medically necessary to treat conditions caused by congenital or developmental deformity, disease, or injury. This subsection shall not be construed to affect any other coverage under this part or to restrict the scope of coverage under any policy, plan, or contract.

Nothing in this subsection shall be construed to discourage appropriate nonsurgical procedures or to prohibit the continued coverage of nonsurgical procedures in the treatment of a bone or joint of the jaw and facial region. Furthermore, nothing in this subsection requires coverage for care or treatment of the teeth or gums, for intraoral prosthetic devices, or for surgical procedures for cosmetic purposes. This section does not apply to accident only, disability income, specified disease, hospital indemnity, credit, Medicare supplement, or long-term care insurance policies.

Section 4. Subsection (7) is added to section 627.6515, Florida Statutes, to read:

627.6515 Out-of-state groups.—

(7) No group, franchise, or blanket health insurance policy issued or delivered outside this state, under which policy a resident of this state is provided coverage for any diagnostic or surgical procedure involving bones or joints of the skeleton, shall discriminate against coverage for any similar diagnostic or surgical procedure involving bones or joints of the jaw and facial region, if, under accepted medical standards, such procedure or surgery is medically necessary to treat conditions caused by congenital or developmental deformity, disease, or injury. This subsection shall not be construed to affect any other coverage under this part or to restrict the scope of coverage under any policy, plan, or contract. Nothing in this subsection shall be construed to discourage appropriate nonsurgical procedures or to prohibit the continued coverage of nonsurgical procedures in the treatment of a bone or joint of the jaw and facial region. Furthermore, nothing in this subsection requires coverage for care or treatment of the teeth or gums, for intraoral prosthetic devices, or for surgical procedures for cosmetic purposes.

Section 5. Section 627.6573, Florida Statutes, is created to read:

627.6573 Nondiscrimination of coverage for surgical procedures.—No group, franchise, or blanket health insurance contract or policy which provides coverage on a group or individual basis for any diagnostic or surgical procedure involving bones or joints of the skeleton shall discriminate against coverage for any similar diagnostic or surgical procedure involving bones or joints of the jaw and facial region, if, under accepted medical standards, such procedure or surgery is medically necessary to treat conditions caused by congenital or developmental deformity, disease, or injury. This section shall not be construed to affect any other coverage under this part or to restrict the scope of coverage under any policy, plan, or contract. Nothing in this section shall be construed to discourage appropriate nonsurgical procedures or to prohibit the continued coverage of nonsurgical procedures in the treatment of a bone or joint of the jaw and facial region. Furthermore, nothing in this subsection requires coverage for care or treatment of the teeth or gums, for intraoral prosthetic devices, or for surgical procedures for cosmetic purposes. This section does not appy to accident only, disability income, specified disease, hospital indemnity, credit, Medicare supplement, or long-term care insurance policies.

Section 6. Section 641.3109, Florida Statutes, is created to read:

641.3109 Nondiscrimination of coverage for surgical procedures.—No health maintenance contract or policy which provides coverage for any diagnostic or surgical procedure involving bones or joints of the skeleton shall discriminate against coverage for any similar diagnostic or surgical procedure involving bones or joints of the jaw and facial region, if, under accepted medical standards, such procedure or surgery is medically necessary to treat conditions caused by congenital or developmental deformity, disease, or injury. This section shall not be construed to affect any other coverage under this part or to restrict the scope of coverage under any policy, plan, or contract. Nothing in this section shall be construed to discourage appropriate nonsurgical procedures or to prohibit the continued coverage of nonsurgical procedures in the treatment of a bone or joint of the jaw and facial region. Furthermore, nothing in this subsection requires coverage for care or treatment of the teeth or gums, for intraoral prosthetic devices, or for surgical procedures for cosmetic purposes.

Section 7. Section 641.428, Florida Statutes, is created to read:

641.428 Nondiscrimination of coverage for surgical procedures.—No prepaid health clinic contract or policy which provides coverage on a group or individual basis for any diagnostic or surgical procedure involving bones or joints of the skeleton shall discriminate against coverage for any similar diagnostic or surgical procedure involving bones or joints of the jaw and facial region, if, under accepted medical standards, such procedure or surgery is medically necessary to treat conditions caused by congenital or developmental deformity, disease, or injury. This section shall not be construed to affect any other coverage under this part or to restrict the scope of coverage under any policy, plan, or contract. Nothing in this section shall be construed to discourage appropriate nonsurgical procedures or to prohibit the continued coverage of nonsurgical procedures in the treatment of a bone or joint of the jaw and facial region. Furthermore, nothing in this subsection requires coverage for care or treatment of the teeth or gums, for intraoral prosthetic devices, or for surgical procedures for cosmetic purposes.

Section 8. The provisions of this act fulfill an important state interest.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: amending ss. 627.419 and 627.6515, F.S.; prohibiting certain health care providers or insurers which provide coverage for diagnostic or surgical procedures involving the skeleton from discriminating against coverage for similar diagnostic or surgical procedures necessary to correct congenital or developmental deformities, diseases, or injuries; providing for construction; creating ss. 627.6573, 641.3109, and 641.428, F.S.; prohibiting certain health care providers or insurers which provide coverage for diagnostic or surgical procedures involving the skeleton from discriminating against coverage for similar diagnostic or surgical procedures necessary to correct congenital or developmental deformities, diseases, or injuries; providing for construction;

On motion by Senator Harris, by two-thirds vote **CS for HB 109** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **CS for SB 1658** was deferred.

On motions by Senator Burt, the rules were waived and by two-thirds vote—

CS for HB 793—A bill to be entitled An act relating to contracting; amending s. 489.503, F.S.; providing exemptions from licensure requirements; amending 489.505, F.S.; providing definitions; amending s. 468.617, F.S.; providing local jurisdictions the authority to contract with private entities for provision of building code inspection or review services; amending s. 489.103, F.S.; revising the owner-builder licensing exemption and required disclosure statement; requiring direct, onsite supervision and placing restrictions on delegation of supervisory responsibility; amending s. 489.119, F.S.; revising requirements for registration or certification of business organizations; clarifying effect of approval of a financially responsible officer on the primary qualifying agent's responsibilities; revising requirements relating to advertising; providing requirements with respect to signs on construction vehicles; providing disciplinary actions for failure to provide the registration or certification number as required; amending s. 489.120, F.S.; requiring the automated information system to include information on business organizations and any failure to comply with final board action; amending s. 489.126, F.S.; clarifying that permit application and commencement timetables apply to moneys given as initial payment; requiring any change to the permit application timetable to be by written agreement; providing an exception where a permit is not required; amending s. 489.127, F.S., and transferring and amending s. 489.1265, F.S., to combine provisions relating to prohibited acts and penalties; amending s. 489.129, F.S., relating to disciplinary proceedings; restricting restitution orders to instances of direct financial harm resulting from a violation of law regulating construction contracting; clarifying applicability of disciplinary provisions to financially responsible officers; authorizing the Construction Industry Licensing Board to contract with collection agencies or attorneys for collection of fines on a contingent fee basis; providing that certificateholders or registrants who have had their licenses revoked are ineligible to reapply for certification or registration for a specified period following revocation; eliminating reference to a pilot program which has expired; amending s. 489.131, F.S.; correcting a cross

reference; amending s. 489.1425, F.S.; revising and updating requirements on notice of the Construction Industries Recovery Fund; providing an exception from the required notice; providing the form of the notice; amending s. 489.143, F.S.; increasing the aggregate limit for payment from the recovery fund of claims against any one certificateholder or registrant; amending s. 501.1375, F.S.; revising requirements relating to deposits received for purchase of residential dwelling units; authorizing buyers to waive in writing the requirement to place deposit moneys into an escrow account; eliminating the requirement that an escrow account be interest bearing and the requirement that an escrow account be in the name of the building contractor or developer and the purchaser; providing for calculation of the amount of a master surety bond and of the pro rata share of bond premium debited against the buyer; revising the conditions constituting a violation of the section; providing penalties; amending s. 553.79, F.S.; providing that homes which are moved shall not be required to be brought in compliance with current building codes provided certain codes or requirements are met; requiring a study to review regulation of construction, electrical, and alarm system contracting; providing for appointment of a committee for such purpose; requiring public hearings; requiring a report to specified leaders of the Legislature; creating s. 489.518, F.S.; providing requirements for persons employed as alarm system agents by licensed electrical or alarm system contractors; requiring certain training and providing for approval of training providers; providing a fee; requiring background checks; providing requirements relating to controlled substance abuse; providing that applicants for employment as an alarm system agent or persons presently employed may be so employed for a specified period, pending compliance with training requirements and background check results; requiring licensed electrical and alarm system contractors to furnish alarm system agents they employ with an identification card; specifying disciplinable offenses; creating s. 489.529, F.S.; requiring a verification call to premises generating certain alarms prior to contacting a law enforcement agency; creating s. 489.530, F.S.; requiring that audible alarm systems have an automatic termination device; creating s. 514.075, F.S.; establishing a pool service technician certification for public pools; providing severability; providing effective dates.

—a companion measure, was substituted for **CS for SB 814** and by two-thirds vote read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for HB 793** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motions by Senator Meadows, by two-thirds vote—

CS for HB 589—A bill to be entitled An act relating to long-term care insurance; amending s. 627.9403, F.S.; requiring certain limited benefit policies to meet certain requirements of the long-term care insurance act; providing exceptions and an exemption; amending s. 627.9404, F.S.; adding definitions used in the long-term care insurance act; amending s. 627.94071, F.S.; revising the minimum standards for home health care benefits in long-term care insurance policies; amending s. 627.94072, F.S.; establishing the minimum values for nonforfeiture benefits that must be offered; creating s. 627.94073, F.S.; requiring long-term care policies to provide a minimum grace period for late payment of premium; requiring a notice of cancellation to the policyholder and to a designated secondary addressee; requiring insurers to notify policyholders of right to designate a secondary addressee; requiring reinstatement of a lapsed policy due to cognitive impairment; creating s. 641.2018, F.S.; authorizing health maintenance organizations to issue contracts limited to covering home health care benefits; requiring such contracts to meet certain requirements; creating s. 627.94074, F.S.; providing standards for benefit triggers for long-term care insurance policies; providing effective dates.

—a companion measure, was substituted for **SB 818** and by two-thirds vote read the second time by title. On motion by Senator Meadows, by two-thirds vote **CS for HB 589** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—1

CS for SB 932—A bill to be entitled An act relating to The Baker Act; amending s. 394.453, F.S.; revising legislative intent relating to mental health programs; deleting responsibilities of the Department of Health and Rehabilitative Services; amending s. 394.455, F.S.; revising definitions; amending s. 394.457, F.S.; revising responsibilities of the department with respect to administrative supervision of mental health facilities, programs, and services; providing for rules and minimum standards; providing for personnel training materials; requiring that community-based mental health treatment services be competitively procured; providing for rules; amending s. 394.4572, F.S.; revising requirements for employment screening; providing exemptions; amending s. 394.4573, F.S.; clarifying requirement for a continuity of care management system; amending s. 394.458, F.S.; clarifying prohibition on introduction or removal of certain articles at a hospital providing mental health services, for which a penalty is provided; amending s. 394.459, F.S.; revising rights of patients; providing for emergency medical treatment under specified circumstances; providing for a patient's access to a telephone and to visitors; providing for inventory of the patient's personal effects; deleting requirements relating to the education of children in facilities; providing for report of certain violations; authorizing imposition of sanctions based on certain investigation and findings; requiring posting of notice of rights of patients; creating s. 394.4595, F.S.; providing access to patients and records for human rights advocacy committees; creating s. 394.4597, F.S.; providing for identification or selection of a patient's guardian or representative; creating s. 394.4598, F.S.; providing for appointment of a guardian advocate; providing qualifications, requirements, and restrictions; creating s. 394.4599, F.S.; providing requirements relating to notice of a patient's admission, placement, change of status, transfer, and discharge; amending s. 394.460, F.S., relating to rights of professionals; amending s. 394.461, F.S.; providing for designation of receiving and treatment facilities; deleting provisions relating to patient transfers and criminally charged or convicted mentally ill persons; creating s. 394.4615, F.S.; modifying provisions relating to confidentiality of patient records; providing for patient access; providing for certain uses of information from clinical records; providing a penalty for falsification of records; creating s. 394.462, F.S.; providing for transportation to a receiving facility by a designated law enforcement agency; limiting certain responsibilities of receiving facilities; providing for transportation to a treatment facility by independent contractors; clarifying that this section does not affect the provisions of s. 401.445, F.S.; providing for exceptions to requirements for the transport of patients; amending s. 394.463, F.S.; revising requirements relating to involuntary examination; requiring certain recordkeeping and analysis of records; amending and renumbering s. 394.465, F.S.; revising provisions relating to assessment, admission, and discharge of voluntary patients, and transfers between voluntary and involuntary status; providing for duties of a mobile crisis response service; amending s. 394.467, F.S.; revising procedures and requirements relating to involuntary placement; providing for appointment of counsel; revising hearing requirements; providing for return of patients who leave a facility without authorization; amending s. 394.4672, F.S.; clarifying procedure for placement of a veteran with a federal agency; amending s. 394.4674, F.S.; clarifying the state plan for deinstitutionalization of certain patients; amending s. 394.468, F.S.; clarifying effect of procedures and policies under pt. I of ch. 394, F.S.; creating s. 394.4685, F.S.; providing for transfer of patients among facilities; amending s. 394.469, F.S.; revising requirements relating to discharge of involuntary patients; amending s. 394.475, F.S., relating to acceptance of Florida residents from out-of-state mental health authorities; amending ss. 394.4786, 394.4787, and 394.4788, F.S.; clarifying provisions relating to acute mental health services provided through the Public Medical Assistance Trust Fund; amending s. 394.90, F.S., relating to access to clinical records, to conform to the act; amending s. 395.003, F.S.; providing references to pt. I of ch. 394, F.S.; amending s. 395.1041, F.S.; clarifying rights of certain persons receiving emergency services and care; amending s. 395.1055, F.S.; providing for enforcement of pt. I of ch. 394, F.S., by the Agency for Health Care Administration; amending s. 395.1065, F.S.; authorizing the Agency for Health Care Administration to rely on investigations and findings by the Department of Health and Rehabilitative Services in imposing penalties for violation of pt. I of ch. 394, F.S., by a facility; amending s. 395.3025, F.S.; conforming provisions relating to patient records; amending s. 400.0255, F.S.; revising notice requirements relating to discharge or transfer of a nursing home resident; amending ss. 400.102, 400.414, 400.556, and 400.6196, F.S.; providing that failure to follow the procedures of pt. I of ch. 394, F.S., relating to transfer, voluntary admission, and involuntary examination is grounds for action against the license of a nursing home, assisted-living facility, adult day care center, or adult family-care home; reenacting s. 400.121(1), F.S., to incorporate the amendment to s. 400.102, F.S., in a reference; amending ss. 400.4075, 400.426, 419.001, 455.2415, 744.704, 916.107, 943.0585, and 943.059, F.S.; correcting

cross-references; amending s. 744.3215, F.S.; conforming provisions relating to guardianship and rights of persons determined to be incapacitated; amending ss. 765.101, 765.104, 765.110, and 765.205, F.S.; conforming provisions relating to health care advance directives and health care surrogates; amending s. 765.202, F.S.; providing for designation of a separate health care surrogate to consent to mental health treatment; amending s. 916.107, F.S.; requiring hearings for involuntary treatment for mentally deficient or mentally ill defendants to be held in physical settings not likely to be injurious to the patient's condition; providing for the use of masters at said hearings; repealing s. 394.471, F.S., relating to validity of prior involuntary placement orders; repealing s. 394.477, F.S., relating to state residency requirements for involuntary placement; repealing s. 394.478, F.S., relating to autopsy of certain deceased patients; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 932** to **HB 903**.

Pending further consideration of **CS for SB 932** as amended, on motion by Senator Brown-Waite, by two-thirds vote **HB 903** was withdrawn from the Committees on Health and Rehabilitative Services; Judiciary; and Ways and Means.

On motion by Senator Brown-Waite—

HB 903—A bill to be entitled An act relating to The Baker Act; amending s. 394.453, F.S.; revising legislative intent relating to mental health programs; deleting responsibilities of the Department of Health and Rehabilitative Services; amending s. 394.455, F.S.; revising definitions; amending s. 394.457, F.S.; revising responsibilities of the department with respect to administrative supervision of mental health facilities, programs, and services; providing for rules and minimum standards; providing for personnel training materials; amending s. 394.4572, F.S.; revising requirements for employment screening; providing exemptions; amending s. 394.4573, F.S.; clarifying requirement for a continuity of care management system; amending s. 394.458, F.S.; clarifying prohibition on introduction or removal of certain articles at a hospital providing mental health services, for which a penalty is provided; amending s. 394.459, F.S.; revising rights of patients; providing for emergency medical treatment under specified circumstances; providing for a patient's access to a telephone and to visitors; providing for inventory of the patient's personal effects; deleting requirements relating to the education of children in facilities; providing for report of certain violations; authorizing imposition of sanctions based on certain investigation and findings; requiring posting of notice of rights of patients; creating s. 394.4595, F.S; providing access to patients and records for human rights advocacy committees; creating s. 394.4597, F.S.; providing for identification or selection of a patient's guardian or representative; creating s. 394.4598, F.S.; providing for appointment of a guardian advocate; providing qualifications, requirements, and restrictions; creating s. 394.4599, F.S.; providing requirements relating to notice of a patient's admission, placement, change of status, transfer, and discharge; amending s. 394.460, F.S., relating to rights of professionals; amending s. 394.461, F.S.; providing for designation of receiving and treatment facilities; deleting provisions relating to patient transfers and criminally charged or convicted mentally ill persons; creating s. 394.4615, F.S.; modifying provisions relating to confidentiality of patient records; providing for patient access; providing for certain uses of information from clinical records; providing a penalty for falsification of records; creating s. 394.462, F.S.; providing for transportation to a receiving facility by a designated law enforcement agency; limiting certain responsibilities of receiving facilities; providing for transportation to a treatment facility by independent contractors; clarifying that this section does not affect the provisions of s. 401.445, F.S.; providing for exceptions to requirements for the transport of patients; amending s. 394.463, F.S.; revising requirements relating to involuntary examination; requiring certain recordkeeping and analysis of records; amending and renumbering s. 394.465, F.S.; revising provisions relating to assessment, admission, and discharge of voluntary patients, and transfers between voluntary and involuntary status; providing for duties of a mobile crisis response service; amending s. 394.467, F.S.; revising procedures and requirements relating to involuntary placement; providing for appointment of counsel; revising hearing requirements; providing for return of patients who leave a facility without authorization; amending s. 394.4672, F.S.; clarifying procedure for placement of a veteran with a federal agency; amending s. 394.4674, F.S.; clarifying the state plan for deinstitutionalization of certain patients; amending s. 394.468, F.S.; clarifying effect of procedures and policies under pt. I of ch. 394, F.S.; creating s. 394.4685, F.S.; providing for transfer of patients among facilities; amending s. 394.469, F.S.; revising requirements relating to discharge of involuntary patients; amending s. 394.475, F.S., relating to acceptance of Florida residents from out-of-state mental health authorities; amending ss. 394.4786, 394.4787, and 394.4788, F.S.; clarifying provisions relating to acute mental health services provided through the Public Medical Assistance Trust Fund; amending s. 394.90, F.S., relating to access to clinical records, to conform to the act; amending s. 395.003, F.S.; providing references to pt. I of ch. 394, F.S.; amending s. 395.1041, F.S.; clarifying rights of certain persons receiving emergency services and care; amending s. 395.1055, F.S.; providing for enforcement of pt. I of ch. 394, F.S., by the Agency for Health Care Administration; amending s. 395.1065, F.S.; authorizing the Agency for Health Care Administration to rely on investigations and findings by the Department of Health and Rehabilitative Services in imposing penalties for violation of pt. I of ch. 394, F.S., by a facility; amending s. 395.3025, F.S.; conforming provisions relating to patient records; amending s. 400.0255, F.S.; revising notice requirements relating to discharge or transfer of a nursing home resident; amending ss. 400.102, 400.414, 400.556, and 400.6196, F.S.; providing that failure to follow the procedures of pt. I of ch. 394, F.S., relating to transfer, voluntary admission, and involuntary examination is grounds for action against the license of a nursing home, assisted-living facility, adult day care center, or adult family-care home; reenacting s. 400.121(1), F.S., to incorporate the amendment to s. 400.102, F.S., in a reference; amending ss. 400.4075, 400.426, 419.001, 455.2415, 744.704, 916.107, 943.0585, and 943.059, F.S.; correcting cross references; amending s. 744.3215, F.S.; conforming provisions relating to guardianship and rights of persons determined to be incapacitated; amending ss. 765.101, 765.104, 765.110, and 765.205, F.S.; conforming provisions relating to health care advance directives and health care surrogates; amending s. 765.202, F.S.; providing for designation of a separate health care surrogate to consent to mental health treatment; amending s. 916.107, F.S.; requiring hearings for involuntary treatment for mentally deficient or mentally ill defendants to be held in physical settings not likely to be injurious to the patient's condition; providing for the use of masters at said hearings; repealing s. 394.471, F.S., relating to validity of prior involuntary placement orders; repealing s. 394.477, F.S., relating to state residency requirements for involuntary placement; repealing s. 394.478, F.S., relating to autopsy of certain deceased patients; providing an effective date.

—a companion measure, was substituted for **CS for SB 932** and read the second time by title.

Senator Brown-Waite moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 394.453, Florida Statutes, is amended to read:

394.453 Legislative intent~~; responsibilities of department~~.—

~~(1)(a)~~ It is the intent of the Legislature to authorize and direct the Department of Health and Rehabilitative Services to evaluate, research, plan, and recommend to the Governor and the Legislature programs designed to reduce the occurrence, severity, duration, and disabling aspects of mental, emotional, and behavioral disorders. ~~The department is directed to implement and administer mental health programs as authorized and approved by the Legislature, based on the annual program budget of the department.~~ It is the ~~further~~ intent of the Legislature that ~~programs of the department coordinate the development, maintenance, and improvement of receiving and community treatment facilities within the programs of the district as authorized by the Community Alcohol, Drug Abuse, and Mental Health Services Act, part IV of this chapter.~~ treatment programs *for such disorders* shall include, but not be limited to, comprehensive health, social, educational, and rehabilitative services to persons requiring intensive short-term and continued treatment in order to encourage them to assume responsibility for their treatment and recovery. It is intended that *such persons* ~~patients~~ be provided with emergency service and temporary detention for evaluation when required; that *they* ~~patients~~ be admitted to treatment facilities on a voluntary basis when extended or continuing care is needed and unavailable in the community; that involuntary placement be provided only when expert evaluation determines that it is necessary; that any involuntary treatment or examination be accomplished in a setting which is *clinically* appropriate *and*~~,~~ most likely to facilitate *the person's return* ~~proper care and treatment that would return the patient~~ to the

community as soon as possible~~, and the least restrictive of the patient's liberty~~; and that individual dignity and human rights be guaranteed to all persons *who are* admitted to mental health facilities or *who are* being *held* ~~detained~~ under s. 394.463. It is *the* further ~~the~~ intent of the Legislature that the least restrictive means of intervention be employed based on the individual needs of each *person,* ~~patient~~ within the scope of available services.

~~(b) It is the intent of the Legislature that all mental health personnel working in public or private mental health programs and facilities who have direct contact with unmarried patients under the age of 18 years shall be of good moral character.~~

~~(2) The Department of Health and Rehabilitative Services shall assume the responsibility for designing and distributing appropriate materials for the orientation and training of persons actively engaged in implementing the provisions of this chapter relating to the involuntary placement of persons alleged to be mentally ill. The department is further directed to ensure that no civil patient is admitted to a state treatment facility unless previously evaluated and found to meet the criteria for admission by a community-based public receiving facility or by a community mental health center or clinic in cases in which the public receiving facility is not a community mental health center or clinic. Nothing in this act shall be construed to affect any policies relating to admission to hospital staff.~~

Section 2. Section 394.455, Florida Statutes, is amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(1)~~(12)~~ "Administrator" means the chief administrative officer of a receiving or treatment facility or his or her designee.

(2) "Clinical psychologist" means a psychologist as defined in s. 490.003(3) with 3 years of postdoctoral experience in the practice of clinical psychology, inclusive of the experience required for licensure, or a psychologist employed by a facility operated by the United States Department of Veterans Affairs that qualifies as a receiving or treatment facility under this part.

(3)~~(18)~~ "Clinical record" means all parts of the record required to be maintained and includes all medical records, progress notes, charts, *and* admission and discharge data, and all other information recorded by a facility which pertains to the patient's hospitalization and treatment.

(4) "Clinical social worker" means a person licensed as a clinical social worker under chapter 491.

(5)~~(7)~~ "Community facility" means *any community service provider contracting with the department to furnish substance abuse or mental health services under* ~~a facility which receives funds from the state under the Community Alcohol, Drug Abuse, and Mental Health Services Act,~~ part IV of this chapter.

(6) "Community mental health center or clinic" means a publicly funded, not-for-profit center which contracts with the department for the provision of inpatient, outpatient, day treatment, or emergency services.

(7)~~(17)~~ "Court," unless otherwise specified, means the circuit court.

(8)~~(4)~~ "Department" means the Department of Health and Rehabilitative Services.

(9)~~(19)~~ "Express and informed consent" means consent voluntarily given in writing, *by a competent person,* after sufficient explanation and disclosure of the subject matter involved to enable the person ~~whose consent is sought~~ to make a knowing and willful decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion.

(10)~~(6)~~ "Facility" means any *hospital, community facility, public or private facility, or receiving or treatment facility providing* ~~state-owned or state-operated hospital or state-aided community facility designated by the department to be utilized~~ for the evaluation, diagnosis, care, treatment, training, or hospitalization of persons who *appear to have a mental illness or have been diagnosed as having a mental illness. "Facility" does not include any program or entity licensed pursuant to chapter 400* ~~are mentally ill, and any other hospital within the state approved and designated for such purpose by the department~~.

(11)~~(15)~~ "Guardian" means *the* ~~a~~ natural guardian of a minor, or a *person* ~~legal guardian~~ appointed by a court to *act on behalf of a ward's person if the ward is a minor or has been adjudicated incapacitated* ~~maintain custody and control of the person or of the property of an incompetent~~.

(12) "Guardian advocate" *means a person appointed by a court to make decisions regarding mental health treatment on behalf of a patient who has been found incompetent to consent to treatment pursuant to this part. The guardian advocate may be granted specific additional powers by written order of the court, as provided in this part* ~~is one to whom the court has entrusted the custody and control of the patient's competence to consent to treatment~~.

(13)~~(1)~~ "Hospital" means a *facility licensed under chapter 395* ~~public or private hospital or institution or part thereof licensed by the Agency for Health Care Administration and equipped to provide inpatient care and treatment facilities or any hospital under the supervision of the agency~~.

(14) "Incapacitated" means that a person has been adjudicated incapacitated pursuant to part V of chapter 744 and a guardian of the person has been appointed.

(15) "Incompetent to consent to treatment" means that a person's judgment is so affected by his or her mental illness that the person lacks the capacity to make a well-reasoned, willful, and knowing decision concerning his or her medical or mental health treatment.

(16)~~(14)~~ "Law enforcement officer" means *a law enforcement officer as defined in s. 943.10* ~~any city police officer, officer of the Florida Highway Patrol, sheriff, deputy sheriff, correctional probation officer, or university police officer~~.

(17) "Mental health overlay program" means a mobile service which provides an independent examination for voluntary admissions and a range of supplemental on-site services to persons with a mental illness in a residential setting such as a nursing home, assisted-living facility, adult family-care home, or non-residential setting such as an adult day care center. Independent examinations provided pursuant to this part through a mental health overlay program must only be provided under contract with the department for this service or be attached to a public receiving facility that is also a community mental health center.

(18)~~(3)~~ *"Mental illness" means* ~~"Mentally ill" means~~ an impairment of the emotional processes *that*~~, of the ability to~~ exercise conscious control of one's actions~~,~~ or of the ability to perceive *or understand* reality ~~or to understand~~, which impairment substantially interferes with a person's ability to meet the ordinary demands of living, regardless of etiology.~~; except that,~~ For the purposes of this *part* ~~act~~, the term does not include retardation or developmental disability as defined in chapter 393, ~~simple~~ intoxication, or conditions manifested only by antisocial behavior or *substance abuse impairment* ~~drug addiction~~.

(19) "Mobile crisis response service" means a nonresidential crisis service attached to a public receiving facility and available 24 hours a day, 7 days a week, through which immediate intensive assessments and interventions, including screening for admission into a receiving facility, take place for the purpose of identifying appropriate treatment services.

(20)~~(11)~~ "Patient" means any ~~mentally ill~~ person who *is held or accepted for mental health treatment* ~~seeks treatment under this part or any person for whom such treatment is sought~~.

(21) "Physician" means a medical practitioner licensed under chapter 458 or chapter 459 who has experience in the diagnosis and treatment of mental and nervous disorders or a physician employed by a facility operated by the United States Department of Veterans Affairs which qualifies as a receiving or treatment facility under this part.

(22)~~(10)~~ "Private facility" means any hospital or facility operated by a *for-profit or not-for-profit* ~~nonprofit~~ corporation or association *that provides mental health services and is not a public facility* ~~or a proprietary hospital approved by the department~~.

~~(2) With respect to the professionals referred to in this part:~~

~~(a) "Clinical psychologist" means a graduate of an accredited institution of higher learning with a doctor's degree in clinical psychology and~~

~~3 years of postdoctoral experience in the practice of clinical psychology, including experience prerequisite to licensure, who is licensed as a psychologist pursuant to the provisions of chapter 490.~~

~~(b) "Clinical social worker" means an individual who has received a master's degree or a doctor's degree, with a major emphasis in direct patient health care services, through a program of study which includes psychiatric social work, medical social work, social casework, psychotherapy, or group psychotherapy, from a graduate school of social work approved by the Council on Social Work Education, or that meets comparable standards, and who is licensed as a clinical social worker pursuant to the provisions of chapter 491.~~

~~(c) "Physician" means a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has experience in the diagnosis and treatment of mental and nervous disorders.~~

(23)~~(d)~~ "Psychiatric nurse" means a registered nurse *licensed under chapter 464 who has* ~~with~~ a master's degree or a *doctorate* ~~doctor's degree~~ in psychiatric nursing and 2 years of post-master's clinical experience under the supervision of a physician.

(24)~~(e)~~ "Psychiatrist" means a medical practitioner licensed *under* ~~pursuant to~~ chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency.

~~For the purpose of providing services described in this act to patients at facilities operated by the United States Department of Veterans Affairs, which facilities meet the requirements of receiving and treatment facilities, a physician or psychologist employed by the United States Department of Veterans Affairs shall be considered to have met the licensure requirements set forth in this subsection.~~

(25) "Public facility" means any facility that has contracted with the department to provide mental health services to all persons, regardless of their ability to pay, and is receiving state funds for such purpose.

(26)~~(8)~~ "Receiving facility" means *any public or private* ~~a~~ facility designated by the department to receive *and hold involuntary* patients under emergency conditions or for psychiatric evaluation and to provide short-term treatment~~, and also means a private facility when rendering services to a private patient pursuant to the provisions of this act. However,~~ The term ~~"receiving facility"~~ does not include a county jail.

(27)~~(16)~~ "Representative" means a person *selected* ~~appointed~~ to receive notice of proceedings *during the time a patient is held in or admitted to a receiving or treatment facility* ~~for and during hospitalization and to take actions for and on behalf of the patient~~.

(28)~~(5)~~ "Secretary" means the Secretary of ~~the Department of~~ Health and Rehabilitative Services.

(29) "Transfer evaluation" means the process, as approved by the appropriate district office of the department, whereby a person who is being considered for placement in a state treatment facility is first evaluated for appropriateness of admission to the facility by a community-based public receiving facility, or by a community mental health center or clinic if the public receiving facility is not a community mental health center or clinic.

(30)~~(9)~~ "Treatment facility" means *any* ~~a~~ state-owned, state-operated, or state-supported hospital, center, or clinic designated by the department for *extended* ~~the~~ treatment and hospitalization, *beyond that provided for by a receiving facility,* of persons who *have a mental illness* ~~are mentally ill~~, including facilities of the United States Government, and *any* ~~also means a~~ private facility *designated by the department* when rendering *such* services to a *person* ~~private patient~~ pursuant to the provisions of this *part* ~~act~~. Patients treated in facilities of the United States Government shall be solely those whose care is the responsibility of the United States Department of Veterans Affairs.

~~(13) "Staff member" means an employee of a receiving or treatment facility who has been designated as a staff member by the department.~~

~~(20) "Mental health personnel" includes all program directors, professional clinicians, staff members, and volunteers working in public or private mental health programs and facilities who have direct contact with unmarried patients under the age of 18 years. Students in the health care professions who are interning in a mental health facility licensed under chapter 395, where the primary purpose of the facility is not the treatment of minors, shall be exempt from the fingerprinting and screening requirements, provided they are under actual physical presence supervision of a licensed health care professional. Mental health personnel working in a facility licensed under chapter 395 who have less than 15 hours per week of direct contact with such patients or who are health care professionals licensed by the Agency for Health Care Administration or a board thereunder are exempt from the fingerprinting and screening requirements, except for those persons in mental health facilities where the primary purpose of the facility is the treatment of minors. A volunteer who assists on an intermittent basis for less than 40 hours per month is not included in the term "personnel" for the purposes of screening, if the volunteer is under direct and constant supervision by persons who meet the screening requirements of s. 394.457(6).~~

~~(21) "Screening" means the act of assessing the background of mental health personnel and includes, but is not limited to, employment history checks, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation; except that screening for volunteers included under the definition of personnel includes only local criminal records checks through local law enforcement agencies for current residence and residence immediately prior to employment as a volunteer, if different, and statewide criminal records correspondence checks through the Department of Law Enforcement.~~

Section 3. Section 394.457, Florida Statutes, as amended by chapter 95-228, Laws of Florida, is amended to read:

394.457 Operation and administration.—

(1) ADMINISTRATION.—The Department of Health and Rehabilitative Services is designated the "Mental Health Authority" of Florida. The department *and the Agency for Health Care Administration* shall exercise executive and administrative supervision over all mental health facilities, programs, and services.

(2) RESPONSIBILITIES OF THE DEPARTMENT.—The department is responsible for*:*

(a) The planning, evaluation, and *implementation* ~~coordination~~ of a complete and comprehensive statewide program of mental health, including community services, receiving and treatment facilities, child services, research, and training *as authorized and approved by the Legislature, based on the annual program budget of the department*. The department is also responsible for the ~~implementation of programs and~~ coordination of efforts with other departments and divisions of the state government, county and municipal governments, and private agencies concerned with and providing mental health services. It is responsible for establishing standards, providing technical assistance, and exercising supervision of mental health programs of, and the treatment of patients at, ~~state-supported~~ community facilities, other facilities for *persons who have a mental illness* ~~the mentally ill~~, and any agency or facility providing services to patients pursuant to *this part* ~~s. 394.463(2)(c)~~.

(b) ~~The department shall provide for~~ The publication and distribution of an information handbook to facilitate understanding of this *part* ~~act~~, the policies and procedures involved in *the* ~~its~~ implementation *of this part,* and the responsibilities of the various providers of services under this *part* ~~act~~. It shall stimulate research by public and private agencies, institutions of higher learning, and hospitals in the interest of the elimination and amelioration of mental illness. ~~The department may contract for residential and nonresidential services to be provided by receiving and treatment facilities and shall promulgate rules to implement any such services.~~

(3) POWER TO CONTRACT.—The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: public and private hospitals; *receiving and treatment facilities;* clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services.

Baker Act funds for community inpatient, crisis stabilization, short term residential treatment, and screening services must be allocated to each county pursuant to the department's funding allocation methodology. Notwithstanding the provisions of s. 287.057(3)(f), contracts for community-based Baker Act services for inpatient, crisis stabilization, short term residential treatment, and screening provided under chapter 394, Part I, other than those with other units of government, to be provided for the department must be awarded using competitive sealed bids when the county commission of the county receiving the services makes a request to the department's district office by January 15 of the contracting year. The district shall not enter into a competitively bid contract under this provision if such action will result in increases of state or local expenditures for Baker Act services within the district. Contracts for these Baker Act services using competitive sealed bids will be effective for 3 years. Services contracted for by the department may be reimbursed by the state at a rate up to 100 percent. The department *shall adopt rules establishing minimum standards for such contracted services and facilities and* shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

(4) APPLICATION FOR AND ACCEPTANCE OF GIFTS AND GRANTS.—The department may apply for and accept any funds, grants, gifts, or services made available to it by any agency or department of the Federal Government or any other public or private agency or individual in aid of mental health programs. All such moneys shall be deposited in the State Treasury and shall be disbursed as provided by law.

(5) RULES~~; PERSONNEL~~.—

(a) *The department shall adopt rules establishing forms and procedures relating to the rights and privileges of patients seeking mental health treatment from facilities under this part.*

(b) The department shall adopt rules necessary for *the implementation and* administration of *the provisions of* this part *and a* ~~in accordance with the Administrative Procedure Act, chapter 120. no~~ program subject to the provisions of this *part* ~~act~~ shall *not* be *permitted to operate unless* ~~operated without~~ rules *designed* ~~established~~ to ensure the protection of the health, safety, and welfare of the patients treated through such program *have been adopted*.

(c) The department shall adopt rules establishing minimum standards for services provided by a mental health overlay program or a mobile crisis response service.

(6) PERSONNEL.—

(a)~~(b)~~ The department shall, by *rule* ~~regulation~~, establish *minimum* standards of education and experience for professional and technical personnel employed in mental health programs*, including members of a mobile crisis response service.*

(b) The department shall design and distribute appropriate materials for the orientation and training of persons actively engaged in implementing the provisions of this part relating to the involuntary examination and placement of persons who are believed to have a mental illness.

~~(6) SCREENING OF MENTAL HEALTH PERSONNEL.—~~

~~(a) The department shall require employment screening pursuant to chapter 435, using the standards for level 1 screening set forth in that chapter.~~

~~(b) The department may grant exemptions from disqualification as provided in s. 435.06.~~

~~(7) HEARING OFFICERS.—~~

~~(a) One or more hearing officers shall be assigned by the Division of Administrative Hearings to conduct hearings for continued involuntary placement.~~

~~(b) Hearings on requests for orders authorizing continued involuntary placement filed in accordance with s. 394.467(4) shall be conducted in accordance with the provisions of s. 120.57(1), except that any order entered by the hearing officer shall be final and subject to judicial review in accordance with s. 120.68, except that orders concerning patients committed after successfully pleading not guilty by reason of insanity shall be governed by the provisions of s. 916.16.~~

(7)~~(8)~~ PAYMENT FOR CARE OF PATIENTS.—Fees and fee collections for patients in *state-owned, state-operated, or state-supported* treatment facilities shall be according to s. 402.33.

~~(9) DESIGNATION OF TREATMENT FACILITIES.—Florida State Hospital located at Chattahoochee, Gadsden County; G. Pierce Wood Memorial Hospital located at Arcadia, DeSoto County; South Florida State Hospital located at Hollywood, Broward County; and Northeast Florida State Hospital located at Macclenny, Baker County; and such other facilities as may be established by law or designated by the department in order to ensure availability of the least restrictive environment, including facilities of the United States Government, if such designation is agreed to by the appropriate governing body or authority, are designated as treatment facilities.~~

~~(10) DESIGNATION OF APPROVED PRIVATE PSYCHIATRIC FACILITIES.—Private psychiatric facilities may be approved by the department to provide examination and treatment on an involuntary basis. Such facilities are authorized to act in the same capacity as receiving and treatment facilities and are subject to all the provisions of this part.~~

Section 4. Section 394.4572, Florida Statutes, is amended to read:

394.4572 *Screening of mental health personnel* ~~Persons not required to be refingerprinted or rescreened.—~~

(1)(a) The department and the Agency for Health Care Administration shall require employment screening for mental health personnel using the standards for level 2 screening set forth in chapter 435. "Mental health personnel" includes all program directors, professional clinicians, staff members, and volunteers working in public or private mental health programs and facilities who have direct contact with unmarried patients under the age of 18 years.

(b) Students in the health care professions who are interning in a mental health facility licensed under chapter 395, where the primary purpose of the facility is not the treatment of minors, are exempt from the fingerprinting and screening requirements, provided they are under direct supervision in the actual physical presence of a licensed health care professional.

(c) Mental health personnel working in a facility licensed under chapter 395 who have less than 15 hours per week of direct contact with patients or who are health care professionals licensed by the Agency for Health Care Administration or a board thereunder are exempt from the fingerprinting and screening requirements, except for persons working in mental health facilities where the primary purpose of the facility is the treatment of minors.

(d) A volunteer who assists on an intermittent basis for less than 40 hours per month is exempt from the fingerprinting and screening requirements, provided the volunteer is under direct and constant supervision by persons who meet the screening requirements of paragraph (a).

(2) The department or the Agency for Health Care Administration may grant exemptions from disqualification as provided in s. 435.06.

(3) Prospective mental health ~~Any provision of law to the contrary notwithstanding, human resource~~ personnel who have *previously* been fingerprinted or screened pursuant to *chapter* ~~chapters~~ 393, *chapter* 394, *chapter* 397, *chapter* 402, *or chapter* ~~and~~ 409, *or* ~~and~~ teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards *for level 1 screening contained in chapter 435* ~~for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(1), and 409.175(4)~~, shall not be required to be refingerprinted or rescreened in order to comply with any ~~caretaker~~ screening ~~or fingerprinting~~ requirements *of this part*.

Section 5. Subsection (2) of section 394.4573, Florida Statutes, is amended to read:

394.4573 Continuity of care management system; measures of performance; reports.—

(2) The department ~~of Health and Rehabilitative Services~~ is directed to implement a continuity of care management system for the provision

of ~~continuity of~~ mental health care, through the provision of client and case management, including clients referred from state treatment facilities to community mental health facilities. Such system shall include a network of client managers and case managers throughout the state designed to:

(a) Reduce the possibility of a client's admission or readmission to a state treatment facility.

(b) Provide for the creation or designation of an agency in each county to provide single intake services for each person seeking mental health services. Such agency shall provide information and referral services necessary to ensure that clients receive the most appropriate and least restrictive form of care, based on the individual needs of the person seeking treatment. Such agency shall have a single telephone number, *operating* ~~manned~~ 24 hours per day, 7 days per week, where *practicable* ~~practical~~, at a central location, where each client will have a central record.

(c) Advocate on behalf of the client to ensure that all appropriate services are afforded to the client in a timely and dignified manner.

(d) Require that any public receiving facility initiating a patient transfer to a licensed hospital for acute care mental health services not accessible through the public receiving facility shall notify the hospital of such transfer and send all records relating to the emergency psychiatric or medical condition.

Section 6. Section 394.458, Florida Statutes, is amended to read:

394.458 Introduction or removal of certain articles unlawful; penalty.—

(1)(a) Except as authorized by law or as specifically authorized by the person in charge of each hospital *providing mental health services under this part*, it is unlawful to introduce into or upon the grounds of *such hospital* ~~any mental health hospital under the supervision or control of the Department of Health and Rehabilitative Services~~, or to take or attempt to take or send therefrom, any of the following articles, which are hereby declared to be contraband for the purposes of this section:

1. Any intoxicating beverage or beverage which causes or may cause an intoxicating effect;

2. Any controlled substance as defined in chapter 893; or

3. Any firearms or deadly weapon.

(b) It is unlawful to transmit to, or attempt to transmit to, or cause or attempt to cause to be transmitted to, or received by, any patient of any hospital *providing mental health services under this part* any article or thing declared by this section to be contraband, at any place which is outside of the grounds of such hospital, except as authorized by law or as specifically authorized by the person in charge of such hospital.

(2) *A person who* ~~Whoever~~ violates any provision of this section *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Section 394.459, Florida Statutes, is amended to read:

394.459 Rights of patients.—

(1) RIGHT TO INDIVIDUAL DIGNITY.—*It is* the policy of *this* ~~the~~ state ~~is~~ that the individual dignity of the patient shall be respected at all times and upon all occasions, including any occasion when the patient is taken into custody, *held* ~~detained~~, or transported. Procedures, facilities, vehicles, and restraining devices utilized for criminals or those accused of crime shall not be used in connection with *persons who have a mental illness,* ~~the noncriminal mentally ill~~ except for the protection of the patient or others. *Persons who have a mental illness but who are not charged with a criminal offense* ~~The noncriminal mentally ill~~ shall not be detained or incarcerated in the jails of this state. *A* ~~No~~ person who is receiving treatment for mental illness in a facility shall *not* be deprived of any constitutional rights. However, if such a person is adjudicated *incapacitated* ~~incompetent pursuant to the provisions of chapter 744~~, his or her rights may be limited to the same extent the rights of any *incapacitated* ~~incompetent~~ person are limited by ~~general~~ law.

(2) RIGHT TO TREATMENT.—

(a) *A person shall not be denied* ~~The policy of the state is that the department shall not deny~~ treatment for mental illness *and* ~~to any person, and that no~~ services shall *not* be delayed at a receiving or treatment facility because of inability to pay. However, every reasonable effort to collect appropriate reimbursement for the cost of providing mental health services to persons able to pay for services, including insurance or third-party payments, shall be made by facilities providing services pursuant to this *part* ~~act~~.

(b) It is further the policy of the state that the least restrictive appropriate available treatment be utilized based on the individual needs and best interests of the patient and consistent with optimum improvement of the patient's condition.

(c) Each person ~~who is admitted to a receiving or treatment facility, and each person~~ who remains at a *receiving or treatment* facility for *more than* ~~a period in excess of~~ 12 hours~~,~~ shall be given a physical examination by a health practitioner authorized by law to give such examinations, within 24 hours after arrival at ~~any~~ such facility.

(d) Every patient in a ~~treatment~~ facility shall be afforded the opportunity to participate in activities designed to enhance self-image and the beneficial effects of other treatments, as determined by the facility.

(e) Not more than 5 days after admission to a ~~treatment~~ facility, each patient shall have and receive an individualized treatment plan in writing which the patient has had an opportunity to assist in preparing and to review prior to its implementation. *The plan shall include a space for the patient's comments.*

(3) RIGHT TO EXPRESS AND INFORMED PATIENT CONSENT.—

(a) Each patient entering a facility shall be asked to give express and informed consent for admission and treatment. *If the patient has been adjudicated incapacitated or found to be incompetent to consent to treatment, express and informed consent to treatment shall be sought instead from the patient's guardian or guardian advocate.* If the patient is *a minor* ~~under 18 years of age~~, express and informed consent for admission and treatment shall also be requested from the *patient's* guardian. Express and informed consent for admission and treatment ~~from a guardian~~ of a patient under 18 years of age shall be required *from the patient's guardian, unless the minor is seeking outpatient crisis intervention services under* ~~except pursuant to the provisions of~~ s. 394.4784. Express and informed consent for admission and treatment given by a patient who is under 18 years of age shall not be a condition of admission when the *patient's* guardian ~~of the patient~~ gives express and informed consent for the patient's admission pursuant to s. 394.463 or s. 394.467. Prior to giving ~~express and informed~~ consent, the following information shall be disclosed to the patient, or *to* the *patient's* guardian ~~of the patient~~ if the patient *is 18 years of age or older and has been adjudicated incapacitated, or to the patient's guardian advocate if the patient has been found to be incompetent to consent to treatment, or* ~~is incompetent, and~~ to both the patient and the guardian if the patient is *a minor* ~~under 18 years of age~~: the reason for admission, the *proposed treatment, the* purpose of the treatment to be provided, the common side effects thereof, alternative treatment modalities, the approximate length of care, and that any consent given by a patient may be revoked orally or in writing prior to or during the treatment period by the patient, *the guardian advocate,* or the guardian. ~~If a voluntary patient refuses to consent to or revokes consent for treatment, such patient shall be discharged within 3 days or, in the event the patient meets the criteria for involuntary placement, such proceedings shall be instituted within 3 days. If any patient refuses treatment and is not discharged as a result, emergency treatment may be rendered such patient in the least restrictive manner, upon the written order of a physician when it is determined that such treatment is necessary for the safety of the patient or others. If any patient refuses to consent to treatment or revokes consent previously provided and the treatment not consented to is essential to appropriate care for the patient, then the administrator shall immediately petition the court for a hearing to determine the competency of the patient to consent to treatment. A patient is incompetent to consent to treatment if the patient's judgment is so affected by his or her mental illness that he or she lacks the capacity to make a well-reasoned, willful, and knowing decision concerning treatment. If the court finds that the patient is incompetent to consent to treatment, it shall appoint a guardian advocate. A guardian~~

~~advocate appointed pursuant to the provisions of this act shall meet the qualifications of a guardian contained in part IV of chapter 744, except that no professional referred to in this act, department employee, or facility administrator shall be appointed.~~

(b) ~~In addition to the provisions of paragraph (a),~~ In the case of *medical* ~~surgical~~ procedures requiring the use of a general anesthetic or electroconvulsive treatment, and prior to performing the procedure, *express and informed consent* ~~written permission~~ shall be obtained from the patient~~,~~ if *the patient* ~~he or she~~ is legally competent, from the ~~parent or~~ guardian of a minor patient, ~~or~~ from the guardian of *a patient who has been adjudicated incapacitated, or from the guardian advocate of the patient if the guardian advocate has been given express court authority to consent to medical procedures or electroconvulsive treatment as provided under s. 394.4598.* ~~an incompetent patient. The facility administrator or his or her designated representative may, with the concurrence of the patient's attending physician, authorize emergency surgical treatment if such treatment is deemed lifesaving and permission of the patient and his or her guardian or representative cannot be obtained.~~

(c) When the department is the legal guardian ~~or representative~~ of a patient, or is the custodian of a patient whose physician is unwilling to perform *a medical procedure, including an electroconvulsive treatment,* ~~surgery~~ based solely on the patient's consent and whose ~~parent or legal~~ guardian *or guardian advocate* is unknown or unlocatable, *the court* ~~a court of competent jurisdiction~~ shall hold a hearing to determine the *medical necessity* ~~appropriateness~~ of the *medical* ~~surgical~~ procedure. The patient shall be physically present, unless the patient's medical condition precludes such presence, represented by counsel, and provided the right and opportunity to be confronted with, and to cross-examine, all witnesses alleging the *medical necessity* ~~appropriateness~~ of such procedure. In such proceedings, the burden of proof by clear and convincing evidence shall be on the party alleging the *medical necessity of the* ~~appropriateness of such~~ procedure.

(d) The administrator of a receiving or treatment facility may, upon the recommendation of the patient's attending physician, authorize emergency medical treatment, including a surgical procedure, if such treatment is deemed lifesaving, or if the situation threatens serious bodily harm to the patient, and permission of the patient or the patient's guardian or guardian advocate cannot be obtained.

(4) QUALITY OF TREATMENT.—

(a) Each patient in a facility shall receive *services* ~~treatment~~ suited to his or her needs, which shall be administered skillfully, safely, and humanely with full respect for the patient's dignity and personal integrity. Each patient shall receive such medical, vocational, social, educational, and rehabilitative services as his or her condition requires to bring about an early return to *the* ~~his or her~~ community. In order to achieve this goal, the department is directed to coordinate its mental health programs with all other programs of the department and other ~~appropriate~~ state agencies.

(b) Receiving and treatment facilities shall develop and maintain, in a form accessible to and readily understandable by patients, the following:

1. Criteria, procedures, and required staff training for any use of close or elevated levels of supervision, of restraint, seclusion, or isolation, or of emergency treatment orders, and for the use of bodily control and physical management techniques.

2. Procedures for documenting, monitoring, and requiring clinical review of all uses of the procedures described in subparagraph 1. and for documenting and requiring review of any incidents resulting in injury to patients.

3. A system for the review of complaints by patients or their families or guardians.

(c) A facility may not use seclusion or restraint for punishment, to compensate for inadequate staffing, or for the convenience of staff. Facilities shall ensure that all staff are made aware of these restrictions on the use of seclusion and restraint, and shall make and maintain records which demonstrate that this information has been conveyed to individual staff members.

(5) COMMUNICATION, ABUSE REPORTING, AND VISITS.—

(a) Each *person receiving services* ~~patient~~ in a facility *providing mental health services under* ~~pursuant to the provisions of~~ this part has the right to communicate freely and privately with persons outside the facility unless it is determined that such communication is likely to be harmful to the *person* ~~patient~~ or others. *Each facility shall make available as soon as reasonably possible to persons receiving services a telephone that allows for free local calls and access to a long-distance service. A facility is not required to pay the costs of a patient's long-distance calls. The telephone shall be readily accessible to the patient and shall be placed so that the patient may use it to communicate privately and confidentially. The facility may establish reasonable rules for the use of this telephone, provided that the rules do not interfere with a patient's access to a telephone to report abuse pursuant to paragraph (e).*

(b) Each patient *admitted to a facility* ~~hospitalized~~ under the provisions of this part shall be allowed to receive, send, and mail sealed, unopened correspondence; and no patient's incoming or outgoing correspondence shall be opened, delayed, held, or censored by the facility unless there is reason to believe that it contains items or substances which may be harmful to the patient or others, in which case the administrator may direct reasonable examination of such mail and may regulate the disposition of such items or substances.

(c) *Each facility must permit immediate access to any patient, subject to the patient's right to deny or withdraw consent at any time, by the patient's family members, guardian, guardian advocate, representative, human rights advocacy committee, or attorney, unless such access would be detrimental to the patient.* If a patient's right to communicate *or to receive visitors* is restricted by the *facility* ~~administrator~~, written notice of such restriction *and the reasons for the restriction* shall be served on the patient, *the patient's attorney, and the patient's* ~~and his or her~~ guardian, *guardian advocate, or representative* ~~or representatives~~; and such restriction shall be recorded on the patient's clinical record with the reasons therefor. The restriction of a patient's right to communicate *or to receive visitors* shall be reviewed at least every *7* ~~90~~ days. *The right to communicate or receive visitors shall not be restricted as a means of punishment. Nothing in this paragraph shall be construed to limit the provisions of paragraph (d).*

(d) Each facility shall establish reasonable rules governing visitors, visiting hours, and the use of telephones by patients in the least restrictive possible manner. *Patients shall have the right to contact and to receive communication from their attorneys at any reasonable time.*

(e) Each patient receiving mental health treatment in any facility shall have ready access to a telephone in order to report an alleged abuse. The facility staff shall *orally* ~~verbally~~ and in writing inform each patient of the procedure for reporting abuse *and shall make every reasonable effort to present the information in a language the patient understands.* A written copy of that procedure, including the telephone number of the abuse registry and reporting forms, shall be posted in plain view.

(f) The department shall adopt rules providing a procedure for reporting abuse. Facility staff shall be required, as a condition of employment, to become familiar with the *requirements and* procedures for the reporting of abuse.

(6) CARE AND CUSTODY OF PERSONAL EFFECTS OF PATIENTS.—A patient's right to *the possession of* his or her clothing and personal effects shall be respected. The *facility* ~~administrator~~ may take temporary custody of such effects when required for medical and safety reasons. *A patient's clothing and personal effects shall be inventoried upon their removal into temporary custody. Copies of this inventory shall be given to the patient and to the patient's guardian, guardian advocate, or representative and* ~~Custody of such personal effects~~ shall be recorded in the patient's clinical record. *This inventory may be amended upon the request of the patient or the patient's guardian, guardian advocate, or representative. The inventory and any amendments to it must be witnessed by two members of the facility staff and by the patient, if able. All of a patient's clothing and personal effects held by the facility shall be returned to the patient immediately upon the discharge or transfer of the patient from the facility, unless such return would be detrimental to the patient. If personal effects are not returned to the patient, the reason must be documented in the clinical record along with the disposition of the clothing and personal effects, which may be given instead to the patient's*

guardian, guardian advocate, or representative. As soon as practicable after an emergency transfer of a patient, the patient's clothing and personal effects shall be transferred to the patient's new location, together with a copy of the inventory and any amendments, unless an alternate plan is approved by the patient, if able, and by the patient's guardian, guardian advocate, or representative.

(7) VOTING IN PUBLIC ELECTIONS.—A patient in a facility who is eligible to vote according to the laws of the state has the right to vote in the primary and general elections. The department shall establish rules ~~and regulations~~ to enable patients to obtain voter registration forms, applications for absentee ballots, and absentee ballots.

~~(8) EDUCATION OF CHILDREN.—The department shall provide education and training appropriate to the needs of all children in treatment facilities. Efforts shall be made to provide this education and training in the least restrictive setting available.~~

~~(9) CLINICAL RECORD; CONFIDENTIALITY.—A clinical record for each patient shall be maintained. The record shall include data pertaining to admission and such other information as may be required under rules of the department. A clinical record is confidential and exempt from the provisions of s. 119.07(1). Unless waived by express and informed consent by the patient or the patient's guardian or, if the patient is deceased, by the patient's personal representative or by that family member who stands next in line of intestate succession, the confidential status of the clinical record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency. No part of the clinical record shall be released, except:~~

~~(a) The record may be released to such persons and agencies as designated by the patient or the patient's guardian. A medical discharge summary of the clinical record of any patient committed to, or to be returned to, the Department of Corrections from the Department of Health and Rehabilitative Services shall be released to the Department of Corrections without charge upon its request. The Department of Corrections shall treat such information as confidential and shall not release such information except as provided in this section.~~

~~(b) The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law. In determining whether there is good cause for disclosure, the court shall weigh the need for the information to be disclosed against the possible harm of disclosure to the person to whom such information pertains.~~

~~(c) The record or any part thereof may be disclosed to a qualified researcher, a staff member of the facility, or an employee of the department when the administrator of the facility or secretary of the department deems it necessary for treatment of the patient, maintenance of adequate records, compilation of treatment data, or evaluation of programs.~~

~~(d) Information from the clinical records may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.~~

~~(e) Whenever a patient has declared an intention to harm other persons, such declaration may be disclosed.~~

~~(f) Any law enforcement agency, treatment facility, or other governmental agency that receives information pursuant to this subsection shall maintain such information as confidential and exempt from the provisions of s. 119.07(1) as provided herein.~~

~~(g) Any agency or private mental health practitioner who acts in good faith in releasing information pursuant to this subsection is not subject to civil or criminal liability for such release.~~

~~(h) Nothing in this subsection is intended to prohibit the parent of a mentally ill person who is hospitalized in, or is being treated by, a mental health facility or program from requesting and receiving information limited to that person's treatment plan and current physical and mental condition. Release of such information shall be in accordance with the code of ethics of the profession involved.~~

~~The exemptions contained in this subsection are subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(8)~~(10)~~ HABEAS CORPUS.—

(a) At any time, and without notice, a person *held in a receiving or treatment* ~~detained by a~~ facility, or a relative, friend, guardian, *guardian advocate,* representative, or attorney *or the department,* on behalf of such person, may petition for a writ of habeas corpus to question the cause and legality of such detention and request that the ~~circuit~~ court *order a return to the writ in accordance with chapter 79* ~~issue a writ for release~~. Each patient *held in* ~~admitted to~~ a facility ~~for involuntary placement~~ shall receive a written notice of the right to petition for a writ of habeas corpus.

(b) *At any time, and without notice, a person who is a patient in a receiving or treatment facility, or a relative, friend, guardian, guardian advocate, representative, or attorney, or the department, on behalf of such person,* ~~A patient or his or her guardian or representatives~~ may file a petition in the circuit court in the county where the patient is *being held* ~~hospitalized~~ alleging that the patient is being unjustly denied a right or privilege granted herein or that a procedure authorized herein is being abused. Upon the filing of such a petition, the ~~circuit~~ court shall have the authority to conduct a judicial inquiry and to issue any ~~appropriate~~ order *needed* to correct an abuse of the provisions of this part.

(c) The administrator of any receiving or treatment facility receiving a petition under this subsection shall file the petition with the clerk of the court on the next court working day.

(d) No fee shall be charged for the filing of a petition under this subsection.

(9) VIOLATIONS.—The department shall report to the Agency for Health Care Administration any violation of the rights or privileges of patients, or of any procedures provided under this part, by any facility or professional licensed or regulated by the agency. The agency is authorized to impose any sanction authorized for violation of this part, based solely on the investigation and findings of the department.

~~(11) TRANSPORTATION.—~~

~~(a) If neither the patient nor any person legally obligated or responsible for the patient is able to pay for the expense of transporting the patient to a treatment facility, the governing board of the county from which the patient is hospitalized shall arrange for such required transportation and, pursuant thereto, shall ensure the safe and dignified transportation of any such patient. County law enforcement and correctional personnel and equipment and municipal law enforcement and correctional personnel and equipment shall not be used to transport patients adjudicated mentally incompetent or found by the court to meet the criteria for involuntary placement pursuant to s. 394.467(1), except in small rural counties where there are no cost-efficient alternatives.~~

~~(b) The governing board of each county is authorized to contract with private transport companies for the transportation of such patients to and from a treatment facility.~~

~~(c) Any company that transports a patient pursuant to this section is considered an independent contractor and is solely liable for the safe and dignified transportation of the patient. Any transport company that contracts with a governing board of a county for the transport of patients as provided for in this section must be insured and provide no less than $100,000 in liability insurance with respect to the transportation of the patients.~~

~~(d) Any company that contracts with a governing board of a county to transport patients shall comply with the applicable rules of the department to ensure the safety and dignity of the patients.~~

~~(12) DESIGNATION OF REPRESENTATIVES; NOTICE OF ADMISSION.—~~

~~(a) At the time a patient is admitted to a facility for an involuntary examination or treatment, or when a petition for involuntary placement is filed with respect to a patient who has been voluntarily admitted to a facility, the names and addresses of two representatives or one guardian shall be entered in the patient's clinical record.~~

~~1. A treatment facility shall give written notice of such patient's admission or petition filing to his or her guardian or representatives.~~

~~2. A receiving facility shall give notice of admission to the patient's guardian or representatives by telephone or in person within 24 hours.~~

~~(b) If the patient has no guardian, he or she may designate one representative; the second representative, or both in the absence of designation of one representative by the patient, shall be selected by the facility. The first representative selected by the facility shall be made from the following in the order of listing:~~

~~1. The patient's spouse;~~

~~2. An adult child;~~

~~3. Parent;~~

~~4. Adult next of kin;~~

~~5. Adult friend;~~

~~6. Appropriate human rights advocacy committee; or~~

~~7. The department.~~

~~The second representative selected by the facility shall be without regard to the order of listing, except that the department shall only be selected as the representative of last resort in cases where the patient is receiving service in a state-operated facility. If the facility can locate only one person from the categories listed above, it shall only be required to select one representative.~~

~~(c) The patient shall be consulted with regard to the appointment of a representative and have authority to request that an appointed representative be replaced.~~

~~(d) Unless otherwise provided, notice to the patient's guardian or representatives shall be served by registered or certified mail or receipted hand delivery, and the date on which such notice was mailed shall be entered on the patient's clinical record.~~

~~(e) At the time a patient is voluntarily admitted to a facility, the identity and contact information of a person to be notified in case of emergency shall be entered in the patient's clinical record. No notice of a voluntary patient's admission shall be given to any person except in case of emergency as determined by the facility.~~

(10)~~(13)~~ LIABILITY FOR VIOLATIONS.—Any person who violates or abuses any rights or privileges of patients provided by this *part* ~~act~~ is liable for damages as determined by law. Any person who acts in good faith in compliance with the provisions of this part is immune from civil or criminal liability for his or her actions in connection with the admission, diagnosis, treatment, or discharge of a patient to or from a facility. However, this section does not relieve any person from liability if such person *commits* ~~is guilty of~~ negligence.

(11)~~(14)~~ RIGHT TO PARTICIPATE IN TREATMENT AND DISCHARGE PLANNING.—The patient shall *have* ~~be provided~~ the opportunity to participate in treatment and discharge planning and shall be notified in writing of his or her right, upon ~~release or~~ discharge from the facility, to seek treatment from the professional or agency of the patient's choice.

(12) POSTING OF NOTICE OF RIGHTS OF PATIENTS.—Each facility shall post a notice listing and describing, in the language and terminology that the persons to whom the notice is addressed can understand, the rights provided in this section. This notice shall include a statement that provisions of the federal Americans with Disabilities Act apply and the name and telephone number of a person to contact for further information. This notice shall be posted in a place readily accessible to patients and in a format easily seen by patients. This notice shall include the telephone numbers of the local human rights advocacy committee and Advocacy Center for Persons with Disabilities, Inc.

Section 8. Section 394.4595, Florida Statutes, is created to read:

394.4595 Human Rights Advocacy Committee access to patients and records.—Any facility designated by the department as a receiving or treatment facility must allow access to any patient and the clinical and legal records of any patient admitted pursuant to the provisions of this act by members of the Human Rights Advocacy Committee.

Section 9. Section 394.4597, Florida Statutes, is created to read:

394.4597 Persons to be notified; patient's representative.—

(1) VOLUNTARY PATIENTS.—At the time a patient is voluntarily admitted to a receiving or treatment facility, the identity and contact information of a person to be notified in case of an emergency shall be entered in the patient's clinical record.

(2) INVOLUNTARY PATIENTS.—

(a) At the time a patient is admitted to a facility for involuntary examination or placement, or when a petition for involuntary placement is filed, the names, addresses, and telephone numbers of the patient's guardian or guardian advocate, or representative if the patient has no guardian, and the patient's attorney shall be entered in the patient's clinical record.

(b) If the patient has no guardian, the patient shall be asked to designate a representative. If the patient is unable or unwilling to designate a representative, the facility shall select a representative.

(c) The patient shall be consulted with regard to the selection of a representative by the receiving or treatment facility, and shall have authority to request that any such representative be replaced.

(d) When the receiving or treatment facility selects a representative, first preference shall be given to a health care surrogate, if one has been previously selected by the patient. If the patient has not previously selected a health care surrogate, the selection, except for good cause documented in the patient's clinical record, shall be made from the following list in the order of listing:

1. The patient's spouse.

2. An adult child of the patient.

3. A parent of the patient.

4. The adult next of kin of the patient.

5. An adult friend of the patient.

6. The appropriate human rights advocacy committee as provided in s. 402.166.

(e) A licensed professional providing services to the patient under this part, an employee of a facility providing direct services to the patient under this part, a department employee, a person providing other substantial services to the patient in a professional or business capacity, or a creditor of the patient shall not be appointed as the patient's representative.

Section 10. Section 394.4598, Florida Statutes, is created to read:

394.4598 Guardian advocate.—

(1) The administrator may petition the court for the appointment of a guardian advocate based upon the opinion of a psychiatrist that the patient is incompetent to consent to treatment. If the court finds that a patient is incompetent to consent to treatment and has not been adjudicated incapacitated and a guardian with the authority to consent to mental health treatment appointed, it shall appoint a guardian advocate. The patient has the right to have an attorney represent him at the hearing. If the person is indigent, the court shall appoint the office of the public defender to represent him at the hearing. The patient has the right to testify, cross-examine witnesses and present witnesses. The proceeding shall be recorded either electronically or stenographically and testimony shall be provided under oath. One of the professionals authorized to give an opinion in support of a petition for involuntary placement, as described in s. 394.467(2), must testify. A guardian advocate must meet the qualifications of a guardian contained in part IV of chapter 744, except that a professional referred to in this part, an employee of the facility providing direct services to the patient under this part, a departmental employee, a facility administrator, or member of the district human rights advocacy committee shall not be appointed. A person who is appointed as a guardian advocate must agree to the appointment.

(2) A facility requesting appointment of a guardian advocate must, prior to the appointment, provide the prospective guardian advocate

with information about the duties and responsibilities of guardian advocates, including the information about the ethics of medical decision-making. Before asking a guardian advocate to give consent to treatment for a patient, the facility shall provide to the guardian advocate sufficient information so that the guardian advocate can decide whether to give express and informed consent to the treatment, including information that the treatment is essential to the care of the patient, and that the treatment does not present an unreasonable risk of serious, hazardous or irreversible side effects. Before giving consent to treatment, the guardian advocate must meet and talk with the patient and the patient's physician in person, if at all possible, and by telephone, if not. The decision of the guardian advocate may be reviewed by the court, upon petition of the patient's attorney, the patient's family or the facility administrator.

(3) Prior to a guardian advocate exercising his authority, the guardian advocate shall attend a training course approved by the court. This training course, of not less than 4 hours, must include, at minimum, information about the patient rights, psychotropic medications, diagnosis of mental illness, the ethics of medical decision-making and duties of guardian advocates. This training course shall take the place of the training required for guardians appointed pursuant to chapter 744.

(4) The information to be supplied to prospective guardian advocates prior to their appointment and the training course for guardian advocates must be developed and completed through a course developed by the department and approved by the chief judge of the circuit court and taught by a court-approved organization. Court-approved organizations may include, but are not limited to, community or junior colleges, guardianship organizations, and the local bar association or The Florida Bar. The court may, in its discretion, waive some or all of the training requirements for guardian advocates, or impose additional requirements. The court shall make its decision on a case-by-case basis and, in making its decision, shall consider the experience and education of the guardian advocate, the duties assigned to the guardian advocate, and the needs of the patient.

(5) In selecting a guardian advocate, the court shall give preference to a health care surrogate, if one has already been designated by the patient. If the patient has not previously selected a health care surrogate, except for good cause documented in the court record, the selection shall be made from the following list in the order of listing:

(a) The patient's spouse.

(b) An adult child of the patient.

(c) A parent of the patient.

(d) The adult next of kin of the patient.

(e) An adult friend of the patient.

(f) An adult trained and willing to serve as guardian advocate for the patient.

(6) If a guardian with the authority to consent to medical treatment has not already been appointed or if the patient has not already designated a health care surrogate, the court may authorize the guardian advocate to consent to medical treatment, as well as mental health treatment. Unless otherwise limited by the court, a guardian advocate with authority to consent to medical treatment shall have the same authority to make health care decisions and be subject to the same restrictions as a proxy appointed under part IV of chapter 765. Unless the guardian advocate has sought and received express court approval in proceeding separate from the proceeding to determine the competence of the patient to consent to medical treatment, the guardian advocate may not consent to:

(a) Abortion.

(b) Sterilization.

(c) Electroconvulsive treatment.

(d) Psychosurgery.

(e) Experimental treatments that have not been approved by a federally approved institutional review board in accordance with 45 C.F.R. part 46 or 21 C.F.R. part 56.

The court must base its decision on evidence that the treatment or procedure is essential to the care of the patient, and that the treatment does not present an unreasonable risk of serious, hazardous or irreversible side effects. The court shall follow the procedures set forth in paragraph (1) of this section.

(7) The guardian advocate shall be discharged when the patient is discharged from a receiving or treatment facility to the community or when the patient is transferred from involuntary to voluntary status. The court or a hearing officer shall consider the competence of the patient pursuant to s. 394.4598(1) and may consider an involuntarily placed patient's competence to consent to treatment at any hearing. Upon sufficient evidence, the court may restore, or the hearing officer may recommend that the court restore, the patient's competence. A copy of the order restoring competence or the certificate of discharge containing the restoration of competence shall be provided to the patient and the guardian advocate.

Section 11. Section 394.4599, Florida Statutes, is created to read:

394.4599 Notice.—

(1) VOLUNTARY PATIENTS.—Notice of a voluntary patient's admission shall only be given at the request of the patient, except that in an emergency, notice shall be given as determined by the facility.

(2) INVOLUNTARY PATIENTS.—

(a) Whenever notice is required to be given under this part, such notice shall be given to the patient and the patient's guardian, guardian advocate, attorney, and representative.

1. When notice is required to be given to a patient, it shall be given both orally and in writing, in the language and terminology that the patient can understand, and, if needed, the facility shall provide an interpreter for the patient.

2. Notice to a patient's guardian, guardian advocate, attorney, and representative shall be given by United States mail and by registered or certified mail with the receipts attached to the patient's clinical record. Hand delivery by a facility employee may be used as an alternative, with delivery documented in the clinical record. If notice is given by a state attorney or an attorney for the department, a certificate of service shall be sufficient to document service.

(b) A receiving facility shall give prompt notice of the whereabouts of a patient who is being involuntarily held for examination, by telephone or in person within 24 hours after the patient's arrival at the facility, unless the patient requests that no notification be made. Contact attempts shall be documented in the patient's clinical record and shall begin as soon as reasonably possible after the patient's arrival. Notice that a patient is being admitted as an involuntary patient shall be given to the local human rights advocacy committee no later than the next working day after the patient is admitted.

(c) The written notice of the filing of the petition for involuntary placement must contain the following:

1. Notice that the petition has been filed with the circuit court in the county in which the patient is hospitalized, and the address of such court.

2. Notice that the office of the public defender has been appointed to represent the patient in the proceeding, if the patient is not otherwise represented by counsel.

3. The date, time, and place of the hearing, and the name of each examining expert and every other person expected to testify in support of continued detention.

4. Notice that the patient, the patient's guardian or representative, or the administrator may apply for a change of venue for the convenience of the parties or witnesses or because of the condition of the patient.

5. Notice that the patient is entitled to an independent expert examination and, if the patient cannot afford such an examination, that the court will provide for one.

(d) A treatment facility shall provide notice of a patient's involuntary admission on the next regular working day after the patient's arrival at the facility.

(e) When a patient is to be transferred from one facility to another, notice shall be given by the facility where the patient is located prior to the transfer.

Section 12. Section 394.460, Florida Statutes, is amended to read:

394.460 Rights of professionals.—No professional referred to in this *part* ~~act~~ shall be required to accept patients for treatment of mental, emotional, or behavioral disorders. Such participation shall be voluntary.

Section 13. Section 394.461, Florida Statutes, is amended to read:

394.461 *Designation of receiving and treatment* facilities~~; transfers of patients~~.—*The department is authorized to designate and monitor receiving facilities and treatment facilities and may suspend or withdraw such designation for failure to comply with this part and rules adopted under this part. Unless designated by the department, facilities are not permitted to hold or treat involuntary patients under this part.*

(1) RECEIVING FACILITY.—The department ~~of Health and Rehabilitative Services~~ may designate any community facility as a receiving facility. ~~to provide examination and emergency, short-term treatment. The governing board of any county is authorized to contract with the department to set aside an area of any facility of the department to function, and be designated, as the receiving facility.~~ Any other facility within the state, including a *private facility or a* federal facility, may be so designated by the department, *provided that such designation is agreed to by the governing body or authority* ~~at the request of and with the consent of the governing officers~~ of the facility.

(2) TREATMENT FACILITY.—*The department may designate* any state-owned, state-operated, or state-supported facility ~~may be designated by the department~~ as a *state* treatment facility. *A civil patient shall not be admitted to a state treatment facility without previously undergoing a transfer evaluation. Before a court hearing for involuntary placement in a state treatment facility, the court shall receive and consider the information documented in the transfer evaluation.* Any other facility, including a *private facility or a* federal facility, may be ~~so~~ designated *as a treatment facility* by the department, *provided that such designation is agreed to by the appropriate governing body or authority of the facility* ~~at the request of, or with the consent of, its governing officers~~.

(3) PRIVATE FACILITIES.—Private facilities designated as receiving and treatment facilities by the department may provide examination and treatment of involuntary patients, as well as voluntary patients, and are subject to all the provisions of this part.

(4) RULES.—The department shall adopt rules relating to:

(a) Procedures and criteria for receiving and evaluating facility applications for designation, which may include on-site facility inspection and evaluation of an applicant's licensing status and performance history, as well as consideration of local service needs.

(b) Minimum standards consistent with this part that a facility must meet and maintain in order to be designated as a receiving or treatment facility, and procedures for monitoring continued adherence to such standards.

(c) Procedures for receiving complaints against a designated facility and for initiating inspections and investigations of facilities alleged to have violated the provisions of this part or rules adopted under this part.

(d) Procedures and criteria for the suspension or withdrawal of designation.

~~(3) TRANSFERS OF PATIENTS.—~~

~~(a) Any patient who has been admitted to a treatment or receiving facility on a voluntary basis and is able to pay for treatment in a private facility may apply to the department for transfer at his or her expense to such private facility. A patient may apply to the department for transfer from a private facility to a public facility. An involuntary patient may be transferred at the discretion of the department or upon application by the patient or the guardian of the patient.~~

~~(b) When the medical needs of the patient or efficient utilization of the facilities of the department require, a patient may be transferred from one facility of the department to another or, with the express and informed consent of the patient and his or her guardian or representatives, to a facility in another state.~~

~~(c) When any patient is to be transferred, notice shall be given to his or her guardian or representatives prior to the transfer.~~

~~(4) CRIMINALLY CHARGED OR CONVICTED MENTALLY ILL PERSONS.—~~

~~(a) No receiving facility shall be required to accept for examination and treatment any person with pending felony charges involving a crime of violence against another person.~~

~~(b) When law enforcement custody for a mentally ill person is based on either noncriminal behavior or minor criminal behavior, the law enforcement authority shall transport the person to a receiving facility for evaluation. When a law enforcement officer has arrested a person for a felony involving a crime of violence against another person, such person should be processed in the same manner as any other criminal suspect, notwithstanding the fact that the arresting officer has reasonable grounds for believing that the person's behavior meets statutory guidelines for involuntary examination pursuant to s. 394.463. When a law enforcement officer has arrested a person for a felony involving a crime of violence against another person and it appears that the person meets the statutory guidelines for involuntary examination or involuntary placement, the law enforcement agency shall immediately notify the designated receiving facility, which facility shall be responsible for promptly arranging for evaluation and treatment of the patient. The law enforcement agency shall subsequently notify the receiving facility in writing. The costs of evaluation and treatment incurred under this subsection may be recovered as provided in s. 901.35.~~

Section 14. Section 394.4615, Florida Statutes, is created to read:

394.4615 Clinical records; confidentiality.—

(1) A clinical record shall be maintained for each patient. The record shall include data pertaining to admission and such other information as may be required under rules of the department. A clinical record is confidential and exempt from the provisions of s. 119.07(1). Unless waived by express and informed consent, by the patient or the patient's guardian or guardian advocate or, if the patient is deceased, by the patient's personal representative or the family member who stands next in line of intestate succession, the confidential status of the clinical record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(2) The clinical record shall be released when:

(a) The patient or the patient's guardian authorizes the release. The guardian or guardian advocate shall be provided access to the appropriate clinical records of the patient. The patient or the patient's guardian or guardian advocate may authorize the release of information and clinical records to appropriate persons to ensure the continuity of the patient's health care or mental health care.

(b) The patient is represented by counsel and the records are needed by the patient's counsel for adequate representation.

(c) The court orders such release. In determining whether there is good cause for disclosure, the court shall weigh the need for the information to be disclosed against the possible harm of disclosure to the person to whom such information pertains.

(d) The patient is committed to, or is to be returned to, the Department of Corrections from the Department of Health and Rehabilitative Services, and the Department of Corrections requests such records. These records shall be furnished without charge to the Department of Corrections.

(3) Information from the clinical record may be released when:

(a) A patient has declared an intention to harm other persons. When such declaration has been made, the administrator may authorize the release of sufficient information to provide adequate warning to the person threatened with harm by the patient.

(b) The administrator of the facility or secretary of the department deems release to a qualified researcher as defined in administrative

rule, an aftercare treatment provider, or an employee or agent of the department is necessary for treatment of the patient, maintenance of adequate records, compilation of treatment data, aftercare planning, or evaluation of programs.

(4) Information from clinical records may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

(5) Information from clinical records may be used by the Agency for Health Care Administration, the department, and the human rights advocacy committees for the purpose of monitoring facility activity and complaints concerning facilities.

(6) Any person, agency, or entity receiving information pursuant to this section shall maintain such information as confidential and exempt from the provisions of s. 119.07(1).

(7) Any facility or private mental health practitioner who acts in good faith in releasing information pursuant to this section is not subject to civil or criminal liability for such release.

(8) Nothing in this section is intended to prohibit the parent or next of kin of a person who is held in or treated under a mental health facility or program from requesting and receiving information limited to a summary of that person's treatment plan and current physical and mental condition. Release of such information shall be in accordance with the code of ethics of the profession involved.

(9) Patients shall have reasonable access to their clinical records, unless such access is determined by the patient's physician to be harmful to the patient. If the patient's right to inspect his or her clinical record is restricted by the facility, written notice of such restriction shall be given to the patient and the patient's guardian, guardian advocate, attorney, and representative. In addition, the restriction shall be recorded in the clinical record, together with the reasons for it. The restriction of a patient's right to inspect his or her clinical record shall expire after 7 days, but may be renewed, after review, for subsequent 7-day periods.

(10) Any person who fraudulently alters, defaces, or falsifies the clinical record of any person receiving mental health services in a facility subject to this part, or causes or procures any of these offenses to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 15. Section 394.462, Florida Statutes, is created to read:

394.462 Transportation.—

(1) TRANSPORTATION TO A RECEIVING FACILITY.—

(a) Each county shall designate a single law enforcement agency within the county, or portions thereof, to take a person into custody upon the entry of an ex parte order or the execution of a certificate for involuntary examination by an authorized professional and to transport that person to the nearest receiving facility for examination. The designated law enforcement agency may decline to transport the person to a receiving facility only if:

1. The jurisdiction designated by the county has contracted on an annual basis with an emergency medical transport service or private transport company for transportation of persons to receiving facilities pursuant to this section at the sole cost of the county; and

2. The law enforcement agency and the emergency medical transport service or private transport company agree that the continued presence of law enforcement personnel is not necessary for the safety of the person or others.

3. The jurisdiction designated by the county may seek reimbursement for transportation expenses. The party responsible for payment for such transportation is the person receiving the transportation. The county shall seek reimbursement from the following sources in the following order:

a. From an insurance company, health care corporation, or other source, if the person receiving the transportation is covered by an insurance policy or subscribes to a health care corporation or other source for payment of such expenses.

b. From the person receiving the transportation.

c. From a financial settlement for medical care, treatment, hospitilization, or transportation payable or accruing to the injured party.

(b) Any company that transports a patient pursuant to this subsection is considered an independent contractor and is solely liable for the safe and dignified transportation of the patient. Such company must be insured and provide no less than $100,000 in liability insurance with respect to the transportation of patients.

(c) Any company that contracts with a governing board of a county to transport patients shall comply with the applicable rules of the department to ensure the safety and dignity of the patients.

(d) When a law enforcement officer takes custody of a person pursuant to this part, the officer may request assistance from emergency medical personnel if such assistance is needed for the safety of the officer or the person in custody.

(e) When a member of a mental health overlay program or a mobile crisis response service is a professional authorized to initiate an involuntary examination pursuant to s. 394.463, and that professional evaluates a person and determines that transportation to a receiving facility is needed, the service, at its discretion, may transport the person to the facility or may call on the law enforcement agency or other transportation arrangement best suited to the needs of the patient.

(f) When any law enforcement officer has custody of a person based on either noncriminal or minor criminal behavior that meets the statutory guidelines for involuntary examination under this part, the law enforcement officer shall transport the person to the nearest receiving facility for examination.

(g) When any law enforcement officer has arrested a person for a felony and it appears that the person meets the statutory guidelines for involuntary examination or placement under this part, such person shall first be processed in the same manner as any other criminal suspect. The law enforcement agency shall thereafter immediately notify the nearest public receiving facility, which shall be responsible for promptly arranging for the examination and treatment of the person. A receiving facility is not required to admit a person charged with a crime for whom the facility determines and documents that it is unable to provide adequate security, but shall provide mental health examination and treatment to the person where he or she is held.

(h) If the appropriate law enforcement officer believes that a person has an emergency medical condition as defined in s. 395.002, the person may be first transported to a hospital for emergency medical treatment, regardless of whether the hospital is a designated receiving facility.

(i) The costs of transportation, evaluation, hospitalization, and treatment incurred under this subsection by persons who have been arrested for violations of any state law or county or municipal ordinance may be recovered as provided in s. 901.35.

(j) The nearest receiving facility must accept persons brought by law enforcement officers for involuntary examination.

(k) When a jurisdiction has entered into a contract with an emergency medical transport service or a private transport company for transportation of persons to receiving facilities, such service or company shall be given preference for transportation of persons from nursing homes, assisted-living facilities, adult day care centers, or adult family-care homes, unless the behavior of the person being transported is such that transportation by a law enforcement officer is necessary.

(l) Nothing in this section shall be construed to limit emergency examination and treatment of incapacitated persons provided in accordance with the provisions of s. 401.445.

(2) TRANSPORTATION TO A TREATMENT FACILITY.—

(a) If neither the patient nor any person legally obligated or responsible for the patient is able to pay for the expense of transporting a voluntary or involuntary patient to a treatment facility, the governing board of the county in which the patient is hospitalized shall arrange for such required transportation and shall ensure the safe and dignified transportation of the patient. The governing board of each county is

authorized to contract with private transport companies for the transportation of such patients to and from a treatment facility.

(b) Any company that transports a patient pursuant to this subsection is considered an independent contractor and is solely liable for the safe and dignified transportation of the patient. Such company must be insured and provide no less than $100,000 in liability insurance with respect to the transportation of patients.

(c) Any company that contracts with the governing board of a county to transport patients shall comply with the applicable rules of the department to ensure the safety and dignity of the patients.

(d) County or municipal law enforcement and correctional personnel and equipment shall not be used to transport patients adjudicated incapacitated or found by the court to meet the criteria for involuntary placement pursuant to s. 394.467, except in small rural counties where there are no cost-efficient alternatives.

(3) EXCEPTIONS.—An exception to the requirements of this section may be granted by the secretary of the department for the purposes of improving service coordination or better meeting the special needs of individuals. A proposal for an exception must be submitted by the district administrator after being approved by the local health and human services board and by the governing boards of any affected counties, prior to submission to the secretary.

(a) A proposal for an exception must identify the specific provision from which an exception is requested; describe how the proposal will be implemented by participating law enforcement agencies and transportation authorities; and provide a plan for the coordination of services such as case management.

(b) The exception may be granted only for:

1. An arrangement centralizing and improving the provision of services within a district, which may include an exception to the requirement for transportation to the nearest receiving facility;

2. An arrangement by which a facility may provide, in addition to required psychiatric services, an environment and services which are uniquely tailored to the needs of an identified group of persons with special needs, such as persons with hearing impairments or visual impairments, or elderly persons with physical frailties; or

3. A specialized transportation system that provides an efficient and humane method of transporting patients to receiving facilities, among receiving facilities, and to treatment facilities.

(c) Any exception approved pursuant to this subsection shall be reviewed and approved every 5 years by the secretary.

Section 16. Subsection (2) of section 394.463, Florida Statutes, is amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(a) ~~Initiation of involuntary examination.—~~An involuntary examination may be initiated by any one of the following means:

1. A court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination, giving the findings on which that conclusion is based. *The ex parte order for involuntary examination must be based on sworn testimony, written or oral.* If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer, or other designated agent of the court, shall take the person into custody and deliver him or her to the nearest receiving facility for involuntary examination. The order of the court shall be made a part of the patient's clinical record. *No fee shall be charged for the filing of an order under this subsection. Any receiving facility accepting the patient based on this order must send a copy of the order to the Agency for Health Care Administration on the next working day. The order shall be valid only until executed or, if not executed, for the period specified in the order itself. If no time limit is specified in the order, the order shall be valid for 7 days after the date that the order was signed.*

2. A law enforcement officer shall take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to the nearest receiving facility for examination. The officer shall execute a written report detailing the circumstances under which the person was taken into custody, and the report shall be made a part of the patient's clinical record. *Any receiving facility accepting the patient based on this report must send a copy of the report to the Agency for Health Care Administration on the next working day.*

3. A physician, *clinical* psychologist ~~licensed pursuant to chapter 490~~, psychiatric nurse, or clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer shall take the person named in the certificate into custody and deliver him or her to the nearest ~~available~~ receiving facility for involuntary examination. The law enforcement officer shall execute a written report detailing the circumstances under which the person was taken into custody. The report and certificate shall be made a part of the patient's clinical record. *Any receiving facility accepting the patient based on this certificate must send a copy of the certificate to the Agency for Health Care Administration on the next working day.*

(b) A person shall not be removed from any program or residential placement licensed under chapter 400 and transported to a receiving facility for involuntary examination unless an ex parte order, a professional certificate, or a law enforcement officer's report is first prepared. If the condition of the person is such that preparation of a law enforcement officer's report is not practicable before removal, the report shall be completed as soon as possible after removal, but in any case before the person is transported to a receiving facility. A receiving facility admitting a person for involuntary examination who is not accompanied by the required ex parte order, professional certificate, or law enforcement officer's report shall notify the Agency for Health Care Administration of such admission by certified mail no later than the next working day. The provisions of this paragraph do not apply when transportation is provided by the patient's family or guardian.

(c) A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may serve and execute such order on any day of the week, at any time of the day or night.

(d) A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and to take custody of the person who is the subject of the ex parte order.

(e) The Agency for Health Care Administration shall receive and maintain the copies of ex parte orders, professional certificates, and law enforcement officers' reports. These documents shall be considered part of the clinical record, governed by the provisions of s. 394.4615. The agency shall prepare annual reports analyzing the data obtained from these documents, without information identifying patients, and shall provide copies of reports to the department, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives.

~~(b) Transportation for involuntary examination. Each county shall designate a single law enforcement agency within the county, or portions thereof, which shall take a person into custody upon the entry of an ex parte order or the execution of a certificate by an authorized professional and which shall transport that person to the nearest receiving facility for examination. If the law enforcement officer believes that the person is suffering from an emergency medical condition as defined in s. 395.002, the person may be transported to a hospital for emergency medical treatment regardless of whether the hospital is a receiving facility designated under this chapter. The law enforcement agency designated for the area in which the person in need of transport for involuntary examination is situated may thereafter decline to transport the person to a receiving facility only if:~~

~~1. The jurisdiction designated by the county has contracted on an annual basis with an emergency medical transport service for transportation of persons to receiving facilities pursuant to this section at the sole cost of the county; and~~

~~2. The law enforcement agency and transport service agree that the continued presence of law enforcement personnel is not necessary for the safety of the person or others.~~

(f)~~(c) Examination.~~ A patient ~~who is provided an examination at a receiving facility~~ shall be examined by a physician or clinical psychologist *at a receiving facility* without unnecessary delay and may, *upon the order of a physician,* be given emergency treatment *if it is determined that such treatment is necessary for the safety of the patient or others. The patient* ~~pursuant to s. 394.459(3)(a). The least restrictive form of treatment shall be made available when determined to be necessary by a facility physician or clinical psychologist. Any person for whom involuntary examination has been initiated pursuant to paragraph (a)~~ shall not be released by the receiving facility or its contractor without the documented approval of a *psychiatrist or clinical psychologist* ~~person who is qualified under the provisions of this chapter to initiate an involuntary examination~~. However, a patient may *not* be *held in* ~~detained at~~ a receiving facility for involuntary examination ~~no~~ longer than 72 hours.

(g) A person *for whom an involuntary examination has been initiated* who ~~is being involuntarily examined under paragraph (a) and~~ is being evaluated or treated at a hospital for an emergency medical condition specified in s. 395.002 must be examined *by a receiving facility* within 72 hours. The 72-hour period begins when the patient arrives at the hospital and ceases when the attending physician documents that the patient has an emergency medical condition. *If the patient is examined at a hospital providing emergency medical services by a professional qualified to perform an involuntary examination and is found as a result of that examination not to meet the criteria for involuntary placement, the patient may be offered voluntary placement, if appropriate, or released directly from the hospital providing emergency medical services. The finding by the professional that the patient has been examined and does not meet the criteria for involuntary placement must be entered into the patient's clinical record. Nothing in this paragraph is intended to prevent a hospital providing emergency medical services from appropriately transferring a patient to another hospital prior to stabilization, provided the requirements of s. 395.1041(3)(c) have been met.*

(h) One of the following must occur within 12 hours after the patient's attending physician documents that the patient's medical condition has stabilized or that an emergency medical condition does not exist:

1. The patient must be examined by a designated receiving facility and released; or

2. The patient must be transferred to a designated receiving facility in which appropriate medical treatment is available. However, the receiving facility must be notified of the transfer within 2 hours after the patient's condition has been stabilized or after determination that an emergency medical condition does not exist.

(i)~~(d) Disposition upon examination.~~ Within the *72-hour* examination period *or, if the 72 hours ends on a weekend or holiday, no later than the next working day thereafter,* one of the following actions *must* ~~shall~~ be taken, based on the individual needs of the patient:

1. The patient shall be released, unless he or she is *charged with a crime* ~~under criminal charges~~, in which case the patient shall be returned to the custody of a law enforcement officer;

2. The patient shall be released, subject to the provisions of subparagraph 1., for outpatient treatment;

3. The patient, *unless he or she is charged with a crime,* shall be asked to give express and informed consent to placement as a voluntary patient, *and if such consent is given the patient shall be admitted as a voluntary patient*; or

4. A petition for involuntary placement shall be *filed in the appropriate court* ~~executed~~ by the facility administrator when treatment is deemed necessary; in which case, the least restrictive treatment consistent with the optimum improvement of the patient's condition shall be made available.

Section 17. Section 394.465, Florida Statutes, is renumbered as section 394.4625, Florida Statutes, and amended to read:

394.4625 ~~394.465~~ Voluntary admissions.—

(1) AUTHORITY TO RECEIVE PATIENTS.—

(a) A facility may receive for observation, diagnosis, or treatment any *person* ~~individual~~ 18 years of age or older making application by express and informed consent for admission or any *person* ~~individual~~ age 17 or under for whom such application is made by his or her ~~parent or~~ guardian ~~pursuant to s. 394.467~~. If found to show evidence of mental illness, *to be competent to provide express and informed consent,* and to be suitable for treatment, such person 18 years of age or older may be admitted to the facility. *A person age 17 or under may be admitted only after a hearing to verify the voluntariness of the consent.*

(b) A mental health overlay program or a mobile crisis response service or a licensed professional who is authorized to initiate an involuntary examination pursuant to s. 394.463 and is employed by a community mental health center or clinic must, pursuant to district procedure approved by the respective district administrator, conduct an initial assessment of the ability of the following persons to give express and informed consent to treatment before such persons may be admitted voluntarily:

1. A person 60 years of age or older for whom transfer is being sought from a nursing home, assisted-living facility, adult day care center, or adult family-care home, when such person has been diagnosed as suffering from dementia.

2. A person 60 years of age or older for whom transfer is being sought from a nursing home pursuant to s. 400.0255(6).

3. A person for whom all decisions concerning medical treatment are currently being lawfully made by the health care surrogate or proxy designated under chapter 765.

(c) When an initial assessment of the ability of a person to give express and informed consent to treatment is required under this section, and a mobile crisis response service does not respond to the request for an assessment within 2 hours after the request is made or informs the requesting facility that it will not be able to respond within 2 hours after the request is made, the requesting facility may arrange for assessment by any licensed professional authorized to initiate an involuntary examination pursuant to s. 394.463 who is not employed by or under contract with, and does not have a financial interest in, either the facility initiating the transfer or the receiving facility to which the transfer may be made.

(d) A facility may not admit as a voluntary patient a person who has been adjudicated incapacitated, unless the condition of incapacity has been judicially removed. If a facility admits as a voluntary patient a person who is later determined to have been adjudicated incapacitated, and the condition of incapacity had not been removed by the time of the admission, the facility must either discharge the patient or transfer the patient to involuntary status.

(e) The health care surrogate or proxy of a voluntary patient may not consent to the provision of mental health treatment for the patient. A voluntary patient who is unwilling or unable to provide express and informed consent to mental health treatment must either be discharged or transferred to involuntary status.

(f) Within 24 hours after admission of a voluntary patient, the admitting physician shall document in the patient's clinical record that the patient is able to give express and informed consent for admission. If the patient is not able to give express and informed consent for admission, the facility shall either discharge the patient or transfer the patient to involuntary status pursuant to subsection (5).

~~(b) A facility may admit for evaluation, diagnosis, or treatment any individual who makes application by express and informed consent therefor; however, any individual age 17 or under may be admitted only after a hearing to verify the voluntariness of the consent. If such individual is under 18 years of age, his or her parent or guardian may apply for the individual's discharge, and the administrator shall release the patient within 3 days of such application for discharge.~~

(2) ~~RIGHT OF VOLUNTARY PATIENTS TO~~ DISCHARGE *OF VOLUNTARY PATIENTS.*—

(a) A facility shall discharge a voluntary patient*:*

1. Who has sufficiently improved so that retention in the facility is no longer desirable. A patient may also be discharged to the care of a community facility.

2. Who revokes consent to admission or requests discharge. A voluntary patient or *a relative, friend* ~~his or her guardian, representative~~, or attorney *of the patient* may request discharge *either orally or* in writing at any time following admission to the facility. *The patient must be discharged within 24 hours of the request, unless the request is rescinded or the patient is transferred to involuntary status pursuant to this section. The 24-hour time period may be extended by a treatment facility when necessary for adequate discharge planning, but shall not exceed 3 days exclusive of weekends and holidays.* ~~This request may be submitted to a member of the staff of the facility for transmittal to the administrator.~~ If the patient, or another on *the patient's* ~~his or her~~ behalf, makes an oral request for *discharge* ~~release~~ to a staff member, such request shall be immediately entered in the patient's clinical record. *If*~~, and the patient must within 8 hours be given counseling and assistance in preparing a written request. If a written request is submitted to a staff member, it shall be delivered to the administrator within 16 hours. Within 3 days of delivery of a written request for release to the administrator, the patient must be discharged from the facility or a plan instituted for a discharge of the patient. Such plan shall be approved by the patient. If the administrator determines that the patient meets the criteria for involuntary placement, proceedings for involuntary placement must be initiated within 3 days of delivery of the written request, exclusive of weekends and legal holidays. If the patient was admitted on his or her own application and~~ the request for discharge is made by a person other than the patient, the discharge may be conditioned upon the express and informed consent of the patient. ~~If the patient is under the age of 18, the patient's parent or guardian may act for him or her.~~

(b) A voluntary patient who has been admitted to a facility and who refuses to consent to or revokes consent to treatment shall be discharged within 24 hours after such refusal or revocation, unless transferred to involuntary status pursuant to this section or unless the refusal or revocation is freely and voluntarily rescinded by the patient.

~~(b) If the administrator, upon the advice of the patient's attending physician or clinical psychologist, determines that the patient needs to be transferred to a long-term treatment facility and the patient refuses to go as a voluntary patient, the administrator shall be authorized to file a petition for involuntary placement.~~

(3) NOTICE OF RIGHT TO *DISCHARGE* ~~RELEASE~~.—At the time of ~~his or her~~ admission and *at least every* ~~each~~ 6 months thereafter, a voluntary patient ~~and the patient's guardian or representatives~~ shall be notified in writing of his or her right to apply for a discharge.

(4) TRANSFER TO VOLUNTARY STATUS.—*An* ~~Staff members of all treatment facilities shall encourage an involuntary patient to give express and informed consent to transfer to voluntary status unless the patient is under criminal charge, or unless the patient is unable to understand the nature of voluntary placement, or unless voluntary placement would be harmful to the patient, in which case a finding to this effect shall be entered in the patient's clinical record. Any~~ involuntary patient who applies *to be transferred to voluntary status* shall be transferred to voluntary status immediately, unless *the patient has been charged with a crime, or has been involuntarily placed for treatment by a court pursuant to s. 394.467 and continues to meet the criteria for involuntary placement* ~~such transfer would not be in the best interest of the patient, in which case such finding shall be entered in the patient's clinical record and shall be subject to review every 90 days~~. When transfer to voluntary status occurs, notice shall be given *as provided in s. 394.4599* ~~to the patient and his or her guardian or representatives and, if the patient is involuntarily placed under an order of court, to the court which entered such order~~.

(5) TRANSFER TO INVOLUNTARY STATUS.—*When a voluntary patient, or an authorized person on the patient's behalf, makes a request for discharge, the request for discharge, unless freely and voluntarily rescinded, must be communicated to a physician, clinical psychologist, or psychiatrist as quickly as possible, but not later than 12 hours after the request is made. If the patient meets the criteria for involuntary placement, the administrator of the facility must file with the court a petition for involuntary placement, within 2 court working days after the request for discharge is made. If the petition is not filed within 2 court working days, the patient shall be discharged. Pending the filing of the petition, the patient may be held and emergency treatment rendered in the least restrictive manner, upon the written order of a physician, if it is determined that such treatment is necessary for the safety of the patient or others.* ~~A patient who has, while at the receiving facility, given express and informed written consent to be hospitalized as a voluntary patient and who, upon arrival at the treatment facility, refuses to remain as a voluntary patient may be detained by the treatment facility and provided emergency treatment pursuant to s. 394.459(3)(a), if express and informed consent to treatment is refused or revoked, for a period not to exceed 3 days while the administrator of the treatment facility initiates procedures for involuntary placement.~~

Section 18. Section 394.467, Florida Statutes, is amended to read:

394.467 Involuntary placement.—

(1) CRITERIA.—A person may be involuntarily placed for treatment upon a finding of the court by clear and convincing evidence that:

(a) He or she is mentally ill and because of his or her mental illness:

1.a. He or she has refused voluntary placement for treatment after sufficient and conscientious explanation and disclosure of the purpose of placement for treatment; or

b. He or she is unable to determine for himself or herself whether placement is necessary; and

2.a. He or she is manifestly incapable of surviving alone or with the help of willing and responsible family or friends, including available alternative services, and, without treatment, is likely to suffer from neglect or refuse to care for himself or herself, and such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; or

b. There is substantial likelihood that in the near future he or she will inflict serious bodily harm on himself or herself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm; and

(b) All available less restrictive treatment alternatives which would offer an opportunity for improvement of his or her condition have been judged to be inappropriate.

(2) ADMISSION TO A TREATMENT FACILITY.—

~~(a)~~ A patient may be *retained by a receiving facility or* involuntarily placed in a treatment facility~~, after notice and hearing,~~ upon *the* recommendation of the administrator of a receiving facility where the patient has been examined *and after adherence to the notice and hearing procedures provided in s. 394.4599.* ~~When a patient is not an inpatient in a receiving facility, the administrator of a designated receiving facility may make a recommendation for involuntary placement of a patient who has been given an examination, evaluation, or treatment by staff of the receiving facility or a private mental health professional upon receipt of the opinions referred to in paragraph (b). In a proceeding involving a person 18 years of age or older, the hearing may be waived by express and informed consent in writing by the patient after the advice of counsel. In a proceeding involving a person under the age of 18, the hearing shall not be waived; however, if, at the hearing, the court finds that attendance at the hearing is not consistent with the best interests of the patient, the court may waive the presence of the patient from all or any portion of the hearing.~~

~~(b)~~ The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding *72 hours* ~~5 days~~, that the criteria for involuntary placement are met.~~;~~ However, in counties of less than 50,000 population, if the administrator certifies that no psychiatrist or clinical psychologist is available to provide the second opinion, such second opinion may be provided by a licensed physician with postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse. Such recommendation shall be entered on an involuntary placement certificate, which certificate shall authorize the receiving facility to retain the patient pending transfer to a treatment facility or completion of a hearing.

(3) PETITION FOR INVOLUNTARY PLACEMENT.—The administrator of the facility shall file a petition for involuntary placement in ~~The certificate shall be filed with~~ the court in the county where the patient is located ~~and shall serve as a petition for a hearing on involuntary placement~~. *Upon filing, the clerk of the court shall provide copies to the*

department, the patient, the patient's guardian or representative, and the state attorney and public defender of the judicial circuit in which the patient is located. No fee shall be charged for the filing of a petition under this subsection. ~~A copy of the certificate shall also be filed with the department; and copies shall be served on the patient and his or her guardian or representatives, accompanied by:~~

~~1. A written notice, in plain and simple language, that the patient or his or her guardian or representative may apply at any time for a hearing on the issue of the patient's need for involuntary placement if he or she has previously waived such a hearing.~~

~~2. A petition for such hearing, which requires only the signature of the patient or his or her guardian or representative for completion.~~

~~3. A written notice that the petition may be filed with a court in the county in which the patient is hospitalized and the name and address of the judge of such court.~~

~~4. A written notice that the patient has the right to be represented by counsel in the proceeding and that the patient or his or her guardian or representative may apply immediately to the court to have an attorney appointed if the patient cannot afford one.~~

~~The petition may be filed in the county in which the patient is involuntarily placed at any time within 6 months of the date of the certificate. The hearing shall be held in the same county, and one of the patient's physicians at the facility shall appear as a witness at the hearing.~~

(4) APPOINTMENT OF COUNSEL.—Within 1 court working day after the filing of a petition for involuntary placement, the court shall appoint the public defender to represent the person who is the subject of the petition, unless the person is otherwise represented by counsel. The clerk of the court shall immediately notify the public defender of such appointment. Any attorney representing the patient shall have access to the patient, witnesses, and records relevant to the presentation of the patient's case and shall represent the interests of the patient, regardless of the source of payment to the attorney.

(5)~~(c)~~ *CONTINUANCE OF HEARING.—The patient is entitled, with the concurrence of the patient's counsel, to at least one continuance of the hearing. The continuance shall be for a period of up to 4 weeks.* ~~If the hearing is waived, the court shall order that the patient be transferred to the least restrictive type of treatment facility based on the individual needs of the patient or, if he or she is at a treatment facility, that the patient be retained there. The patient may be immediately transferred to the treatment facility by waiving his or her hearing without awaiting the court order. If the patient waives his or her hearing, the involuntary placement certificate shall serve as authorization for the patient to be transferred to a treatment facility and as authorization for the treatment facility to admit the patient.~~

~~(d) The treatment facility may retain a patient for a period not to exceed 6 months from the date of the order for involuntary placement. If continued involuntary placement is necessary at the end of that period, the administrator shall apply to the hearing examiner for an order authorizing continued involuntary placement.~~

(6)~~(3) PROCEDURE FOR~~ HEARING ON INVOLUNTARY PLACEMENT.—

(a)*1.* ~~If the patient does not waive his or her right to a hearing on involuntary placement, or if the patient, his or her guardian, or a representative files a petition for such a hearing after having waived it as provided in paragraph (2)(c), the court shall serve notice on the administrator of the facility in which the patient is placed and on the patient. The notice of hearing shall specify the date, time, and place of hearing; the basis for detention; and the name of each examining expert and of every other person testifying in support of continued detention and the substance of their proposed testimony. The court shall serve notice on the state attorney of the judicial circuit of the county in which the patient is placed, who shall represent the state.~~ The court shall hold the hearing *on involuntary placement* within 5 days, unless a continuance is granted. The hearing shall *be held in the county where the patient is located and shall* be as convenient to the patient as may be consistent with orderly procedure and *shall* ~~should~~ be conducted in physical settings not likely to be injurious to the patient's condition. *If the court finds that the patient's attendance at the hearing is not consistent with the best interests of the patient, and the patient's counsel does not object, the court may waive the presence of the patient from all or any portion of the hearing. The state attorney for the circuit in which the patient is located shall represent the state, rather than the petitioning facility administrator, as the real party in interest in the proceeding.*

2. The court may appoint a master to preside *at the hearing.* ~~The patient, his or her guardian or representative, or the administrator may apply for a change of venue for the convenience of parties or witnesses or because of the condition of the patient. Venue may be ordered changed within the discretion of the court. The patient and his or her guardian or representative shall be informed of the right to counsel by the court. If the patient cannot afford an attorney, the court shall appoint one. The patient's counsel shall have access to facility records and to facility personnel in defending the patient.~~ One of the professionals who executed the involuntary placement certificate shall be a witness. The patient and *the patient's* ~~his or her~~ guardian or representative shall be informed by the court of the right to an independent expert examination. If the patient cannot afford such an examination, the court shall provide for one. *The independent expert's report shall be confidential and not discoverable, unless the expert is to be called as a witness for the patient at the hearing. The testimony in the hearing must be given under oath, and the proceedings must be recorded. The patient may refuse to testify at the hearing.*

(b) If the court concludes that the patient meets the criteria for involuntary placement, it shall order that the patient be transferred to a treatment facility or, if the patient is at a treatment facility, that *the patient* ~~he or she~~ be retained there or ~~that he or she~~ be treated at any other appropriate *receiving or treatment* facility, or *that the patient receive services from a receiving or treatment facility,* ~~service~~ on an involuntary basis, *for a period of up to 6 months.* The order shall *specify* ~~adequately document~~ the nature and extent of the patient's mental illness. *The facility shall discharge a patient any time the patient no longer meets the criteria for involuntary placement, unless the patient has transferred to voluntary status.*

(c) If at any time prior to the conclusion of the hearing on involuntary placement, it appears to the court that the person does not meet the criteria for involuntary placement under this chapter, but instead meets the criteria for involuntary assessment, protective custody, or involuntary admission pursuant to s. 397.675, then the court may order the person to be admitted for involuntary assessment for a period of 5 days pursuant to s. 397.6811. Thereafter, all proceedings shall be governed by chapter 397.

(d)~~(c)~~ At the hearing on involuntary placement, the court shall consider testimony and evidence regarding the patient's competence to consent to treatment. If the court finds that the patient is incompetent to consent to treatment, it shall appoint a guardian advocate *as provided in s. 394.4598.* ~~who shall act on the patient's behalf relating to the provision of express and informed consent to treatment. A member of the human rights advocacy committee who is serving as the patient's representative pursuant to s. 394.459(12), may not be appointed as a guardian advocate.~~

~~(d) The court may adjudicate a person incompetent pursuant to the provisions of chapter 744 at the hearing on involuntary placement.~~

~~(e) The treatment facility may accept and retain a patient admitted involuntarily for a period not to exceed 6 months whenever the patient is accompanied by a court order and adequate documentation of the patient's mental illness. Such documentation shall include a psychiatric evaluation and any psychological and social work evaluations of the patient. If further involuntary placement is necessary at the end of that period, the administrator shall apply to the hearing examiner for an order authorizing continued involuntary placement.~~

(e)~~(f)~~ The *administrator of the receiving facility* ~~court~~ shall provide a *copy of the* court order~~, a psychiatric evaluation,~~ and ~~other~~ adequate documentation of *a* ~~each~~ patient's mental illness to the administrator of a treatment facility whenever a patient is ordered for involuntary placement, whether by civil or criminal court. *Such documentation shall include any advance directives made by the patient, a psychiatric evaluation of the patient, and any evaluations of the patient performed by a clinical psychologist or a clinical social worker.* The administrator of a treatment facility may refuse admission to any patient directed to its facilities on an involuntary basis, whether by civil or ~~by~~ criminal court order, who is not accompanied at the same time by adequate orders and documentation.

(7)~~(4)~~ PROCEDURE FOR CONTINUED INVOLUNTARY PLACEMENT.—

(a) *Hearings on petitions for continued involuntary placement shall be administrative hearings and shall be conducted in accordance with the provisions of s. 120.57(1), except that any order entered by the hearing officer shall be final and subject to judicial review in accordance with s. 120.68. Orders concerning patients committed after successfully pleading not guilty by reason of insanity shall be governed by the provisions of s. 916.15.*

(b) If *the patient continues to meet the criteria for involuntary placement* ~~continued placement of an involuntary patient is necessary~~, the administrator shall, prior to the expiration of the period during which the treatment facility is authorized to retain the patient, *file a petition requesting authorization for* ~~request an order authorizing~~ continued involuntary placement. *The* ~~This~~ request shall be accompanied by a statement from the patient's physician or clinical psychologist justifying the request, ~~and~~ a brief *description* ~~summary~~ of the patient's treatment during the time he or she was involuntarily placed, *and an individualized plan of continued treatment. Notice of the hearing shall be provided as set forth in s. 394.4599.* ~~In addition, the administrator shall submit an individualized plan for the patient for whom he or she is requesting continued involuntary placement. Notification of this request for retention shall be mailed to the patient and his or her guardian or representative along with a completed petition, requiring only a signature, for a hearing regarding the continued hospitalization and a waiver-of-hearing form. The waiver-of-hearing form shall require express and informed consent and shall state that the patient is entitled to a hearing under the law; that he or she is entitled to be represented by an attorney at the hearing and, if he or she cannot afford an attorney, that one will be appointed; and that, if it is shown at the hearing that the patient does not meet the criteria for involuntary placement, he or she is entitled to be released. In a proceeding involving a person 18 years of age or older, the hearing may be waived by express and informed consent in writing by the patient after the advice of counsel. If the patient or his or her guardian or representative does not sign the petition, or if the patient does not sign a waiver within 15 days, the hearing officer shall notice a hearing with regard to the patient involved in accordance with s. 120.57(1). In a proceeding involving a person under the age of 18, the hearing shall not be waived; however,~~ If~~,~~ at the hearing~~,~~ the hearing *officer* ~~examiner~~ finds that attendance at the hearing is not consistent with the best interests of the patient, *the hearing officer* ~~he or she~~ may waive the presence of the patient from all or any portion of the hearing, *unless the patient, through counsel, objects to the waiver of presence. The testimony in the hearing must be under oath, and the proceedings must be recorded.*

(c) Unless the patient is otherwise represented or is ineligible, he or she shall be represented at the hearing on the petition for continued involuntary placement by the public defender of the circuit in which the facility is located.

~~(b) Any time continued involuntary placement is requested, the hearing officer may, on his or her own motion, notice a hearing.~~

~~(c) Any time continued involuntary placement is requested by the administrator, the administrator may request a hearing; and the hearing officer shall hold a hearing within 30 days of such request.~~

~~(d) The administrator shall not transfer any patient to voluntary status when he or she has reasonable cause to believe that the patient is dangerous to himself or herself or others. In any case in which the administrator has reasonable cause to believe that an involuntary patient is dangerous to himself or herself or others, the administrator shall request continued involuntary placement. In any case in which a request for continued involuntary placement is necessary, but the administrator after reviewing the case believes there is not reasonable cause to believe that the patient meets the criteria for involuntary placement at the time of application for transfer to voluntary status and the patient needs continued placement, the patient shall be transferred to a voluntary status.~~

~~(e) If the patient or his or her guardian or representative returns the signed petition noted in paragraph (a), the hearing officer shall notice a hearing in accordance with s. 120.57(1). The patient and his or her guardian or representative shall be informed of the right to counsel by the hearing officer. In the event a patient cannot afford counsel in a hearing before a hearing officer, the public defender in the county where the hearing is to be held shall act as attorney for the patient. The hearing shall be conducted in accordance with chapter 120.~~

(d)~~(f) If the patient by express and informed consent waives his or her hearing after the advice of counsel or~~ If at a hearing it is shown that the patient continues to meet the criteria for involuntary placement, the hearing officer shall sign the order for continued involuntary placement~~. The treatment facility shall be authorized to retain the patient~~ for a period not to exceed 6 months. The same procedure shall be repeated prior to the expiration of each additional ~~6-month~~ period the patient is retained.

(e)~~(g)~~ If continued involuntary placement is necessary for *a patient* ~~an individual~~ admitted while serving a criminal sentence, but whose sentence is about to expire, or for *a patient* ~~an individual~~ involuntarily placed while a minor~~,~~ but who is about to reach the age of 18, the administrator shall petition the hearing officer for an order authorizing continued involuntary placement.

(f)~~(h)~~ *If the* ~~At any hearing hereunder for a~~ patient ~~who~~ has been previously *found* ~~adjudicated~~ incompetent to consent to treatment, the hearing *officer* ~~examiner~~ shall consider testimony and evidence regarding the patient's competence. If the hearing *officer* ~~examiner~~ finds evidence that the patient is *now* competent to consent to treatment, *the hearing officer* ~~he or she~~ may issue ~~to the court in which the patient was adjudicated incompetent to consent to treatment~~ a recommended order *to the court that found the patient incompetent to consent to treatment* that the patient's competence be restored and that any guardian advocate previously appointed be discharged.

(8) RETURN OF PATIENTS.—When a patient at a treatment facility leaves the facility without authorization, the administrator may authorize a search for the patient and the return of the patient to the facility. The administrator may request the assistance of a law enforcement agency in the search for and return of the patient.

Section 19. Section 394.4672, Florida Statutes, is amended to read:

394.4672 Procedure for placement of veteran with federal agency.—

(1) Whenever~~, in any proceeding under this part for the placement of a person alleged to be mentally ill and in need of involuntary placement,~~ it is determined by the court that *a* ~~such~~ person meets the criteria for involuntary placement and it appears that *such* ~~the~~ person is eligible for care or treatment by the United States Department of Veterans Affairs or other agency of the United States Government, the court, upon receipt of a certificate from the United States Department of Veterans Affairs or such other agency showing that facilities are available and that the person is eligible for care or treatment therein, may place that person with the United States Department of Veterans Affairs or other federal agency. The person whose placement is sought shall be personally served with notice of the pending placement proceeding in the manner as provided in this part, and nothing in this section shall affect his or her right to appear and be heard in the proceeding. Upon placement, the person~~, when admitted to any facility operated by any such agency within or without this state,~~ shall be subject to the rules and regulations of the United States Department of Veterans Affairs or other federal agency.

(2) The judgment or order of placement by a court of competent jurisdiction of another state or of the District of Columbia, placing a person with the United States Department of Veterans Affairs or other *federal* agency ~~of the United States Government~~ for care or treatment, shall have the same force and effect ~~as to the person while~~ in this state as in the jurisdiction *of* ~~in which is situated~~ the court entering the judgment or making the order; and the courts of the placing state or of the District of Columbia shall be deemed to have retained jurisdiction of the person so placed. Consent is hereby given to the application of the law of the placing state or district *with* ~~in~~ respect to the authority of the chief officer of any facility of the United States Department of Veterans Affairs or *other federal agency* ~~of any institution~~ operated in this state ~~by any other agency of the United States~~ to retain custody or to transfer, parole, or discharge the person.

(3) Upon receipt of a certificate of the United States Department of Veterans Affairs or such other *federal* agency ~~of the United States~~ that facilities are available ~~for the care or treatment of any person heretofore placed in any hospital or other institution~~ for the care or treatment of

mentally ill persons and that the person is eligible for care or treatment, the administrator of the receiving or treatment facility may cause the transfer of that person~~, with notice pursuant to s. 394.461(3),~~ to the United States Department of Veterans Affairs or other *federal* agency ~~of the United States for care or treatment~~. Upon effecting such transfer, the committing court ~~or proper officer~~ shall be notified ~~thereof~~ by the transferring agency. No person shall be transferred to the United States Department of Veterans Affairs or other *federal* agency ~~of the United States~~ if he or she is confined pursuant to the conviction of any felony or misdemeanor or if he or she has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court placing such person enters an order for the transfer after appropriate motion and hearing and without objection by the United States Department of Veterans Affairs.

(4) Any person transferred as provided in this section shall be deemed to be placed with the United States Department of Veterans Affairs or other *federal* agency ~~of the United States~~ pursuant to the original placement.

Section 20. Subsection (1) of section 394.4674, Florida Statutes, is amended to read:

394.4674 Plan and report.—

(1) The department ~~of Health and Rehabilitative Services~~ is directed to develop a comprehensive plan for the deinstitutionalization of ~~those state mental health hospital~~ patients *in a treatment facility who are* over age 55 *and* ~~who~~ do not meet the criteria for involuntary *placement* ~~hospitalization~~ pursuant to s. 394.467. The plan shall include, but need not be limited to, the projected numbers of patients, the timetables for deinstitutionalization, and the specific actions to be taken to accomplish the deinstitutionalization.

Section 21. Section 394.468, Florida Statutes, is amended to read:

394.468 Admission and *discharge* ~~release~~ procedures.—Admission and *discharge* ~~release~~ procedures and treatment policies of the department are governed solely by this *part* ~~act~~. Such procedures and policies shall not be subject to control by court procedure rules. The matters within the purview of this *part* ~~act~~ are deemed to be substantive, not procedural.

Section 22. Section 394.4685, Florida Statutes, is created to read:

394.4685 Transfer of patients among facilities.—

(1) TRANSFER BETWEEN PUBLIC FACILITIES.—A patient who has been admitted to a public receiving facility, or the family member, guardian, or guardian advocate of such patient, may request the transfer of the patient to another public receiving facility. A patient who has been admitted to a public treatment facility, or the family member, guardian, or guardian advocate of such patient, may request the transfer of the patient to another public treatment facility. Depending on the medical treatment or mental health treatment needs of the patient and the availability of appropriate facility resources, the patient may be transferred at the discretion of the department. If the department approves the transfer of an involuntary patient, notice according to the provisions of s. 394.4599 shall be given prior to the transfer by the transferring facility. The department shall respond to the request for transfer within 2 working days after receipt of the request by the facility administrator.

(b) When required by the medical treatment or mental health treatment needs of the patient or the efficient utilization of a public receiving or public treatment facility, a patient may be transferred from one receiving facility to another, or one treatment facility to another, at the department's discretion, or, with the express and informed consent of the patient or the patient's guardian or guardian advocate, to a facility in another state. Notice according to the provisions of s. 394.4599 shall be given prior to the transfer by the transferring facility. If prior notice is not possible, notice of the transfer shall be provided as soon as practicable after the transfer.

(2) TRANSFER FROM PUBLIC TO PRIVATE FACILITIES.—A patient who has been admitted to a public receiving or public treatment facility and has requested, either personally or through his or her guardian or guardian advocate, and is able to pay for treatment in a private facility shall be transferred at the patient's expense to a private facility upon acceptance of the patient by the private facility.

(3) TRANSFER FROM PRIVATE TO PUBLIC FACILITIES.—

(a) A patient or the patient's guardian or guardian advocate may request the transfer of the patient from a private to a public facility and the patient may be so transferred upon acceptance of the patient by the public facility.

(b) A private facility may request the transfer of a patient from the facility to a public facility and the patient may be so transferred upon acceptance of the patient by the public facility. The cost of such transfer shall be the responsibility of the transferring facility.

(c) A public facility must respond to a request for the transfer of a patient within 2 working days after receipt of the request.

(4) TRANSFER BETWEEN PRIVATE FACILITIES.—A patient in a private facility or the patient's guardian or guardian advocate may request the transfer of the patient to another private facility at any time, and the patient shall be transferred upon acceptance of the patient by the facility to which transfer is sought.

Section 23. Section 394.469, Florida Statutes, is amended to read:

394.469 Discharge of *involuntary* patients.—

(1) POWER TO DISCHARGE.—At any time a patient is found *to* no longer ~~to~~ meet the criteria for involuntary placement, the administrator *shall* ~~may~~:

(a) Discharge the patient, unless the patient is under a criminal charge, in which case *the patient* ~~he or she~~ shall be transferred to the custody of the appropriate law enforcement officer;

(b) Transfer the patient to voluntary status on his or her own authority or at the patient's request, unless the patient is under criminal charge *or adjudicated incapacitated*; or

(c) Place an improved patient, except a patient under a criminal charge, on convalescent status in the care of a community facility.

(2) NOTICE.—Notice of discharge or transfer of *a patient shall be given as provided in s. 394.4599* ~~status shall be given to the patient, his or her guardian or representative, the referring professional, and, if the patient was involuntarily placed, the court which entered the order~~.

~~(3) CONVALESCENT STATUS; INVOLUNTARY PLACEMENT.—An improved patient may be placed on convalescent status for a period of up to 1 year in the care of a less restrictive community setting when such action is in the best interest of the patient. Notice of the patient's placement on convalescent status shall be given to the patient and his or her guardian or representative, to the referring professional, to the community facility, and to the court which entered the order for involuntary placement. Placement on convalescent status shall include provisions for continuing responsibility by a professional or facility in the community, including a plan for treatment as an outpatient. The administrator of the treatment facility from which the patient is given convalescent status may, at any time during the continuance of such convalescent status, readmit the patient to the treatment facility when the condition of the patient requires. An involuntary patient may be readmitted for the remainder of his or her authorized treatment period, and the treatment facility shall have up to 1 additional month during which to apply for continued involuntary placement.~~

~~(4) RESTORATION OF COMPETENCY.—When a patient who has been declared incompetent to consent to treatment is discharged or is released from active treatment, such competency shall be restored by operation of law, and any guardian advocate previously appointed shall stand discharged. However, transfer from one inpatient placement to another shall not be considered as a discharge for this purpose. A record of restoration of competency shall be entered on the patient's certificate of discharge, and a copy of the certificate shall be provided to the patient.~~

Section 24. Subsections (1) and (4) of section 394.475, Florida Statutes, are amended to read:

394.475 Acceptance, examination, and involuntary placement of Florida residents from out-of-state mental health authorities.—

(1) Upon the request of the state mental health authority of another state, the department ~~of Health and Rehabilitative Services~~ is author-

ized to accept as a patient, for a period of not more than 15 days, a person who is and has been a bona fide resident of this state for a period of not less than 1 year.

(4) During the pendency of the examination period ~~herein provided for~~ and the pendency of the involuntary placement proceedings ~~herein provided for~~, such person may continue to be *held in* ~~detained by~~ the treatment facility unless the court having jurisdiction enters an order to the contrary.

Section 25. Section 394.4786, Florida Statutes, is amended to read:

394.4786 Intent.—

(1) The Legislature intends that all hospitals, excluding hospitals owned and operated by the department ~~of Health and Rehabilitative Services~~ or the Department of Corrections, be assessed on a continuing basis an amount equal to 1.5 percent of the hospital's annual net operating revenues and that the assessments be deposited into the Public Medical Assistance Trust Fund.

(2) Further, the Legislature intends that a specialty psychiatric hospital *that* ~~which~~ provides health care to specified indigent patients be eligible for reimbursement up to the amount that hospital contributed to the Public Medical Assistance Trust Fund in the previous fiscal year.

Section 26. Section 394.4787, Florida Statutes, is amended to read:

394.4787 Definitions.—As used in *ss. 394.4786, 394.4787, 394.4788, and 394.4789* ~~this act~~:

(1) "Acute mental health services" means mental health services provided through inpatient hospitalization.

(2) "Agency" means the Agency for Health Care Administration.

(3)~~(2)~~ "Charity care" means that portion of hospital charges for care provided to a patient whose family income for the 12 months preceding the determination is equal to or below 150 percent of the current federal nonfarm poverty guideline or the amount of hospital charges due from the patient which exceeds 25 percent of the annual family income and for which there is no compensation. Charity care shall not include administrative or courtesy discounts, contractual allowances to third party payors, or failure of a hospital to collect full charges due to partial payment by governmental programs.

~~(3) "Department" means the Agency for Health Care Administration.~~

(4) "Indigent" means an individual whose financial status would qualify him or her for charity care.

(5) "Operating expense" means all common and accepted costs appropriate in developing and maintaining the operating of the patient care facility and its activities.

(6) "PMATF" means the Public Medical Assistance Trust Fund.

(7) "Specialty psychiatric hospital" means a hospital licensed by the *agency* ~~department~~ pursuant to s. 395.002(27) as a specialty psychiatric hospital.

Section 27. Section 394.4788, Florida Statutes, is amended to read:

394.4788 Use of certain PMATF funds for the purchase of acute care mental health services.—

(1) A hospital may be eligible to be reimbursed an amount no greater than the hospital's previous year contribution to the PMATF for acute mental health services provided to indigent mentally ill persons who have been determined by the *agency* ~~department~~ or its agent to require such treatment and who:

(a) Do not meet Medicaid eligibility criteria, unless the *agency* ~~department~~ makes a referral for a Medicaid eligible patient pursuant to s. 394.4789;

(b) Meet *the* ~~s. 394.455(3) or s. 394.463,~~ criteria for mental illness *under this part*; and

(c) Meet the definition of charity care.

(2) By October 1, 1989, and annually thereafter, the *agency* ~~HCCB~~ shall calculate a per diem reimbursement rate for each specialty psychiatric hospital to be paid to the specialty psychiatric hospitals for the provision of acute mental health services provided to indigent mentally ill patients who meet the criteria in subsection (1). After the first rate period, providers shall be notified of new reimbursement rates for each new state fiscal year by June 1. The new reimbursement rates shall commence July 1.

(3) Reimbursement rates shall be calculated using the most recent audited actual costs received by the *agency* ~~Health Care Cost Containment Board~~. Cost data received as of August 15, 1989, and each April 15 thereafter shall be used in the calculation of the rates. Historic costs shall be inflated from the midpoint of a hospital's fiscal year to the midpoint of the state fiscal year. The inflation adjustment shall be made utilizing the latest available projections as of March 31 for the Data Resources Incorporated National and Regional Hospital Input Price Indices as calculated by the Medicaid program office.

(4) Reimbursement shall be based on compensating a specialty psychiatric hospital at a per diem rate equal to its operating costs per inpatient day.

(5) *A* ~~No~~ hospital shall *not* be entitled to receive more in any one fiscal year than that hospital contributed to the PMATF during the previous fiscal year.

(6) Hospitals that agree to participate in the program set forth in *ss. 394.4786, 394.4787, 394.4788, and 394.4789* ~~this act~~ shall agree that payment from the PMATF is payment in full for all patients for which reimbursement is received under *ss. 394.4786, 394.4787, 394.4788, and 394.4789* ~~the provisions of this act~~, until the funds for this program are no longer available.

(7) The *agency* ~~department~~ shall develop a payment system to reimburse specialty psychiatric hospitals quarterly as set forth in this *part* ~~act~~.

Section 28. Subsection (2) of section 394.90, Florida Statutes, is amended to read:

394.90 Inspection; right of entry; records.—

(2) For purposes of monitoring and investigation, the department *and the Agency for Health Care Administration* shall have access to the clinical records of any client of a licensee *or designated facility*, the provisions of s. *394.4615* ~~394.459(9)~~ to the contrary notwithstanding.

Section 29. Subsection (5) of section 395.003, Florida Statutes, is amended to read:

395.003 Licensure; issuance, renewal, denial, and revocation.—

(5)(a) *Adherence to patient* ~~The~~ rights, *standards of care, and examination and placement procedures provided under part I of chapter 394* ~~of persons or patients specified in ss. 394.459, 394.463, 394.465, and 394.467~~ shall be a condition of licensure for hospitals providing voluntary or involuntary medical or psychiatric observation, evaluation, diagnosis, or treatment.

(b) Any hospital that provides psychiatric treatment to persons under 18 years of age who have emotional disturbances shall comply with the procedures pertaining to the rights of patients prescribed in *part I of chapter 394* ~~s. 394.459~~.

Section 30. Subsection (6) of section 395.1041, Florida Statutes, is amended to read:

395.1041 Access to emergency services and care.—

(6) RIGHTS OF PERSONS BEING TREATED.—A *hospital providing emergency services and care to a* person who is being involuntarily examined under the provisions of s. 394.463~~(2)(a) and is being evaluated or treated at a hospital for an emergency medical condition~~ shall *adhere to* ~~be afforded~~ the rights of patients specified in *part I of chapter 394 and the involuntary examination procedures provided in s. 394.463,* ~~s. 394.459. These rights shall be afforded to the person~~ regardless of whether the hospital, or any part thereof, is designated as a receiving or treatment facility under *part I of* chapter 394~~,~~ and regardless of

whether the person is admitted *to the hospital*. ~~The patient must be examined under s. 394.463(2)(c) within 72 hours. The 72-hour detainment period specified in s. 394.463 begins when the patient arrives at the hospital and ceases when the attending physician documents that the patient has an emergency medical condition. One of the following must occur within 12 hours after the physician documents that the patient's emergency medical condition has stabilized or that an emergency medical condition does not exist:~~

~~(a) The patient must be evaluated by a designated receiving facility, as defined in s. 394.455, and released; or~~

~~(b) The patient must be transferred to a designated receiving facility where appropriate medical treatment is available. However, the receiving facility must be notified of the transfer within 2 hours after the patient's condition has stabilized or after determination that an emergency medical condition does not exist.~~

Section 31. Paragraph (f) of subsection (1) of section 395.1055, Florida Statutes, is amended, present subsections (5) and (6) of that section are renumbered as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt, amend, promulgate, and enforce rules to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

~~(f) The use of seclusion and restraint is consistent with the rights of mentally ill persons or patients as provided in s. 394.459.~~

(5) The agency shall enforce the provisions of part I of chapter 394, and rules adopted thereunder, with respect to the rights, standards of care, and examination and placement procedures applicable to patients voluntarily or involuntarily admitted to hospitals providing psychiatric observation, evaluation, diagnosis, or treatment.

Section 32. Subsection (6) is added to section 395.1065, Florida Statutes, to read:

395.1065 Criminal and administrative penalties; injunctions; emergency orders; moratorium.—

(6) In seeking to impose penalties against a facility as defined in s. 394.455 for a violation of part I of chapter 394, the agency is authorized to rely on the investigation and findings by the Department of Health and Rehabilitative Services in lieu of conducting its own investigation.

Section 33. Subsection (2) of section 395.3025, Florida Statutes, is amended to read:

395.3025 Patient and personnel records; copies; examination.—

(2) This section does not apply to records maintained at any licensed facility the primary function of which is to provide psychiatric care to its patients, or to records of treatment for any mental or emotional condition at any other licensed facility *which are governed by the provisions of s. 394.4615*. ~~A licensed facility which receives a request by a patient or a patient's legal representative for a copy of any such record may provide a report of examination and treatment in lieu of a copy of the record. Upon the signed written request of a patient that a psychiatric record, or other record of treatment for a mental or emotional condition, be provided to a psychiatrist as defined in s. 394.455, the facility shall provide a copy of the patient's record to such psychiatrist and shall not require further application therefor. Such records are otherwise confidential, except as specifically provided by statute, and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 34. Subsections (3), (4), and (6) of section 400.0255, Florida Statutes, are amended to read:

400.0255 Resident hearings of facility decisions to transfer or discharge.—

(3) At least 30 days prior to any proposed transfer or discharge, a facility must provide advance notice of the proposed transfer or discharge to the resident and, if known, to a family member or the resident's legal *guardian or* representative, except, in the following circumstances, the facility shall give notice as soon as practicable before the transfer or discharge:

(a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility, and the circumstances are documented in the resident's medical records by the resident's physician; or

(b) The health or safety of other residents or facility employees would be endangered, and the circumstances are documented in the resident's medical records by the resident's physician or the medical director if the resident's physician is not available.

(4) The notice required by subsection (3) must be in writing and must contain all information required by state and federal law, rules, or regulations applicable to Medicaid or Medicare cases. A copy of the notice must be placed in the resident's clinical record, and a copy must be transmitted to the resident's legal *guardian or* representative and to the local district ombudsman council.

(6) Notwithstanding paragraph (5)(b), an emergency discharge or transfer may be implemented as necessary pursuant to state or federal law during the period of time after the notice is given and before the time a hearing decision is rendered. *Notice of an emergency discharge or transfer to the resident's legal guardian or representative must be by telephone or in person. This notice shall be given before the transfer, if possible, or as soon thereafter as practicable. The resident's file must be documented to show who was contacted, whether the contact was by telephone or in person, and the date and time of the contact. If the notice is not given in writing, written notice meeting the requirements of subsection (4) must be given the next working day.*

Section 35. Section 400.102, Florida Statutes, is amended to read:

400.102 Action by agency against licensee; grounds.—

(1) Any of the following conditions shall be grounds for action by the agency against a licensee:

(a) An intentional or negligent act materially affecting the health or safety of residents of the facility;

(b) Misappropriation or conversion of the property of a resident of the facility;

(c) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a nursing home resident;

(d)~~(c)~~ Violation of provisions of this part or rules adopted under this part; or

(e)~~(d)~~ Any act constituting a ground upon which application for a license may be denied.

(2) If the agency has reasonable belief that any of such conditions exist, it shall take the following action:

(a) In the case of an applicant for original licensure, denial action as provided in s. 400.121.

(b) In the case of an applicant for relicensure or a current licensee, administrative action as provided in s. 400.121 or injunctive action as authorized by s. 400.125.

(c) In the case of a facility operating without a license, injunctive action as authorized in s. 400.125.

Section 36. For the purpose of incorporating the amendment to section 400.102, Florida Statutes, in a reference thereto, subsection (1) of section 400.121, Florida Statutes, is reenacted to read:

400.121 Denial, suspension, revocation of license; moratorium on admissions; administrative fines; procedure.—

(1) The agency may deny, revoke, or suspend a license or impose an administrative fine, not to exceed $500 per violation per day, for a violation of any provision of s. 400.102(1). All hearings shall be held within

the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein.

Section 37. Subsection (7) of section 400.4075, Florida Statutes, is amended to read:

400.4075 Limited mental health license.—A limited mental health license shall be issued to facilities that provide services to mental health residents who meet the criteria of s. 400.402(15).

(7) Facilities licensed to provide services to mental health residents under this part shall be required to have a written agreement with the nearest publicly funded community *facility* ~~mental health agency~~ as defined in s. 394.455~~(7)~~ or a licensed mental health professional designated by the district alcohol, drug abuse, and mental health program office. The agreement shall specify the manner in which the clinical mental health services that are included in residents' mental health plans shall be accessed and delivered.

Section 38. Section 400.414, Florida Statutes, is amended to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(1) The agency may deny, revoke, or suspend a license issued under this part or impose an administrative fine in the manner provided in chapter 120. At the chapter 120 hearing, the agency shall prove by a preponderance of the evidence that its actions are warranted.

(2) Any of the following actions by a facility or its employee shall be grounds for action by the agency against a licensee:

(a) An intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(b) The determination by the agency that the facility owner or administrator is not of suitable character or competency, or that the owner lacks the financial ability, to provide continuing adequate care to residents, pursuant to the information obtained through s. 400.411, s. 400.417, or s. 400.434.

(c) Misappropriation or conversion of the property of a resident of the facility.

(d) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a facility resident.

(e)~~(d)~~ Five or more repeated or recurring identical or similar class III violations of this part which were identified by the agency during the last biennial inspection, monitoring visit, or complaint investigation and which, in the aggregate, affect the health, safety, or welfare of the facility residents.

(f)~~(e)~~ A confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, which has been upheld following a chapter 120 hearing or a waiver of such proceedings where the perpetrator is an employee, volunteer, administrator, or owner, or otherwise has access to the residents of a facility, and the administrator has not taken action to remove the perpetrator. Exemptions from disqualification may be granted as set forth in s. 435.07. No administrative action may be taken against the facility if the perpetrator is granted an exemption.

(g)~~(f)~~ Violation of a moratorium.

(h)~~(g)~~ Failure of the licensee during relicensure, or failure of a licensee that holds an initial or change of ownership license, to meet minimum license standards or the requirements of rules adopted under this part.

(i)~~(h)~~ A fraudulent statement on an application for a license or any other document required by the agency that is signed and notarized.

(j)~~(i)~~ An intentional or negligent life-threatening act in violation of the uniform firesafety standards for assisted living facilities or other firesafety standards established by the State Fire Marshal, that threatens the health, safety, or welfare of a resident of a facility, as communicated to the agency by the State Fire Marshal, a local fire marshal, or other authority having jurisdiction.

(3) Proceedings brought under paragraphs (2)(a), (c), *(e)*~~(d)~~, and *(j)*~~(i)~~ shall not be subject to de novo review.

(4) Upon notification by the State Fire Marshal, local fire marshal, or other authority having jurisdiction, the agency may deny or revoke the license of a facility that fails to correct cited fire code violations issued by the State Fire Marshal, a local fire marshal, or other authority having jurisdiction, that affect or threaten the health, safety, or welfare of a resident of a facility.

(5) The agency may deny a license to an applicant who owns 25 percent or more of, or operates, a facility which, during the 5 years prior to the application for a license, has had a license denied, suspended, or revoked pursuant to subsection (2), or, during the 2 years prior to the application for a license, has had a moratorium imposed on admissions, has had an injunctive proceeding initiated against it, has had a receiver appointed, was closed due to financial inability to operate, or has an outstanding fine assessed under this part.

(6) An action taken by the agency to suspend, deny, or revoke a facility's license under this part, in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility, shall, upon receipt of the facility's request for a hearing, be heard by the Division of Administrative Hearings of the Department of Management Services within 120 days after the request for a hearing, unless that time period is waived by both parties. The hearing officer must render a decision within 30 days after the hearing.

(7) The agency shall provide to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, on a monthly basis, a list of those facilities which have had their licenses denied, suspended, or revoked or which are involved in an appellate proceeding pursuant to s. 120.60 related to the denial, suspension, or revocation of a license.

Section 39. Subsections (6) and (8) of section 400.426, Florida Statutes, are amended to read:

400.426 Appropriateness of placements; examinations of residents.—

(6) Any resident accepted in a facility and placed by the department or the Department of Health and Rehabilitative Services shall have been examined by medical personnel within 30 days before placement in the facility. The examination shall include an assessment of the appropriateness of placement in a facility. The findings pursuant to such examination shall be recorded on the examination form provided by the agency. The completed form shall accompany the resident and shall be submitted to the facility owner or administrator. In addition, any resident placed by the department or the Department of Health and Rehabilitative Services who is a mental health resident shall also be evaluated by a mental health professional, as defined in s. 394.455(2), *(4), (20), (22), or (23),* to assess the resident's appropriateness for placement in a facility. The applicable department shall provide to the facility administrator any information about the resident that would help the administrator meet his or her responsibilities under subsection (1). Further, department personnel shall explain to the facility operator any special needs of the resident and advise the operator whom to call should problems arise. The applicable department shall advise and assist the facility administrator where the special needs of residents who are recipients of optional state supplementation require such assistance.

(8) If, at any time after admission to a facility, a resident appears to need care beyond that which the facility is licensed to provide, the agency shall require the resident to be physically examined by a licensed physician or licensed nurse practitioner or evaluated by an appropriate mental health professional, as defined in s. 394.455(2), *(4), (20), (22), or (23)*; such examination shall, to the extent possible, be performed by the resident's preferred physician or nurse practitioner or mental health professional and shall be paid for by the resident with personal funds, except as provided in s. 400.418(1)(b). Pursuant to such examination, the examining physician or licensed nurse practitioner shall complete and sign a medical form provided by the agency. The completed medical form shall be submitted to the agency within 30 days from the date the facility owner or administrator is notified by the agency that the physical examination is required. After consultation with the physician or licensed nurse practitioner who performed the examination, a medical review

team designated by the agency shall then determine whether the resident is appropriately residing in the facility. The medical review team shall base its decision on a comprehensive review of the resident's physical and functional status, including the resident's preferences, and not on an isolated health-related problem. A facility must not be required to retain a resident who requires more services or care than the facility is able to provide in accordance with its policies and criteria for admission and continued residency. Members of the medical review team making the final determination shall not include the agency personnel who initially questioned the appropriateness of a resident's placement. Such determination shall be final and binding upon the facility and the resident. Any resident who is determined by the medical review team to be inappropriately residing in a facility shall be given 30 days' written notice to relocate by the owner or administrator, unless the resident's continued residence in the facility presents an imminent danger to the health, safety, or welfare of the resident or a substantial probability exists that death or serious physical harm would result to the resident if allowed to remain in the facility.

Section 40. Section 400.556, Florida Statutes, is amended to read:

400.556 Denial, suspension, revocation of license; administrative fines; investigations and inspections.—

(1) The agency may deny, revoke, or suspend a license under this part or may impose an administrative fine against the owner of an adult day care center or its operator or employee in the manner provided in chapter 120.

(2) Each of the following actions by the owner of an adult day care center or by its operator or employee is a ground for action by the agency against the owner of the center or its operator or employee:

(a) An intentional or negligent act materially affecting the health or safety of center participants.

(b) A violation of this part or of any standard or rule under this part.

(c) A confirmed report of adult abuse, neglect, or exploitation, as defined in s. 415.102, or of child abuse or neglect, as defined in s. 415.503, which report has been upheld following a hearing held pursuant to chapter 120 or a waiver of such hearing.

(d) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of center participants.

(e)~~(d)~~ Multiple or repeated violations of this part or of any standard or rule adopted under this part.

(3) The agency is responsible for all investigations and inspections conducted pursuant to this part.

Section 41. Section 400.6196, Florida Statutes, is amended to read:

400.6196 Violations; penalties.—

(1) In addition to any other liability or penalty provided by law, the agency may impose a civil penalty on a person for:

(a) Violating any term or condition of a license; or

(b) Violating any rule adopted under ss. 400.616-400.629.

(c) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of adult family-care home residents.

(2) Each day during which a violation occurs constitutes a separate violation.

(3) In determining whether a penalty is to be imposed, and in fixing the amount of any penalty to be imposed, the agency must consider:

(a) The gravity of the violation.

(b) Actions taken by the provider to correct a violation.

(c) Any previous violation by the provider.

(d) The financial benefit to the provider of committing or continuing the violation.

(4) As an alternative to or in conjunction with an administrative action against a provider, the agency may request a plan of corrective action that demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the department.

(5) The department shall set forth, by rule, classifications of violations and civil penalties to be levied.

(6) Civil penalties paid by a provider must be deposited into the Department of Elderly Affairs Administrative Trust Fund and used to offset the expenses of departmental training and education for adult family-care home providers.

(7) The agency may impose an immediate moratorium on admissions to any adult family-care home if the agency finds that a condition in the home presents a threat to the health, safety, or welfare of its residents.

Section 42. Paragraph (d) of subsection (1) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the following definitions shall apply:

(d) "Resident" means any of the following: an aged person as defined in s. 400.618(3); a physically disabled or handicapped person as defined in s. 760.22(7)(a); a developmentally disabled person as defined in s. 393.063(11); a nondangerous mentally ill person as defined in s. 394.455*(16)*~~(3)~~; or a child as defined in s. 39.01(12) and (14).

Section 43. Section 455.2415, Florida Statutes, is amended to read:

455.2415 Communications confidential; exceptions.—Communications between a patient and a psychiatrist, as defined in s. 394.455*(23)*~~(2)(e)~~, shall be held confidential and shall not be disclosed except upon the request of the patient or the patient's legal representative. Provision of psychiatric records and reports shall be governed by s. 455.241. Notwithstanding any other provisions of this section or s. 90.503, where:

(1) A patient is engaged in a treatment relationship with a psychiatrist;

(2) Such patient has made an actual threat to physically harm an identifiable victim or victims; and

(3) The treating psychiatrist makes a clinical judgment that the patient has the apparent capability to commit such an act and that it is more likely than not that in the near future the patient will carry out that threat,

the psychiatrist may disclose patient communications to the extent necessary to warn any potential victim or to communicate the threat to a law enforcement agency. No civil or criminal action shall be instituted, and there shall be no liability on account of disclosure of otherwise confidential communications by a psychiatrist in disclosing a threat pursuant to this section.

Section 44. Paragraph (f) of subsection (3) of section 744.3215, Florida Statutes, is amended to read:

744.3215 Rights of persons determined incapacitated.—

(3) Rights that may be removed from a person by an order determining incapacity and which may be delegated to the guardian include the right:

(f) To consent to medical *and mental health* treatment.

Section 45. Subsection (7) of section 744.704, Florida Statutes, is amended to read:

744.704 Powers and duties.—

(7) A public guardian shall not commit a ward to a mental health treatment facility, as defined in s. 394.455*(29)*~~(9)~~, without an involuntary placement proceeding as provided by law.

Section 46. Subsection (5) of section 765.101, Florida Statutes, is amended to read:

765.101 Definitions.—As used in this chapter:

(5) "Health care facility" means a hospital, nursing home, hospice, home health agency, or health maintenance organization licensed in this state, *or any facility subject to part I of chapter 394.*

Section 47. Subsection (1) of section 765.104, Florida Statutes, is amended to read:

765.104 Revocation.—

(1) An advance directive or designation of a surrogate may be revoked at any time by *a competent* ~~the~~ principal:

(a) By means of a signed, dated writing;

(b) By means of the physical cancellation or destruction of the advance directive by the principal or by another in the principal's presence and at the principal's direction;

(c) By means of an oral expression of intent to revoke; or

(d) By means of a subsequently executed advance directive that is materially different from a previously executed advance directive.

Section 48. Subsection (3) of section 765.110, Florida Statutes, is amended to read:

765.110 Health care facilities and providers; discipline.—

(3) The Department of Health and Rehabilitative Services and the *Agency for Health Care Administration* ~~Department of Business and Professional Regulation~~ shall adopt rules to implement the provisions of the section.

Section 49. Present subsections (5) and (6) of section 765.202, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and a new subsection (5) is added to that section to read:

765.202 Designation of a health care surrogate.—

(5) A principal may designate a separate surrogate to consent to mental health treatment in the event that the principal is determined by a court to be incompetent to consent to mental health treatment and a guardian advocate is appointed as provided under s. 394.4598. However, unless the document designating the health care surrogate expressly states otherwise, the court shall assume that the health care surrogate authorized to make health care decisions under this chapter is also the principal's choice to make decisions regarding mental health treatment.

Section 50. Paragraph (a) of subsection (1) of section 765.205, Florida Statutes, is amended, and paragraph (f) is added to that subsection, to read:

765.205 Responsibility of the surrogate.—

(1) The surrogate shall:

(a) Have authority to act for the principal and to make all health care decisions for the principal ~~in matters regarding the principal's health care~~ during the principal's incapacity, in accordance with the principal's instructions, unless such authority has been expressly limited by the principal.

Section 51. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 916.107, Florida Statutes, are amended to read:

916.107 Rights of forensic clients.—

(1) RIGHT TO INDIVIDUAL DIGNITY.—

(b) Mentally ill or mentally retarded persons who are committed to the department pursuant to this chapter and who are initially placed in, or subsequently transferred to, a civil mental health treatment facility shall have the same rights as other persons committed to civil facilities as described in *part I of chapter 394,* ~~s. 394.459~~ as long as they remain in a civil facility.

(3) RIGHT TO EXPRESS AND INFORMED CONSENT.—

(a) A person committed to the department pursuant to this act shall be asked to give express and informed written consent for treatment. "Express and informed consent" or "consent" means consent given voluntarily in writing after a conscientious and sufficient explanation and disclosure of the purpose of the proposed treatment, the common side effects of the treatment, if any, the expected duration of the treatment, and any alternative treatment available. If a patient in a forensic facility refuses such treatment as is deemed necessary by the patient's multidisciplinary treatment team at the forensic facility for the appropriate care of the patient and the safety of the patient or others, such treatment may be provided under the following circumstances:

1. In an emergency situation in which there is immediate danger to the safety of the patient or others, such treatment may be provided upon the written order of a physician for a period not to exceed 48 hours, excluding weekends and legal holidays. If, after the 48-hour period, the patient has not given express and informed consent to the treatment initially refused, the administrator of the forensic facility shall, within 48 hours, excluding weekends and legal holidays, petition the committing court or the circuit court serving the county in which the facility is located, at the option of the facility administrator, for an order authorizing the continued treatment of the patient. In the interim, treatment may be continued without the consent of the patient upon the continued written order of a physician who has determined that the emergency situation continues to present a danger to the safety of the patient or others.

2. In a situation other than an emergency situation, the administrator of the forensic facility shall petition the court for an order authorizing the treatment of the patient. The order shall allow such treatment for a period not to exceed 90 days from the date of the entry of the order. Unless the court is notified in writing that the patient has provided express and informed consent in writing or that the patient has been discharged by the committing court, the administrator shall, prior to the expiration of the initial 90-day order, petition the court for an order authorizing the continuation of treatment for another 90-day period. This procedure shall be repeated until the patient provides consent or is discharged by the committing court.

3. At the hearing on the issue of whether the court should enter an order authorizing treatment for which a patient has refused to give express and informed consent, the court shall determine by clear and convincing evidence that the patient is mentally ill or mentally retarded as defined in this chapter, that the treatment not consented to is essential to the care of the patient, and that the treatment not consented to is not experimental and does not present an unreasonable risk of serious, hazardous, or irreversible side effects. In arriving at the substitute judgment decision, the court must consider at least the following factors:

a. The patient's expressed preference regarding treatment;

b. The probability of adverse side effects;

c. The prognosis without treatment; and

d. The prognosis with treatment.

The hearing shall be as convenient to the patient as may be consistent with orderly procedure and shall be conducted in physical settings not likely to be injurious to the patient's condition. The court may appoint a master to preside at the hearing. The patient or his guardian, and his representative, shall be provided with a copy of the petition and the date, time, and location of the hearing. The patient has the right to have an attorney represent him at the hearing, and, if the patient is indigent, the court shall appoint the office of the public defender to represent him at the hearing. The patient may testify or not, as he chooses, and has the right to cross-examine witnesses testifying on behalf of the facility and may present his own witnesses.

Section 52. Paragraph (a) of subsection (4) of section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may

order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section or s. 943.059;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Health and Rehabilitative Services or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 39.076, s. 110.1127(3), s. 393.063(14), s. *394.4572(1)* ~~394.455(20)~~, s. 397.451, s. 402.302(8), s. 402.313(3), s. 409.175(2)(h), s. 415.102(4), s. 415.1075(4), or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity that licenses child care facilities.

Section 53. Paragraph (a) of subsection (4) of section 943.059, Florida Statutes, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to seal the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to seal a criminal history record until the person seeking to seal a criminal history record has applied for and received a certificate of eligibility for sealing pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal history record of a minor or an adult which is ordered sealed by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Health and Rehabilitative Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 39.076, s. 110.1127(3), s. 393.063(14), s. *394.4572(1)* ~~394.455(20)~~, s. 397.451, s. 402.302(8), s. 402.313(3), s. 409.175(2)(h), s. 415.102(4), s. 415.103, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity which licenses child care facilities.

Section 54. Section 394.471, Florida Statutes, and sections 394.477 and 394.478, Florida Statutes, as amended by chapter 95-148, Laws of Florida, are repealed.

Section 55. This act shall take effect October 1, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to The Baker Act; amending s. 394.453, F.S.; revising legislative intent relating to mental health programs; deleting responsibilities of the Department of Health and Rehabilitative Services; amending s. 394.455, F.S.; revising definitions; amending s. 394.457, F.S.; revising responsibilities of the department with respect to administrative supervision of mental health facilities, programs, and services; providing for rules and minimum standards; providing for personnel training materials; requiring that community-based mental health treatment services be competitively procured; providing for rules; amending s. 394.4572, F.S.; revising requirements for employment screening; providing exemptions; amending s. 394.4573, F.S.; clarifying requirement for a continuity of care management system; amending s. 394.458, F.S.; clarifying prohibition on introduction or removal of certain articles at a hospital providing mental health services, for which a penalty is provided; amending s. 394.459, F.S.; revising rights of patients; providing for emergency medical treatment under specified circumstances; providing for a patient's access to a telephone and to visitors; providing for inventory of the patient's personal effects; deleting requirements relating to the education of children in facilities; providing for report of certain violations; authorizing imposition of sanctions based on certain investigation and findings; requiring posting of notice of rights of patients; creating s. 394.4595, F.S.; providing access to patients and records for human rights advocacy committees; creating s. 394.4597, F.S.; providing for identification or selection of a patient's guardian or representative; creating s. 394.4598, F.S.; providing for appointment of a guardian advocate; providing qualifications, requirements, and restrictions; creating s. 394.4599, F.S.; providing requirements relating to notice of a patient's admission, placement, change of status, transfer, and discharge; amending s. 394.460, F.S., relating to rights of professionals; amending s. 394.461, F.S.; providing for designation of receiving and treatment facilities; deleting provisions relating to patient transfers and criminally charged or convicted mentally ill persons; creating s. 394.4615, F.S.; modifying provisions relating to confidentiality of patient records; providing for patient access; providing for certain uses of information from clinical records; providing a penalty for falsification of records; creating s. 394.462, F.S.; providing for transportation to a receiving facility by a designated law enforcement agency; limiting certain responsibilities of receiving facilities; providing for transportation to a treatment facility by independent contractors; clarifying that this section does not affect the provisions of s. 401.445, F.S.; providing for exceptions to requirements for the transport of patients; amending s. 394.463, F.S.; revising requirements relating to involuntary examination; requiring certain recordkeeping and analysis of records; amending and renumbering s. 394.465, F.S.; revising provisions relating to assessment, admission, and discharge of voluntary patients, and transfers between voluntary and involuntary status; providing for duties of a mobile crisis response service; amending s. 394.467, F.S.; revising procedures and requirements relating to involuntary placement; providing for appointment of counsel; revising hearing requirements; providing for return of patients who leave a facility without authorization; amending s. 394.4672, F.S.; clarifying procedure for placement of a veteran with a federal agency; amending s. 394.4674, F.S.; clarifying the state plan for deinstitutionalization of certain patients; amending s. 394.468, F.S.; clarifying effect of procedures and policies under pt. I of ch. 394, F.S.; creating s. 394.4685, F.S.; providing for transfer of patients among facilities; amending s. 394.469, F.S.; revising requirements relating to discharge of involuntary patients; amending s. 394.475, F.S., relating to acceptance of Florida residents from out-of-state mental health authorities; amending ss. 394.4786, 394.4787, and 394.4788, F.S.; clarifying provisions relating to acute mental health services provided through the Public Medical Assistance Trust Fund; amending s. 394.90, F.S., relating to access to clinical records, to conform to the act; amending s. 395.003, F.S.; providing references to pt. I of ch. 394, F.S.; amending s. 395.1041, F.S.; clarifying rights of certain persons receiving emergency services and care; amending s. 395.1055, F.S.; providing for enforcement of pt. I of ch. 394, F.S., by the Agency for Health Care Administration; amending s. 395.1065, F.S.; authorizing the Agency for Health Care Administration to rely on investigations and findings by the Department of Health and Rehabilitative Services in imposing penalties for violation of pt. I of ch. 394, F.S., by a facility; amending s. 395.3025, F.S.; conforming provisions relating to patient records; amending s. 400.0255, F.S.; revising notice requirements relating to discharge or transfer of a nursing home resident; amending ss. 400.102, 400.414, 400.556, and 400.6196, F.S.; providing that failure to follow the procedures of pt. I of ch. 394, F.S., relating to transfer, voluntary admission, and involuntary examination is grounds for action against the license of a nursing home, assisted-living facility, adult day care center, or adult family-care home; reenacting s. 400.121(1), F.S., to incorporate the amendment to s. 400.102, F.S., in a reference; amending ss. 400.4075, 400.426, 419.001, 455.2415, 744.704, 916.107, 943.0585, and 943.059, F.S.; correcting cross-references; amending s. 744.3215, F.S.; conforming provisions relating to guardianship and rights of persons determined to be incapacitated; amending ss. 765.101, 765.104, 765.110, and 765.205, F.S.; conforming provisions relating to health care advance directives and health care surrogates; amending s. 765.202, F.S.; providing for designation of a separate health care surrogate to consent to mental health treatment; amending s. 916.107, F.S.; requiring hearings for involuntary treatment for mentally deficient or mentally ill defendants to be held in physical settings not likely to be injurious to the patient's condition; providing for the use of masters at said hearings; repealing s. 394.471, F.S., relating to validity of prior involuntary placement orders; repealing s. 394.477, F.S., relating to state residency requirements for involuntary placement; repealing s. 394.478, F.S., relating to autopsy of certain deceased patients; providing an effective date.

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 115, between lines 1 and 2, insert:

Section 55. *For the 1996-1997 fiscal year only, the department shall develop a competitive proposal, in consultation with the Division of Purchasing of the Department of Management Services pursuant to part I of chapter 287, for the purpose of outsourcing the physical-plant operation of facilities owned or leased by the department in at least two service districts, as determined by the department and approved by the Executive Office of the Governor. For purposes of this subsection, the "operation" of such facilities means the management and maintenance of the facilities required for the successful operation of the department, including existing and future physical plants owned or leased by the department. Management and maintenance activities include the maximization of energy efficiency, the management and oversight of existing facilities-related contracts, the development and implementation of sound facilities-management procedures and processes, the optimization of utility usage and real property allocation, and the development and implementation of operational design improvements with the goal of enhancing customer service. Pursuant to s. 216.181, the department may realign fiscal year 1996-1997 budget categories that are used for facilities-management purposes to pay for outsourcing contract activities, including the preparation of a competitive request for proposals and the evaluation of bids, and to reallocate expected facilities-related savings to other departmental activities. In no case shall the cost of outsourcing these activities exceed departmental expenditure levels for equivalent facilities management, operation, and maintenance activities. After 1 year of implementation, the department shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of the legislative appropriations committees, and the minority leaders of both houses which fully assesses the outsourcing effort, including any savings achieved or anticipated. This subsection is repealed on July 1, 1997.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 120, line 8, after the semicolon (;) insert: providing for the department to develop a competitive proposal for outsourcing the physical-plant operation of facilities with a report to the Governor and Legislature;

Amendment 1 as amended was adopted.

On motion by Senator Brown-Waite, by two-thirds vote **HB 903** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

RECONSIDERATION OF BILL

On motion by Senator Harris, the Senate reconsidered the vote by which—

CS for HB 109—A bill to be entitled An act relating to medical malpractice insurance contracts; amending s. 627.4147, F.S.; revising certain clause requirements relating to rights of insurers or self-insurers to veto certain offers; prohibiting insurers or self-insurers from making or concluding certain offers; providing for written statements from insureds for certain purposes; providing an effective date.

—as amended passed this day.

Senator Harris moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 2, line 21 through page 3, line 8, delete those lines and insert:

b. If the policy contains a clause stating the insured does not have the exclusive right to veto any offer or admission of liability and for arbitration made pursuant to s. 766.106, settlement offer or offer of judgment, the insurer or self-insurer shall provide to the insured or his legal representative by certified mail, return receipt requested, a copy of the final offer of admission of liability and for arbitration made pursuant to s. 766.106, settlement offer or offer of judgment and at the same time such offer is provided to the claimant. A copy of any final agreement reached between the insurer and claimant shall also be provided to the insurer or his legal representative by certified return receipt requested not more than 10 days after affecting such agreement.

On motion by Senator Harris, **CS for HB 109** as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

THE PRESIDENT PRESIDING

CS for SB 1728—A bill to be entitled An act relating to water management; amending s. 163.3177, F.S.; requiring local governments to assess their current and projected water needs and sources for at least a 20-year period using data developed by the water management districts; providing for land use maps to depict existing wellfields and surface water sources; providing that for water resources issues the water management districts' data shall be relied upon as best available data; amending s. 186.009, F.S.; providing that the growth management portion of the state comprehensive plan shall set forth recommendations on how to integrate the Florida water plan; amending s. 186.507, F.S.; providing that regional plans include water resources issues using data provided by the water management districts; amending s. 373.016, F.S.; declaring legislative policy and its construction or application; amending s. 373.036, F.S.; providing that certain data provided to local governments by the water management districts must be reviewed by the district's governing boards; amending s. 373.042, F.S.; providing for establishment of minimum flows and levels; amending s. 373.083, F.S.; authorizing governing boards to delegate permit issuance authority to executive directors; amending s. 373.116, F.S.; providing that a notice of application for the consumptive use of water be mailed to certain entities; creating s. 373.1161, F.S.; providing for permit processing consolidation; creating s. 373.1162, F.S.; directing the Department of Environmental Protection, the water management districts, and the Department of Agriculture and Consumer Services to develop and implement certain management programs for agriculture and forestry; providing criteria and requirements; creating s. 373.1205, F.S.; providing for an alternative dispute resolution process; providing procedures, requirements, and limitations; creating s. 373.1715, F.S.; providing for the implementation and application of minimum flows and levels; amending s. 373.196, F.S.; revising legislative findings regarding the provision of water supplies; requiring certain cooperative efforts; requiring the water management districts to engage in certain planning, development, research, and regulation activities; amending s. 373.1961, F.S.; requiring water management districts to engage in certain water supply development activities; amending s. 373.223, F.S.; providing criteria that the Department of Environmental Protection or the water management districts may consider regarding the transport of groundwater or surface water; amending s. 373.414, F.S.; revising permitting criteria; amending s. 373.59, F.S.; deleting a prohibition against moneys from the Water Management Lands Trust Fund being used to acquire certain rights-of-way; providing that interests in real property acquired by the districts may be used for water supply purposes; amending s. 163.3177, F.S.; adding consideration of water resources and availability of water supply to the future land use element of local government comprehensive plans; amending s. 259.032, F.S.; providing that lands acquired from funds in the Conservation and Recreation Lands Trust Fund may be used for water supply purposes under certain conditions; decreasing the percentage of the vessel registration fees that may be used for law enforcement and quality control programs; amending s. 373.019, F.S.; providing that the state water policy must be ratified by the Legislature; deleting obsolete provisions relating to the Land Use and Water Planning Task Force; amending s. 373.026, F.S.; providing that the state water policy must be adopted by the Legislature; amending s. 373.039, F.S.; providing that the Florida water plan must be ratified by the Legislature; amending s. 403.061, F.S.; providing that the state water policy must be adopted by the Legislature; amending s. 373.0693, F.S.; conforming a cross-reference; amending s. 373.073, F.S.; revising provisions for the appointment and terms of water management district governing boards; amending s. 373.079, F.S.; providing for duties and training of district staff; amending s. 373.507, F.S.; revising requirements for budgets and post-audits of districts and basins; amending s. 373.536, F.S.; revising certain notice requirements for district budgets and hearings; providing for review of proposed budgets; providing for district budget approval by the Governor; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.17, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, F.S.; providing definitions; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; changing certain taxes to assessments; consolidating powers of supervisors; describing engineers' duties and reports; creating ss. 298.225, 298.301, 298.305, 298.309, 298.313, 298.317, 298.321, 298.325, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, 298.353, 298.357, 298.361, F.S.; providing water control plan development and amendment requirements; requiring notice; providing for hearings; providing for assessment of lands for certain purposes; providing for proceedings of an engineer; providing duties of the district attorney; providing for notice of an engineer's report; providing for objections to and hearings on the engineer's report; providing for review of water control plans by water management districts; providing for hearings; providing for adoption of water control plans; providing for condemnation proceedings; providing for assessing land for certain purposes; providing for apportionment; providing for a new or amended plan under certain circumstances; providing for additional levies for certain purposes; authorizing issuance of bonds; providing procedures; providing for liens under certain circumstances; specifying application of assessments; providing for delinquent assessments; providing a penalty; providing for enforcement of non-ad valorem assessments; providing assessments for certain expenses; providing for unit development; providing powers of boards of supervisors to designate units; providing for financing assessments for units; providing for readjustment of maintenance assessments under certain circumstances; providing for reassessment of benefits for certain purposes; providing for hearings; providing for reassessment by an engineer; providing for hearings and challenges; amending ss. 298.365, 287.366, 298.401, 298.41, 298.47, 298.48, 298.49, 298.50, 298.51, 298.52, 298.54, 298.56, 298.59, 298.65, 298.71, 298.72, 298.73, 298.76, 190.013, F.S.; changing certain taxes to assessments; providing clarification; correcting cross-references; amending s. 367.022, F.S.; providing that certain persons providing nonpotable water for irrigation purposes are not subject to regulation by the Public Service Commission; repealing s. 298.07, F.S., relating to amending decrees incorporating districts; repealing s. 298.27, F.S., relating to boards of supervisors making new plans, levying additional assessments, and issuing bonds; repealing s. 298.29, F.S., relating to levy and collection of taxes, borrowing money, and issuing debt; repealing s. 298.30, F.S., relating to appointment of commissioners for certain purposes; repealing s. 298.31, F.S., relating to meetings and organization of commissioners; repealing s. 298.32, F.S., relating to proceedings and duties of commissioners; repealing s. 298.33, F.S., relating to notice; repealing s. 298.34, F.S., relating to procedures for filing exceptions to an engineer's report; repealing s. 298.35, F.S., relating to powers of supervisors; repealing s. 298.36, F.S., relating to assessments for certain purposes; repealing s. 298.465, F.S., relating to district taxes; repealing s. 298.467, F.S., relating to a prohibition against borrowing; repealing s. 298.55, F.S., relating to readjustment of assessment benefits; repealing s. 298.77, F.S., relating to readjustment of assessments; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (c) and (d) of subsection (6) and paragraph (e) of subsection (10) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may *include* ~~be~~ a detailed engineering plan *with* ~~including~~ a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. *Using data developed by the appropriate regional water management district or districts or using data more accurate to the specific area, as the best available data, each local government shall assess and identify its current and projected water needs and sources for at least a 20-year period and shall incorporate this information by plan amendment into the element, at the time of the next evaluation and appraisal report required pursuant to s. 163.3191.* The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources. ~~Local governments shall assess their current, as well as projected, water needs and sources for a 10-year period.~~ This information shall be submitted to the appropriate agencies. The land use map or map series contained in the future land use element shall generally identify and depict the following:

1. Existing and planned waterwells, *wellfields,* and cones of influence where applicable.

2. Beaches and shores, including estuarine systems.

3. Rivers, bays, lakes, flood plains, and harbors.

4. Wetlands.

5. Minerals and soils.

The land uses identified on such maps shall be consistent with applicable state law and rules.

(10) The Legislature recognizes the importance and significance of chapter 9J-5, F.A.C., the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, F.A.C., and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, F.A.C., and expresses the following legislative intent:

(e) It is the Legislature's intent that support data or summaries thereof shall not be subject to the compliance review process, but the Legislature intends that goals and policies be clearly based on appropriate data. The department may utilize support data or summaries thereof to aid in its determination of compliance and consistency. The Legislature intends that the department may evaluate the application of a methodology utilized in data collection or whether a particular methodology is professionally accepted. However, the department shall not evaluate whether one accepted methodology is better than another, *except in the case of water resource issues, in which case the applicable water management district's data and information shall be relied upon as the best available data, unless more accurate information for the specific area is available.* Chapter 9J-5, F.A.C., shall not be construed to require original data collection by local governments; however, local governments are not to be discouraged from utilizing original data so long as methodologies are professionally accepted.

Section 2. Paragraph (n) of subsection (2) of section 186.009, Florida Statutes, is amended to read:

186.009 Growth management portion of the state comprehensive plan.—

(2) The growth management portion of the state comprehensive plan shall:

(n) Set forth recommendations on how to integrate the *Florida* ~~state~~ water ~~use~~ plan required by *s. 373.039* ~~s. 373.036~~, the state land development plan required by s. 380.031(17), and transportation plans required by chapter 339.

The growth management portion of the state comprehensive plan shall not include a land use map.

Section 3. Subsection (1) of section 186.507, Florida Statutes, is amended to read:

186.507 Strategic regional policy plans.—

(1) A strategic regional policy plan shall contain regional goals and policies that shall address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation, and that may address any other subject which relates to the particular needs and circumstances of the comprehensive planning district as determined by the regional planning council. Regional plans shall identify and address significant regional resources and facilities. Regional plans shall be consistent with the state comprehensive plan. *In addition, to the extent that the identification and addressing of significant regional resources and facilities required above includes water resources issues, the plan shall use the information and data provided by the regional water management district as the best available data.*

Section 4. Subsection (2) of section 373.016, Florida Statutes, is amended to read:

373.016 Declaration of policy.—

(2) It is further declared to be the policy of the Legislature:

(a) To provide for the management of water and related land resources;

(b) To promote the conservation, development, and proper utilization of surface and ground water;

(c) To develop and regulate dams, impoundments, reservoirs, and other works and to provide water storage for beneficial purposes;

(d) To prevent damage from floods, soil erosion, and excessive drainage;

(e) To minimize degradation of water resources caused by the discharge of stormwater;

(f) To preserve natural resources, fish, and wildlife;

(g) To promote the public policy set forth in s. 403.021;

(h) To promote recreational development, protect public lands, and assist in maintaining the navigability of rivers and harbors; and

(i) Otherwise to promote the health, safety, and general welfare of the people of this state.

In implementing this chapter, the department and the governing board shall construe and apply the policies in this subsection as a whole, and

no specific policy is to be construed or applied in isolation from the other policies in this subsection.

Section 5. Subsection (11) is added to section 373.036, Florida Statutes, to read:

373.036 State water use plan.—

(11) Data or information gathered pursuant to s. 373.0391, s. 373.0395, s. 373.042, this section, or any other provision of this chapter which is provided by a water management district to local governments must be reviewed and authorized by the governing board prior to submittal to the local government if the governing board specifically intends that such data or information be used or incorporated into local government comprehensive plans. Each water management district shall update the information and data provided to local governments as it becomes available or upon revision of its district water management plan, as appropriate.

Section 6. Subsection (2) of section 373.116, Florida Statutes, is amended to read:

373.116 Procedure for water use and impoundment construction permit applications.—

(2) Upon receipt of an application for a permit of the type referred to in subsection (1), the governing board shall cause a notice thereof to be published in a newspaper having general circulation within the affected area. In addition, the governing board shall send, by regular mail, a copy of such notice to any person who has filed a written request for notification of any pending applications affecting this particular designated area. *Upon written request, notice of application for the consumptive use of water shall be mailed by regular mail to the county and appropriate city government from which boundaries the withdrawal is proposed to be made.*

Section 7. Section 373.1161, Florida Statutes, is created to read:

373.1161 Consolidation of permit processing.—

(1) Whenever implementation of programs authorized or delegated under this chapter would result in the department or water management district processing two or more separate permits or authorizations for the same activity or project, the department or governing board may procedurally consolidate the separate permitting or authorization processes by establishing a single application, permit application fee, noticing procedure, schedule for agency review, and final agency action on the consolidated permit or authorization.

(2) Procedural consolidation processes established under subsection (1) are exempt from the rulemaking requirements of chapter 120 and must not impose additional regulatory criteria, standards, or guidelines.

Section 8. Section 373.1162, Florida Statutes, is created to read:

373.1162 Voluntary, integrated management programs.—The department, the water management districts, and the Department of Agriculture and Consumer Services shall jointly develop and implement voluntary, integrated "whole farm" and forestry management programs similar to the Suwannee River Water Management District's Forestry and Agriculture Resource Management (FARM) Program and the Southwest Florida Water Management District's Agricultural Ground and Surface Water Management (AGSWM) Program. The integrated management programs must include nonregulatory, incentive-based alternatives for agricultural and forestry activities and promote more efficient or effective resource management to achieve a net environmental benefit when compared to conventional regulatory programs. The development and implementation of the integrated programs must provide for the coordination and cooperation of other governmental agencies to identify all regulatory functions involved in agriculture and silviculture activities, including federal and local governmental entities, and must include appropriate delegation of regulatory functions to achieve the goals of consolidation and simplification of regulatory programs.

Section 9. Section 373.1205, Florida Statutes, is created to read:

373.1205 Alternative dispute resolution process.—

(1) If a disagreement arises after issuance or publication of a report, proposed consent order, or proposed agency action, a permit applicant, the water management district, or a third party may request mediation of the disagreement. Upon receipt of a written request for mediation, the district must inform interested parties that mediation has been requested and provide them with information on mediation procedures and mediator selection. Participation in mediation is voluntary for all parties and does not affect or abrogate any party's rights under chapter 120, except for the tolling of time limitations as provided in subsection (2).

(2) A timely written request for mediation or waiver by the permit applicant, or a written agreement among all mediation participants, will toll the time limitations imposed by this chapter for agency action on the permit application and by chapter 120 for filing a petition for an administrative hearing. To initiate the mediation process, the permit applicant, the agency, and any third party that requests mediation must execute a written agreement that provides for selection of a mediator, payment of the mediator's fees and costs, and participation by other parties or experts. Costs of mediation must be borne equally by the participants, unless one or more parties voluntarily assumes all or a disproportionate share of the costs in order to make mediation available. The permit applicant may ask other interested persons to participate without cost.

(3) Unless the permit applicant otherwise agrees, final agency action must be taken on the permit application within 60 days, or by adjournment of the second meeting of the governing board, after the district's receipt of the written request for mediation. The mediation process described in this section does not require the use of a professional mediator and may include any form of alternative dispute resolution that is agreeable to the participants.

(4) Any agreement or document prepared, agreed to, and executed by the mediation participants is a public record under chapter 119. The actions or statements of all participants in the mediation process, however, are to be regarded as evidence of an offer to compromise and thus inadmissible in subsequent administrative or judicial proceedings under s. 90.408. If mediation results in settlement of the disagreement, the staff report, proposed consent order, or proposed agency action will be revised to incorporate the agreement of the participants and submitted to the governing board for approval. If mediation terminates without settlement of the disagreement, the mediator must immediately file a written report with the governing board, upon which the time limitations tolled under subsection (2) will be reinstated.

Section 10. Section 373.1715, Florida Statutes, is created to read:

373.1715 Implementation and application of minimum flows and levels.—

(1) By July 1, 1996, and annually thereafter, each water management district shall submit to the department its priority list for the establishment of minimum flows and levels and the order in which the governing board shall establish minimum flows and levels for priority surface watercourses, aquifers, and surface waters. The priority list must be based upon the importance of waters to the state or region and the existence of or potential for significant harm to the water resources or ecology of the state or region. Development of the priority list and the establishment of minimum flows and levels pursuant to this section shall satisfy the requirements of s. 373.042. Development of the priority list shall not constitute a point of entry to an administrative proceeding pursuant to chapter 120.

(2) Minimum flows and levels for priority waters must be established by July 1, 1999, or in the case of priority waters within Hillsborough, Pasco, and Pinellas Counties, by October 1, 1997.

(3) If, at the time a minimum flow or level is established, an existing water flow or level is below the limit established pursuant to s. 373.042, the department or the governing board shall immediately take action to develop and implement a water supply plan which will achieve recovery of the established minimum flow or level as soon as practicable, and shall implement interim measures and remedial actions consistent with the authority granted by ss. 373.175, 373.196, 373.1961, 373.1962, and 373.246. The interim measures and remedial actions are intended to achieve a recovery, as soon as practicable, of the established minimum flow or level, while continuing existing withdrawals under an equitable reduction as determined necessary by the governing board, consistent with the recovery of the established minimum flow or level.

(4) When establishing minimum flows and levels, consistent with the requirements of s. 373.042, the department or governing board shall consider hydrologic changes that have occurred as a result of alterations to surface waters which were authorized by a permit issued pursuant to part I or part IV of this chapter, which are exempt from permitting under those provisions, or which existed prior to those provisions, and the constraints such alterations have had on the hydrology of an affected watercourse, surface water body, or groundwater. This subsection may not be construed to limit water resources restoration as deemed appropriate by the department or governing board.

(5) Prior to the establishment of the minimum flow or level for a water resource area identified in subsection (1), and prior to the filing of any petition for administrative hearing, scientific or technical data and methodologies, if in dispute, shall, upon written request to the governing board by a substantially affected person, be subject to independent scientific peer review. "Independent scientific peer review" means the review of scientific data and methodology by a panel of independent, recognized experts in the fields of hydrology, hydrogeology, limnology, and other scientific disciplines relevant to the matters in dispute. The members of the peer review panel shall be selected by agreement of the parties in interest within 60 days after receipt of the request. If the panel is not selected within the 60-day period, upon the agreement of all parties, the time may be waived, or if no waiver occurs, the governing board may establish the minimum flow or level. The cost of the peer review shall be borne equally by the parties selecting the panel, to the extent economically feasible. The panel shall conduct meetings of the full panel in accordance with s. 286.011(1) and (6) before the submission of the final report. The panel shall submit a final report to the governing board within 120 days after selection. If the selection of the panel is subject to the requirements of chapter 287, the panel shall submit its final report to the governing board within 120 days after completion of the process required by chapter 287. The governing board shall give significant weight to the final report of the panel in establishing the minimum flow or level, as appropriate. The final report may also be entered into the record by any party to any proceeding in which the minimum flow or level is applicable.

(6) Failure to complete the establishment of minimum flows and levels for priority waters by the deadlines established in this section may be grounds for budget disapproval by the Executive Office of the Governor in its review of district budgets under s. 373.536.

Section 11. Subsections (1) and (2) of section 373.196, Florida Statutes, are amended to read:

373.196 Legislative findings.—

(1) It is the finding of the Legislature that cooperative efforts between *local governments* ~~municipalities, counties~~, *private utilities, regional water supply authorities,* water management districts, and the Department of Environmental Protection are mandatory in order to meet the water *supply* needs of rapidly urbanizing areas in a manner which will *provide* ~~supply~~ adequate and dependable supplies of water *when and* where needed without resulting in adverse effects upon the areas from whence such water is withdrawn. Such efforts *must* ~~should~~ utilize all *technically, economically, and environmentally feasible* ~~practical~~ means of obtaining *and conserving* water, including, but not limited to, *the sustainable use* ~~withdrawals~~ of surface water and *ground water* ~~groundwater~~, recycling of *stormwater and wastewater,* ~~waste water, and~~ desalinization, *and aquifer storage and recovery,* and will necessitate not only cooperation but also well-coordinated activities. The purpose of this act is to provide additional statutory authority for such cooperative and coordinated efforts.

(2) *Local governments* ~~Municipalities and counties~~ are encouraged to create regional water supply authorities as authorized herein. It is further the intent *of the Legislature* that *local governments,* municipalities, counties, *private utilities,* and regional water supply authorities *should* ~~are to~~ have the primary responsibility for water supply, and *that* water management districts and their basin boards *shall assist in regional water supply planning, development, research, and regulation to meet current and future needs of the state's citizens, businesses, agriculture, and natural environment* ~~are to engage only in those functions that are~~ incidental to the exercise of their flood control and water management powers.

Section 12. Paragraphs (a) and (g) of subsection (1), and paragraph (h) of subsection (2) of section 373.1961, Florida Statutes, are amended to read:

373.1961 Water *supply planning and* production.—

(1) In the performance of, and in conjunction with, its other powers and duties, the governing board of a water management district existing pursuant to this chapter:

(a) Shall engage in *water supply research and* planning to assist *local governments* ~~counties, municipalities~~, private utilities, *and* ~~or~~ regional water supply authorities in meeting water supply needs in such manner as will give priority to encouraging conservation and reducing adverse environmental effects of improper or excessive withdrawals of water from concentrated areas. As used in this section, regional water supply authorities are regional water authorities created under s. 373.1962 or other laws of this state.

(g) May acquire title to such interest as is necessary in real property, by purchase, gift, devise, lease, eminent domain, or otherwise, for water production and transmission consistent with this section. However, the district shall not use any of the eminent domain powers herein granted to acquire water and water rights already devoted to reasonable and beneficial use or any water production or transmission facilities owned by any *local government* ~~county, municipality,~~ or regional water supply authority. The district may exercise eminent domain powers outside of its district boundaries for the acquisition of pumpage facilities, storage areas, transmission facilities, and the normal appurtenances thereto, provided that at least 45 days prior to the exercise of eminent domain, the district notifies the district where the property is located after public notice and the district where the property is located does not object within 45 days after notification of such exercise of eminent domain authority. *Real property acquired by the districts under any land acquisition program may be used for water supply purposes, including water production and transmission, if the uses are sustainable and compatible with the purposes for which the property was acquired.*

(2) The Legislature finds that, due to a combination of factors, vastly increased demands have been placed on natural supplies of fresh water, and that, absent increased development of alternative water supplies, such demands may increase in the future. The Legislature also finds that potential exists in the state for the production of significant quantities of alternative water supplies, including reclaimed water, and that water production includes the development of alternative water supplies, including reclaimed water, for appropriate uses. It is the intent of the Legislature that utilities develop reclaimed water systems, where reclaimed water is the most appropriate alternative water supply option, to deliver reclaimed water to as many users as possible through the most cost-effective means, and to construct reclaimed water system infrastructure to their owned or operated properties and facilities where they have reclamation capability. It is also the intent of the Legislature that the water management districts which levy ad valorem taxes for water management purposes should share a percentage of those tax revenues with water providers and users, including local governments, water, wastewater, and reuse utilities, municipal, industrial, and agricultural water users, and other public and private water users, to be used to supplement other funding sources in the development of alternative water supplies. The Legislature finds that public moneys or services provided to private entities for such uses constitute public purposes which are in the public interest. In order to further the development and use of alternative water supply systems, including reclaimed water systems, the Legislature provides the following:

(h) For purposes of this subsection, alternative water supplies are supplies of water that have been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses, or are supplies of stormwater, or brackish or salt water, that have been treated in accordance with applicable rules and standards sufficient to supply the intended use, *or water that may be reserved in aquifer storage and recovery wells.*

Section 13. Subsection (2) of section 373.223, Florida Statutes, is amended to read:

373.223 Conditions for a permit.—

(2) The governing board or the department may authorize the holder of a use permit to transport and use ground or surface water beyond overlying land, across county boundaries, or outside the watershed from which it is taken if the governing board or department determines that such transport and use is consistent with the public interest, and no local government shall adopt or enforce any law, ordinance, rule, regulation,

or order to the contrary. *When evaluating whether a potential transport of groundwater or surface water across country or district boundaries is consistent with the public interest, the governing board or the department may consider:*

(a) The proximity of the proposed source of water to the area in which it is to be used or applied.

(b) Other environmentally, economically, and technically feasible alternatives to the source being proposed, including, but not limited to, desalination, reuse, stormwater, and aquifer storage and recovery.

This subsection does not apply to the operation and maintenance of any surface water conveyance system existing on May 1, 1996, as a transport of groundwater or surface water.

Section 14. Subsection (2) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(2) The governing board or the department *may* ~~is authorized to~~ establish by rule specific permitting criteria, in addition to the other criteria in this part, which *provide* ~~provides:~~

~~(a)~~ one or more size thresholds of isolated wetlands below which impacts on fish and wildlife and their habitats will not be considered. These thresholds *must* ~~shall~~ be based on biological and hydrological evidence *and usage by threatened or endangered species which* ~~that~~ shows the fish and wildlife values of *the* ~~such~~ areas to be minimal.

~~(b) Criteria for the protection of threatened and endangered species in isolated wetlands regardless of size and land use.~~

Section 15. Subsection (1) and paragraph (a) of subsection (3) of section 373.59, Florida Statutes, are amended to read:

373.59 Water Management Lands Trust Fund.—

(1) There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land acquisition, management, maintenance, capital improvements, payments in lieu of taxes, and administration of the fund in accordance with the provisions of this section. In addition, ~~for fiscal year 1995-1996,~~ moneys in the fund that are not revenues from the sale of any bonds and that are not required for debt service for any bond issue may be used to fund activities authorized under the Surface Water Improvement and Management Act, pursuant to ss. 373.451-373.4595, and for the control of aquatic weeds pursuant to part II of chapter 369. Up to 25 percent of the moneys in the fund may be allocated annually to the districts for management, maintenance, and capital improvements pursuant to subsection (7).

(3)(a) Moneys from the Water Management Lands Trust Fund shall be used for acquiring the fee or other interest in lands necessary for water management, water supply, and the conservation and protection of water resources~~, except that such moneys shall not be used for the acquisition of rights-of-way for canals or pipelines~~. Such moneys shall also be used for management, maintenance, and capital improvements. *Interests in real property acquired by the districts under this section may be used for water supply purposes, including water production and transmission, if the uses are sustainable and compatible with the purposes for which the interests were acquired.* Lands acquired with moneys from the fund shall be managed and maintained in an environmentally acceptable manner and, to the extent practicable, in such a way as to restore and protect their natural state and condition.

Section 16. Subsection (4), paragraph (a) of subsection (9), and paragraph (d) of subsection (11) of section 259.032, Florida Statutes, are amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(4) Lands acquired under this section shall be for use as state-designated parks, recreation areas, preserves, reserves, historic or archaeological sites, geologic or botanical sites, recreational trails, forests, wilderness areas, wildlife management areas, or other state-designated recreation or conservation lands; or they shall qualify for such state designation and use if they are to be managed by other governmental agencies or nonstate entities as provided for in this section. *Lands acquired under this section may be used for water supply purposes, including water production and transmission, if the uses are sustainable and compatible with the purposes for which the lands were acquired.*

(9)(a) All lands managed under this section shall be:

1. Managed in a manner that will provide the greatest combination of benefits to the public and to the resources.

2. Managed for public outdoor recreation which is compatible with the conservation and protection of public lands.

3. Managed for the purposes for which the lands were acquired, consistent with paragraph (11)(a).

These lands may also be managed for water supply purposes, which may include water production and transmission, if the uses are sustainable and compatible with the purposes for which the lands were acquired. Management may include the following public uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, birding, sailing, jogging, and other related outdoor activities.

(11)

(d)1. Up to one-fifth of the funds provided for in paragraph (b) shall be reserved by the board of trustees for interim management of acquisitions and for associated contractual services, to ensure the conservation and protection of natural resources on project sites and to allow limited public recreational use of lands. Interim management activities may include, but not be limited to, resource assessments, control of invasive exotic species, habitat restoration, fencing, law enforcement, controlled burning, and public access consistent with preliminary determinations made pursuant to paragraph (9)(b). The board of trustees shall make these interim funds available immediately upon purchase.

2. ~~For the 1995-1996 fiscal year only,~~ Funds in the Conservation and Recreation Lands Trust Fund that are not specifically appropriated for the interim management of public lands pursuant to subparagraph 1. may be appropriated for the control and eradication of nuisance aquatic plants in public water bodies. ~~This subparagraph is repealed on July 1, 1996.~~

Section 17. Paragraph (a) of subsection (8) of section 373.0693, Florida Statutes, is amended to read:

373.0693 Basins; basin boards.—

(8)(a) At 11:59 p.m. on June 30, 1988, the area transferred from the Southwest Florida Water Management District to the St. Johns River Water Management District by change of boundaries pursuant to chapter 76-243, Laws of Florida, shall cease to be a subdistrict or basin of the St. Johns River Water Management District known as the Oklawaha River Basin and said Oklawaha River Basin shall cease to exist. However, any recognition of an Oklawaha River Basin or an Oklawaha River Hydrologic Basin for regulatory purposes shall be unaffected. The area formerly known as the Oklawaha River Basin shall continue to be part of the St. Johns River Water Management District. There shall be established by the governing board of the St. Johns River Water Management District the Oklawaha River Basin Advisory Council to receive public input and advise the St. Johns River Water Management District's governing board on water management issues affecting the Oklawaha River Basin. The Oklawaha River Basin Advisory Council shall be appointed by action of the St. Johns River Water Management District's governing board and shall include one representative from each county which is wholly or partly included in the Oklawaha River Basin. The St. Johns River Water Management District's governing board member currently serving pursuant to *s. 373.073(2)(c)3.* ~~s. 373.073(1)(b)3.c.~~, shall serve as chair of the Oklawaha River Basin Advisory Council. Members of the Oklawaha River Basin Advisory Council shall receive no compensation for their services but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.

Section 18. Section 373.073, Florida Statutes, is amended to read:

373.073 Governing board.—

(1)(a) The governing board of each water management district shall be composed of 9 members who shall reside within the district, except that the Southwest Florida Water Management District shall be composed of 11 members who shall reside within the district. *Members of the governing boards shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature, and the refusal or failure of the Senate to confirm an appointment creates a vacancy in the office to which the appointment was made. The term of office for a governing board member is 4 years and commences on March 2 of the year in which the appointment is made and terminates on March 1 of the 4th calendar year of the term. Terms of office of governing board members shall be staggered to help maintain consistency and continuity in the exercise of governing board duties and to minimize disruption in district operations.*

(b) Commencing January 1, 1997, the Governor shall appoint the following number of governing board members in each year of the Governor's 4-year term of office:

1. In the first year of the Governor's term of office, the Governor shall appoint 3 members to the governing board of each district.

2. In the second year of the Governor's term of office, the Governor shall appoint 3 members to the governing board of the Southwest Florida Water Management District and 2 members to the governing board of each other district.

3. In the third year of the Governor's term of office, the Governor shall appoint 3 members to the governing board of the Southwest Florida Water Management District and 2 members to the governing board of each other district.

4. In the fourth year of the Governor's term of office, the Governor shall appoint 2 members to the governing board of each district.

For any governing board vacancy that occurs before the date scheduled for the office to be filled under this paragraph, the Governor shall appoint a person meeting residency requirements of subsection (2) for a term that will expire on the date scheduled for the term of that office to terminate under this paragraph. In addition to the residency requirements for the governing boards as provided of subsection (2), the Governor should consider appointing governing board members to represent an equitable cross-section of regional interests and technical expertise. ~~The term of office of members of the board shall be 4 years and shall be construed to commence on March 2 preceding the date of appointment and to terminate March 1 of the year of the end of a term. Members of the governing boards continued under this chapter shall be appointed from the district at large as vacancies occur on the governing boards. Such vacancies shall be filled according to the residency requirements of paragraph (b).~~

(2)~~(b)~~ Notwithstanding the provisions of any other general or special law to the contrary, vacancies in the governing boards of the water management districts shall be filled according to the following residency requirements, representing areas designated by the United States Water Resources Council in United States Geological Survey, River Basin and Hydrological Unit Map of Florida—1975, Map Series No. 72:

(a)~~1.~~ Northwest Florida Water Management District:

1.~~a.~~ One member shall reside in the area generally designated as the "Perdido River Basin-Perdido Bay Coastal Area-Lower Conecuh River-Escambia River Basin" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies west of Pensacola Bay and Escambia Bay.

2.~~b.~~ One member shall reside in the area generally designated as the "Blackwater River Basin-Yellow River Basin-Choctawhatchee Bay Coastal Area" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies east of Pensacola Bay and Escambia Bay.

3.~~c.~~ One member shall reside in the area generally designated as the "Choctawhatchee River Basin-St. Andrews Bay Coastal Area" hydrologic units.

4.~~d.~~ One member shall reside in the area generally designated as the "Lower Chattahoochee-Apalachicola River-Chipola River Basin-Coastal Area between Ochlockonee River Apalachicola Rivers-Apalachicola Bay coastal area and offshore islands" hydrologic units.

5.~~e.~~ One member shall reside in the area generally designated as the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and coastal area between Aucilla and Ochlockonee River Basin" hydrologic units.

6.~~f.~~ Four members shall be appointed at large, except that no county shall have more than two members on the governing board.

(b)~~2.~~ Suwannee River Water Management District:

1.~~a.~~ One member shall reside in the area generally designated as the "Aucilla River Basin" hydrologic unit.

2.~~b.~~ One member shall reside in the area generally designated as the "Coastal Area between Suwannee and Aucilla Rivers" hydrologic unit.

3.~~c.~~ One member shall reside in the area generally designated as the "Withlacoochee River Basin-Alapaha River Basin-Suwannee River Basin above the Withlacoochee River" hydrologic units.

4.~~d.~~ One member shall reside in the area generally designated as the "Suwannee River Basin below the Withlacoochee River excluding the Santa Fe River Basin" hydrologic unit.

5.~~e.~~ One member shall reside in the area generally designated as the "Santa Fe Basin-Waccasassa River and coastal area between Withlacoochee and Suwannee River" hydrologic units.

6.~~f.~~ Four members shall be appointed at large, except that no county shall have more than two members on the governing board.

(c)~~3.~~ St. Johns River Water Management District:

1.~~a.~~ One member shall reside in the area generally designated as the "St. Mary River Basin-Coastal area between St. Marys and St. Johns Rivers" hydrologic units.

2.~~b.~~ One member shall reside in the area generally designated as the "St. Johns River Basin below Oklawaha River-Coastal area between the St. Johns River and Ponce de Leon Inlet" hydrologic units.

3.~~c.~~ One member shall reside in the area generally designated as the "Oklawaha River Basin" hydrologic unit.

4.~~d.~~ One member shall reside in the area generally designated as the "St. Johns River Basin above the Oklawaha River" hydrologic unit.

5.~~e.~~ One member shall reside in the area generally designated as the "Coastal area between Ponce de Leon Inlet and Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie River" hydrologic units.

6.~~f.~~ Four members shall be appointed at large, except that no county shall have more than two members on the governing board.

(d)~~4.~~ South Florida Water Management District:

1.~~a.~~ Two members shall reside in Dade County.

2.~~b.~~ One member shall reside in Broward County.

3.~~c.~~ One member shall reside in Palm Beach County.

4.~~d.~~ One member shall reside in Collier County, Lee County, Hendry County, or Charlotte County.

5.~~e.~~ One member shall reside in Glades County, Okeechobee County, Highlands County, Polk County, Orange County, or Osceola County.

6.~~f.~~ Two members, appointed at large, shall reside in an area consisting of St. Lucie, Martin, Palm Beach, Broward, Dade, and Monroe Counties.

7.~~g.~~ One member, appointed at large, shall reside in an area consisting of Collier, Lee, Charlotte, Hendry, Glades, Osceola, Okeechobee, Polk, Highlands, and Orange Counties.

8.~~h.~~ No county shall have more than three members on the governing board.

(e)~~5.~~ Southwest Florida Water Management District:

1.~~a.~~ Two members shall reside in Hillsborough County.

2.~~b.~~ One member shall reside in the area consisting of Hillsborough and Pinellas Counties.

3.~~c.~~ Two members shall reside in Pinellas County.

4.~~d.~~ One member shall reside in Manatee County.

5.~~e.~~ One member shall reside in Polk County.

6.~~f.~~ One member shall reside in Pasco County.

7.~~g.~~ One member shall be appointed at large from Levy, Marion, Citrus, Sumter, Hernando, and Lake Counties.

8.~~h.~~ One member shall be appointed at large from Sarasota, Hardee, DeSoto, Charlotte, and Highlands Counties.

9.~~i.~~ One member shall be appointed at large from Levy, Marion, Citrus, Sumter, Hernando, Lake, Sarasota, Hardee, DeSoto, Charlotte, and Highlands Counties.

No county described in *subparagraph 7., subparagraph 8., or subparagraph 9.* ~~sub-subparagraphs g., h., or i.~~ shall have more than one member on the governing board.

~~(2) Members of the governing boards shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.~~

Section 19. Paragraph (a) of subsection (4) and subsection (5) of section 373.079, Florida Statutes, are amended to read:

373.079 Members of governing board; oath of office; staff.—

(4)(a) The governing board of the district is authorized to employ an executive director, *an ombudsman,* and such engineers, other professional persons, and other personnel and assistants as it deems necessary and under such terms and conditions as it may determine and to terminate such employment. The appointment of an executive director must be initially confirmed by the Florida Senate. The governing board may delegate all or part of its authority under this paragraph to the executive director.

(5) The governing board may employ a legal staff for the purposes of:

(a) Providing legal counsel *to the governing board* on matters relating to the exercise of its powers and duties *and to the executive director and district staff on matters relating to day-to-day operations of the district*;

(b) Representing it in all proceedings of an administrative or judicial nature; and

(c) Otherwise assisting in the administration of the provisions of this chapter.

Section 20. Section 373.507, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 373.507, F.S., for present text.)

373.507 Districts and basins; postaudits, budgets and expense reports.—

(1) Each basin referred to in this chapter must furnish a detailed copy of its budget and past year's expenditures to the Governor, the Legislature, and the governing body of each county in which the basin has jurisdiction or derives any funds for the operations of the basin.

(2) Each district and basin referred to in this chapter must make provisions for an annual postaudit of its financial accounts. The postaudit must be made in accordance with the rules of the Auditor General adopted under ss. 166.241 and 11.47.

(3) Each district referred to in this chapter must furnish copies of the following documents to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees with substantive or appropriation jurisdiction over districts, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district:

(a) The tentative budget;

(b) The adopted budget;

(c) The past year's expenditures; and

(d) The postaudit described in subsection (2).

The documents must be furnished to the entities named in this subsection by the earlier of 10 days following completion of each document or as otherwise provided by law.

(4) If any entity named in subsection (3) provides written comments to the district regarding any document furnished, the district must respond to the comments in writing and furnish copies of the comments and written responses to the other entities named in subsection (3).

Section 21. Subsections (1), (3), and (5) of section 373.536, Florida Statutes, are amended to read:

373.536 District budget and hearing thereon.—

(1) The fiscal year of districts created under the provisions of this chapter shall extend from October 1 of one year through September 30 of the following year. The budget officer of the district shall, on or before July 15 of each year, submit for consideration by the governing board of the district a tentative budget for the district covering its proposed operation and requirements for the ensuing fiscal year. *Unless alternative notice requirements are otherwise provided by law, notice of all budget hearings conducted by the governing board or district staff must be published in a newspaper of general circulation in each county in which the district lies not less than 5 days nor more than 15 days before the hearing. Budget workshops conducted for the public and not governed by s. 200.065 must be advertised in a newspaper of general circulation in the community or area wherein the workshop will occur not less than 5 days nor more than 15 days before the workshop.* The tentative budget shall be adopted in accordance with the provisions of s. 200.065; however, if the mailing of the notice of proposed property taxes is delayed beyond September 3 in any county in which the district lies, the district shall advertise its intention to adopt a tentative budget and millage rate, pursuant to s. 200.065(3)(g), in a newspaper of general paid circulation in that county. The budget shall set forth, classified by object and purpose, and by fund if so designated, the proposed expenditures of the district for bonds or other debt, for construction, for acquisition of land, for operation and maintenance of the district works, for the conduct of the affairs of the district generally, and for other purposes, to which may be added an amount to be held as a reserve. *District administrative and operating expenses must be identified in the budget and allocated among district activities and programs in proportion to the time, personnel, and resources devoted to the specific activity or program.*

(3) As provided in s. 200.065(2)(d), the board shall publish one or more notices of its intention to finally adopt a budget for the district for the ensuing fiscal year. The notice shall appear adjacent to an advertisement which shall set forth the tentative budget in full. The notice and advertisement shall be published in one or more newspapers having a combined general circulation in the counties having land in the district. *Districts may include explanatory phrases and examples in budget advertisements published under s. 200.065 to clarify or illustrate the effect that the district budget may have on ad valorem taxes.*

(5)(a) Each water management district shall, by August *1* ~~5~~ of each year, submit *for review a tentative budget to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees with substantive or appropriation jurisdiction over water management districts, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district. The* ~~to the Department of Environmental Protection, the Executive Office of the Governor, and the chairs of the appropriations committees of the Legislature for review a~~ tentative budget *must include* ~~that includes~~, but is not limited to, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year, in a standard format prescribed by the *Executive Office of the Governor* ~~department~~ which is generally consistent with

the format prescribed by legislative budget instructions for state agencies and the format requirements of s. 216.031:

1. The millage rates and the percentage increase above the rolled-back rate, together with a summary of the reasons the increase is required, and the percentage increase in taxable value resulting from new construction;

2. For each program area, the salary and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services;

3. A description of each new, expanded, reduced, or eliminated program;

4. A 5-year capital improvements plan; and

5. The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user fees and permit fees for each program area.

(b) *By August 21 of the year in which the budget is submitted, the department and the legislative appropriations committees must review the tentative district budgets and, taking into account continuing and proposed program needs, provide any comments and objections to the governing board of each district and to the Executive Office of the Governor.* ~~The department shall, by September 5 of the year in which the budget is submitted, after taking into account continuing and proposed program needs, provide its review and comments to the governing board and the Governor. By September 5 of the year in which the budget is submitted, the Executive Office of the Governor and the House and Senate appropriations chairs may transmit to each district comments and objections to the proposed budgets.~~ Each district governing board shall include a *written* response to *all* ~~such~~ comments and objections in the record of the governing board meeting where final adoption of the budget takes place, and the record of this meeting shall be transmitted to the Executive Office of the Governor, the department, and the chairs of the House and Senate appropriations committees.

(c) By September 1 of each year, the Executive Office of the Governor shall conduct at least one water management district budget review meeting. Notice of the meeting shall be provided at least 14 days in advance to the President of the Senate, the Speaker of the House of Representatives, the chairpersons of all legislative committees and subcommittees with substantive or appropriation jurisdiction over water management districts, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district.

(d) The Governor may approve or disapprove, in whole or in part, the budget of each water management district. To the extent necessary, the Executive Office of the Governor and the water management districts shall develop a process to facilitate and coordinate the timely review of district budgets. If a district does not receive from the Governor written disapproval of any provision in its tentative budget at least 5 business days before the final budget adoption hearing to be conducted under s. 200.065(2)(d), the governing board may proceed with final budget adoption. The governing board may not include in the district's final adopted budget any provision disapproved by the Governor.

(e)~~(c)~~ The *Executive Office of the Governor* ~~department~~ shall annually, on or before December 15, file with the *department and the Legislative appropriations committees,* ~~Governor and the Legislature~~ a report that summarizes the expenditures of the water management districts by program area and identifies the districts that are not in compliance with the reporting requirements of this section. State funds shall be withheld from a water management district that fails to comply with these reporting requirements.

Section 22. Water Supply Development Commission.—

(1) There is created the Water Supply Development Commission consisting of 18 members. The President of the Senate shall appoint six members, three of whom shall be members of the Senate. The Speaker of the House of Representatives shall appoint six members, three of whom shall be members of the House of Representatives. The remaining five members and the chairman shall be appointed by the Governor. Appointments must include elected officials and individuals who are recognized local, regional, or statewide leaders, from the public or private sectors, in water supply, land development, agriculture, water resources management, economic development, natural resources management and protection, and major user groups. To the extent possible, appointments shall be coordinated among the appointing authorities to achieve balance among appointment categories. Each appointing authority shall consider ethnic and gender balance in addition to particular expertise when making appointments.

(a) Each member may receive per diem and expenses for travel, as provided in section 112.061, Florida Statutes, while carrying out the official business of the commission.

(b) The commission shall be staffed by an executive director and other personnel who are appointed by the commission and who are exempt from part II of chapter 110, Florida Statutes, relating to the Career Service System. The commission may employ staff and consultants as necessary to fulfill its responsibilities.

(c) The commission is assigned, for administrative purposes, to the Joint Legislative Management Committee within the Legislature.

(d) Appointments must be made by July 1, 1996, and the commission's first meeting must be held by August 31, 1996. The commission shall continue to serve until June 30, 1998.

(2) The Water Supply Development Commission shall:

(a) Solicit testimony from experts and professionals experienced in water supply development. Technical panels or committees may be created as necessary to advise or assist the commission on any aspect of its charge.

(b) Perform a comprehensive review of water supply development in Florida including, but not limited to:

1. Mechanisms for developing adequate, safe, and dependable water supplies for all existing and future users in a manner that sustains natural systems. The commission shall make recommendations regarding the legal and institutional framework needed for such water supply development and distribution, including assignment of responsibilities.

2. An investigation of incentives for, and obstacles to, development of economically, environmentally, and technically feasible water supplies. The commission shall consider, and may make, recommendations for regulatory reform to provide incentives for, or remove obstacles to, water supply development. The commission shall also make recommendations regarding equitable funding options for water supply development.

(c) Review implementation of the Water Management District Review Commission recommendations which relate to water supply development, and develop additional recommendations as may be needed.

(d) Make other recommendations, as it deems necessary, to meet Florida's future water supply needs. In making these recommendations the commission shall give particular emphasis to the need for funding or other mechanisms for water conservation, alternative water supply development, and the application of other innovative technologies. This may include recommendations regarding each water management district's role in water supply development.

(e) Hold a minimum of five public hearings, including at least one at an easily accessible central location within each water management district, to receive public comment and input relative to the recommendations on water supply development proposed by the commission.

(f) Submit the following reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of the standing committees on natural resources in the Senate and House, and any existing select committees on water in both houses:

1. By February 1, 1997, a report making specific recommendations, including proposed legislation, for the assignment of responsibilities, and equitable funding options for water supply development.

2. By January 1, 1998, a cumulative or follow-up report that includes the same or additional recommendations, taking into consideration the extent to which the commission's initial recommendations were enacted into law.

(g) If appropriate, propose legislation based on its recommendations for consideration during the 1997 and 1998 legislative sessions. After the 1998 legislative session, the commission shall meet to review legislation enacted and draft a final report on its work and recommendations. The final report shall be submitted to the Governor and Legislature by June 15, 1998.

(3) There is appropriated $250,000 from the Water Management Lands Trust Fund to the Water Supply Development Commission to carry out the purposes of this section.

Section 23. Subsection (10) is added to section 367.022, Florida Statutes, to read:

367.022 Exemptions.—The following are not subject to regulation by the commission as a utility nor are they subject to the provisions of this chapter, except as expressly provided:

(10) Any person providing only nonpotable water for irrigation purposes in a geographic area where potable water service is available from a governmental utility and who has provided such irrigation service continually since January 1, 1985.

Section 24. This act shall take effect July 1, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to water management; amending s. 163.3177, F.S.; requiring local governments to assess their current and projected water needs and sources for at least a 20-year period using data developed by the water management districts; providing for land use maps to depict existing wellfields; providing that for water resources issues the water management districts' data shall be relied upon as best available data; amending s. 186.009, F.S.; providing that the growth management portion of the state comprehensive plan shall set forth recommendations on how to integrate the Florida water plan; amending s. 186.507, F.S.; providing that regional plans include water resources issues using data provided by the water management districts; amending s. 373.016, F.S.; declaring legislative policy and its construction or application; amending s. 373.036, F.S.; providing that certain data provided to local governments by the water management districts must be reviewed by the district's governing boards; amending s. 373.116, F.S.; providing that a notice of application for the consumptive use of water be mailed to certain entities; creating s. 373.1161, F.S.; providing for permit processing consolidation; creating s. 373.1162, F.S.; directing the Department of Environmental Protection, the water management districts, and the Department of Agriculture and Consumer Services to develop and implement certain management programs for agriculture and forestry; providing criteria and requirements; creating s. 373.1205, F.S.; providing for an alternative dispute resolution process; providing procedures, requirements, and limitations; creating s. 373.1715, F.S.; providing for the implementation and application of minimum flows and levels; providing for priority lists and dates certain for the establishment of minimum flows and levels; providing for a water supply plan under certain conditions; providing for scientific peer review; amending s. 373.196, F.S.; revising legislative findings regarding the provision of water supplies; requiring certain cooperative efforts; requiring the water management districts to assist with certain planning, development, research, and regulation activities; amending s. 373.1961, F.S.; requiring water management districts to engage in certain water supply planning activities; amending s. 373.223, F.S.; providing criteria that the Department of Environmental Protection or the water management districts may consider regarding the transport of groundwater or surface water; amending s. 373.414, F.S.; revising permitting criteria; amending s. 373.59, F.S.; deleting a 1-year limitation on the use of certain excess funds; deleting a prohibition against moneys from the Water Management Lands Trust Fund being used to acquire certain rights-of-way; providing that interests in real property acquired by the districts may be used for water supply purposes; amending s. 259.032, F.S.; providing that lands acquired from funds in the Conservation and Recreation Lands Trust Fund may be used or managed for water supply purposes under certain conditions; deleting a restriction on the use of excess CARL funds for aquatic weed control; amending s. 373.0693, F.S.; conforming a cross-reference; amending s. 373.073, F.S.; revising provisions for the appointment and terms of water management district governing boards; amending s. 373.079, F.S.; providing for a district ombudsman and the duties of district staff; amending s. 373.507, F.S.; revising requirements for budgets and postaudits of districts and basins; amending s. 373.536, F.S.; revising certain notice requirements for district budgets and hearings; providing for review of proposed budgets; providing for district budget approval by the Governor; creating a water supply development commission; providing for appointment of members, per diem expenses, and meeting schedule; specifying commission responsibilities; establishing an appropriation; amending s. 367.022, F.S.; providing that certain persons providing nonpotable water for irrigation purposes are not subject to regulation by the Public Service Commission; providing an effective date.

Senator Bronson moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 8, lines 17 and 18, delete those lines and insert:

(1) If a disagreement arises after issuance of a proposed consent order or proposed

Amendment 1B—On page 9, lines 27 and 28, delete those lines and insert: settlement of the disagreement, the proposed consent order or proposed agency action will be revised to

Amendment 1C—On page 33, between lines 16 and 17, insert:

Section 22. (1) There is hereby appropriated from the Water Management Lands Trust Fund to the Executive Office of the Governor the sum of $200,000 and two positions for the purpose of reviewing water management district budgets pursuant to the provisions of s. 373.536.

(Renumber subsequent sections.)

Senator Gutman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (with title amendment)—On page 36, between lines 28 and 29, insert:

Section 24. *Short title.—Sections 1-5 of this act may be cited as the "Miami River Authority Act."*

Section 25. *Definitions.—*

(1) The term "agency of the state" means and includes the state and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the state.

(2) "Authority" means the Miami River Authority created by this act.

(3) "Board" or "board of supervisors" means the governing body of the authority.

(4) The term "county" means the County of Dade.

(5) The term "federal agency" means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the United States.

(6) "Federal aid" means any property, funding, or other financial assistance provided by the Federal Government to the authority for its projects.

Section 26. *Miami River Authority; creation; board.—*

(1) There is hereby created and established a body politic and corporate, an agency of the state, to be known as the Miami River Authority.

(2) The governing body of the authority shall consist of seven members. One member shall be appointed by the President of the Senate, one member shall be appointed by the Speaker of the House of Representatives, one member shall be appointed by the Board of County Commissioners of Dade County, one member shall be appointed by the Mayor of the City of Miami, three members shall be appointed by the Governor of Florida, and said members shall, unless reappointed, serve 4-year terms. Initial appointments shall be made no later than 30 days after this act takes effect. Any vacancy on the board shall be filled for the balance of the unexpired term. Upon the effective date of his or her appointment, or as soon thereafter as practicable, each appointed member of the authority shall enter upon his or her duties.

(3) The authority shall elect one of its members as chair of the authority. The authority shall also elect a secretary and a treasurer, who may or may not be members of the authority. The chair, secretary, and treasurer shall hold such offices at the will of the authority. Four members of the authority shall constitute a quorum, and the vote of three members shall be necessary for any action taken by the authority. No vacancy in the authority shall impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority. The board shall hold its initial meeting no later than 20 days after the members have been appointed. Meetings shall be held quarterly or more frequently at the call of the chair.

(4) The Governor has the authority to remove from the board any regular member in the manner and for cause as defined by the laws of this state and applicable to situations which may arise before the board. Unless excused by the chair of the board, a regular member's absence from two or more consecutive board meetings creates a vacancy in the office to which the member was appointed.

(5) Members of the authority shall be entitled to receive from the authority their travel and other necessary expenses incurred in connection with the business of the authority as provided in s. 112.061, Florida Statutes, but they shall draw no salaries or other compensation.

Section 27. *Purposes and powers.—*

(1) The Miami River Authority shall conduct a comprehensive review of all issues relating to the Miami River and report to the Legislature by November 1, 1997, and include its recommendations regarding the following:

(a) Appropriate geographical boundaries for the jurisdiction of the Miami River Authority;

(b) Whether and to what extent the permanent powers and duties of the Miami River Authority shall include such powers as: the power of eminent domain; the regulatory authority necessary to prevent environmental degradation of the ecological resources of the Miami River, with particular emphasis on the authority necessary to improve the water quality of the Miami River; the regulatory authority necessary to enhance public health and safety in and around the river and the riverside; the regulatory authority necessary to maintain the viability of the Miami River as a major port facility and enhance navigability of the river; and the regulatory authority to ensure that comprehensive development plans for the Miami River Area include provisions for the development of the river's intrinsic tourist attraction assets;

(c) Assess jurisdictional interrelationships of the numerous federal, state, regional, and local agencies that exercise jurisdiction over the Miami River; and

(d) Make recommendations to centralize the state and local jurisdictions within a single authority, streamline and coordinate regulation of the activities in and around the Miami River, and to create a Port Authority to oversee and regulate the Miami River seaport.

(2) The authority is hereby granted, and shall have and may exercise, these additional powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes:

(a) Execute all contracts and other documents, adopt all proceedings, and perform all acts determined by the board to be necessary or desirable to carry out the purposes of this act. The board may authorize one or more members of the board to execute contracts and other documents on behalf of the board of the authority.

(b) Enter, and authorize any agent or employee of the authority to enter, upon any lands, waters and premises, upon giving reasonable notice and due process to the landowner, for the purposes of making surveys, and examinations necessary to perform its duties and functions. Any such entry shall not be deemed a trespass or an entry that would constitute a taking in an eminent domain proceeding. The authority shall make reimbursement for any actual damages to such lands, waters, and premises as a result of such activity; and

(c) To make and enter all contracts and agreements necessary or incidental to the performance of the functions of the authority and the execution of its powers, and to contract with, and to accept and receive grants or loans of money, material, or property from, any person, private or public, as the board shall determine to be necessary or desirable to carry out the purposes of this act, and in connection with any such contract, grant, or loan to stipulate and agree to such covenants, terms, and conditions as the board shall deem appropriate.

(3) The state Department of Commerce shall provide office space and staff support to the authority and provide such additional support as shall be authorized by the secretary of the department as appropriate under law and department policy.

Section 28. *Federal and other funds and aid.—The authority is authorized to accept, receive, and receipt for federal moneys, property, and other moneys or properties, either public or private, for the acquisition, planning, operation, construction, enlargement, improvement, maintenance, equipment, or development of programs, facilities, and sites therefor, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 40, line 8, after the semicolon (;) insert: creating the Miami River Authority; providing for the appointment of the members of the Miami River Authority; providing the purposes of the act and the powers of the authority; providing for the receipt of federal, state, private and other funds and aid;

Senator Dudley moved the following amendment to **Amendment 1**:

Amendment 1E—On page 36, line 26, after "utility" insert: or a nonprofit cooperative exempt pursuant to subsection (7),

On motion by Senator Bronson, further consideration of **CS for SB 1728** with pending **Amendment 1E** was deferred.

SB 2476—A bill to be entitled An act relating to insurance; amending s. 627.072, F.S.; prohibiting certain discounts and deviations from rates for workers' compensation and employer's liability insurance filed by rating organizations; repealing s. 627.211, F.S., relating to deviations for such insurance; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 2476** to **CS for HB 2465**.

Pending further consideration of **SB 2476** as amended, on motions by Senator Harris, the rules were waived and by two-thirds vote—

CS for HB 2465—A bill to be entitled An act relating to special insurance rates; amending s. 627.211, F.S.; providing for the establishment of standards and criteria for certain rate deviations; prohibiting certain rate deviations for a specified time period; permitting certain existing rate deviations to be extended or renewed; providing an effective date.

—a companion measure, was substituted for **SB 2476** and by two-thirds vote read the second time by title. On motion by Senator Harris, by two-thirds vote **CS for HB 2465** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 1658—A bill to be entitled An act relating to domestic violence; amending s. 741.281, F.S.; providing broader application of section; deleting a requirement for written findings of fact and requiring a statement on the record; amending s. 741.30, F.S.; giving courts the discretion to order attendance at batterers' intervention programs; requiring courts to order attendance in specified circumstances; amending s. 741.31, F.S., requiring a court to order a respondent to a batterers' intervention program in certain circumstances; requiring additional information in the report from the Association of Florida Clerks of Court; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (6) is added to section 61.052, Florida Statutes, to read:

61.052 Dissolution of marriage.—

(6) Any injunction for protection against domestic violence arising out of the dissolution of marriage proceeding shall be issued as a separate order in compliance with chapter 741 and shall not be included in the judgment of dissolution of marriage.

Section 2. Section 741.281, Florida Statutes, is amended to read:

741.281 Court to order batterers' intervention program attendance.—If a person is found guilty of, *has had adjudication withheld on, or has pled nolo contendere to* ~~committing~~ a crime of domestic violence, as defined in s. 741.28, that person shall be ordered by the court to a minimum term of 1 year's probation and the court shall order that the defendant attend a batterers' intervention program as a condition of probation. If a person is admitted to a pretrial diversion program and has been charged with an act of domestic violence, as defined in s. 741.28, the court shall order as a condition of the program that the defendant attend a batterers' intervention program. The court must impose the condition of the batterers' intervention program for a defendant placed on probation or pretrial diversion under this section, *but the court, in its discretion, may determine not to impose the condition if it states on the record* ~~unless it makes written factual findings in its judgment or order which are based on competent substantial evidence, stating~~ why a batterers' intervention program *might* ~~would~~ be inappropriate. It is preferred, *but not mandatory,* that such programs be certified under s. 741.32. The imposition of probation under this section shall not preclude the court from imposing any sentence of imprisonment authorized by s. 775.082.

Section 3. Paragraph (d) of subsection (6) and paragraph (c) of subsection (7) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(6)

(d) An injunction for protection against domestic violence entered pursuant to this section, on its face, *may* ~~shall~~ order that the respondent attend a batterers' intervention program as a condition of the injunction.~~,~~ Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers' intervention programs would be inappropriate, *the court shall order the respondent to attend a batterers' intervention program if:*

1. It finds that the respondent willfully violated the ex parte injunction;

2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or

3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice.

It is preferred, *but not mandatory,* that such programs be certified under s. 741.32.

(7)

(c)1. Within 24 hours after the court issues an injunction for protection against domestic violence or changes, continues, extends, or vacates an injunction for protection against domestic violence, the clerk of the court must forward a *certified* copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with this subsection.

2. Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives ~~both~~ a *certified* copy of the injunction for protection against domestic violence ~~and written proof of service of process upon the respondent~~, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5.~~4.~~ Within 24 hours after an injunction for protection against domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

Section 4. Section 741.31, Florida Statutes, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—

(1) In the event of a violation of the injunction for protection against domestic violence when there has not been an arrest, the petitioner may contact the clerk of the circuit court of the county in which the violation is alleged to have occurred. The clerk shall either assist the petitioner in the preparation of an affidavit in support of the violation or direct the petitioner to the office operated by the court within the circuit that has been designated by the chief judge of that circuit as the central intake point for injunction violations and where the petitioner can receive assistance in the preparation of the affidavit in support of the violation.

(2) The affidavit shall be immediately forwarded by the office assisting the petitioner to the state attorney of that circuit and to such court or judge as the chief judge of that circuit determines to be the recipient of affidavits of violation. If the affidavit alleges a crime has been committed, the office assisting the petitioner shall also forward a copy of the petitioner's affidavit to the appropriate law enforcement agency for investigation. No later than 20 days after receiving the initial report, the local law enforcement agency shall complete their investigation and forward the report to the state attorney. The policy adopted by the state attorney in each circuit under s. 741.2901(2), shall include a policy regarding intake of alleged violations of injunctions for protection against domestic violence under this section. The intake shall be supervised by a prosecutor who, pursuant to s. 741.2901(1), has been designated and assigned to handle domestic violence cases. The state attorney shall determine within 30 working days whether its office will proceed to file criminal charges, or prepare a motion for an order to show cause as to why the respondent should not be held in criminal contempt, or prepare both as alternative findings, or file notice that the case remains under investigation or is pending subject to some other action.

(3) If the court has knowledge, based on its familiarity with the case, that the petitioner, the children of the petitioner, or another person is in immediate danger if the court fails to act prior to the decision of the state attorney to prosecute, it should immediately issue an order of appointment of the state attorney to file a motion for an order to show cause as to why the respondent should not be held in contempt. If the court does not issue an order of appointment of the state attorney, it shall immediately notify the state attorney that the court is proceeding to enforce the violation through criminal contempt.

(4) A person who willfully violates an injunction for protection against domestic violence, issued pursuant to s. 741.30, by:

(a) Refusing to vacate the dwelling that the parties share;

(b) Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

(c) Committing an act of domestic violence against the petitioner;

(d) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner; or

(e) Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Whether or not there is a criminal prosecution under subsection (4), the court shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.

(6)~~(5)~~ In order to determine the effectiveness of enforcement of injunctions, the Legislature requests the Association of Florida Clerks of Court in conjunction with the Executive Office of the Governor and the Governor's Task Force on Domestic Violence, to coordinate and prepare a report to determine:

(a) How many violations of injunctions for protection against domestic violence were filed in this state by petitioners or others on their behalf.

(b) How many violations the state attorney assists the court in the enforcement of by filing a motion for an order to show cause, or similar motions.

(c) How the courts dispose of the violations.

(d) How many violations of injunctions for protection against domestic violence are prosecuted as crimes under ss. 741.31 and 784.047, or any other section of Florida law.

(e) Any other information that would show the extent of the effectiveness of judicial actions to enforce violations.

(f) The effectiveness of batterers' intervention programs, measured in quantifiable terms, including the number of respondents ordered to a batterers' intervention program but later assessed as inappropriate for the program, the number referred to other programs after such assessment, the number who successfully complete the program to which they were assigned, the number who fail to complete the program to which they were assigned and the reason for such failure, the number of respondents who attend a batterers' intervention program and subsequently engage in domestic violence, and any other measures that would reveal the effectiveness of such programs.

The report must be filed with the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court no later than December 1, 1996.

(7)~~(6)~~ Any person who suffers an injury and/or loss as a result of a violation of an injunction for protection against domestic violence may be awarded damages for that injury and/or loss by the court issuing the injunction. Damages includes costs and attorneys' fees for enforcement of the injunction.

Section 5. Section 784.03, Florida Statutes, is amended to read:

784.03 Battery*; felony battery*.—

(1)*(a) The offense of battery occurs when* a person ~~commits battery if he~~:

1.~~(a)~~ Actually and intentionally touches or strikes another person against the will of the other; or

2.~~(b)~~ Intentionally causes bodily harm to *another person* ~~an individual~~.

(b)~~(2)~~ *Except as provided in subsection (2), a person who* ~~Whoever~~ commits battery *commits* ~~shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who has two prior convictions for battery who commits a third or subsequent battery commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld.

Section 6. Section 784.035, Florida Statutes, is amended to read:

~~784.035 Battery as domestic violence; enhanced penalty. A third or subsequent offense of battery, when committed under circumstances that constitute the battery as an act of domestic violence as defined in s. 741.28, and when the previous offenses of battery were committed under circumstances that constituted the batteries as acts of domestic violence as defined in s. 741.28, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 7. Paragraph (c) of subsection (2) of section 790.065, Florida Statutes, is amended to read:

790.065 Sale and delivery of firearms.—

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(c)1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under s. 741.30*, has had an injunction for protection against repeat violence entered against the potential buyer or transferee under s. 784.046* ~~or s. 784.047~~, or has been arrested for a dangerous crime as specified in s. 907.041(4)(a) or for any of the following enumerated *offenses* ~~felonies~~:

a. Criminal anarchy under ss. 876.01 and 876.02.

b. Extortion under s. 836.05.

c. Explosives violations under s. 552.22(1) and (2).

d. Controlled substances violations under chapter 893.

e. Resisting an officer with violence under s. 843.01.

f. Weapons and firearms violations under this chapter.

g. Treason under s. 876.32.

h. Assisting self-murder under s. 782.08.

i. Sabotage under s. 876.38.

j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

a. That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or

b. That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of the indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

Section 8. Subsection (7) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(7)~~(a)~~ There is probable cause to believe that the person has committed:

(a) An act of domestic violence, as defined in s. 741.28;~~, or~~

(b) Child abuse, as defined in s. 827.04(2) and (3);~~,~~ or

(c) Any battery upon another person, as defined in s. 784.03~~, and the law enforcement officer reasonably believes that there is danger of violence unless the person alleged to have committed the act of domestic violence, child abuse, or battery is arrested without delay~~.

With respect to an arrest for an act of domestic violence, the decision to arrest shall not require consent of the victim or consideration of the relationship of the parties.

~~(b)~~ A law enforcement officer who acts in good faith and exercises due care in making an arrest under this subsection is immune from civil liability that otherwise might result by reason of his action.

Section 9. If any provision of this act or the application thereof to any person or the circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 10. This act shall take effect October 1, 1996, except that this section, section 2, that portion of section 3 which amends section 741.30(6)(d), Florida Statutes, and section 4 shall take effect July 1, 1996

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to domestic or repeat violence; amending s. 61.052, F.S.; providing that an injunction for protection against domestic violence arising out of dissolution of marriage shall be issued as a separate order; amending s. 741.281, F.S.; providing broader application of section; deleting a requirement for written findings of fact; requiring a statement on the record; amending s. 741.30, F.S.; giving courts the discretion to order attendance at batterers' intervention programs; requiring courts to order attendance in specified circumstances; providing that, with respect to domestic violence, the sheriff who has made service upon the respondent shall notify other law enforcement agencies within a certain time period by electronically transmitting the information; amending s. 741.31, F.S., requiring a court to order a respondent to a batterers' intervention program in certain circumstances; requiring additional information in the report from the Association of Florida Clerks of Court; amending s. 784.03, F.S.; providing that a third or subsequent conviction for battery constitutes a third degree felony; repealing s. 784.035, F.S., relating to an enhanced penalty for battery as domestic violence; amending s. 790.065, F.S.; prohibiting the sale of a firearm to any person who has had an injunction for protection against repeat violence entered against him or her or has been convicted of aggravated stalking; amending s. 901.15, F.S.; revising provisions with respect to arrest by an officer for domestic violence without a warrant; providing for severability; providing an effective date.

Senator Weinstein moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 12, between lines 15 and 16, insert:

Section 9. Paragraph (k) of subsection (3) of section 61.13, Florida Statutes, is redesignated as paragraph (l), and a new paragraph (k) is added to said subsection to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(3) For purposes of shared parental responsibility and primary residence, the best interests of the child shall include an evaluation of all factors affecting the welfare and interests of the child, including, but not limited to:

(k) Evidence of spousal or child abuse.

Section 10. For the purpose of incorporating the amendment to section 61.13, Florida Statutes, in references thereto, paragraph (a) of subsection (3) of section 39.408, Florida Statutes, is reenacted to read:

39.408 Hearings for dependency cases.—

(3) DISPOSITION HEARING.—At the disposition hearing, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted, the court shall receive and consider a predisposition study, which must be in writing and presented by an authorized agent of the department.

(a) The predisposition study shall cover for any dependent child all factors specified in s. 61.13(3), and must also provide the court with the following documented information:

1. An assessment defining the dangers and risks of returning the child home, including a description of the changes in and resolutions to the initial risks.

2. A description of what risks are still present and what resources are available and will be provided for the protection and safety of the child.

3. A description of the benefits of returning the child home.

4. A description of all unresolved issues.

5. An abuse registry history for all caretakers, family members, and individuals residing within the household.

6. The complete child protection team report and recommendation or, if no report exists, a statement reflecting that no report has been made.

7. All opinions or recommendations from other professionals or agencies that provide evaluative, social, reunification, or other services to the family.

8. The availability of appropriate prevention and reunification services for the family to prevent the removal of the child from the home or to reunify the child with the family after removal, including the availability of family preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.

9. The inappropriateness of other prevention and reunification services that were available.

10. The efforts by the department to prevent out-of-home placement of the child or, when applicable, to reunify the family if appropriate services were available, including the application of intensive family

preservation services through the Family Builders Program, the Intensive Crisis Counseling Program, or both.

11. Whether the services were provided to the family and child.

12. If the services were provided, whether they were sufficient to meet the needs of the child and the family and to enable the child to remain at home or to be returned home.

13. If the services were not provided, the reasons for such lack of action.

14. The need for, or appropriateness of, continuing the services if the child remains in the custody of the family or if the child is placed outside the home.

15. Whether family mediation was provided.

16. Whether a multidisciplinary case staffing was conducted and, if so, the results.

17. If the child has been removed from the home and there is a parent who may be considered for custody pursuant to s. 39.41(1), a recommendation as to whether placement of the child with that parent would be detrimental to the child.

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as provided in paragraph (2)(c), nothing in this section prohibits the publication of proceedings in a hearing.

Section 11. For the purpose of incorporating the amendment to section 61.13, Florida Statutes, in references thereto, paragraph (a) of subsection (5) of section 741.30, Florida Statutes, is reenacted to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(5)(a) When it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13(2), (3), (4), and (5), granting to the petitioner temporary custody of a minor child or children.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 14, line 6, after the semicolon (;) insert: amending s. 61.13, F.S.; providing for consideration of spousal or child abuse in custody proceedings; reenacting ss. 39.408(3)(a) and 741.30(5)(a), F.S., relating to disposition hearings in dependency cases, and relating to temporary injunctions in domestic violence cases, to incorporate said amendment in references;

Amendment 1 as amended was adopted.

On motion by Senator Weinstein, by two-thirds vote **CS for SB 1658** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

MOTION

On motion by Senator Jennings, the rules were waived and by two-thirds vote **SB 1680**, **CS for SB 518**, **CS for SB 638**, **SB 936**, **SB 1798**, **SB 786**, **CS for CS for SB 2192**, **CS for SB 456** and **CS for SB 2314** were established as the Special Order Calendar.

RECOGNITION OF SECRETARY JOE BROWN

The President recognized Senator Thomas who led the Senate in a tribute to Secretary Joe Brown. Mr. Brown, Secretary of the Senate from 1974 to present, served under 14 Senate Presidents and has announced his retirement after this session.

Upon request of the President, Senator Thomas escorted Secretary Brown to the rostrum where he was presented a gift in appreciation of his years of loyal and dedicated service to the Senate.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 1662

The Honorable Peter R. Wallace
Speaker, House of Representatives

The Honorable James A. Scott
President of the Senate

Dear Presiding Officers:

Your Conference Committee on the disagreeing votes of the two Houses on Senate amendments to Committee Substitute for Senate Bill 1662, same being:

An act relating to Welfare Reform

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the House recede from its amendment 1.

2. That the House of Representatives and the Senate adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Mary Brennan	*s/Toni Jennings*
Chairman	Chairman
s/Bob Casey	*s/W.G. Bankhead*
s/Scott Clemons	*s/Ginny Brown-Waite*
s/Josephus Eggelletion, Jr.	*s/Betty S. Holzendorf*
s/Carl Littlefield	*s/Patsy Ann Kurth*
Managers on the part of the House of Representatives	Managers on the part of the Senate

Conference Committee Amendment 1 (with title amendment)—Strike everything after the enacting clause and insert:

Section 1. Chapter 414, Florida Statutes, entitled "Poor Mothers with Dependent Children," is retitled "Family Self-sufficiency."

Section 2. Section 414.015, Florida Statutes, is created to read:

414.015 Short title.—This chapter may be cited as the "Work and Gain Economic Self-sufficiency (WAGES) Act."

Section 3. Section 414.025, Florida Statutes, is created to read:

414.025 Legislative intent.—

(1) It is the intent of the Legislature that families in this state be strong and economically self-sufficient so as to require minimal involvement by an efficient government.

(2) The purpose of this act is to develop opportunities for families which provide for their needs, enhance their well-being, and preserve the integrity of the family free of impediments to self-reliance.

(3) The WAGES Program shall emphasize work, self-sufficiency, and personal responsibility while meeting the transitional needs of program participants who need short-term assistance toward achieving independent, productive lives and gaining the responsibility that comes with self-sufficiency.

(4) The WAGES Program shall take full advantage of the flexibility provided under federal law, which allows for efficiency through a simplified program and encourages a program designed to focus on results rather than process.

(5) This chapter does not entitle any individual or family to assistance under the WAGES Program or Title IV-A of the Social Security Act, as amended.

Section 4. Section 414.0252, Florida Statutes, is created to read:

414.0252 Definitions.—As used in ss. 414.015-414.45, the term:

(1) "Alternative payee" means an individual who receives temporary assistance payments on behalf of a minor.

(2) "Applicant" means an individual who applies to participate in the temporary family assistance program and submits a signed and dated application.

(3) "Department" means the Department of Health and Rehabilitative Services.

(4) "Family" means the assistance group or the individuals whose needs, resources, and income are considered when determining eligibility for temporary assistance. The family for purposes of temporary assistance includes the minor child, custodial parent, or caretaker relative who resides in the same house or living unit. The family may also include individuals whose income and resources are considered in whole or in part in determining eligibility for temporary assistance but whose needs, due to federal or state restrictions are not considered. These individuals include, but are not limited to, ineligible noncitizens or sanctioned individuals.

(5) "Homeless" means an individual who lacks a fixed, regular, and adequate nighttime residence or an individual who has a primary nighttime residence that is:

(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;

(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(6) "Minor child" means a child under 18 years of age, or under 19 years of age if the child is a full-time student in a secondary school or at the equivalent level of vocational or technical training, and does not include anyone who is married or divorced.

(7) "Participant" means an individual who receives temporary assistance or services under the WAGES Program.

(8) "Public assistance" means benefits paid on the basis of the temporary family assistance, food stamp, Medicaid, or optional state supplementation program.

(9) "Relative caretaker" or "caretaker relative" means an adult who has assumed the primary responsibility of caring for a child and who is related to the child by blood or marriage.

Section 5. Effective July 1, 1996, section 414.026, Florida Statutes, is created to read:

414.026 WAGES Program State Board of Directors.—

(1) There is created within the Executive Office of the Governor the WAGES Program State Board of Directors, which shall oversee the operation of the WAGES Program and shall advise and assist state agencies in implementing the WAGES Program.

(2)(a) The board of directors shall be composed of the following members:

1. The Commissioner of Education, or the commissioner's designee.

2. The Secretary of Health and Rehabilitative Services.

3. The Secretary of Labor and Employment Security.

4. The Secretary of Community Affairs.

5. The Secretary of Commerce.

6. The president of Enterprise Florida Jobs and Education Partnership, established under s. 288.0475.

7. Nine members appointed by the Governor, as follows:

a. Six members shall be appointed from a list of ten nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. The list of five nominees submitted by the President of the Senate and the Speaker of the House of Representatives must each contain at least three individuals employed in the private sector, two of whom must have management experience. One of the five nominees submitted by the President of the Senate and one of the five nominees submitted by the Speaker of the House of Representatives must be an elected local government official who shall serve as an ex officio member.

b. Three members shall be at-large members appointed by the Governor.

c. Of the nine members appointed by the Governor, at least six must be employed in the private sector and of these, at least five must have management experience.

The members appointed by the Governor shall be appointed to 4-year, staggered terms. Within 60 days after a vacancy occurs on the board, the Governor shall fill the vacancy of a member appointed from the nominees submitted by the President of the Senate and the Speaker of the House of Representatives for the remainder of the unexpired term from one nominee submitted by the President of the Senate and one nominee submitted by the Speaker of the House of Representatives. Within 60 days after a vacancy of a member appointed at-large by the Governor occurs on the board, the Governor shall fill the vacancy for the remainder of the unexpired term. The composition of the board must generally reflect the racial, gender, and ethnic diversity of the state as a whole. The list of initial five nominees shall be submitted by the President of the Senate and the Speaker of the House of Representatives by July 1, 1996, and the initial appointments by the Governor shall be made by September 1, 1996.

(b) The board of directors shall annually elect a chairperson from among the members appointed by the Governor. The board of directors shall meet at least once each quarter. A member appointed by the Governor may not authorize a designee to attend a meeting of the board in place of the member. The Governor may remove an appointed member for cause, and an absence from three consecutive meetings results in automatic removal, unless the member is excused by the chairperson.

(c) Members of the board shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(3) The WAGES Program State Board of Directors shall appoint a program director to serve in the capacity of an executive director of the board. The program director shall supervise the administration of the WAGES Program and coordinate the activities of the state agencies charged by law to implement the WAGES Program.

(4) This section expires June 30, 1999, and shall be reviewed by the Legislature prior to that date. In its review, the Legislature shall assess the status of the WAGES Program and shall determine if the responsibility for administering the program should be transferred to other state agencies.

Section 6. Beginning July 1, 1996, the Department of Labor and Employment Security and the Department of Health and Rehabilitative Services shall develop a plan for implementing welfare reform which promotes work, self-sufficiency, and personal responsibility. The plan shall be presented to the WAGES State Board of Directors no later than December 1, 1996. The plan shall include provisions for governance, processes, and resources for service delivery, collocation, automation and information systems, performance outcomes, and other services related to the transition of individuals from welfare to work.

Section 7. Effective July 1, 1996, section 414.027, Florida Statutes, is created to read:

414.027 WAGES Program statewide implementation plan.—

(1) By December 31, 1996, the WAGES Program State Board of Directors shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a statewide plan for implementing the WAGES Program established under this chapter. At a minimum, the statewide implementation plan must include:

(a) Performance standards, measurement criteria, and contract guidelines for all services provided under the WAGES Program whether by state employees or contract providers.

(b) Directives for creating and chartering local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level.

(c) The approval of the implementation plans submitted by local WAGES coalitions.

(d) Recommendations for clarifying, or if necessary, modifying the roles of the state agencies charged with implementing the WAGES Program so that all unnecessary duplication is eliminated.

(e) Recommendations for modifying compensation and incentive programs for state employees in order to achieve the performance outcomes necessary for successful implementation of the WAGES Program.

(f) Criteria for allocating WAGES Program resources to local WAGES coalitions. Such criteria must include weighting factors that reflect the relative degree of difficulty associated with securing employment placements for specific subsets of the welfare transition caseload.

(g) The development of a performance-based payment structure to be used for all WAGES Program services, which takes into account the following:

1. The degree of difficulty associated with placing a WAGES Program participant in a job;

2. The quality of the placement with regard to salary, benefits, and opportunities for advancement; and

3. The employee's retention of the placement.

The payment structure shall provide not more than 40 percent of the cost of services provided to a WAGES participant prior to placement, 50 percent upon employment placement, and 10 percent if employment is retained for at least 6 months. The payment structure should provide bonus payments to providers that experience notable success in achieving long-term job retention with WAGES Program participants. The board shall consult with Enterprise Florida Jobs and Education Partnership in developing the WAGES Program statewide implementation plan.

(2) The board of directors shall update the statewide implementation plan annually and submit quarterly progress reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The annual updated plan must contain proposals for implementing the goals and objectives of the WAGES Program during the succeeding 3-year period.

Section 8. Effective July 1, 1996, section 414.028, Florida Statutes, is created to read:

414.028 Local WAGES coalitions.—The WAGES Program State Board of Directors shall create and charter local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level. The boundaries of the service area for a local WAGES coalition shall conform to the boundaries of the service area for the jobs and education regional board established under the Enterprise Florida Jobs and Education Partnership. The local delivery of services under the WAGES Program shall be coordinated, to the maximum extent possible, with the local services and activities of the local service providers designated by the regional workforce development boards.

(1)(a) Each local WAGES coalition must have a minimum of 11 members, of which at least one-half must be from the business community. The composition of the coalition membership must generally reflect the racial, gender, and ethnic diversity of the community as a whole. All members shall be appointed to 3-year terms. The membership of each coalition must include:

1. Representatives of the principal entities that provide funding for the employment, education, training, and social service programs that are operated in the service area, including, but not limited to, representatives of local government, the regional workforce development board, and the United Way.

2. A representative of the health and human services board.

3. A representative of a community development board.

4. Three representatives of the business community who represent a diversity of sizes of businesses.

5. Representatives of other local planning, coordinating, or service-delivery entities.

6. A representative of a grass-roots community or economic development organization that serves the poor of the community.

(b) A representative of an agency or entity that could benefit financially from funds appropriated under the WAGES Program may not be a member of a local WAGES coalition.

(c) A member of the board of a public or private educational institution may not serve as a member of a local WAGES coalition.

(d) A representative of any county governing body that elects to provide services through the local WAGES coalition shall be an ex officio, nonvoting member of the coalition.

(2) A local WAGES coalition and a jobs and education regional board may be combined into one board if the membership complies with subsection (1), and if the membership of the combined board meets the requirements of Pub. L. No. 97-300, the federal Job Training Partnership Act, as amended, and with any law delineating the membership requirements for the regional workforce development boards. Notwithstanding paragraph (1)(b), in a region in which the duties of the two boards are combined, a person may be a member of the WAGES coalition even if the member, or the member's principal, could benefit financially from transactions of the coalition.

(3) The statewide implementation plan prepared by the WAGES Program State Board of Directors shall prescribe and publish the process for chartering the local WAGES coalitions.

(4) Each local WAGES coalition shall perform the planning, coordination, and oversight functions specified in the statewide implementation plan, including, but not limited to:

(a) Developing a program and financial plan to achieve the performance outcomes specified by the WAGES Program State Board of Directors for current and potential program participants in the service area. The plan must reflect the needs of service areas for seed money to create programs that assist children of WAGES participants.

(b) Developing a funding strategy to implement the program and financial plan which incorporates resources from all principal funding sources.

(c) Identifying employment, service, and support resources in the community which may be used to fulfill the performance outcomes of the WAGES Program.

(d) In cooperation with the jobs and education regional board, coordinating the implementation of one-stop career centers.

(e) Advising the Department of Health and Rehabilitative Services with respect to the competitive procurement of services under the WAGES Program.

(5) The WAGES Program State Board of Directors may not approve the program and financial plan of a local coalition unless the plan provides a teen pregnancy prevention component that includes, but is not necessarily limited to, a plan for implementing the Florida Education Now and Babies Later (ENABL) program under s. 411.242 and the Teen Pregnancy Prevention Community Initiative within each segment of the

service area in which the childhood birth rate is higher than the state average.

(6) Local employees of the department and the Department of Labor and and Employment Security shall provide staff support for the local WAGES coalitions. At the option of the local WAGES coalition, staff support may be provided by another agency or entity if it can be provided at no cost to the state and if the support is not provided by an agency or other entity that could benefit financially from funds appropriated to implement the WAGES Program.

Section 9. Effective July 1, 1996, section 414.055, Florida Statutes, is created to read:

414.055 Jobs and benefits offices.—

(1) The Division of Jobs and Benefits of the Department of Labor and Employment Security shall establish jobs and benefits offices in this state, which shall function as one-stop centers to provide a central location at which the staff of the Department of Labor and Employment Security and the staff of the department shall deliver services to applicants for and participants in the WAGES Program.

(2) At the one-stop centers, staff of the department shall:

(a) Accept applications and determine or redetermine the eligibility of a family to participate in the WAGES Program.

(b) Accept applications and determine or redetermine the eligibility of an individual or family to receive subsidized child care or emergency assistance, including housing assistance.

(c) Assess need and arrange for providing diversion assistance or emergency assistance.

(3) At the one-stop center, staff of the Department of Labor and Employment Security shall assign a participant in the WAGES Program to a work activity.

(4) A public employment office established by the Division of Jobs and Benefits of the Department of Labor and Employment Security under s. 443.181, or a one-stop career center approved by the jobs and education regional board, may function as a jobs and benefits office established under this section.

Section 10. Section 414.065, Florida Statutes, is created to read:

414.065 Work requirements.—

(1) WORK ACTIVITIES.—The following activities may be used individually or in combination to satisfy the work requirements for a participant in the WAGES Program:

(a) Unsubsidized employment.—Unsubsidized employment is full-time employment or part-time employment that is not directly supplemented by federal or state funds.

(b) Subsidized private-sector employment.—Subsidized private-sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds. A subsidy may be provided in one or more of the forms listed in this paragraph.

1. Work supplementation.—A work supplementation subsidy diverts a participant's assistance under the program to the employer. The employer must pay the participant wages that equal or exceed the applicable federal minimum wage. Work supplementation may not exceed 6 months. At the end of the supplementation period, the employer is expected to retain the participant as a regular employee without receiving a subsidy for at least 12 months. The work supplementation agreement must provide that if the employee is dismissed at any time within 12 months after termination of the supplementation period due in any part to loss of the supplement, the employer shall repay some or all of the supplement previously paid as a subsidy to the employer under the WAGES Program.

2. On-the-job training.—On-the-job training is full-time, paid employment in which the employer provides training needed for the participant to perform the skills required for the position. The employer receives a subsidy to offset the cost of the training provided to the participant. Upon satisfactory completion of the training, the employer is expected to retain the participant as a regular employee without receiving a subsidy. The on-the-job training agreement must provide that in the case of dismissal of a participant due to loss of the subsidy, the employer shall repay some or all of the subsidy previously provided by the department.

3. Incentive payments.—The department may provide additional incentive payments to encourage employers to employ program participants. Incentive payments may include payments to encourage the employment of hard-to-place participants, in which case the amount of the payment shall be weighted proportionally to the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. In establishing incentive payments, the department shall consider the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors. A participant who has complied with program requirements and who is approaching the time limit for receiving temporary assistance may be defined as "hard-to-place." Incentive payments may include payments in which an initial payment is made to the employer upon the employment of a participant, and the majority of the incentive payment is made after the employer retains the participant as a full-time employee for at least 12 months. The incentive agreement must provide that if the employee is dismissed at any time within 12 months after termination of the incentive payment period due in any part to loss of the incentive, the employer shall repay some or all of the payment previously paid as an incentive to the employer under the WAGES Program.

4. Tax credits.—An employer who employs a program participant may qualify for enterprise zone property tax credits under s. 220.182, the tax refund program for qualified target industry businesses under s. 288.106, or other federal or state tax benefits. The department shall provide information and assistance, as appropriate, to use such credits to accomplish program goals.

(c) Subsidized public-sector employment.—Subsidized public-sector employment is employment by an agency of the federal, state, or local government which is directly supplemented by federal or state funds. The applicable subsidies provided under paragraph (b) may be used to subsidize employment in the public sector, except that priority for subsidized employment shall be employment in the private sector. Public-sector employment is distinguished from work experience in that the participant is paid wages and receives the same benefits as a nonsubsidized employee who performs similar work.

(d) Community-service work experience.—Community-service work experience is job-training experience at a supervised public or private not-for-profit agency. A participant shall receive temporary assistance in the form of wages that are proportional to the amount of time worked. A participant assigned to community-service work experience shall be deemed an employee of the state for purposes of workers' compensation coverage and is subject to the requirements of the drug-free workplace program. As used in this paragraph, the terms "community-service experience," "community work," and "workfare" are synonymous.

(e) Job-search and job-readiness assistance.—Job-search assistance may include supervised or unsupervised job-seeking activities. Job-readiness assistance provides support for job-seeking activities, which may include:

1. Orientation to the world of work and basic job-seeking and job-retention skills.

2. Instruction in completing an application for employment and writing a resume.

3. Instruction in conducting oneself during a job interview, including appropriate dress.

Job-readiness assistance may also include providing a participant with access to an employment resource center that contains job listings, telephones, facsimile machines, typewriters, and word processors. Job-search and job-readiness activities may be used in conjunction with other program activities, such as work experience, but may not be the primary work activity, may not be used in conjunction with other program activities such as work experience, and may not continue longer than the length of time permitted under federal law.

(f) Vocational education or training.—Vocational education or training is education or training designed to provide participants with the skills and certification necessary for employment in an occupational area. Vocational education or training may be used as a primary program activity for participants when it has been determined that the individual has demonstrated compliance with other phases of program participation and successful completion of the vocational education or training is likely to result in employment entry at a higher wage than the participant would have been likely to attain without completion of the vocational education or training. Vocational education or training may be combined with other program activities and also may be used to upgrade skills or prepare for a higher paying occupational area for a participant who is employed.

1. Vocational education shall not be used as the primary program activity for a period which exceeds 12 months. In addition, use of vocational education or training shall be restricted to not more than 20 percent of adult participants, or subject to other limitation as established in federal law. Vocational education included in a program leading to a high school diploma shall not be considered vocational education for purposes of this section.

2. To the maximum extent possible, a provider of vocational education or training shall use funds provided by funding sources other than the department. The department may provide additional funds to a vocational education or training provider only if payment is made pursuant to a performance-based contract. Under a performance-based contract, the provider may be partially paid when a participant completes education or training, but the majority of payment shall be made following the participant's employment at a specific wage or job retention for a specific duration. Performance-based payments made under this subparagraph are limited to education or training for targeted occupations identified by the Occupational Forecasting Conference under s. 216.136, or other programs identified by the Enterprise Florida Jobs and Education Partnership. A contract with a community college or school district must conform to the provisions of ss. 239.249 and 240.40685.

(g) Job-skills training directly related to employment.—Job-skills training directly related to employment provides job-skills training in a specific occupation for which there is a written commitment by the employer to offer employment to a participant who successfully completes the training. Job-skills training includes customized training designed to meet the needs of a specific employer or a specific industry. A participant may be required to complete an entrance assessment or test before entering into job-skills training if assessments or tests are required for employment upon completion of the training.

(h) Education services related to employment for participants 19 years of age or younger.—Education services provided under this paragraph are designed to prepare a participant for employment in an occupation. The Department of Labor and Employment Security shall coordinate education services with the school-to-work activities provided under s. 229.595. Activities provided under this paragraph are restricted to participants 19 years of age or younger who have not completed high school or obtained a high school equivalency diploma.

(i) School attendance.—Attendance at a high school or attendance at a program designed to prepare the participant to receive a high school equivalency diploma is a required program activity for each participant 19 years of age or younger who:

1. Has not completed high school or obtained a high school equivalency diploma;

2. Is a dependent child or a head of household; and

3. For whom it has not been determined that another program activity is more appropriate.

(j) Teen parent services.—Participation in medical, educational, counseling, and other services that are part of a comprehensive program is a required activity for each teen parent who participates in the WAGES Program.

(2) WORK ACTIVITY REQUIREMENTS.—Each adult participant who is not otherwise exempt must participate in a work activity for the maximum number of hours allowable under federal law provided that no participant be required to work more than 40 hours per week or less than the minimum number of hours required by federal law. An applicant shall be referred for employment at the time of application if the applicant is eligible to participate in the WAGES Program.

(3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.—The following individuals are exempt from work activity requirements:

(a) A minor child under age 16, except that a child exempted from this provision shall be subject to the requirements of s. 414.125.

(b) An individual who is eligible for benefits under the Social Security Income (SSI) program due to age or disability.

(c) Adults who are not included in the calculation of benefits in child-only cases.

(d) One custodial parent with a child under 3 months of age, except that the parent may be required to attend parenting classes or other activities to better prepare for the responsibilities of raising a child. If the custodial parent is age 19 or younger and has not completed high school or the equivalent, he or she may be required to attend school or other appropriate educational activities.

(4) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS.—The department shall establish procedures for administering penalties for nonparticipation in work requirements. If an individual in a family receiving assistance fails to engage in work activities required in accordance with this section, the following penalties shall apply:

(a) First noncompliance: temporary assistance shall be terminated for the family until the individual who failed to comply does so, and food stamp benefits shall not be increased as a result of the loss of assistance.

(b) Second noncompliance: temporary assistance and food stamps shall be terminated for the family until the individual demonstrates compliance in the required work activity for a period of 30 days. Upon compliance, assistance shall be reinstated to the date of compliance. Prior to the imposition of sanctions for a second noncompliance, the participant shall be interviewed to determine why full compliance has not been achieved. The participant shall be counseled regarding compliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements.

(c) Third noncompliance: temporary assistance and food stamps shall be terminated for the family for 3 months. The individual shall be required to demonstrate compliance in the work activity upon completion of the 3-month penalty period, before reinstatement of assistance.

If a participant fully complies with work activity requirements for at least 6 months, the participant shall be reinstated as being in full compliance with program requirements for purpose of sanctions imposed under this section.

(5) CONTINUATION OF ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.—

(a) Upon the second or third occurrence of noncompliance, assistance for the child or children in a family who are under age 12 may be continued. Any such payments must be made through a protective payee. Under no circumstances shall such assistance be paid to an individual who has failed to comply with program requirements.

(b) Protective payees shall be designated by the department and may include:

1. A relative or other individual who is interested in or concerned with the welfare of the child or children and agrees in writing to utilize the assistance in the best interest of the child or children.

2. A member of the community affiliated with a religious, community, neighborhood, or charitable organization who agrees in writing to utilize the assistance in the best interest of the child or children.

3. A volunteer or member of an organization who agrees in writing to fulfill the role of protective payee and to utilize the assistance in the best interest of the child or children.

(c) If it is in the best interest of the child or children, as determined by the department, for the staff member of a private agency, a public agency, the department, or any other appropriate organization to serve

as a protective payee, such designation may be made, except that a protective payee must not be any individual involved in determining eligibility for assistance for the family, staff handling any fiscal processes related to issuance of assistance, or landlords, grocers, or vendors of goods, services, or items dealing directly with the participant.

(d) The department may pay incidental expenses or travel expenses for costs directly related to performance of the duties of a protective payee as necessary to implement the provisions of this subsection.

(e) In the event the department is unable to designate a qualified protective payee, a referral shall be made under the provisions of chapter 415 for protective intervention.

(6) PROPORTIONAL REDUCTION OF ASSISTANCE RELATED TO PAY AFTER PERFORMANCE.—Notwithstanding the provisions of subsection (4), if an individual is receiving assistance under a pay-after-performance arrangement and the individual participates, but fails to meet the full participation requirement, then the benefit received shall be reduced and shall be proportional to the actual participation.

(7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—The situations listed in this subsection shall constitute exceptions to the penalties for noncompliance with participation requirements, except that these situations do not constitute exceptions to the applicable time limit for receipt of assistance:

(a) Noncompliance related to child care.—Assistance shall not be terminated for refusal to participate in work activities if the individual is a single custodial parent caring for a child who has not attained 6 years of age, and the adult proves to the department an inability to obtain needed child care for one or more of the following reasons:

1. Unavailability of appropriate child care within a reasonable distance from the individual's home or worksite.

2. Unavailability or unsuitability of informal child care by a relative or under other arrangements.

3. Unavailability of appropriate and affordable formal child care arrangements.

(b) Noncompliance related to medical incapacity.—If an individual cannot participate in assigned work activities due to a medical incapacity, the individual may be excepted from the activity for a specific period, except that the individual shall be required to comply with the course of treatment necessary for the individual to resume participation. A participant may not be excused from work activity requirements unless the participant's medical incapacity is verified by a physician licensed under chapter 458 or chapter 459, in accordance with procedures established by rule of the department.

(c) Other good-cause exceptions for noncompliance.—Individuals who are temporarily unable to participate due to circumstances beyond their control may be excepted from the noncompliance penalties. The department may define situations that would constitute good cause. These situations shall include caring for a disabled family member when the need for the care has been verified and alternate care is not available.

(8) WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL PARENTS.—

(a) The court may order a noncustodial parent who is delinquent in child support payments to participate in work activities under this chapter so that the parent may obtain employment and fulfill the obligation to provide support payments. A noncustodial parent who fails to satisfactorily engage in court-ordered work activities may be held in contempt.

(b) The court may order a noncustodial parent to participate in work activities under this chapter if the child of the noncustodial parent has been placed with a relative, in an emergency shelter, in foster care, or in other substitute care, and:

1. The case plan requires the noncustodial parent to participate in work activities; or

2. The noncustodial parent would be eligible to participate in the WAGES Program and subject to work activity requirements if the child were living with the parent.

If a noncustodial parent fails to comply with the case plan, the noncustodial parent may be removed from program participation.

(9) PRIORITIZATION OF WORK REQUIREMENTS.—The department shall require participation in work activities to the maximum extent possible, subject to federal and state funding. If funds are projected to be insufficient to allow full-time work activities by all program participants who are required to participate in work activities, the department shall screen participants and assign priority based on the following:

(a) In accordance with federal requirements, at least one adult in each two-parent family shall be assigned priority for full-time work activities.

(b) Among single-parent families, a family that has older preschool children or school-age children shall be assigned priority for work activities.

(c) A participant who has access to nonsubsidized child care may be assigned priority for work activities.

(d) Priority may be assigned based on the amount of time remaining until the participant reaches the applicable time limit for program participation or may be based on requirements of a case plan.

The department may limit a participant's weekly work requirement to the minimum required to meet federal work activity requirements in lieu of the level defined in subsection (2). The department may develop screening and prioritization procedures within service districts or within counties based on the allocation of resources, the availability of community resources, or the work activity needs of the service district.

(10) USE OF CONTRACTS.—The department shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

(a) All education and training provided under the WAGES Program shall be provided through agreements with jobs and education regional boards.

(b) A contract must be performance-based. Wherever possible, payment shall be tied to performance outcomes that include factors such as, but not limited to, job entry, job entry at a target wage, and job retention, rather than tied to completion of training or education or any other phase of the program-participation process.

(c) A contract may include performance-based incentive payments that may vary according to the extent to which the participant is more difficult to place. Contract payments may be weighted proportionally to reflect the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. The factors may include the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other factors determined appropriate by the department.

(d) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(3)(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the department.

(e) The department may contract with commercial, charitable, or religious organizations. A contract must comply with federal requirements with respect to nondiscrimination and other requirements that safeguard the rights of participants. Services may be provided under contract, certificate, voucher, or other form of disbursement.

(f) The administrative costs associated with a contract of the department for services provided under this section may not exceed the applicable administrative cost ceiling established in federal law. An agency or entity that is awarded a contract under this section may not charge more than 7 percent of the value of the contract for administration, unless an exception is approved by the local WAGES coalition. A list of any exceptions approved must be submitted to the WAGES Program State Board of Directors for review and the board may rescind approval of the exception. The WAGES Program State Board of Directors may also approve exceptions for any statewide contract for services provided under this section.

(g) The department may enter into contracts to provide short-term work experience for the chronically unemployed as provided in this section.

(h) A tax-exempt organization under s. 501(c) of the Internal Revenue Code of 1986 which receives funds under this chapter must disclose receipt of federal funds on any advertising, promotional, or other material in accordance with federal requirements.

(11) IMPLEMENTATION.—If federal welfare reform legislation as described in this chapter is not enacted by the Congress, the department shall revise the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan to conform to the provisions of ss. 414.065 and 414.15 to the extent permissible under federal law.

(a) Notwithstanding any provisions of s. 409.029 to the contrary, in areas of the state not covered by a federal waiver which includes waiver of Job Opportunities and Basic Skills Training (JOBS) Plan requirements, the department shall implement changes made to the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan upon approval by the federal agency.

(b) Notwithstanding any provisions of ss. 409.921-409.943 to the contrary, in areas of the state covered by federal waivers which include waiver of Job Opportunities and Basic Skills Training (JOBS) Plan provisions, the department shall request amendment of such waivers to conform to the provisions of this section which are beyond those which are permitted by change to the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan.

(c) In pursuing such waiver, the department may agree to modifications to the waiver terms and conditions that include penalties for noncompliance that begin with removal of the noncompliant individual's benefits upon first occurrence and include incremented penalties upon subsequent occurrences of noncompliance if the department determines that the penalties as specified in this section will not be approved by the federal agency.

(d) This subsection shall be effective not later than July 1, 1996, and shall be implemented in accordance with changes to the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan and changes to federal waivers as specified in this section.

Section 11. Section 414.075, Florida Statutes, is created to read:

414.075 Resource eligibility standards.—For purposes of program simplification and effective program management, certain resource definitions, as outlined in the food stamp regulations at 7 C.F.R. s. 273.8, shall be applied to the WAGES Program as determined by the department to be consistent with federal law regarding temporary assistance for needy families, except as to the following:

(1) The maximum allowable resources, including liquid and nonliquid resources, of all members of the family may not exceed $2,000.

(2) In determining the resources of a family, the following shall be excluded:

(a) Licensed vehicles needed for adults subject to the work participation requirement, not to exceed a combined value of $8,500, and needed for training, employment, or education purposes. For any family without an adult subject to the work participation requirement, one vehicle valued at not more than $8,500 shall be excluded. Any vehicle that is necessary to transport a physically disabled family member shall be excluded. A vehicle shall be considered necessary for the transportation of a physically disabled family member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is a special type of vehicle and makes it possible to transport the disabled person.

(b) Funds paid to a homeless shelter which are being held for the family to enable the family to pay deposits or other costs associated with moving to a new shelter arrangement.

(3) A vacation home that annually produces income consistent with its fair market value, and that is excluded as a resource in determining eligibility for food stamps under federal regulations, may not be excluded as a resource in determining a family's eligibility for temporary assistance.

Section 12. Section 414.085, Florida Statutes, is created to read:

414.085 Income eligibility standards.—For purposes of program simplification and effective program management, certain income definitions, as outlined in the food stamp regulations at 7 C.F.R. s. 273.9, shall be applied to the WAGES Program as determined by the department to be consistent with federal law regarding temporary assistance for needy families, except as to the following:

(1) Participation in the WAGES Program shall be limited to those families whose gross family income is equal to or less than 130 percent of the federal poverty level established in s. 673(2) of the Community Services Block Grant Act, 42 U.S.C. s. 9901(2).

(2) Income security payments, including payments funded under part B of Title IV of the Social Security Act, as amended; supplemental security income under Title XCI of the Social Security Act, as amended; or other income security payments as defined by federal law shall be included as income to the extent required or permitted by federal law.

(3) The first $50 of child support paid to a noncustodial parent receiving temporary assistance may not be disregarded in calculating the amount of temporary assistance for the family, unless such exclusion is required by federal law.

Section 13. Section 414.095, Florida Statutes, is created to read:

414.095 Determining eligibility for the WAGES Program.—

(1) ELIGIBILITY.—An applicant must meet eligibility requirements of this section before receiving services or temporary assistance under this chapter. The department shall make a determination of eligibility based on the criteria listed in this chapter. The department shall monitor continued eligibility for temporary assistance through the food stamp eligibility process.

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) To be eligible for services or temporary assistance under the WAGES Program:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.

2. An applicant must be a legal resident of the state.

3. Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide to the department a social security number, or proof of application for a social security number, is not eligible to participate in the program.

4. A minor child must reside with a custodial parent or parents or with a relative caretaker who is within the specified degree of blood relationship as defined under the WAGES Program, or in a setting approved by the department.

5. Each family must have a minor child and meet the income and resource requirements of the program. All minor children who live in the family, as well as the parents of the minor children, shall be included in the eligibility determination unless specifically excluded.

(b) The following members of a family are eligible to participate in the program if all eligibility requirements are met:

1. A minor child who resides with a custodial parent or other adult caretaker relative.

2. The parent of a minor child with whom the child resides.

3. The caretaker relative with whom the minor child resides who chooses to have his needs and income included in the family.

4. Unwed minor children and their children if the unwed minor child lives at home or in an adult-supervised setting and if temporary assistance is paid to an alternative payee.

5. A pregnant woman.

(3) ELIGIBILITY FOR NONCITIZENS.—A qualified noncitizen is an individual who is lawfully present in the United States as a refugee

or who is granted asylum under ss. 207 and 208 of the Immigration and Nationality Act, an alien whose deportation is withheld under s. 243(h) of the Immigration and Nationality Act, or an alien who has been admitted as a permanent resident and meets specific criteria under federal law. A nonqualified noncitizen is a nonimmigrant alien, including a tourist, business visitor, foreign student, exchange visitor, temporary worker, or diplomat. In addition, a nonqualified noncitizen includes an individual paroled into the United States for less than 1 year. A qualified noncitizen who is otherwise eligible may receive temporary assistance to the extent permitted by federal law. The income or resources of a sponsor and the sponsor's spouse shall be included in determining eligibility to the maximum extent permitted by federal law.

(a) A child born in the United States to an illegal or ineligible alien is eligible for temporary assistance under this chapter if the family meets all eligibility requirements.

(b) If the parent may legally work in this country, the parent must participate in the work activity requirements provided in s. 414.065.

(c) The department shall participate in the Systematic Alien Verification for Entitlements Program (SAVE) established by the United States Immigration and Naturalization Service in order to verify the validity of documents provided by aliens and to verify an alien's eligibility.

(d) The income of an illegal alien or ineligible alien, less a pro rata share for the illegal alien or ineligible alien, counts in determining a family's eligibility to participate in the program.

(e) The entire assets of an ineligible alien or a disqualified individual who is a mandatory member of a family shall be included in determining the family's eligibility.

(4) STEPPARENTS.—A family that contains a stepparent has the following special eligibility options if the family meets all other eligibility requirements:

(a) A family that does not contain a mutual minor child has the option to include or exclude a stepparent in determining eligibility if the stepparent's monthly gross income is less than 185 percent of the federal poverty level for a two-person family.

1. If the stepparent chooses to be excluded from the family, temporary assistance, without shelter expense, shall be provided for the child. The parent of the child must comply with work activity requirements as provided in s. 414.065. Income and resources from the stepparent may not be included in determining eligibility; however, any income and resources from the parent of the child shall be included in determining eligibility.

2. If a stepparent chooses to be included in the family, the Department of Health and Rehabilitative Services shall determine eligibility using the requirements for a nonstepparent family. A stepparent whose income is equal to or greater than 185 percent of the federal poverty level for a two-person family does not have the option to be excluded from the family, and all income and resources of the stepparent shall be included in determining the family's eligibility.

(b) A family that contains a mutual minor child does not have the option to exclude a stepparent from the family, and the income and resources from the stepparent shall be included in determining eligibility.

(c) A family that contains two stepparents, with or without a mutual minor child, does not have the option to exclude a stepparent from the family, and the income and resources from each stepparent must be included in determining eligibility.

(5) CARETAKER RELATIVES.—A family that contains a caretaker relative of a minor child has the option to include or exclude the caretaker relative in determining eligibility. If the caretaker relative chooses to be included in the family, the caretaker relative must meet all eligibility requirements, including resource and income requirements, and must comply with work activity requirements as provided in s. 414.065. If the caretaker relative chooses to be excluded from the family, eligibility shall be determined for the minor child based on the child's income and resources. The assistance level for the minor child shall be based on the shelter obligation of the caretaker relative.

(6) PREGNANT WOMAN WITH NO OTHER CHILD.—Temporary assistance for a pregnant woman is not available until the last month of pregnancy. However, if the department determines that a woman is restricted from work activities by orders of a physician, temporary assistance shall be available during the last trimester of pregnancy.

(7) CHILD SUPPORT ENFORCEMENT.—As a condition of eligibility for temporary assistance, the family must cooperate with the state agency responsible for administering the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. Cooperation is defined as:

(a) Assisting in identifying and locating a noncustodial parent and providing complete and accurate information on that parent;

(b) Assisting in establishing paternity; and

(c) Assisting in establishing, modifying, or enforcing a support order with respect to a child of a family member.

(8) ASSIGNMENT OF RIGHTS TO SUPPORT.—As a condition of receiving temporary assistance, the family must assign to the department any rights a member of a family may have to support from any other person. This applies to any family member; however, the assigned amounts must not exceed the total amount of temporary assistance provided to the family. The assignment of child support does not apply if the family leaves the program.

(9) APPLICATIONS.—The date of application is the date the department or authorized entity receives a signed and dated request to participate in the WAGES Program. The request shall be denied 30 days after the initial application if the applicant fails to respond to scheduled appointments, including appointments with the state agency responsible for administering the child support enforcement program, and does not contact the department or authorized entity regarding the application.

(10) PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.—An applicant or participant in the WAGES Program has the following opportunities and obligations:

(a) To participate in establishing eligibility by providing facts with respect to circumstances that affect eligibility and by obtaining, or authorizing the department to obtain, documents or information from others in order to establish eligibility.

(b) To have eligibility determined without discrimination based on race, color, sex, age, marital status, handicap, religion, national origin, or political beliefs.

(c) To be advised of any reduction or termination of benefits.

(d) To provide correct and complete information about the family's circumstances that relate to eligibility, at the time of application and at subsequent intervals.

(e) To keep the department informed of any changes that could affect eligibility.

(f) To use temporary assistance for the purpose for which the assistance is intended.

(11) DETERMINATION OF LEVEL OF ASSISTANCE.—Temporary assistance shall be based on a standard determined by the Legislature, subject to availability of funds. There shall be three assistance levels for a family that contains a specified number of eligible members, based on the following criteria:

(a) A family that does not have a shelter obligation.

(b) A family that has a shelter obligation greater than zero but less than or equal to $50.

(c) A family that has a shelter obligation greater than $50 or that is homeless.

The following chart depicts the assistance levels for implementation purposes:

THREE-TIER SHELTER PAYMENT STANDARD

Family size	Zero shelter obligation	Greater than zero, less than or equal to $50	Greater than $50 shelter obligation
1	$95	$153	$180
2	$158	$205	$241
3	$198	$258	$303
4	$254	$309	$364
5	$289	$362	$426
6	$346	$414	$487
7	$392	$467	$549
8	$438	$519	$610
9	$485	$570	$671
10	$534	$623	$733
11	$582	$676	$795
12	$630	$728	$857
13	$678	$781	$919

(12) DISREGARDS.—

(a) As an incentive to employment, the first $200 plus one-half of the remainder of earned income shall be disregarded. In order to be eligible for earned income to be disregarded, the individual must be:

1. A current participant in the program; or

2. Eligible for participation in the program without the earnings disregard.

(b) A child's earned income shall be disregarded if the child is a family member, attends high school or the equivalent, and is 19 years of age or younger.

(13) CALCULATION OF ASSISTANCE LEVELS.—

(a) Temporary assistance shall be calculated based on average monthly gross family income, earned and unearned, less any applicable disregards. The resulting monthly net income amount shall be subtracted from the applicable payment standard to determine the monthly benefit amount.

(b) A deduction may not be allowed for child care payments.

(14) METHODS OF PAYMENT OF ASSISTANCE.—Temporary assistance may be paid as follows:

(a) Direct payment through state warrant, electronic assistance transfer, or voucher.

(b) Payment to an alternative payee.

(c) Payment for subsidized employment.

(d) Pay-after-performance arrangements with public or private not-for-profit agencies.

(15) PROHIBITIONS AND RESTRICTIONS.—

(a) A family without a minor child living in the home is not eligible to receive temporary assistance or services under this chapter. However, a pregnant woman is eligible for temporary assistance in the ninth month of pregnancy if all eligibility requirements are otherwise satisfied.

(b) Temporary assistance, without shelter expense, may be available for a teen parent who is less than 19 years of age and for the child. Temporary assistance may not be paid directly to the teen parent but must be paid, on behalf of the teen parent and child, to an alternative payee who is designated by the department. The alternative payee may not use the temporary assistance for any purpose other than paying for food, clothing, shelter, and medical care for the teen parent and child and for other necessities required to enable the teen parent to attend school or a training program. In order for the child of the teen parent and the teen parent to be eligible for temporary assistance, the teen parent must:

1. Attend school or an approved alternative training program, unless the child is less than 12 weeks of age or the teen parent has completed high school; and

2. Reside with a parent, legal guardian, or other adult caretaker relative. The income and resources of the parent shall be included in calculating the assistance available to the teen parent since the parent is responsible for providing support and care for the child living in the home.

3. Attend parenting and family classes that provide a curriculum specified by the department, as available.

(c) The teen parent is not required to live with a parent, legal guardian, or other adult caretaker relative if the department determines that:

1. The teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative.

2. The requirement is not in the best interest of the teen parent or the child. If the department determines that it is not in the best interest of the teen parent or child to reside with a parent, legal guardian, or other adult caretaker relative, the department shall provide or assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement.

The department may not delay providing assistance to the teen parent through the alternative payee designated by the department pending a determination as to where the teen parent should live and sufficient time for the move itself. A teen parent determined to need placement that is unavailable shall continue to be eligible for assistance so long as the teen parent cooperates with the department. The teen parent shall be provided with counseling to make the transition from independence to supervised living and with a choice of living arrangements.

(d) If a parent or caretaker relative does not cooperate with the state agency responsible for administering the child support enforcement program in establishing, modifying, or enforcing a support order with respect to a child of a teen parent or other family member, or a child of a family member who is in the care of an adult relative, assistance to the entire family shall be denied until the state agency indicates that cooperation by the parent or caretaker relative has been satisfactory.

(e) If a parent or caretaker relative does not assign any rights a family member may have to support from any other person as required by subsection (8), assistance to the entire family shall be denied until the parent or caretaker relative assigns the rights to the department.

(f) An individual who is convicted in federal or state court of receiving benefits under this chapter, Title XIX, the Food Stamp Act of 1977, or Title XVI (Supplemental Security Income), in two or more states simultaneously may not receive assistance or services under this chapter for 10 years following the date of conviction.

(g) An individual is ineligible to receive assistance or services under this chapter during any period when the individual is fleeing to avoid prosecution, custody, or confinement after committing a crime, attempting to commit a crime that is a felony under the laws of the place from which the individual flees or a high misdemeanor in the State of New Jersey, or violating a condition of probation or parole imposed under federal or state law.

(h) The parent or other caretaker relative must report to the department by the end of the 5-day period that begins on the date it becomes clear to the parent or caretaker relative that a minor child will be absent from the home for 30 or more consecutive days. A parent or caretaker relative who fails to report this information to the department shall be disqualified from receiving temporary assistance for 30 days for the first occurrence, 60 days for the second occurrence, and 90 days for the third or subsequent occurrence.

(i) If the parents of a minor child live apart and equally share custody and control of the child, a parent is ineligible for temporary assistance unless the parent clearly demonstrates to the department that the parent provides primary day-to-day custody.

(16) PREELIGIBILITY FRAUD SCREENING.—An applicant who meets an error-prone profile, as determined by the department, is subject to preeligibility fraud screening as a means of reducing misspent funds and preventing fraud. The department shall create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each application for the WAGES Program against

the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to preeligibility fraud screening.

(17) PROPORTIONAL REDUCTION.—If the Social Services Estimating Conference forecasts an increase in the temporary assistance caseload and there is insufficient funding, a proportional reduction as determined by the department shall be applied to the assistance levels in subsection (11).

(18) ADDITIONAL FUNDING.—When warranted by economic circumstances, the department, in consultation with the Social Services Estimating Conference, shall apply for additional federal funding available from the Contingency Fund for State Welfare Programs.

Section 14. Section 414.105, Florida Statutes, is created to read:

414.105 Time limitations of temporary assistance.—Unless otherwise expressly provided in this chapter, an applicant or current participant shall receive temporary assistance for episodes of not more than 24 cumulative months in any consecutive 60-month period that beings with the first month of participation and for not more than a lifetime cumulative total of 48 months as an adult.

(1) The time limitation for episodes of temporary assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of adult benefits, for cases in which the participant:

(a) Has received aid to families with dependent children or temporary assistance for any 36 months of the preceding 60 months; or

(b) Is a custodial parent under the age of 24 who:

1. Has not completed a high school education or its equivalent; or

2. Had little or no work experience in the preceding year.

(2) Hardship exemptions to the time limitations of this chapter shall be limited to 10 percent of participants in the first year of implementation of this chapter, 15 percent of participants in the second year of implementation of this chapter, and 20 percent of participants in all subsequent years. Criteria for hardship exemptions include:

(a) Diligent participation in activities, combined with inability to obtain employment.

(b) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions which may result in an exemption to work requirements.

(c) Significant barriers to employment, combined with a need for additional time.

(d) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the benefit eligibility period. The recommendation must be the result of a review which determines that the termination of the child's assistance would be likely to result in the child being placed into emergency shelter or foster care. Assistance shall be provided through a protective payee. Staff of the Children and Family Services Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of assistance through a protective payee.

Hardship exemption benefits for a participant who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the participant, full benefits shall be restored.

(3) The department shall establish a procedure for reviewing and approving hardship exemptions, and the local WAGES coalitions may assist in making these determinations. The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.016.

(4) The cumulative total of all hardship exemptions may not exceed 12 months, may include reduced benefits at the option of the community review panel, and shall, in combination with other periods of temporary assistance as an adult, total no more than 48 months of temporary assistance. If an individual fails to comply with program requirements during a hardship exemption period, the hardship exemption shall be removed.

(5) For individuals who have moved from another state and have legally resided in this state for less than 12 months, the time limitation for temporary assistance shall be the shorter of the respective time limitations used in the two states, and months in which assistance was received in any state shall count towards the cumulative 48-month benefit limit.

(6) For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which assistance was received through the family transition program shall count towards the time limitations under this chapter.

(7) Except when assistance was received through the family transition program, the calculation of the time limitation for temporary assistance shall begin with the first month of receipt of assistance after the effective date of this act.

(8) Child-only cases shall not be subject to time limitations, and benefits received while a minor child shall not count towards time limitations.

(9) An individual who is eligible for benefits under the Social Security Income (SSI) program due to age or disability is not subject to time limitations.

(10) A member of the WAGES Program staff shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the 24-month time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit and, if appropriate, shall refer the participant for services that could facilitate employment.

(11) This section shall be repealed on July 1, 2001, unless reenacted by the Legislature.

Section 15. Section 414.115, Florida Statutes, is created to read:

414.115 Limited assistance for children born to families receiving assistance.—

(1) The department shall provide limited additional temporary assistance to:

(a) An existing temporary-assistance case due to the birth of a child when the birth occurs more than 10 months after the implementation date of this act; or

(b) A new temporary-assistance case when the birth occurs more than 10 months after both the implementation date of this act and the application or reapplication for temporary-assistance.

For purposes of this subsection, "an existing temporary-assistance case" means a case that is receiving temporary assistance on the implementation date of this act and, if it closes any time after the implementation date, is closed for less than 6 continuous months; "a new temporary-assistance case" means a case that was not receiving benefits on the implementation date of this act; "reapplication" means a new application by a parent or other caretaker relative who has previously received temporary assistance in a case that has been closed for 6 continuous months or more prior to the new application.

(2) Subsection (1) shall not apply:

(a) To a program participant who is a victim of rape or incest if she files a police report on the rape or incest within 30 days after the incident;

(b) To children who are the firstborn, including all children in the case of multiple birth, of minors included in a temporary assistance group who as a minor become first-time parents;

(c) To a child when parental custody has been legally transferred; or

(d) To a child who is no longer able to live with his or her parents as a result of:

1. The death of the child's parent or parents;

2. The incapacity of the child's parent or parents as documented by a physician, such that the parent or parents are unable to care for the child;

3. Legal transfer of the custody of the child to another individual;

4. Incarceration of the child's parent or parents, except that the child shall not receive assistance if a parent is subsequently released and reunited with the child; or

5. A situation in which the child's parent's or parents' institutionalization is expected to be for an extended period, as defined by the department.

(3) A child born subject to this section shall be considered a temporary-assistance recipient for all purposes, including Medicaid eligibility.

(4) For the first child born to a recipient under subsection (1), the department shall provide temporary assistance equal to 50 percent of the maximum allowable amount for an individual. This provision shall not apply to a child who is born into a family that does not include other children.

(5) For a second or subsequent child born to a recipient under subsection (1), the department shall provide no additional temporary assistance.

Section 16. Section 409.1855, Florida Statutes, is transferred, renumbered as section 414.125, Florida Statutes, and amended to read:

414.125 ~~409.1855~~ Learnfare program.—

(1) ~~Pursuant to federal law and regulations,~~ The department shall reduce the *temporary assistance* ~~benefit payments~~ for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements during a grading period in which the child or teenage participant has accumulated a number of unexcused absences from school that is sufficient to jeopardize the student's academic progress, in accordance with rules adopted by the department with input from the Department of Education. The *temporary assistance* ~~benefit payments~~ must be reinstituted after a subsequent grading period in which the child has substantially improved the child's attendance. Good cause exemptions from the rule of unexcused absences include the following:

(a) The student is expelled from school and alternative schooling is not available.

(b) The teen has a child under 6 months of age.

(c) No licensed day care is available for a child of teen parents subject to Learnfare.

(d) Prohibitive transportation problems exist (e.g., to and from day care).

(e) The teen is over 16 years of age and not expected to graduate from high school by age 20.

Fifteen days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved.

(2) Each recipient with a school-age child is required to have a conference with an appropriate school official of the child's school during each grading period to assure that the recipient is involved in the child's educational progress and is aware of any existing attendance or academic problems.

Section 17. Section 409.938, Florida Statutes, is transferred, renumbered as section 414.13, Florida Statutes, and amended to read:

414.13 ~~409.938~~ Immunizations.—*Each applicant who has a preschool child must begin and complete appropriate childhood immunizations for the child as a condition of eligibility. At the time of application and redetermination of eligibility* ~~Statewide~~, the department shall advise applicants *and participants* ~~for aid to families with dependent children~~ of the availability of ~~standard~~ childhood immunizations through the county public health unit. *Each participant who has a preschool child must verify compliance with the section.* ~~Within 12 months after a determination of eligibility for aid to families with dependent children or at the next scheduled full redetermination, the recipients must submit to the department proof that the children for whom they receive benefits have received their standard childhood immunizations.~~ If a *participant* ~~recipient~~ fails to provide such *verification, the child for whom such verification is not provided shall be removed from consideration for purposes of calculating the assistance available to the family* ~~proof of immunization, the department shall review the case to determine whether sanctions should be imposed~~. *If the child subject to this requirement is the only child in the family, participation in the program shall be terminated until verification of compliance is provided.* The department shall waive this requirement if the failure to immunize the *child* ~~children~~ is because of religious reasons or other good cause, *as defined by the department* ~~or upon proof that the immunization sequence has been started~~.

Section 18. Section 409.186, Florida Statutes, is transferred, renumbered as section 414.14, Florida Statutes, and amended to read:

414.14 ~~409.186~~ Public assistance policy simplification.—

~~(1)~~ *To the extent possible* ~~Subject to federal approval~~, the department shall align *the requirements for eligibility under this chapter with the food stamp program* ~~aid to families with dependent children, food stamps,~~ and medical assistance eligibility policies and procedures to simplify the budgeting process and reduce errors. *If the department determines that s. 414.075, relating to resources, or s. 414.085, relating to income, is inconsistent with related provisions of federal law which govern the food stamp program or medical assistance, and that conformance to federal law would simplify administration of the WAGES Program or reduce errors without materially increasing the cost of the program to the state, the secretary of the department may propose a change in the resource or income requirements of the program by rule. The secretary shall provide written notice to the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of the relevant committees of both houses of the Legislature summarizing the proposed modifications to be made by rule and changes necessary to conform state law to federal law. The proposed rule shall take effect 14 days after written notice is given unless the President of the Senate or the Speaker of the House of Representatives advises the secretary that the proposed rule exceeds the delegated authority of the Legislature.*

~~(2) This section shall take effect upon receipt of federal waiver authority.~~

Section 19. Section 414.15, Florida Statutes, is created to read:

414.15 Diversion.—

(1) A segment of applicants do not need ongoing financial assistance, but, due to an unexpected circumstance or emergency situation, require some immediate assistance in meeting a financial obligation while they are securing employment or child support. These immediate obligations may include a shelter or utility payment, a car repair to continue employment, or other assistance which will alleviate the applicant's emergency financial need and allow the person to focus on obtaining or continuing employment.

(2) Up-front diversion shall involve four steps:

(a) Linking applicants with job opportunities as the first option to meet the assistance group's need.

(b) Where possible, offering one-time help as an alternative to welfare.

(c) Screening applicants to respond to emergency needs.

(d) Performing up-front fraud prevention investigations, if appropriate.

(3) To be eligible for up-front diversion funds, all requirements of eligibility shall be met.

(4) The department shall screen each applicant family on a case-by-case basis for barriers to obtaining or retaining employment. The screening shall identify barriers that, if corrected, may prevent the family from receiving assistance on a regular basis. Assistance to overcome a barrier to employment is not limited to cash, but may include vouchers or other in-kind benefits.

(5) The diversion payment shall be limited to an amount not to exceed 2 months' assistance, based on family size.

(6) The family receiving up-front diversion shall sign an agreement restricting the family from applying for temporary assistance for 3 months, unless an emergency is demonstrated to the department. If a demonstrated emergency forces the family to reapply for assistance within 3 months after receiving a diversion payment, the diversion payment shall be prorated over the 2-month period and subtracted from any regular assistance payment for which the applicant may be eligible.

Section 20. Section 420.627, Florida Statutes, is transferred, renumbered as section 414.16, Florida Statutes, and amended to read:

414.16 ~~420.627~~ Emergency ~~financial~~ assistance program.—

~~(1) LEGISLATIVE FINDINGS.—The Legislature hereby finds and declares that:~~

~~(a) Far too often, the homeless cycle begins with a family breakdown following a financial crisis—fathers or mothers desert or neglect their children because they cannot cope with their social and economic burdens; and teenagers quit school and leave home to drift into uncertain, often homeless, futures—resulting in growing numbers of new and temporary homeless.~~

~~(b) In this state there is no short-term emergency financial assistance program for needy families in immediate economic crisis. Because AFDC payments do not begin for 30 to 45 days after application for benefits, and because these benefits do not extend to families with both parents in the home, emergency financial assistance is needed to prevent severe family hardship, including homelessness, through early intervention to ameliorate the economic crisis.~~

~~(c) Numerous studies have shown that such short-term emergency financial assistance can often prevent long-term problems, including family disintegration and homelessness. Recognizing this, the Federal Government, in the Temporary Emergency Financial Assistance Program under Title IV of the United States Social Security Act, provides for reimbursement of states for up to one-half the cost of emergency assistance to needy families with children.~~

~~(d) It is incumbent upon this state to take advantage of this federal assistance to attempt to prevent family displacement, severe family hardship, and homelessness through early intervention, thereby avoiding longer-term problems which could be more costly to the state.~~

(1)~~(2)~~ DEFINITION.—For purposes of this section, the term "family in an emergency situation" means a family *that* ~~which~~ is totally without shelter or *that* ~~which~~ faces the loss of shelter due to any of the following:

(a) Nonpayment of rent or mortgage which resulted in eviction or legal notice of impending eviction*, if such nonpayment is not the result of willful negligence*;

(b) Household disaster, such as fire, flood, earthquake, or other accident, which renders the home uninhabitable; or

(c) Such other emergency situations as ~~may be~~ defined by rule of the department, subject to federal guidelines.

(2)~~(3)~~ ESTABLISHMENT OF PROGRAM.—The department *may* ~~is authorized to~~ establish~~, subject to federal approval and financial participation,~~ an emergency ~~financial~~ assistance program for families ~~in an emergency situation~~. ~~The department shall promulgate rules to implement said program in accordance with the guidelines established herein.~~

(3)~~(4)~~ CRITERIA.—The department shall develop criteria for implementation of the program in accordance with the following guidelines:

(a) Assistance under this program *is* ~~shall be~~ limited to families with at least one *minor* child ~~under the age of 18~~ who lives with *a parent or caretaker relative* ~~one or both parents, with a relative or guardian, or in a foster home if the child would have been eligible for AFDC in the 6 months prior to entry into the foster home~~.

~~(b) The family shall have an intent to remain in Florida or shall be in this state for employment purposes.~~

(b)~~(c)~~ The family may not have liquid assets *that* ~~which~~ could be made available to meet the emergency.

(c)~~(d)~~ Assistance under this program *is* ~~shall be~~ limited to no more than *one payment* ~~30 consecutive calendar days~~ in any 12-month period for the same family. *This payment may be made separately or in conjunction with diversion assistance. A family may not receive assistance under this section for longer than 3 consecutive years.*

(d)~~(e)~~ Assistance shall be in the form of a one-party check, made payable to the landlord, mortgageholder, or vendor, and *is* ~~shall be~~ limited to the amount of 1 month's rent, mortgage payment, or cost for emergency housing, and related expenses as defined by rule of the department. The amount of such payment *must* ~~shall~~ be based upon demonstrated need, but may not exceed a maximum established by the Legislature.

(e)~~(f)~~ The family's adjusted gross income may not exceed the prevailing *standard for participation in the WAGES Program* ~~AFDC Consolidated Need Standard~~ for the family's size.

(f)~~(g)~~ Loss of income may not be the result of a strike or the result of voluntary termination of employment, unless good cause can be shown for such voluntary termination.

(g)~~(h) The department shall have the authority to promulgate rules to determine whether the income and resources available to an applicant limited the applicant's ability to avoid the emergency.~~ The department shall deny eligibility if the applicant fails to demonstrate, pursuant to the rules *adopted* ~~promulgated~~ by the department, that income and resources limited the applicant's ability to avoid the emergency.

(h)~~(i)~~ The department *may* ~~shall have the authority to~~ deny eligibility *if it determines* ~~when it demonstrates, based on rules promulgated by the department,~~ that the applicant who is eligible with respect to income and resources has otherwise abused the program.

~~(5) ADMINISTRATION OF PROGRAM.—~~

~~(a) In order to ensure that emergency assistance will be expeditiously provided to eligible families in an emergency situation, this program shall be administered at the district level in accordance with department criteria developed pursuant to subsection (4). All determinations as to eligibility and distribution of emergency assistance payments shall be made by the district offices, and moneys disbursed under this program shall be disbursed through the district revolving funds.~~

~~(b) Pending federal waiver approval, the department is encouraged to contract with local service providers for administration of this program in accordance with the provisions of this section. Upon approval, all determinations as to eligibility and distribution of emergency assistance payments may be made by the local service providers. Payment disbursed under this program must be made by the local service providers through revolving funds in accordance with this section.~~

(4)~~(6)~~ RENTAL SECURITY DEPOSIT ASSISTANCE.—

(a) The department shall develop criteria necessary to implement a recoupment program related to security deposit assistance provided under paragraph *(2)(d)* ~~(4)(c)~~. Assistance shall be in the form of direct payment of security deposits to landlords of families eligible for emergency assistance. When the family vacates the rental unit, the landlord shall refund to the department the amount of the deposit remaining after subtracting any amount retained for damages pursuant to the lease. *The family shall repay to the department the cost of any damages assessed which exceed normal wear and tear. The total amount owed to the department shall be prorated and subtracted from any temporary assistance for which the family may be eligible.*

(b) This program shall be funded from the appropriation for the emergency ~~financial~~ assistance program unless this procedure conflicts

with federal requirements or the cost of recapturing rental deposits exceeds the amount recaptured.

(c) There is created an Emergency Housing Trust Fund in the State Treasury to be used by the department for the purpose of making grants to eligible persons pursuant to this section. Repayments of funds disbursed under the emergency ~~financial~~ assistance program shall be deposited in this trust fund to the extent allowed by federal and state regulations and *may* ~~shall~~ not revert to the General Revenue Fund.

Section 21. Section 414.17, Florida Statutes, is created to read:

414.17 Audits.—The WAGES Program is subject to the audit requirements of 31 U.S.C. ss. 5701 et seq.

Section 22. (1) The Department of Health and Rehabilitative Services shall review existing waivers granted to the department by the Federal Government and determine if such waivers continue to be necessary based on the flexibility granted to states by federal law. If the department determines that termination of the waivers would reduce or eliminate potential federal cost neutrality liability, the department may take action in accordance with federal requirements. In taking such action, the department may continue research initiated in conjunction with such waivers if the department determines that continuation will provide program findings that will be useful in assessing future welfare reform alternatives.

(2) The department shall review federal law, including revisions to federal food stamp requirements. If the department determines that federal food stamp waivers will further the goals of chapter 414, Florida Statutes, including simplification of program policies or program administration, the department may obtain waivers if this can be accomplished within available resources.

Section 23. Section 414.20, Florida Statutes, is created to read:

414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 414.065. If resources do not permit the provision of needed support services, the department may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity requirements, and does not affect any applicable time limit on the receipt of temporary assistance or the provision of services under this chapter. Support services shall include, but need not be limited to:

(1) TRANSPORTATION.—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. Support services funds may also be used to develop transportation resources to expand transportation options available to participants. These services may include cooperative arrangements with local transit authorities or school districts and small-enterprise development.

(2) ANCILLARY EXPENSES.—Ancillary expenses such as books, tools, clothing, fees, and costs necessary to comply with work activity requirements or employment requirements may be provided.

(3) MEDICAL SERVICES.—A family that meets the eligibility requirements for Medicaid assistance shall receive medical services under the Medicaid program.

(4) PERSONAL AND FAMILY COUNSELING AND THERAPY.—Counseling may be provided to participants who have a personal or family problem or problems caused by substance abuse that is a barrier to compliance with work activity requirements or employment requirements. In providing these services, the department shall use services that are available in the community at no additional cost. If these services are not available, the department may use support services funds. Personal or family counseling not available through Medicaid may not be considered a medical service for purposes of the required statewide implementation plan or use of federal funds.

Section 24. Section 414.21, Florida Statutes, is created to read:

414.21 Transitional medical benefits.—

(1) A family that loses its temporary family assistance due to earnings shall remain eligible for Medicaid without reapplication during the immediately succeeding 12-month period if private medical insurance is unavailable from the employer or is unaffordable.

(a) The family shall be denied Medicaid during the 12-month period for any month in which the family does not include a dependent child.

(b) The family shall be denied Medicaid if the family's average gross monthly earnings during the preceding month exceed 185 percent of the federal poverty level.

(2) The family shall be informed of transitional Medicaid when the family is notified of the termination of temporary assistance. The notice must include a description of the circumstances in which the transitional Medicaid may be terminated.

Section 25. Section 414.22, Florida Statutes, is created to read:

414.22 Transitional education and training.—In order to assist current and former participants in continuing their training and upgrading their skills, education, or training, support services may be provided to a participant for up to 2 years after the participant is no longer eligible to participate in the program. This section does not constitute an entitlement to transitional education and training. If funds are not sufficient to provide services under this section, the department may limit or otherwise prioritize transitional education and training.

(1) Education or training resources available in the community at no additional cost to the department shall be used whenever possible.

(2) The department may authorize child care or other support services in addition to services provided in conjunction with employment. For example, a participant who is employed full time may receive subsidized child care assistance related to that employment and may also receive additional subsidized child care assistance in conjunction with training to upgrade the participant's skills.

(3) Transitional education or training must be job-related, but may include training to improve job skills in a participant's existing area of employment or may include training to prepare a participant for employment in another occupation.

(4) The department may enter into an agreement with an employer to share the costs relating to upgrading the skills of participants hired by the employer. For example, the department may agree to provide support services such as transportation or a wage subsidy in conjunction with training opportunities provided by the employer.

Section 26. Section 414.23, Florida Statutes, is created to read:

414.23 Evaluation.—The department shall arrange for evaluation of programs operated under this chapter, as follows:

(1) If required by federal waivers or other federal requirements, the department may provide for evaluation according to these requirements.

(2) The department shall participate in the evaluation of this program in conjunction with evaluation of the state's workforce development programs or similar activities aimed at evaluating program outcomes, cost effectiveness, or return on investment, and the impact of time limits, sanctions, and other welfare reform measures set out in this chapter. Evaluation shall also contain information on the number of participants in work experience assignments who obtain unsubsidized employment, including, but not limited to, the length of time the unsubsidized job is retained, wages, and the public benefits, if any, received by such families while in unsubsidized employment. The evaluation shall solicit the input of consumers, community-based organizations, service providers, employers, and the general public, and shall publicize, especially in low-income communities, the process for submitting comments.

(3) The department may share information with and develop protocols for information exchange with the Florida Education and Training Placement Information Program.

(4) The department may initiate or participate in additional evaluation or assessment activities that will further the systematic study of issues related to program goals and outcomes.

(5) In providing for evaluation activities, the department shall safeguard the use or disclosure of information obtained from program participants consistent with federal or state requirements. The department may use evaluation methodologies that are appropriate for evaluation of program activities, including random assignment of recipients or participants into program groups or control groups. To the extent necessary or appropriate, evaluation data shall provide information with respect to the state, district, or county, or other substate area.

(6) The department may contract with a qualified organization for evaluations conducted under this section.

(7) Evaluations described in this section are exempt from the provisions of s. 402.105.

Section 27. Section 414.24, Florida Statutes, is created to read:

414.24 Integrated welfare reform and child welfare services.—The department shall develop integrated service delivery strategies to better meet the needs of families subject to work activity requirements who are involved in the child welfare system or are at high risk of involvement in the child welfare system. To the extent that resources are available, the department shall provide funds to one or more service districts to promote development of integrated, nonduplicative case management within the department, other participating government agencies, and community partners. Alternative delivery systems shall be encouraged which include well-defined, pertinent outcome measures. Other factors to be considered shall include innovation regarding training, enhancement of existing resources, and increased private-sector and business-sector participation.

Section 28. Effective July 1, 1996, section 414.25, Florida Statutes, is created to read:

414.25 Exemption from leased real property requirements.—In order to facilitate implementation of this chapter with respect to establishing jobs and benefits offices, the Department of Labor and Employment Security and the Department of Health and Rehabilitative Services is exempt from the requirements of s. 255.25 which relate to the procurement of leased real property. This exemption expires June 30, 1998.

Section 29. Section 409.295, Florida Statutes, is transferred and renumbered as section 414.26, Florida Statutes.

Section 30. Section 409.315, Florida Statutes, is transferred and renumbered as section 414.27, Florida Statutes.

Section 31. Section 409.345, Florida Statutes, is transferred, renumbered as section 414.28, Florida Statutes, and amended to read:

414.28 ~~409.345~~ Public assistance payments to constitute debt of recipient.—

(1) CLAIMS.—The acceptance of public assistance *creates* ~~shall create~~ a debt of the person accepting assistance, which debt *is* ~~shall be~~ enforceable only after the death of the recipient. The debt thereby created *is* ~~shall be~~ enforceable only by claim filed against the estate of the recipient after his death or by suit to set aside a fraudulent conveyance, as defined in subsection (3). After the death of the recipient and within the time prescribed by law, the department may file a claim against the estate of the recipient for the total amount of public assistance paid to or for the benefit of such recipient, reimbursement for which has not been made. Claims so filed shall take priority as class 7 claims as provided by s. 733.707(1)(g).

(2) DISCHARGE OF DEBT.—The debt created by this section shall be discharged 1 year after the death of the debtor unless the department *institutes* ~~shall have instituted~~ probate proceedings as a creditor, *files* ~~or filed~~ a timely claim against the estate of the debtor, or *institutes* ~~instituted~~ a suit to set aside a fraudulent conveyance as defined in subsection (3).

(3) FRAUDULENT CONVEYANCE.—Any person who *transfers* ~~shall transfer~~ or *encumbers* ~~encumber~~ his property for an inadequate consideration with the intent of defeating or hindering the claim of the department for reimbursement shall ~~be deemed to~~ have made a fraudulent conveyance, and such transfer or encumbrance *is* ~~shall be~~ void and of no effect as against the claim of the department if the department institutes a suit to set aside the conveyance within 1 year after the death of the debtor. A transfer or encumbrance for an inadequate consideration made within 6 months immediately preceding the death of the transferor *is* ~~shall be~~ presumed to have been made with the intent of defeating or hindering the claim of the department. ~~Nothing contained in~~ This section *does not* ~~shall be construed to make~~ void any conveyance or encumbrance *that is* ~~which shall be~~ made upon and for good consideration and bona fide, as to any person or persons or bodies, politic or corporate~~, anything in this section to the contrary notwithstanding~~.

(4) ENFORCEMENT AGAINST HOMESTEAD PROHIBITED.—The claim ~~herein~~ created *in this section is* ~~shall~~ not ~~in any manner be~~ enforceable against a homestead of realty or personalty as defined and provided for in s. 4, Art. X of the State Constitution or against household furnishings and furniture.

(5) AUTHORITY TO COMPROMISE AND SETTLE.—The department *may* ~~shall have authority~~:

(a) ~~To~~ Enter the appearance of the state in any proceeding affecting the property on which the state has a claim;

(b) ~~To~~ Institute probate proceedings as a creditor of deceased persons and, either in the course of or in the absence of and apart from any action or proceeding, enter into any stipulation, compromise, settlement, or other agreement in respect to such claim affecting such property as may seem wise;

(c) ~~To~~ Execute and deliver any such stipulation, modification, quitclaim, release, partial release, discharge, extension, agreement, satisfaction, partial satisfaction, or subordination, or other contract, stipulation, or agreement *that* ~~which~~ the interest of the parties or the circumstances of the case may make advisable; and

(d) ~~To~~ Discharge the differences between the claim and any compromise settlement.

(6) NOTICE.—The department shall notify all persons receiving or applying for public assistance that all public assistance grants paid ~~shall~~ constitute a claim against the estate of each recipient. The notice may be given by letter mailed to the last known address of each recipient, but the failure to give such notice *does* ~~shall~~ not affect the validity of the claim.

(7) ACCEPTANCE OF OFFERS TO REPAY.—Any person who desires to repay all or part of the amount paid under *any* ~~the~~ public assistance *program* ~~programs~~ may do so in accordance with a procedure to be adopted by the department. Such rules shall provide for the immediate sale of any real property or the state's equity in any real property so acquired in the manner *that is* ~~which will be~~ most expedient and advantageous to the state.

(8) DISPOSITION OF FUNDS RECOVERED.—All funds collected under ~~the provisions of~~ this section shall be deposited with the Department of Banking and Finance and a report of such deposit made to the Department of Health and Rehabilitative Services. After payment of costs the sums so collected shall be credited to the Department of Health and Rehabilitative Services and used by it.

(9) RULES.—The department *may adopt* ~~is authorized to make such~~ rules *to administer* ~~as may be necessary for the proper administration of~~ this section.

(10) PUBLIC ASSISTANCE.—For the purposes of this section, the term "public assistance" includes all money payments made to or on behalf of a recipient, including, but not limited to, assistance received under *this chapter* ~~ss. 409.235 and 409.255~~, the Medicaid program, and mandatory and optional supplement payments under the Social Security Act.

Section 32. Section 409.355, Florida Statutes, is transferred and renumbered as section 414.29, Florida Statutes.

Section 33. Section 409.275, Florida Statutes, is transferred, renumbered as section 414.31, Florida Statutes, and amended to read:

414.31 ~~409.275~~ State agency for administering federal food stamp program.—

(1) The department shall~~, not later than December 31, 1970,~~ place into operation in each of the several counties of the state a food stamp program as authorized by the Congress of the United States. The department is designated as the state agency responsible for the administration and operation of such programs. ~~A commodity distribution program may be continued in a county until it has been approved by the United States Department of Agriculture for a food stamp program.~~

(2) The department shall provide for such instruction and counseling as will best assure that the recipients are able to provide a nutritionally adequate diet through the increased purchasing power received. This program shall be administered and operated in such a way that the distribution of food stamps shall be in locations reasonably accessible to those areas in which persons eligible for the benefit of this program are likely to be concentrated.

Section 34. Section 414.32, Florida Statutes, is created to read:

414.32 Prohibitions and restrictions with respect to food stamps.—

(1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT AGENCY.—

(a) A parent or caretaker relative who receives temporary assistance or food stamps on behalf of a child under 18 years of age who has an absent parent is ineligible for food stamps unless the parent or caretaker relative cooperates with the state agency that administers the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. This paragraph does not apply if the state agency that administers the child support enforcement program determines that the parent or caretaker relative has good cause for failing to cooperate in establishing the paternity of the child.

(b) A putative or identified noncustodial parent of a child under 18 years of age is ineligible for food stamps if the parent fails to cooperate with the state agency that administers the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, or fails to provide support for the child. This paragraph does not apply if the state agency that administers the child support enforcement program determines that the noncustodial parent has good cause for refusing to cooperate in establishing the paternity of the child.

(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS.—An individual is ineligible to participate in the food stamp program as a member of a food stamp assistance group during any month in which the individual is delinquent in any payment due under a court order for the support of a child. This subsection does not apply if the court is allowing the individual to delay payment for the support of a child or if the individual is complying with a payment plan approved by the court or the state agency that administers the child support enforcement program.

(3) REDUCTION OR DENIAL OF TEMPORARY ASSISTANCE BENEFITS.—The food stamp allotment shall be reduced or terminated as otherwise provided in this chapter if assistance under the WAGES Program is reduced or denied because an individual in the family fails to perform an action required under the program.

(4) DENIAL OF FOOD STAMP BENEFITS FOR RECEIPT OF MULTIPLE FOOD STAMP BENEFITS.—An individual is ineligible to participate in the food stamp program individually, or as a member of any assistance group, for 10 years following a conviction in federal or state court of having made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple benefits simultaneously under the food stamp program.

(5) DENIAL OF FOOD STAMP BENEFITS TO FLEEING FELONS.—An individual is ineligible to participate in the food stamp program during any period when the individual is fleeing to avoid prosecution, custody, or confinement after committing a crime, attempting to commit a crime that is a felony under the laws of the place from which the individual flees or a high misdemeanor in the State of New Jersey, or violating a condition of probation or parole imposed under federal or state law.

Section 35. Section 414.33, Florida Statutes, is created to read:

414.33 Violations of food stamp program.—

(1) In accordance with federal law and regulations, the department shall establish procedures for notifying the appropriate federal and state agencies of any violation of federal or state laws or rules governing the food stamp program.

(2) In addition, the department shall establish procedures for referring to the Division of Public Assistance Fraud within the Office of the Auditor General any case that involves a suspected violation of federal or state law or rules governing the administration of the food stamp program.

Section 36. Section 409.328, Florida Statutes, is transferred, renumbered as section 414.34, Florida Statutes, and amended to read:

414.34 ~~409.328~~ Annual report concerning administrative complaints and disciplinary actions involving food stamp program violations.—The department *shall* ~~is directed to~~ prepare and submit a report to the President of the Senate, the Speaker of the House of Representatives, the chairs of the legislative Health and Rehabilitative Services committees, and the Division of Public Assistance Fraud by January 1 of each year~~, beginning in 1993~~. In addition to any other information the Legislature may require, the report must include statistics and relevant information detailing:

(1) The number of complaints received and investigated.

(2) The number of findings of probable cause made.

(3) The number of findings of no probable cause made.

(4) The number of administrative complaints filed.

(5) The disposition of all administrative complaints.

(6) The number of criminal complaints brought under *s. 414.39* ~~s. 409.325~~, and their disposition.

(7) The status of the development and implementation of rules governing the electronic benefits transfer program, including any recommendations for statutory changes.

Section 37. Section 409.60, Florida Statutes, is transferred and renumbered as section 414.35, Florida Statutes.

Section 38. Section 409.2562, Florida Statutes, is transferred, renumbered as section 414.36, Florida Statutes, and amended to read:

414.36 ~~409.2562~~ Public assistance overpayment recovery program; contracts.—

(1) The Department of Health and Rehabilitative Services shall develop and implement a plan for the statewide privatization of activities relating to the establishment and recovery of public assistance overpayment claims. These activities shall include claims establishment, accounts receivable, recoupment, and collections functions for recovery of fraudulent and nonfraudulent benefits paid to recipients of *temporary assistance under the WAGES Program*, food stamps, and aid to families with dependent children, collections on non-revenue-generating benefit overpayment accounts, and referral of potential public assistance fraud to the Division of Public Assistance Fraud of the Office of the Auditor General for investigation and prosecution.

(2) For purposes of privatization of public assistance overpayment recovery, the department shall enter into contracts consistent with federal law with for-profit corporations, not-for-profit corporations, or other entities capable of providing the benefit recovery services required under this section. The department shall issue requests for proposals, enter into a competitive bidding process, and negotiate contracts for such services. Contracts for such services may be funded as a fixed-price contract for claims establishment delivered on a unit-of-service basis, and on a contingency fee basis, per fiscal year, based on a percentage of the state-retained share of collections, for food stamp and aid to families with dependent children claims.

(3) The Economic Services Program Office of the department shall have responsibility for contract management and for monitoring and

policy development functions relating to privatization of the public assistance overpayment recovery program.

Section 39. Section 409.25625, Florida Statutes, is transferred and renumbered as section 414.37, Florida Statutes.

Section 40. Section 409.25655, Florida Statutes, is transferred, renumbered as section 414.38, Florida Statutes, and amended to read:

414.38 ~~409.25655~~ Pilot work experience and job training for noncustodial parents program.—

(1) There *is* ~~shall be~~ established *in two judicial circuits* a work experience and job training pilot program for noncustodial parents ~~residing in two judicial circuits~~, ~~one~~ of which *one circuit* must be in a circuit with a mandatory family transition program in operation. The program shall be administered by the Department of Health and Rehabilitative Services.

(2) An obligor who resides in the judicial circuit *is* ~~shall be~~ eligible for entrance into the pilot program if, 30 days after any order for support, the obligor is still unemployed.

(3) If the court orders an obligor to participate in the work experience and job training program, the obligor must register with the local pilot program service provider.

(4) Every obligor ordered into the experience and job training pilot program must participate in work experience, peer support, job training, job placement, or educational activities for up to 40 hours a week.

(5) Any noncustodial parent ordered to participate in the pilot program under this section who fails without good cause to participate as ordered by the court may be held in contempt.

(6) The local work experience and job training pilot program service provider shall directly, or through contract:

(a) If necessary, enroll the obligor in a mandatory job training readiness program of up to 4 weeks in duration;

(b) Assess the obligor's employment skills;

(c) Assess the obligor's educational and literacy skills and enroll the obligor in a local adult educational program if necessary;

(d) Perform job search assistance and job matching functions, which *must* ~~shall~~ include on-the-job training to combine skill-building and immediate income;

(e) Monitor the progress of the obligor's employment;

(f) Offer a peer support program to educate the obligor about the responsibilities of a noncustodial parent, to encourage positive parental behavior and sexual responsibility, and to enhance the obligor's life skills;

(g) Offer support services to custodial and noncustodial parents to resolve conflicts concerning visitation, household expenditures, lifestyles, child care, and school arrangements;

(h) Advise the court when the obligor becomes employed and of the obligor's continuing employment progress every 30 days;

(i) Counsel the obligor about job retention and advancement; and

(j) Offer followup and support services for a period of 6 months.

(7) If the obligor becomes employed before starting the pilot program or becomes employed through the efforts of the local work experience and job training pilot program service provider, but cannot earn an adequate wage level for court-ordered child support as determined by s. 61.30 or otherwise by a court of competent jurisdiction, the service provider shall assist the obligor in obtaining federal earned-income tax credits and, if the wages and the earned-income tax credits are less than an adequate amount for the court-ordered child support, the service provider shall attempt to obtain additional or improved employment for the obligor. To determine whether the obligor has an adequate wage level, the following criteria shall be considered:

(a) All earnings, income, and resources of the obligor.

(b) The ability of the obligor to earn.

(c) The reasonable necessities of the obligor.

(d) The needs of the dependent child for whom support is sought.

(8) The local pilot program service provider *may* ~~shall~~ not:

(a) Charge the obligor for services obtained under this program; or

(b) Enroll the obligor in a community work program.

(9) The Department of Health and Rehabilitative Services shall contract with a private service provider for job training, placement, and support services. The Department of Health and Rehabilitative Services shall develop a request for proposal to include procedures and criteria for the competitive acceptance of proposals from interested service providers. Each interested service provider seeking a pilot program pursuant to this section must be able to demonstrate:

(a) Experience in executing large-scale social experiments;

(b) Experience in doing research involving waivers of federal AFDC, JOBS, and child support enforcement policies;

(c) An understanding of the demographics and experiences of economically disadvantaged noncustodial parents; and

(d) Experience in working directly with state programs designed to assist disadvantaged noncustodial parents.

(10)(a) The Department of Health and Rehabilitative Services, in consultation with the *Department* ~~Departments~~ of Revenue and *the Department of* Labor and Employment Security, shall conduct, or shall contract with one or more entities to conduct, a comprehensive evaluation of the program or programs funded through this section. An initial phase of such evaluation must be designed to monitor the extent to which the local work experience and job training pilot program is being implemented and to make recommendations on how best to expand the local work experience and job training pilot program to other sites, including validation of estimated program costs and savings related to factors such as support services, child support paid, job training and placement, peer support components, staffing ratios, and service integration. The initial phase of the evaluation must provide information on the preliminary outcomes of the program, including rates of job placement and job retention and participant salary levels. The Department of Health and Rehabilitative Services shall report results of the initial evaluation within 18 months after the demonstration projects begin.

(b) Following the initial implementation of the pilot projects, a subsequent phase of evaluation must be conducted to determine the impact of the local work experience and job training pilot program on participants. The evaluation must include, but is not limited to:

1. The effect of the program on postprogram levels of earnings for noncustodial parents;

2. The effect of the program on longer-term job retention for noncustodial parents;

3. The payment of child support and its impact on net income for the custodial parent;

4. The effect of the payment of child support on the well-being of the children; and

5. Estimates of the impact of the local work experience and job training pilot program on aggregate expenditures for *the WAGES Program* ~~AFDC~~, food stamps, Medicaid, child care, other support services, funds expended under ~~the Job Opportunities and Basic Skills Training (JOBS) program,~~ the Job Training Partnership Act (JTPA), and similar publicly funded programs and services.

(c) In order to provide evaluation findings with the highest feasible level of scientific validity, the Department of Health and Rehabilitative Services *may* ~~is specifically authorized to~~ contract for an evaluation design that includes random assignment of program participants to program groups and control groups. Under such design, members of

control groups must be given the level of job training and placement services generally available to noncustodial parents who are not included in the local work experience and job training pilot program areas. The provisions of s. 402.105 or similar provisions of federal or state law do not apply under this section.

(d) If the secretary determines that procurement procedures for the evaluation will delay the application or approval of any required federal waivers or would otherwise delay initial implementation of local work experience and job training pilot program beyond January 1, 1996, the secretary may proceed with such procurement, notwithstanding any provisions of chapter 287. However, the professional standards of any contractor selected must be consistent with the provisions of this section, and the amount of the contract must not exceed the funds provided for this purpose.

(e) A copy of the evaluation report shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and appropriate substantive committees of the Legislature by June 30, 1999.

(11) The Department of Health and Rehabilitative Services shall obtain the necessary waivers from the United States Department of Health and Human Services in order to implement ~~the provisions of~~ this section.

(12) The Department of Health and Rehabilitative Services, in consultation with the *Department* ~~Departments~~ of Revenue and *the Department of* Labor and Employment Security, shall adopt rules *to implement* ~~for the implementation of~~ this section ~~within 180 days of its becoming a law~~.

Section 41. Effective October 1, 1996, section 409.2567, Florida Statutes, is amended to read:

409.2567 Services to individuals not otherwise eligible.—All support and paternity determination services provided by the department shall be made available on behalf of all dependent children. Services shall be provided upon acceptance of public assistance or upon proper application filed with the department. The department shall adopt rules to provide for the payment of a $25 application fee from each applicant who is not a public assistance recipient. The application fee shall be deposited in the Child Support Enforcement Application Fee Trust Fund to be used for the Child Support Enforcement Program. The obligor is responsible for all administrative costs, as defined in s. 409.2554. The court shall order payment of administrative costs without requiring the department to have a member of the bar testify or submit an affidavit as to the reasonableness of the costs. An attorney-client relationship exists only between the department and the legal services providers in Title IV-D cases. The attorney shall advise the obligee in Title IV-D cases that the attorney represents the agency and not the obligee. In Title IV-D cases, any costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. The Department of Revenue shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1).

The department shall submit a monthly report to the Governor and the chairs of the Appropriations Committee of the House of Representatives and the Ways and Means Committee of the Senate specifying the funds identified for collection from the noncustodial parents of children receiving temporary assistance and the amounts actually collected.

Section 42. Section 409.325, Florida Statutes, is transferred, renumbered as section 414.39, Florida Statutes, and amended to read:

414.39 ~~409.325~~ Fraud.—

(1) Any person who knowingly:

(a) Fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used in making a determination as to such person's qualification to receive aid or benefits under any state or federally funded assistance program, or

(b) Fails to disclose a change in circumstances in order to obtain or continue to receive under any such program aid or benefits to which he is not entitled or in an amount larger than that to which he is entitled, or who knowingly aids and abets another person in the commission of any such act is guilty of a crime and shall be punished as provided in subsection (5).

(2) Any person who knowingly:

(a) Uses, transfers, acquires, traffics, alters, forges, or possesses, or

(b) Attempts to use, transfer, acquire, traffic, alter, forge, or possess, or

(c) Aids and abets another person in the use, transfer, acquisition, traffic, alteration, forgery, or possession of,

a food stamp, a food stamp identification card, an authorization, including, but not limited to, an electronic authorization, for the purchase of food stamps, a certificate of eligibility for medical services, or a Medicaid identification card in any manner not authorized by law is guilty of a crime and shall be punished as provided in subsection (5). For the purposes of this section, the value of an authorization to purchase food stamps shall be the difference between the coupon allotment and the amount paid by the recipient for that allotment.

(3) Any person having duties in the administration of a state or federally funded assistance program or in the distribution of benefits, or authorizations or identifications to obtain benefits, under a state or federally funded assistance program and who:

(a) Fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of, a food stamp, an authorization for food stamps, a food stamp identification card, a certificate of eligibility for prescribed medicine, a Medicaid identification card, or assistance from any other state or federally funded program with which he has been entrusted or of which he has gained possession by virtue of his position, or who knowingly fails to disclose any such fraudulent activity, or

(b) Knowingly misappropriates, attempts to misappropriate, or aids or abets in the misappropriation of, funds given in exchange for food stamps or for any form of food stamp benefits authorization,

is guilty of a crime and shall be punished as provided in subsection (5).

(4) Any person who:

(a) Knowingly files, attempts to file, or aids and abets in the filing of, a claim for services to a recipient of benefits under any state or federally funded assistance program for services which were not rendered; knowingly files a false claim or a claim for nonauthorized items or services under such a program; or knowingly bills the recipient of benefits under such a program, or his family, for an amount in excess of that provided for by law or regulation, or

(b) Knowingly fails to credit the state or its agent for payments received from social security, insurance, or other sources, or

(c) In any way knowingly receives, attempts to receive, or aids and abets in the receipt of, unauthorized payment or other benefit or authorization or identification to obtain benefits as provided herein,

is guilty of a crime and shall be punished as provided in subsection (5).

(5)(a) If the value of the assistance or identification wrongfully received, retained, misappropriated, sought, or used is less than an aggregate value of $200 in any 12 consecutive months, such person is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the value of the assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of $200 or more in any 12 consecutive months, such person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) As used in this subsection, the value of a food stamp authorization benefit is the cash or exchange value unlawfully obtained by the fraudulent act committed in violation of this section.

(d) As used in this section, "fraud" includes the introduction of fraudulent records into a computer system, the unauthorized use of computer facilities, the intentional or deliberate alteration or destruction of com-

puterized information or files, and the stealing of financial instruments, data, and other assets.

~~(c) In addition to the penalties in paragraphs (a) and (b), violations of this section are punishable under ss. 409.326 and 409.327.~~

(6) Any person providing service for which compensation is paid under any state or federally funded assistance program who solicits, requests, or receives, either actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest or other means, whether directly or indirectly, from either a recipient of assistance from such assistance program or from the family of such a recipient shall notify the Department of Health and Rehabilitative Services, on a form provided by the department, of the amount of such payment or contribution and of such other information as specified by the department, within 10 days after the receipt of such payment or contribution or, if said payment or contribution is to become effective at some time in the future, within 10 days of the consummation of the agreement to make such payment or contribution. Failure to notify the department within the time prescribed is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) Repayment of assistance or services or return of authorization or identification wrongfully obtained shall not constitute a defense to, or ground for dismissal of, criminal charges brought under this section.

(8)(a) The introduction into evidence of a paid state warrant made to the order of the defendant shall be prima facie evidence that the defendant did receive assistance from the state.

(b) The introduction into evidence of a *transaction history generated by a Personal Identification Number (PIN)* ~~bar-coded receipt~~ establishing a purchase *or withdrawal* by electronic benefit transfer ~~withdrawal~~ is prima facie evidence that the identified recipient received assistance from the state.

(9) All records relating to investigations of public assistance fraud in the custody of the Department of Health and Rehabilitative Services *and the Agency for Health Care Administration* are available for examination by the Division of Public Assistance Fraud of the office of the Auditor General pursuant to s. 11.50 and are admissible into evidence in proceedings brought under this section as business records within the meaning of s. 90.803(6).

(10) The department shall create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each application for public assistance, including food stamps, Medicaid, and the WAGES Program, against the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to preeligibility fraud screening.

Section 43. Section 409.3251, Florida Statutes, is transferred and renumbered as section 414.40, Florida Statutes.

Section 44. Section 409.335, Florida Statutes, is transferred, renumbered as section 414.41, Florida Statutes, and amended to read:

414.41 ~~409.335~~ Recovery of payments made due to mistake or fraud.—

(1) Whenever it becomes apparent that any person or provider has received any *assistance or* benefits under this chapter to which he is not entitled, *through* either ~~through~~ simple mistake or fraud, the department shall take all necessary steps to recover the overpayment~~, unless it is determined that extreme hardship would result if repayment were forced at that time~~. The department may make appropriate settlements and shall establish a policy and cost-effective rules to be used in the recovery of such overpayments.

(2) The department shall determine if recovery of an overpayment as a result of department error regarding assistance provided under the WAGES Program or benefits provided to a recipient of aid to families with dependent children would create extreme hardship. The department shall provide by rule the circumstances that constitute an extreme hardship. The department may reduce the amount of repayment if a recipient or participant demonstrates to the satisfaction of the department that repayment of the entire overpayment would result in extreme hardship, but the department may not excuse repayment. A determination of extreme hardship is not grounds for a waiver of repayment in whole or in part.

(3) The department, or its designee, shall enforce an order of income deduction by the court against the liable adult recipient or participant, including the head of a family, for overpayment received as an adult under the WAGES Program, the AFDC program, the food stamp program, or the Medicaid program.

(4)~~(2)~~ When the department has made a probable cause determination and alleged that an overpayment to a Medicaid provider has occurred, the department, after notice to the provider, may:

(a) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, any medical assistance reimbursement payments until such time as the overpayment is recovered, unless within 30 days after receiving notice thereof the provider:

1. Makes repayment in full; or

2. Establishes a repayment plan that is satisfactory to the department.

(b) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, medical assistance reimbursement payments if the terms of a repayment plan are not adhered to by the provider.

Should a provider request an administrative hearing pursuant to chapter 120, such hearing shall be conducted within 90 days following receipt by the provider of the final audit report, absent exceptionally good cause shown as determined by the administrative hearing officer. Upon issuance of a final order, the balance outstanding of the amount determined to constitute the overpayment shall become due. Any withholding of payments by the department pursuant to this section shall be limited so that the monthly medical assistance payment *is* ~~shall~~ not ~~be~~ reduced by more than 10 percent.

(5)~~(3)~~ In all final agency actions and orders issued by hearing officers that relate to recovery of medical assistance overpayments made due to a mistake of the provider or fraud, the department shall make a motion to impose an interest penalty at 10 percent per year from the date of final agency action or order by a hearing officer until the overpayment is recovered by the department. When the hearing officer's decision is that an overpayment was not made in an amount as great as identified by the department, any collections made by the department pursuant to subsection *(4)* ~~(2)~~ shall be reimbursed within 60 days to the provider by the department with interest at 10 percent per year.

Section 45. Section 409.3282, Florida Statutes, is transferred and renumbered as section 414.42, Florida Statutes.

Section 46. Section 414.43, Florida Statutes, is created to read:

414.43 Special needs allowance for families with a disabled family member.—

(1) The department shall establish a special need allowance which shall be deducted from the calculation of family income in determining the net monthly income for the family in the case of families as described in this section.

(2) Families eligible for the special needs allowance shall be families with one or more members who receive Supplemental Security Income under Title XVI of the Social Security Act, as amended, and such Supplemental Security income may not be disregarded due to federal law.

(3) The purpose of the special needs allowance is to recognize the out-of-pocket expenses of families with a disabled family member which are not covered by Medicaid. The department shall establish guidelines which delineate the amount and verification or documentation procedures related to the special needs allowances. The department may establish one or more standard amounts for the special needs allowance.

(4) The department shall gather information regarding the number of families who receive Supplemental Security Income which is considered as income due to change in federal law, the number of families who apply for the special needs allowance, the number and amount of special needs allowances approved, and the effect on family eligibility.

(5) The department shall consult with the Developmental Disabilities Council and other groups, organizations, or individuals with knowl-

edge about the needs of families with members who are disabled in establishing the amount of the special needs allowance.

Section 47. Section 414.44, Florida Statutes, is created to read:

414.44 Data collection and reporting.—The department shall collect data necessary to administer this chapter and make the reports required under federal law to the United States Department of Health and Human Services and the United States Department of Agriculture.

Section 48. Effective July 1, 1996, section 414.45, Florida Statutes, is created to read:

414.45 Rulemaking.—The department may adopt rules to administer the programs provided for in this chapter. The department shall adopt rules that provide protection against discrimination and the opportunity for a participant to request a review by a supervisor or administrator of any decision made by a panel or board of the department or the WAGES Program.

Section 49. Subsections (1), (3), and (4) of section 11.50, Florida Statutes, are amended to read:

11.50 Division of Public Assistance Fraud.—

(1)(a) The Auditor General shall investigate, on his or her own initiative or when required by the Legislative Auditing Committee, public assistance made under the provisions of chapter 409 *or chapter 414*. In the course of such investigation the Auditor General shall examine all records, including electronic benefits transfer records and make inquiry of all persons who may have knowledge as to any irregularity incidental to the disbursement of public moneys, food stamps, or other items or benefits authorizations to recipients.

(b) All public assistance recipients, as a condition precedent to qualification for assistance under the provisions of chapter 409 *or chapter 414*, shall first give in writing, to *the Agency for Health Care Administration or* the Department of Health and Rehabilitative Services*, as appropriate,* and to the Division of Public Assistance Fraud, consent to make inquiry of past or present employers and records, financial or otherwise.

(3) The results of such investigation shall be reported by the Auditor General to the Legislative Auditing Committee, *the Agency for Health Care Administration,* ~~and~~ the Department of Health and Rehabilitative Services and to such others as *the Legislative Auditing* ~~that~~ Committee or the Auditor General may determine.

(4) The Department of Health and Rehabilitative Services shall report to the Auditor General the final disposition of all cases wherein action has been taken pursuant to *s. 414.39* ~~s. 409.325~~, based upon information furnished by the Division of Public Assistance Fraud.

Section 50. Paragraph (b) of subsection (4) and paragraph (c) of subsection (19) of section 20.19, Florida Statutes, are amended to read:

20.19 Department of Health and Rehabilitative Services.—There is created a Department of Health and Rehabilitative Services.

(4) DEPUTY SECRETARY FOR HUMAN SERVICES.—The secretary shall appoint a Deputy Secretary for Human Services who serves at the pleasure of, and is directly responsible to, the secretary. The secretary shall appoint an Assistant Deputy Secretary for Human Services who serves at the pleasure of the secretary and is directly responsible to the Deputy Secretary for Human Services.

(b)1. Program offices operate in a staff capacity to the Deputy Secretary for Human Services. Each program office is headed by an assistant secretary who is appointed by, and serves at the pleasure of, the secretary and is directly responsible to the Deputy Secretary for Human Services. The Assistant Secretary for Children's Medical Services is responsible for all programs, activities, and functions of the department relating to all children's medical services programs operated by the department. The Assistant Secretary for Children's Medical Services must be a physician licensed under chapter 458 or chapter 459, and must have specialized training and experience in child health as defined in s. 391.051. The secretary shall appoint a Deputy Assistant Secretary for Alcohol and Drug Abuse and a Deputy Assistant Secretary for Mental Health, who both report directly to the Assistant Secretary for Alcohol, Drug Abuse, and Mental Health. The Deputy Secretary for Human Services shall delegate to the program offices the following responsibilities, which include, but are not limited to:

a. Establishment of program standards and performance objectives.

b. Development of program policies and rules, and provision of policy interpretations in order to achieve statewide consistency.

c. The review and monitoring of programs and the provision of technical assistance to programs in order to ensure compliance and accountability with statewide program standards, performance objectives, and state and federal laws, rules, and regulations.

d. Outcome evaluation and program effectiveness.

e. Development of staffing and workload standards.

f. Development of budget and resource allocation methodologies and strategies.

g. Compilation of reports, analyses, and assessments of client needs and services on a statewide basis.

h. Staff development and training.

i. General statewide supervision of the administration of service programs.

j. Any other program planning and development duties assigned by the secretary.

2. The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging is for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

a. Children's Medical Services Program Office.—The responsibilities of this office encompass all children's medical services programs operated by the department.

b. Economic Services Program Office.—The responsibilities of this office encompass ~~all~~ income support programs within the department, such as *temporary assistance* ~~aid~~ to families with dependent children ~~(AFDC)~~, food stamps, and state supplementation of the supplemental security income (SSI) program.

c. Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for developmentally disabled persons. Developmental disabilities include any disability defined in s. 393.063.

d. Aging and Adult Services Program Office.—The responsibilities of this office encompass all aging and adult programs operated by the department, including SSI-related program eligibility determinations.

e. Children and Families Program Office.—The responsibilities of this program office encompass intake services for protective investigation *of* ~~services for~~ abandoned, abused, and neglected children; interstate compact on the placement of children programs; children's protective services; adoption; child care; foster care programs; specialized services to families; and programs serving children through the Menninger Foundation, including the CHARLEE Program.

f. Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department. In addition, the responsibility for adult forensic programs and children's mental health programs and services, except programs serving children through the Menninger Foundation, including the CHARLEE Program, the Eckerd Family Youth Alternatives, Inc., and the Elaine Gordon Treatment Center, shall be located within this office.

3. State institutions, other than health institutions, are managed as components of related continuums of care. To that end, it is the intent of the Legislature that institutional resources and community-based resources be managed in a coordinated and flexible manner to facilitate maximum development of community-based continuums of care and minimum use of institutional services. Further, it is the intent of the

Legislature that budget management of state institutions include mechanisms to transfer institutional funds to service districts in order to successfully reduce the use by the district of its share of institutional resources. Each civil mental health and developmental services institution must have an advisory board that includes representatives selected by each district served by that institution. The advisory board shall assist in policy development, participate in the institution's quality assurance process, and coordinate the delivery of services provided by the community and the institution.

(19) OUTCOME EVALUATION AND PROGRAM EFFECTIVENESS.—

(c) The department shall:

1. Establish within the Children and Families Program; Aging and Adult Services Program; Alcohol, Drug Abuse, and Mental Health Program; Developmental Services Program; Economic Services Program; Children's Medical Services Program; and Health Program a comprehensive system to annually measure and report client outcome and program effectiveness for each program that each program office operates or contracts. Client-outcome measures are a required provision of all contracts entered into by the department with respect to the provision of services under the jurisdiction of the programs.

2.a. Provide operational definitions of and criteria for client outcome and program effectiveness for each specific program component, to include, but not be limited to, a definition of successful program completion.

b. The Children and Families Program Office shall define and report recidivism in addition to the requirements of this section.

c. As appropriate, program offices under this section shall report clients who reenter services and treatment within 1 year after release, discharge, or successful completion of a program.

3. Establish goals and objectives for each specific program component.

4. Establish the information and specific data elements required for the management of client-outcome measures.

5. Develop a program office-specific, standardized terminology and procedures manual to be followed by each program. The procedures shall include standard formats for the collection of data from the various program components with clearly defined documentation requirements.

6. Establish procedures for the continuous flow of client-outcome information.

7. Develop procedures to analyze client-outcome data in relation to program process.

8. Implement continuous longitudinal studies to determine the long-range effects of programs. The longitudinal studies shall track a cohort representative sample of clients at 5 years after their initial completion of a program. Whenever possible, longitudinal studies shall compare a representative sample of clients completing the program with a comparable cohort group that did not enter the program.

a. The Children and Families Program Office shall determine the long-range effect of prevention, residential, and nonresidential programs for dependent children.

b. The Aging and Adult Services Program Office shall determine the long-range effects of programs, including, but not limited to, programs that provide community services, in-home care, and other nonresidential services, to determine their effect in preventing residential placement.

c. The Alcohol, Drug Abuse, and Mental Health Program Office shall determine the long-range effects of programs, including, but not limited to, prevention, community-based programs, outpatient programs, inpatient programs, and nonresidential and residential programs for children and adults.

d. The Children's Medical Services Program Office shall determine the long-range effects of programs, including, but not limited to, prevention and early intervention programs, including infant metabolic screening, developmental evaluation, inpatient programs, and outpatient programs.

e. The Developmental Services Program Office shall determine the long-range effects of programs, including, but not limited to, prevention, early intervention, family support services, developmental training programs, community-based supported employment, and community residential programs.

f. The Economic Services Program Office shall determine the long-range effects of programs, including, but not limited to, programs that implement the provisions of the *WAGES Program* ~~Family Support Act of 1988, Pub. L. No. 100-485, pursuant to s. 409.029~~.

g. The State Health Office shall determine the long-range effects of programs, including, but not limited to, maternal and child health; family planning; the Special Supplemental Food Program for Women, Infants, and Children; primary health care; dental health; communicable diseases; and environmental health.

9. Establish appropriate methodology and statistical analysis to ensure the reliability, validity, and utility of client-outcome data.

10. Establish appropriate interdistrict evaluation teams using private sector experts to evaluate the quality of the services delivered by each program.

Each program office under this subsection shall submit an annual report to the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of each house of the Legislature, the appropriate substantive and appropriations committees of each house of the Legislature, and the Governor, no later than December 31 of each calendar year. The annual program-outcome report shall contain, at a minimum, for each specific program component a comprehensive description of the population served by the program, a specific description of the services provided by the program, client-outcome measures, an assessment of program effectiveness, cost, a comparison of expenditures to federal and state funding, immediate and long-range concerns, the status or results of the longitudinal studies, and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The department's Inspector General shall ensure the reliability and validity of the information contained in the report.

Section 51. Subsection (6) of section 39.044, Florida Statutes, is amended to read:

39.044 Detention.—

(6) When any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the Department of Juvenile Justice, or institution having custody of the child, fees equal to the actual cost of the care, support, and maintenance of the child, as established by the Department of Juvenile Justice, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. With respect to a child who has been found to have committed a delinquent act or violation of law, whether or not adjudication is withheld, and whose parent or guardian receives ~~AFDC or other~~ public assistance for any portion of that child's care, the department must seek a federal waiver to garnish or otherwise order the payments of the portion of the public assistance relating to that child to offset the costs of providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the child. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

Section 52. Effective October 1, 1996, section 61.11, Florida Statutes, is amended to read:

61.11 Writs.—

(1) When either party is about to remove himself or herself or his or her property out of the state, or fraudulently convey or conceal it, the court may award a ne exeat or injunction against the party or the property and make such orders as will secure alimony or support to the party who should receive it.

(2)(a) When the court issues a writ of bodily attachment in connection with a court-ordered child support obligation, the writ or attachment to the writ must include, at a minimum, such information on the respondent's physical description and location as is required for entry of the writ into the Florida Crime Information Center telecommunications system and authorization for the assessment and collection of the actual costs associated with the service of the writ and transportation of the respondent in compliance thereof. The writ shall direct that service and execution of the writ may be made on any day of the week and any time of the day or night.

(b) The clerk of the court shall forward a copy of the writ for service to the sheriff of the county in which the writ is issued.

(c) Upon receipt of a writ from the clerk of the court, the sheriff shall enter the information on any unserved writ into the Florida Crime Information Center system to make the information available to other law enforcement agencies within the state. The writ shall be enforceable in all counties of the state.

(d) Upon receipt of the purge payment, the receiving agency shall provide the subject with a written receipt acknowledging such payment, which must be carried on the person of the respondent for a period of at least 30 days from the date of payment as proof of such payment. A sheriff receiving such payment shall forward the funds to the sheriff who entered the information about the writ into the Florida Crime Information Center system and who shall forward the funds to the appropriate clerk of court.

(e) After a writ is modified, purged, recalled, terminated, or otherwise rendered ineffective by ruling of the court, the clerk of the court shall notify the sheriff receiving the original writ. That agency shall modify or cancel the entry in the Florida Crime Information Center system in accordance with such notification.

Section 53. Paragraph (c) of subsection (2) of section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines.—

(2) Income shall be determined for the obligor and for the obligee as follows:

(c) *Temporary assistance under the WAGES Program* ~~Aid to families with dependent children benefits~~ shall be excluded from gross income.

Section 54. Subsection (21) of section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(21) "Public assistance" means assistance provided through the food stamp program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the *WAGES* ~~Aid to Families with Dependent Children~~ Program.

Section 55. Subsection (2) of section 194.013, Florida Statutes, is amended to read:

194.013 Filing fees for petitions; disposition; waiver.—

(2) The value adjustment board shall waive the filing fee with respect to a petition filed by a taxpayer who demonstrates at the time of filing, by an appropriate certificate or other documentation issued by the Department of Health and Rehabilitative Services and submitted with the petition, that the petitioner is then an eligible recipient of *temporary* ~~public~~ assistance ~~payments~~ under *chapter 414* ~~s. 409.185~~.

Section 56. Effective July 1, 1996, paragraph (j) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(j) Household fuels.—Also exempt from payment of the tax imposed by this chapter are sales of utilities to residential households or owners of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, and sales of fuel to residential households or owners of residential models, including oil, kerosene, liquefied petroleum gas, coal, wood, and other fuel products used in the household or residential model for the purposes of heating, cooking, lighting, and refrigeration, regardless of whether such sales of utilities and fuels are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the utility or fuel is used for a nonexempt purpose, the entire sale is taxable. The landlord shall provide a separate meter for nonexempt utility or fuel consumption. *For the purposes of this paragraph, licensed family day care homes shall also be exempt.*

Section 57. Effective October 1, 1996, section 230.2305, Florida Statutes, is amended to read:

230.2305 Prekindergarten early intervention program.—

(1) LEGISLATIVE INTENT; PURPOSE.—The Legislature recognizes that high-quality prekindergarten education programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that such programs be developmental, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of all children, and support family education and the involvement of parents in their child's educational progress. Each prekindergarten early intervention program shall provide the elements necessary to prepare children for school, including health screening and referral and a developmentally appropriate educational program and opportunities for parental involvement in the program. It is the legislative intent that the prekindergarten early intervention program not exist as an isolated program, but build upon existing services and work in cooperation with other programs for young children. It is intended that procedures such as, but not limited to, contracting, collocation, mainstreaming, and cooperative funding be used to coordinate the program with Head Start, public and private providers of *child* ~~day~~ care, preschool programs for children with disabilities, programs for migrant children, Chapter I, subsidized *child* ~~day~~ care, adult literacy programs, and other services. It is further the intent of the Legislature that the Commissioner of Education seek the advice of the Secretary of Health and Rehabilitative Services in the development and implementation of the prekindergarten early intervention program and the coordination of services to young children. The purpose of the prekindergarten early intervention program is to assist *local communities* ~~school districts~~ in implementing programs that will enable all the families and children in the school district to be prepared for the children's success in school.

(2) *ELIGIBILITY* ~~PROGRAM~~.—There is hereby created the prekindergarten early intervention program for children who are 3 and 4 years of age. A prekindergarten early intervention program shall be administered by a district school board and shall receive state funds pursuant to subsection (9). Prekindergarten early intervention programs shall be implemented and conducted by school districts pursuant to a plan developed and approved as provided in this section. School district participation in the prekindergarten early intervention program shall be at the discretion of each school district.

(a) At least 75 percent of the children projected to be served by the district program shall be economically disadvantaged 4-year-old children *of working parents*, including migrant children *or children whose parents participate in the WAGES Program*. Other children projected to be served by the district program may include any of the following up to a maximum of 25 percent of the total number of children served:

1. Three-year-old and four-year-old children who are referred to the school system who may not be economically disadvantaged but who are

abused, prenatally exposed to alcohol or harmful drugs, or from foster homes, or who are marginal in terms of Exceptional Student Education placement.

2. Three-year-old children and four-year-old children who may not be economically disadvantaged but who are eligible students with disabilities and served in a specific part-time or combination of part-time exceptional student education programs with required special services, aids, or equipment and who are reported for funding part-time in the Florida Education Finance Program as exceptional students. These students may be funded from prekindergarten early intervention program funds the portion of the time not funded by the Florida Education Finance Program for the actual instructional time or one full-time equivalent student membership, whichever is the lesser. These part-time students with disabilities shall be counted toward the 25-percent student limit based on full-time equivalent student membership funded part-time by prekindergarten early intervention program funds. Also, 3-year-old or 4-year-old eligible students with disabilities who are reported for funding in the Florida Education Finance Program in a full-time or an authorized combination of full-time and part-time exceptional student programs as provided in s. 236.081(1)(c) may be mainstreamed in the prekindergarten early intervention program if such programming is reflected in the student's individual educational plan; if required special services, aids, or equipment are provided; and if there is no operational cost to prekindergarten early intervention program funds. These full-time exceptional students shall not count against the 75-percent or 25-percent student limit as stated in this paragraph.

3. Economically disadvantaged 3-year-old children ~~served in groups~~.

4. Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to age four, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

5. Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of "economically disadvantaged" as defined in paragraph (b), who shall not pay a fee.

6. After the groups listed in subparagraphs 1., 2., 3., and 4. have been served, 3-year-old and 4-year-old children who are not economically disadvantaged and for whom a fee is paid for the children's participation.

(b) An "economically disadvantaged" child shall be defined as a child eligible to participate in the free lunch program. Notwithstanding any change in a family's economic status or in the federal eligibility requirements for free lunch, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible *until the child reaches kindergarten age* ~~through the end of that school year~~. In order to assist the school district in establishing the priority in which children shall be served, *and to increase the efficiency in the provision of child care services in each district, the district shall enter into a written collaborative agreement with other publicly funded early education and child care programs within the district. Such agreement shall be facilitated by the interagency coordinating council and shall set forth, among other provisions, the measures to be undertaken to ensure the programs' achievement and compliance with the performance standards established in subsection (3) and for maximizing the public resources available to each program. In addition,* the central agency for state-subsidized child care or the local service district of the Department of Health and Rehabilitative Services shall provide the school district with an updated list of 3-year-old and 4-year-old children residing in the school district who are on the waiting list for state-subsidized child care.

(3) STANDARDS.—

(a) Publicly supported preschool programs, including prekindergarten early intervention, subsidized child care, teen parent programs, Head Start, migrant programs, and Chapter 1 programs shall employ a simplified point of entry to the child care services system in every community. These programs shall share the waiting lists for unserved children in the community so that a count of eligible children is maintained without duplications.

(b) The Department of Education and the Department of Health and Rehabilitative Services, in consultation with the Legislature, shall develop a minimum set of performance standards for publicly funded early education and child care programs and a method for measuring the progress of local school districts and central agencies in meeting a desired set of outcomes based on these performance measures. The defined outcomes must be consistent with the state's first education goal, readiness to start school, and must also consider efficiency measures such as the employment of a simplified point of entry to the child care services system, coordinated staff development programs, and other efforts within the state to increase the opportunity for welfare recipients to become self-sufficient. Performance standards shall be developed for all levels of administration of the programs, including individual programs and providers, and must incorporate appropriate expectations for the type of program and the setting in which care is provided.

(4)~~(3)~~ PLANS.—Each district school board that chooses to participate in the prekindergarten early intervention program shall*, in consultation with the interagency coordinating council,* submit to the Commissioner of Education a plan for implementing and conducting a prekindergarten early intervention program *for approval.* ~~Each plan or amended plan shall be developed in cooperation with the local interagency coordinating council on early childhood services pursuant to subsection (11) and shall be approved by the commissioner.~~ A district school board shall submit a plan or amended plan for planning and evaluating prekindergarten programs, implementing new services, enhancing existing early childhood, prekindergarten, or child care programs provided by public or nonpublic entities, or contracting for the provision of services or facilities. *The plans* ~~School boards~~ shall include ~~in their plans~~ an explanation of the role of the prekindergarten early intervention program in the school district's effort to meet the first state education goal, readiness to start school, and the plan must include the utilization of public and private programs already in existence in the district, business-education partnerships, and preschool programs operated by vocational-technical schools, community colleges, and universities. A ~~district school board~~ plan shall identify the locations where services will be provided and may include public school property or other sites that meet state and local licensing requirements for child ~~day~~ care facilities or State Board of Education rules, except that sites shall be located to the maximum extent practicable so as to provide easy access by parents, especially working parents of economically disadvantaged children. When a district uses nonschool facilities or nonschool facility staff for the provision of services, a contract is required; when a district uses nonschool facilities and provides district instructional staff, a cooperative agreement is required. ~~Unless the commissioner requests a revised plan, districts with plans approved subsequent to July 1, 1989, must submit only amendments to their initial plans to the commissioner by November 15 of each subsequent year.~~

(5)~~(4)~~ PLAN APPROVAL.—To be considered for approval, each plan, or amendment to a plan, must be prepared according to instructions issued by the Commissioner of Education and must include, without limitation:

(a) A description of the program curriculum and assurances that the program curriculum will be developmentally appropriate according to current nationally recognized recommendations for high-quality prekindergarten programs.

(b) The estimated number of children who will participate in the program based upon a needs assessment that considers existing services and unmet needs.

(c) The projected percentage of children who will participate in the program and who are economically disadvantaged.

(d) The criteria used by the district to establish a sliding fee scale for participants who are not economically disadvantaged, and a description of the sliding scale.

(e) A description of the program's administrative and supervisory structure.

(f) The ratio of direct instructional staff to children. The ratio must be one adult to 10 children, or a lower ratio. Upon written request from a school district, the commissioner may grant permission for a ratio of up to 1 adult to 15 children for individual schools or centers for which a 1 to 10 ratio would not be feasible.

(g) Information on the training and qualifications of program staff, including an assurance that all staff will have met the following minimum requirements:

1. The minimum level of training is to be the completion of a 30-clock-hour training course planned jointly by the Department of Education and the Department of Health and Rehabilitative Services to include the following areas: state and local rules that govern child care, health, safety, and nutrition; identification and report of child abuse and neglect; child growth and development; use of developmentally appropriate early childhood curricula; and avoidance of income-based, race-based, and gender-based stereotyping.

2. When individual classrooms are staffed by certified teachers, those teachers must be certified for the appropriate grade levels under s. 231.17 and State Board of Education rules. Teachers who are not certified for the appropriate grade levels must obtain proper certification within 2 years. However, the commissioner may make an exception on an individual basis when the requirements are not met because of serious illness, injury, or other extraordinary, extenuating circumstance.

3. When individual classrooms are staffed by noncertified teachers, there must be a program director or lead teacher who is eligible for certification or certified for the appropriate grade levels pursuant to s. 231.17 and State Board of Education rules in regularly scheduled direct contact with each classroom. Notwithstanding s. 231.15, such classrooms must be staffed by at least one person who has, at a minimum, a child development associate credential (CDA) or an amount of training determined by the commissioner to be equivalent to or to exceed the minimum, such as an associate in science degree in the area of early childhood education.

4. Beginning October 1, 1994, principals and other school district administrative and supervisory personnel with direct responsibility for the program must demonstrate knowledge of prekindergarten education programs that increase children's chances of achieving future educational success and becoming productive members of society in a manner established by the State Board of Education by rule.

To be eligible for state funding, all program plans must include a requirement that all personnel who are not certified under s. 231.17 must comply with screening requirements under ss. 231.02 and 231.1713.

(h) A description of proposed staff development activities, including arrangements for staff access to training in child growth and development and developmentally appropriate early childhood curriculum~~, coordination with local teacher education centers established under s. 231.603,~~ and integration with district master inservice plans required under s. 236.0811.

(i) A description of the number and location of all program sites and how each site is considered easily accessible to the population to be served and to coordinated services.

(j) A description of the arrangements for transporting children to and from the program sites and their homes, if appropriate.

(k) A requirement that student participation be contingent upon parental involvement, and a description of the parental involvement activities integral to the program, which must include program site-based parental activities designed to fully involve parents in the program and which may include parenting education, home visitor activities, family support services coordination, and other activities.

(l) A description of the interagency coordinating council and efforts made to coordinate and maximize use of existing funds and community facilities, equipment, medical, educational, and social services, including coordination with adult literacy and vocational programs.

(m) Identification of the days and hours when services are to be provided, including a school day and school year equal to or exceeding the requirements for kindergarten under ss. 228.041 and 236.013 and strategies to provide care before school, after school, and 12 months a year, when needed. The strategies specified by this paragraph must be developed by the school district in cooperation with the central agency for state-subsidized child care or the local service district of the Department of Health and Rehabilitative Services and must be approved by the district interagency coordinating council established under subsection *(11)* ~~(10)~~. Programs may be provided on Saturdays and through other innovative scheduling arrangements.

(n) A description of the developmental and health screening and referral services to be provided each child in the program and assurances that needed developmental and health services will be provided through interagency coordination to the extent possible.

(o) A written description of the role of the program in the school district's effort to meet the first state education goal, readiness to start school, including a description of the ~~school board's~~ plan to involve nonpublic schools, public and private providers of day care and early education, and other community agencies that provide services to young children. This may include private child care programs, subsidized child care programs, and Head Start programs. The written description of the ~~school board's~~ plan to involve the groups listed above must be submitted annually.

(p) A description of how the program will be coordinated with the district program for grades K through 3 and with district preschool programs for children with disabilities and migrant children*, the teen parent program, and Chapter 1 programs.*

(q) A tentative budget.

(r) Strategies to allow for parental option regarding a child's participation at a school-based site or among contracted sites, when such an option is appropriate and within the school district. The school district may consider availability of sites, transportation, staffing ratios, costs, and other factors in determining the assignment and setting district guidelines. Parents may request and be assigned a site other than one first assigned by the district, provided the parents pay the cost of transporting the child to the site of the parents' choice.

(s) Strategies for school district coordination with the central agency for state-subsidized child care or the local service district of the Department of Health and Rehabilitative Services to verify family participation in *the WAGES Program* ~~Project Independence~~, thus ensuring accurate reporting and full utilization of federal funds available through the Family Support Act, and for the agency's or service district's sharing of the waiting list for state-subsidized child care under paragraph *(3)(a)* ~~(2)(b)~~.

(6)~~(5)~~ PLAN APPROVAL.—The Commissioner of Education has the final authority to approve or disapprove plans and amended plans.

(7)~~(6)~~ EVALUATION.—Each school district shall conduct an evaluation of the effectiveness of the prekindergarten early intervention program. This evaluation shall include measures of the following:

(a) The children's achievement as measured by assessments upon entry into the program and upon completion of the program; and

(b) The children's readiness for kindergarten as measured by the instrument the district uses to assess the school readiness of all children entering kindergarten. The results of this evaluation must be maintained by the school district and made available to the public upon request.

(8)~~(7)~~ MONITORING AND TECHNICAL ASSISTANCE.—Pursuant to s. 229.565(5), the Commissioner of Education shall monitor each district prekindergarten early intervention program at least annually to determine compliance with the district plan and the provisions of this section. If a ~~school board fails to bring its~~ program *is not brought* into compliance within 3 months after the commissioner's evaluation citing specific deficiencies, the commissioner must withhold such funds as have been allocated to the school board for its prekindergarten early intervention program and which have not yet been released. The department shall develop manuals and guidelines for the development of district plans and shall provide ongoing technical assistance to ensure that each district program maintains high standards of quality and effectiveness.

(9)~~(8)~~ ANNUAL REPORT.—Each ~~district school board that implements a~~ prekindergarten early intervention program under this section shall, *through* ~~with the assistance of~~ the district interagency coordinating council on early childhood services, submit an annual report of its program to the Commissioner of Education. The report must describe the overall program operations; activities of the district interagency coordinating council on early childhood services; expenditures; the number of students served; ratio of staff to children; staff qualifications; evaluation findings, including identification of program components that were most successful; and other information required by the Commissioner of Education or the state advisory council.

(10)~~(9)~~ FUNDING.—

(a) This section shall be implemented only to the extent that funding is available. State funds appropriated for the prekindergarten early intervention program *may only be used pursuant to the plan developed in consultation with the interagency coordinating council on early childhood services and* may not be used for the construction of new facilities, the transportation of students, or the purchase of buses, but may be used for educational field trips which enhance the curriculum.

1. At least 70 percent of the total funds allocated to each school district under this section must be used for implementing and conducting a prekindergarten early intervention program or contracting with other public or nonpublic entities for programs to serve eligible children. The maximum amount to be spent per child for this purpose is to be designated annually in the General Appropriations Act.

2. No more than 30 percent of the funds allocated to each school district pursuant to this section may be used to enhance existing public and nonpublic programs for eligible children, to provide before-school and after-school care for children served under this section, to remodel or renovate existing facilities under chapter 235, to lease or lease-purchase facilities in accordance with subsection *(4)* ~~(3)~~ of this section, to purchase classroom equipment to allow the implementation of the prekindergarten early intervention program, and to provide training for program teachers and administrative personnel employed by the school district and by agencies with which the school district contracts for the provision of prekindergarten services.

3. Funds may also be used pursuant to subparagraphs 1. and 2. to provide the prekindergarten early intervention program for more than 180 school days.

(b) A minimum grant ~~for each district~~ is to be determined annually in the General Appropriations Act. The funds remaining after allocating the minimum grants must be prorated based on an allocation factor for each district and must be added to each district's minimum grant. The allocation factor is to be calculated as follows:

District percentage of state 3-year-old and 4-year-old children	x ¼	+	District percentage of state free lunch students	x ¾

The calculation of each ~~district's~~ allocation factor is to be based upon the official estimate of the total number of 3-year-old and 4-year-old children by school district and *estimate of the number of economically disadvantaged children in need of child care services as indicated on the locally maintained waiting list* ~~the official record of the Department of Education for K-12 student participation in the free lunch program by school district for the prior fiscal year~~.

~~(c) A portion of the funds appropriated by the Legislature for the prekindergarten early intervention program must be allocated by the commissioner to districts whose plans include exemplary programs or services that emphasize parental involvement or innovative approaches to work with at-risk disadvantaged children, unique sites that minimize access problems, programs or services that have the potential of advancing the state of the art for work with disadvantaged young children, programs selected to serve as training and demonstration sites, or programs participating in a self-study process leading to accreditation by a nationally recognized early childhood accrediting agency.~~

(11)~~(10)~~ DISTRICT INTERAGENCY COORDINATING COUNCILS.—

(a) To be eligible for a prekindergarten early intervention program, each school district must develop, implement, and evaluate its prekindergarten program in cooperation with a district interagency coordinating council on early childhood services.

(b) Each district coordinating council must consist of at least 12 members to be appointed by the district school board, *the county commission* for the county in which participating schools are located, *and the Department of Health and Rehabilitative Services' district administrator* and must include at least the following:

1. One member who is a parent of a child enrolled in, or intending to enroll in, the public school prekindergarten program, *appointed by the school board*.

2. One member who is a director or designated director of a prekindergarten program in the district, *appointed by the school board*.

3. One member who is a member of a district school board, *appointed by the school board*.

4. One member who is a representative of an agency serving children with disabilities, *appointed by the Department of Health and Rehabilitative Services' district administrator*.

5. Four members who are representatives of organizations providing prekindergarten educational services, one of whom is a representative of a Head Start Program, *appointed by the Department of Health and Rehabilitative Services' district administrator*; one of whom is a representative of a Title XX subsidized child day care program, if such programs exist within the county; *appointed by the Department of Health and Rehabilitative Services' district administrator* and two of whom are private providers of preschool care and education to 3-year-old and 4-year-old children, *one appointed by the county commission and one appointed by the Department of Health and Rehabilitative Services' district administrator*. If there is no Head Start Program or Title XX program operating within the county, *these* ~~the school board must appoint~~ two members *must* ~~to~~ represent community interests in prekindergarten education.

6. Two members who are representatives of agencies responsible for providing social, medical, dental, adult literacy, or transportation services, one of whom represents the county public health unit, *both appointed by the county commission*.

7. One member to represent a local child advocacy organization, *appointed by the Department of Health and Rehabilitative Services' district administrator*.

8. One member to represent the district K-three program, *appointed by the school board*.

(c) Each district interagency coordinating council shall:

1. Assist district school boards in developing a plan or an amended plan to implement a prekindergarten early intervention program. The plan and all amendments must be signed by the council chair, the chair of the district school board, and the district school superintendent before being submitted to the Commissioner of Education for approval.

2. Coordinate the delivery of educational, social, medical, child care, and other services.

Section 58. (1) In each county, the district school board, the central child care agency, the HEADSTART program, and a private provider of preschool services, in cooperation with the district interagency coordinating council established under section 230.2305, Florida Statutes, shall:

(a) Assess the service needs of all preschool children who are eligible for subsidized child care to identify those who require services beyond the current 6-hour, 180-day prekindergarten program.

(b) Determine how many children are eligible for prekindergarten programs, but are not enrolled because the hours of availability do not meet the family's need.

(c) Submit reports to a state coordinating council which shall compile the information and submit a final report to the President of the Senate and the Speaker of the House of Representatives by March 1, 1997, which includes the results of the eligible prekindergarten children service needs assessments and the progress made by the school district in meeting identified needs.

(2) Each public school district shall make reasonable efforts to accommodate the needs of children for extended day and extended year services without compromising the quality of the 6-hour, 180-day program. The school district shall report on such efforts in the report submitted under this section.

Section 59. Paragraph (d) of subsection (2) of section 233.068, Florida Statutes, is amended to read:

233.068 Job-related vocational instruction.—

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

(d) Include participation by local businesses that employ people in the occupations for which the program provides training, through new programs or established programs such as the Florida Compact, other business partnerships, the programs used by the Department of Education to implement the Blueprint for Career Preparation, *the WAGES Program* ~~Project Independence~~, or federal Job Training Partnership Act programs.

Section 60. Paragraph (f) of subsection (2) of section 239.117, Florida Statutes, is amended to read:

239.117 Postsecondary student fees.—

(2) The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for instruction:

(f) A student enrolled in an employment and training program *under the WAGES Program* ~~pursuant to s. 409.029~~. Such a student may receive a fee exemption only if the student applies for and does not receive student financial aid, including Job Training Partnership Act or Family Support Act funds. Schools and community colleges shall help such students apply for financial aid, but *may* ~~shall~~ not deny such students program participation during the financial aid application process. Such a student may not be required to incur debt within the financial aid package. Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.

Section 61. Section 239.249, Florida Statutes, is amended to read:

239.249 ~~Voluntary,~~ Market-driven, performance-based incentive funding for vocational and technical education programs.—

(1) The Legislature finds that education to prepare adults to enter specific occupations most benefits the state when the programs respond to the needs of business and industry, encourage economic development, improve the self-sufficiency of people who might otherwise require public assistance, or significantly increase the earning potential of state residents. It is the intent of the Legislature that funding methodologies be available to provide incentive awards to area technical centers and community colleges for meeting these goals. It is further the intent of the Legislature to direct and redirect funding to better prepare people to enter occupations that benefit robust new and emerging industries, and to increase the numbers of at-risk people who benefit from the programs.

(2) The Jobs and Education Partnership shall provide oversight and advice to improve the outcomes of associate in science degree education and certificate technical education provided by public school districts and community colleges. Annually, the partnership shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational and technical education programs.

(3) In any year in which the Legislature designates funds for performance-based incentive funding for vocational and technical education programs provided by school districts or community colleges, the Division of Applied Technology and Adult Education and the Division of Community Colleges shall provide the Jobs and Education Partnership with recommended formulae, criteria, timeframes, and mechanisms for distributing funds. The partnership shall adopt a formula and advise the Division of Community Colleges and the Division of Applied Technology and Adult Education of the expected incentive award earnings of ~~participating~~ school districts or colleges. The partnership shall base these calculations on formulae that would provide incentive awards or grants for:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the Jobs and Education Partnership. Local school district superintendents, community college presidents, and private industry councils shall receive the Occupational Forecasting Conference results for their respective geographic areas to assess local applicability. At a minimum, performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(b) Programs that successfully prepare people who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated for the enrollment of people identified in this paragraph, completion of such people, and placement of such people upon program completion. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(c) Programs identified by the Jobs and Education Partnership as increasing the effectiveness and cost-efficiency of education.

(4) The Legislature shall specify annually in the General Appropriations Act the percentage that is set aside from the Florida Education Finance Program and Community College Program Fund, respectively, for the purpose of providing incentive awards. Unless otherwise specified in the General Appropriations Act, the set-aside shall be no less than the amount specified in subsection (5). In implementing this section, funds set aside from the Florida Education Finance Program shall not be commingled with funds set aside from the Community College Program Fund.

(5) At least 60 percent of funds designated for performance-based incentive awards for public school district technical centers must be derived from a source other than the Florida Education Finance Program, and at least 60 percent of funds designated for such awards for community colleges shall be derived from a source other than the Community College Program Fund. Calculations of program cost for appropriations purposes pursuant to s. 236.081 shall not include funds from sources other than the Florida Education Finance Program for the purposes of this section. Funds derived from sources other than the Florida Education Finance Program and Community College Program Fund shall not supplant current revenue levels appropriated through the General Revenue Fund or Educational Enhancement Trust Fund.

(6) If the Legislature appropriates funds for performance incentives from discretionary federal funds authorized in the Job Training Reform Amendments of 1992, Pub. L. No. 102-367, the Legislature and appropriate state and local agencies must ensure that:

(a) The total amount derived from those sources does not exceed $18 million annually.

(b) Any use of federal job training funds to implement this section does not prevent required formula-generated funds from passing through to local service delivery areas and private industry councils that provide services directly or through community-based organizations. This section must not interfere with federal requirements pertaining to local discretion and control.

(c) ~~Participating~~ Community colleges, school districts, and private industry councils must collaborate to ensure that clients eligible under the Job Training Partnership Act receive the following services efficiently and without unwarranted duplication: education, training, intake, assessment, referral, counseling, support, case management, and placement.

(7) The Department of Education shall award 80 percent of funds derived from the Florida Education Finance Program and the Community College Program Fund and designated for performance-based incentive funding to ~~participating~~ institutions at the beginning of the fiscal year. If a program earns more than its allocation of incentive funds, the Department of Education must allocate to each ~~participating~~ institution

its proportionate share of the remaining funds for that sector. Incentive funds awarded in excess of those set aside through the Florida Education Finance Program and Community College Program Fund shall be awarded at 2 times the value of those awarded through the set-aside.

(8) A school district or community college that earns an incentive award for its performance must use the money to benefit the vocational and technical education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in program improvement. The school board or community college board of trustees may not withhold any portion of the incentive earnings for indirect costs. Funds awarded pursuant to this section may be carried across fiscal years and shall not revert to any other fund maintained by the school board or community college board of trustees.

~~(9) A school district or community college may abstain from participation in the market-driven, performance-based incentive funding program. If a district or community college decides to terminate its participation, it must notify the Jobs and Education Partnership 3 years prior to that termination. This subsection may not be waived.~~

(9)~~(10)~~ The Department of Commerce shall administer the funds derived from sources other than the Community College Program Fund and the Florida Education Finance Program and shall distribute funds appropriated to ~~participating~~ colleges and school districts according to a formula adopted annually by the Jobs and Education Partnership. To allow time for documentation of program performance, funds allocated for the incentives must be carried forward to the next fiscal year and must be awarded to school districts and community colleges for their current year's performance, unless federal law requires the funds to revert at the year's end. The formula must provide consistency in giving awards to programs. Programs at a community college must not be held to a different standard from those at a school district, and programs at one school district or community college must not be held to a different standard from those of another.

(10)~~(11)~~ The Jobs and Education Partnership, upon the joint recommendation of local elected officials, a private industry council, and a participating local education agency, may expand the occupations that are included in the incentive funding program. Occupations so identified must meet needs created by local emergencies or plant closings.

(11)~~(12)~~ The Jobs and Education Partnership may add occupations to the list of recommendations produced by the Occupational Forecasting Conference if the Quick-Response Advisory Committee recommends them as emerging occupations according to s. 288.047.

(12)~~(13)~~ The Jobs and Education Partnership shall recommend rules necessary to implement this section to the State Board for Vocational Education.

(13) Payment for vocational and technical education and training provided to WAGES Program participants shall be in accordance with the payment structure established by the WAGES Program State Board of Directors under s. 414.027(1)(g).

Section 62. Paragraph (a) of subsection (3) of section 239.301, Florida Statutes, is amended to read:

239.301 Adult general education.—

(3)(a) Each school board or community college board of trustees shall negotiate with local personnel of the Department of Health and Rehabilitative Services for basic and functional literacy skills assessments for participants in employment and training programs *under the WAGES Program* ~~pursuant to s. 409.029~~. Such assessments shall be conducted at a site mutually acceptable to the school board or community college board of trustees and the Department of Health and Rehabilitative Services.

Section 63. Subsection (3) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction.

(3) Students enrolled in dual enrollment and early admission programs pursuant to s. 240.116 and students enrolled in employment and training programs *under the WAGES Program* ~~pursuant to s. 409.029~~ are exempt from the payment of registration, matriculation, and laboratory fees; however, such students may not be included within calculations of fee-waived enrollments. Students enrolled in programs *under the WAGES Program* ~~pursuant to s. 409.029~~ shall be granted a fee exemption only if they have applied for student financial aid including Job Training Partnership Act or Family Support Act funds and did not receive financial assistance. Colleges shall assist these students in applying for financial aid, and these students *may* ~~shall~~ not be denied participation in programs during the application process for financial aid. These students *may* ~~shall~~ not be required to obtain loans as a part of their financial aid package. Fee-exempt instruction provided pursuant to this subsection shall generate an additional one-fourth full-time equivalent enrollment.

Section 64. Subsection (4), paragraph (c) of subsection (6), and paragraph (b) of subsection (7) of section 240.40685, Florida Statutes, are amended to read:

240.40685 Certified Teacher-Aide Welfare Transition Program.—

(4) ~~By July 1, 1995,~~ The agencies shall complete an implementation plan that addresses at least the following recommended components of the program:

(a) A method of selecting participants. The method must not duplicate services provided by those assigned ~~by Project Independence~~ to screen participants *of the WAGES Program*, but must assure that screening personnel are trained to identify recipients of public assistance whose personal aptitudes and motivation make them most likely to succeed in the program and advance in a career related to the school community.

(b) A budget for use of incentive funding to provide motivation to participants to succeed and excel. The budget for incentive funding includes:

1. Funds allocated by the Legislature directly for the program;

2. Funds that may be made available from the federal Job Training Partnership Act based on client eligibility or requested waivers to make the clients eligible;

3. Funds made available by implementation strategies that would make maximum use of work supplementation funds authorized by federal law;

4. Funds authorized by strategies to lengthen participants' eligibility for federal programs such as Medicaid, subsidized child care, and transportation.

Incentives may include a stipend during periods of college classroom training, a bonus and recognition for a high grade-point average, child care and prekindergarten services for children of participants, and services to increase a participant's ability to advance to higher levels of employment. Nonfinancial incentives should include providing a mentor or tutor, and service incentives should continue and increase for any participant who plans to complete the baccalaureate degree and become a certified teacher. Services may be provided in accordance with family choice by community colleges and school district technical centers, through family service centers and full-service schools, or under contract with providers through central agencies.

(6)

(c) Historically black colleges or universities that have established programs that serve *participants of the WAGES Program* ~~recipients of Aid to Families with Dependent Children~~ are eligible to participate in the Performance Based Incentive Funding Program and may earn an incentive award determined by the Jobs and Education Partnership for successful placement of program completers in jobs as teacher aides in at-risk schools.

(7)

(b) A participating school district may use funds appropriated by the Legislature from Job Training Partnership Act service delivery area allotments to provide at least 6 months of on-the-job training to participants in the Certified Teacher-Aide Welfare Transition Program. Participating school districts may also use funds provided by grant diversion of funds from *the WAGES Program* ~~Aid to Families with Dependent~~

~~Children~~ for the participants during the practicum portion of their training to earn the certificate required for their employment.

Section 65. Subsection (2) of section 240.61, Florida Statutes, is amended to read:

240.61 College reach-out program.—

(2) In developing the definition for "low-income educationally disadvantaged student," the State Board of Education shall include such factors as: the family's taxable income; family receipt of *temporary assistance under the WAGES Program* ~~aid to families with dependent children~~ in the preceding year; family receipt of public assistance in the preceding year; the student's cumulative grade point average; the student's promotion and attendance patterns; the student's performance on state standardized tests; the student's enrollment in mathematics and science courses; and the student's participation in a dropout prevention program.

Section 66. Section 246.50, Florida Statutes, is amended to read:

246.50 Certified Teacher-Aide Welfare Transition Program; participation by independent postsecondary schools.—An independent postsecondary school may participate in the Certified Teacher-Aide Welfare Transition Program and may receive incentives for successful performance from the Performance Based Incentive Funding Program if:

(1) The school is accredited by the Southern Association of Colleges and Schools and licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools;

(2) The school serves recipients of *temporary assistance under the WAGES Program* ~~Aid to Families with Dependent Children~~ in a certified teacher-aide program;

(3) A participating school district recommends the school to the Jobs and Education Partnership; and

(4) The Jobs and Education Partnership approves.

Section 67. Effective July 1, 1996, section 383.0112, Florida Statutes, is created to read:

383.0112 The Commission on Responsible Fatherhood; purpose; principles and responsibilities.—The purpose of the Commission on Responsible Fatherhood is to raise awareness of the problems created when a child grows up without the presence of a responsible father, to identify obstacles that impede or prevent the involvement of responsible fathers in the lives of their children, and to identify strategies that are successful in encouraging responsible fatherhood.

(1) PRINCIPLES.—The following principles shall guide the work of the commission:

(a) The historically low expectations held about fathers must change in all areas of society, and responsible fathers must be encouraged to be full partners in parenting their children.

(b) Networks of peer support for fathers are an essential part of any successful strategy to connect or reconnect responsible fathers to their children.

(c) Women have a crucial role in promoting and supporting the involvement of responsible fathers in the lives of their children and that role must not be overlooked or diminished.

(d) Family violence must not be tolerated.

(e) Special attention should be focused on interventions aimed at males and females prior to parenthood.

(f) The areas where responsible fathering appear to break down should be addressed. Those areas include, but are not limited to, fathers who are absent from the home and voluntarily do not participate in their children's lives, fathers who have been involuntarily obstructed from participating in the lives of their children, and fathers who are present in the home but are disengaged from their children's lives.

(2) RESPONSIBILITIES.—In order to carry out the purpose of this section, subject to the availability of funds, the commission shall:

(a) Compile available information on the extent and implications of the absence of responsible fathers from families.

(b) Identify barriers in both the public and private sectors to responsible fatherhood and make recommendations that pursue the elimination of those barriers.

(c) Identify successful strategies that encourage responsible fatherhood and recommend and promote those which should be recognized, expanded, or replicated.

(d) Identify how existing state and community resources can be used to encourage responsible fatherhood.

(e) Identify strategies to use to meet the needs of children and families when a responsible father is not available for a family.

(f) Work in cooperation with local community-based prenatal and infant health care coalitions as established under the provisions of s. 383.216 to advise the coalitions in implementing plans to increase the participation of responsible fathers in families.

(g) Sponsor a statewide symposium on the issue of responsible fatherhood no later than December 1996.

(h) Present a report to the Governor, with copies to the Speaker of the House, the President of the Senate, and the Chief Justice of the Supreme Court annually, with the first report presented no later than December 31, 1996.

Section 68. Effective July 1, 1996, section 383.0113, Florida Statutes, is created to read:

383.0113 Commission on Responsible Fatherhood; creation; membership; powers and duties.—There is created the Commission on Responsible Fatherhood in the Department of Health and Rehabilitative Services.

(1) The commission shall consist of not more than 25 members, as follows:

(a) Seven members to be appointed by the Governor.

(b) The executive director of the Florida Center for Children and Youth or the director's designee.

(c) The executive director of the Florida Coalition Against Domestic Violence or the director's designee.

(d) A judge, to be appointed by the Chief Justice of the Supreme Court.

(e) A representative of Healthy Start, to be chosen by the Florida Association of Healthy Start Coalitions.

(f) Two members of the House of Representatives, to be appointed by the Speaker.

(g) Two members of the Senate, to be appointed by the President.

(h) A representative from the Florida Association of Deans and Directors of Schools and departments of social work from Florida colleges and universities.

(i) A representative of the Florida chapter of the National Congress for Fathers and Children.

(j) A representative of Men Against Destruction, Defending Against Drugs and Social Disorder (MAD DADS).

(k) A representative of the Family Law Section of The Florida Bar Association.

(l) A representative of the American Association of Retired Persons.

(m) A representative of the Florida Chamber of Commerce.

(n) A representative from the Florida Family Council.

(o) Three additional members to be appointed by the other members of the commission based on specific needs.

(2) Technical assistance will be provided to the commission by the following:

(a) The Secretary of Health and Rehabilitative Services, or the secretary's designee.

(b) The Commissioner of Education, or the commissioner's designee.

(c) The Secretary of Labor and Employment Security, or the secretary's designee.

(d) The executive director of the Department of Revenue, or the director's designee. The designee shall have experience with child support enforcement programs.

(e) A representative of The Parent Network of Florida.

(f) A representative of the Florida Network of Youth and Family Services.

Per diem and travel expenses for the individuals providing technical assistance is to be provided from the budgets of those agencies.

(3) All members of the commission, other than the Governor's appointments and the commission's appointments, must be appointed within 30 days after this act becomes law. The appointments of the Governor shall be made 30 days after the other appointments, to allow for the composition of the commission to be broadly reflective of the public. The chairperson and vice chairperson of the commission shall be appointed by the Governor. The commission is encouraged to appoint subcommittees, including regional subcommittees, that include citizens who are knowledgeable in a subject area but who are not members of the commission and who may not vote on the final report and recommendations of the commission, but may submit reports and recommendations for review by the commission and may be invited to testify to the commission by a member of the commission.

(4) The commission shall hold its first meeting within 30 days after the appointments, except the Governor's and the commission's appointments, are made. Members of the commission shall serve without compensation but shall be allowed per diem and travel expenses, as provided in s. 112.061. Per diem and travel expenses of members of the commission employed by the State of Florida are to be provided from the budgets of those employing agencies. Members of the commission who serve as members of the Legislature are to be reimbursed from the legislative budget.

(5) The commission shall meet as the resources of the commission allow.

(6) Subject to the availability of funds, the Department of Health and Rehabilitative Services is directed to contract with one or more corporations, agencies, individuals, or governmental entities to accomplish the goals of this act. HRS must ensure that the corporations, agencies, individuals, or governmental entities, either separately or together, are able to provide staff support services and must have the research ability to carry out the purposes and responsibilities of the commission.

(7) The commission shall have the authority to apply for grants and accept private contributions.

(8) The commission is assigned to the Department of Health and Rehabilitative Services for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the department.

(9) The Governor may remove any member of the commission for cause.

(10) The commission shall develop a budget pursuant to the provisions of chapter 216. The budget is not subject to change by the department staff after it has been approved by the commission, but it shall be transmitted to the Governor along with the budget of the department.

Section 69. Effective July 1, 1996, section 383.0114, Florida Statutes, is created to read:

383.0114 Community-based programs to encourage responsible fatherhood. The community-based prenatal and infant health care coalitions established pursuant to s. 383.216 are permitted to establish and support community-based programs that encourage responsible fatherhood. Programs may be implemented in many areas of a community including, but not limited to, schools, hospitals, the workplace, and the courts.

Section 70. Effective July 1, 1996, subsection (1) of section 402.26, Florida Statutes, is amended to read:

402.26 Child care; legislative intent.—

(1) The Legislature recognizes the critical importance to the citizens of the state of both safety and quality in child care. Child care in Florida is in the midst of continuing change and development, driven by extraordinary changes in demographics. Many parents with children under age 6 are employed outside the home. For the majority of Florida's children, child care will be a common experience. For many families, child care is an indispensable part of the effort to meet basic economic obligations or to make economic gains. State policy continues to recognize the changing composition of the labor force and the need to respond to the concerns of Florida's citizens as they enter the child care market. *In particular, the Legislature recognizes the need to have more working parents employed in family-friendly workplaces. In addition, the Legislature recognizes the abilities of public and private employers to assist the family's efforts to balance family care needs with employment opportunities.*

Section 71. Effective July 1, 1996, section 402.27, Florida Statutes, is amended to read:

402.27 Child care and early childhood resource and referral.—The Department of Health and Rehabilitative Services shall establish a statewide child care resource and referral network. Preference shall be given to using the already established central agencies for subsidized child care as the child care resource and referral agency. If the agency cannot comply with the requirements to offer the resource information component or does not want to offer that service, the Department of Health and Rehabilitative Services shall select the resource information agency based upon a request for proposal. At least one child care resource and referral agency must be established in each district of the department, but no more than one may be established in any county. Child care resource and referral agencies shall provide the following services:

(1) Identification of existing *public and private* child care and early childhood education services, *including child care services by public and private employers,* and the development of a resource file of those services. These services may include family day care, public and private child care programs, head start, prekindergarten early intervention programs, special education programs for prekindergarten handicapped children, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, *the WAGES Program,* and related family support services. The resource file shall include, but not be limited to:

(a) Type of program.

(b) Hours of service.

(c) Ages of children served.

(d) Number of children served.

(e) Significant program information.

(f) Fees and eligibility for services.

(g) Availability of transportation.

(2) The establishment of a referral process which responds to parental need for information and which is provided with full recognition of the confidentiality rights of parents. Resource and referral programs shall make referrals to licensed child care facilities. Referrals shall be made to an unlicensed child care facility or arrangement only if there is no requirement that the facility or arrangement be licensed.

(3) Maintenance of ongoing documentation of requests for service tabulated through the internal referral process. The following documentation of requests for service shall be maintained by all child care resource and referral agencies:

(a) Number of calls and contacts to the child care information and referral agency component by type of service requested.

(b) Ages of children for whom service was requested.

(c) Time category of child care requests for each child.

(d) Special time category, such as nights, weekends, and swing shift.

(e) Reason that the child care is needed.

(f) Name of the employer and primary focus of the business.

(4) Provision of technical assistance to existing and potential providers of child care services. This assistance may include:

(a) Information on initiating new child care services, zoning, and program and budget development and assistance in finding such information from other sources.

(b) Information and resources which help existing child care services providers to maximize their ability to serve children and parents in their community.

(c) Information and incentives which could help existing or planned child care services offered by public or private employers seeking to maximize their ability to serve the children of their working parent employees in their community, through contractual or other funding arrangements with businesses.

(5) Assistance to families *and employers* in applying for various sources of subsidy including, but not limited to, ~~Title XX/SSBG~~ subsidized child care, head start, prekindergarten early intervention programs, Project Independence, private scholarships, and the federal dependent care tax credit.

(6) Assistance to state agencies in determining the market rate for child care.

(7) Assistance in negotiating discounts or other special arrangements with child care providers.

(8)~~(7)~~ Information and assistance to local interagency councils coordinating services for prekindergarten handicapped children.

(9)~~(8)~~ A child care facility licensed under s. 402.305 *and licensed and registered family day care homes* must provide the statewide child care and resource and referral agencies with the following information annually:

(a) Type of program.

(b) Hours of service.

(c) Ages of children served.

(d) Fees and eligibility for services.

Section 72. Effective July 1, 1996, section 402.281, Florida Statutes, is created to read:

402.281 Gold Seal Quality Care program.—

(1) As part of the Gold Seal Quality Care program, the department shall develop a three-tiered quality rating system for subsidized child care providers, with the highest quality rating given to qualified child care providers who receive the Gold Seal Quality Care designation pursuant to this section.

(2) Child care facilities or family day care homes which are accredited by a nationally recognized accrediting association whose standards substantially meet or exceed the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission shall receive a separate "Gold Seal Quality Care" designation to operate as a gold seal child care facility or family day care home.

(3) In developing the Gold Seal Quality Care program standards, the department shall consult with the Department of Education, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children's Forum, the State Coordinating Council for Early Childhood Services, the Early Childhood Association of Florida, the National Association for Child Development Education, providers receiving exemptions under s. 402.316, and parents, for the purpose of approving the accrediting associations.

Section 73. Section 402.3015, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 402.3015, F.S., for present text.)

402.3015 Subsidized child care program; purpose; fees; contracts.—

(1) The purpose of the subsidized child care program is to provide quality child care to enhance the development, including language, cognitive, motor, social, and self-help skills of children who are at risk of abuse or neglect and children of low-income families, and to promote financial self-sufficiency and life skills for the families of these children, unless prohibited by federal law. Priority for participation in the subsidized child care program shall be accorded to children under 13 years of age who are:

(a) Determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the department's Children and Families Services Program Office;

(b) Children at risk of welfare dependency, including children of participants in the WAGES Program, children of migrant farmworkers, children of teen parents, and children from other families at risk of welfare dependency due to a family income of less than 100 percent of the federal poverty level; and

(c) Children of working families whose family income is equal to or greater than 100 percent, but does not exceed 150 percent, of the federal poverty level.

(2) To the extent resources are available, each child in a family that is eligible may participate in the subsidized child care program.

(3) Transitional child care shall be available for up to 2 years after eligibility for the WAGES Program ends, at which time, child care may continue under paragraph (1)(b) or (c), as applicable.

(4) A child who is eligible for child care under this section may continue to participate in the subsidized child care program, if the family's income does not exceed 185 percent of the federal poverty level.

(5) The department shall establish a fee schedule for participants in the subsidized child care program. The fee schedule must be based on the total income of the family. Each participating family shall contribute to the cost of child care, unless prohibited by federal law.

(6)(a) The department, within each district, shall contract for the provision of subsidized child care services. At least once every 3 years, each district shall select community child care coordinating agencies through a competitive bid.

(b) Child care services, unless directly operated by a community child care coordinating agency, shall be provided under a service agreement or by voucher, which ensures, to the maximum extent possible, parental choice through flexibility in child-care arrangements and payment arrangements. When used, a voucher must bear the name of the beneficiary and the child care provider and, when redeemed, must bear the signature of both the beneficiary and an authorized representative of the child care provider. If it is determined that a child care provider has provided any cash to the beneficiary in return for receiving the voucher, the license for each child care facility operated by the provider shall be immediately revoked and any facility operated by the provider is ineligible for relicensure for 3 years. Whether or not the provider is licensed, the department shall refer the matter to the Division of Public Assistance Fraud of the Office of the Auditor General for investigation.

(c) The community child care coordinating agency shall monitor child care providers to ensure that appropriate services are provided.

(d) Public funds may not be expended to a provider unless the provider agrees to allow the community child care coordinating agency access to fulfill its monitoring requirements.

(e) A licensed child care facility that provides contracted services under the subsidized child care program must provide at least 10 hours of child care each day, 261 days per year, excluding approved holidays.

(f) The Division of Risk Management of the Department of Insurance shall provide coverage through the department to the community child care coordinating agencies for the subsidized child care program. The coverage shall be provided from the general liability account of the Florida Casualty Insurance Risk Management Trust Fund, and the coverage shall be primary. The coverage is limited to general liability claims arising from the management of the subsidized child care program under a contract with the department and under guidelines established through policy, rule, or law. Coverage shall be limited as provided in ss. 284.38 and 284.385, and the exclusions set forth therein, together with other exclusions that are set forth in the certificate of coverage issued by the trust fund, shall apply. A community child care coordinating agency covered under the general liability account pursuant to this paragraph shall immediately notify the Division of Risk Management of the Department of Insurance of any potential or actual claim.

(7) To the extent funds are available, the department shall contract for support services for children who are clients of the department's Children and Families Program Office and who participate in the subsidized child care program. Support services shall include, but need not be limited to, transportation, child development programs, child nutrition services, and parent training and family counseling activities.

(8) The community child care coordinating agencies shall assist participants in the WAGES Program and former participants of the program who are eligible for subsidized child care in developing cooperative child care arrangements whereby participants support and assist one another in meeting child care needs at minimal cost to the individual participant.

(9) The central agency for state subsidized child care or the local service district of the Department of Health and Rehabilitative Services shall cooperate with the local interagency coordinating council as defined in s. 230.2305 in the development of written collaborative agreements with each local school district.

(a) The central agency shall develop in consultation with the local interagency council a plan for implementing and conducting a child care program. Such plan shall include the tentative budget and measures for maximizing public resources.

(b) The department shall monitor each subsidized child care provider at least annually to determine compliance with the collaborative agreement facilitated by the local interagency coordinating council. If a provider fails to bring its program into compliance with the agreement or the plan within 3 months after an evaluation citing deficiencies, the department must withhold such administrative funds as have been allocated to the program and which have not yet been released.

Section 74. Effective July 1, 1996, subsection (7) is added to section 402.301, Florida Statutes, to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(7) It shall be the policy of the state to encourage child care providers to serve children with disabilities. When requested, the department shall provide technical assistance to parents and child care providers in order to facilitate serving children with disabilities.

Section 75. Effective January 1, 1997, subsection (5) of section 402.302, Florida Statutes, is amended to read:

402.302 Definitions.—As used in ss. 402.301-402.319:

(5) "Family day care home" means an occupied residence in which child care is regularly provided for children *from at least two unrelated families* and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, *which shall include those children under 13 years of age who are related to the caregiver*:

(a) A maximum of four children from birth to 12 months of age.

(b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

(c) A maximum of six preschool children if all are older than 12 months of age.

(d) A maximum of 10 children if no more than five are preschool age and, of those five, no more than two are under 12 months of age.

~~(a) A family day care home may care for a maximum of five preschool children from more than one unrelated family and a maximum of five elementary school siblings of the preschool children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten under this paragraph.~~

~~(b) When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum of five preschool children from more than one unrelated family, a maximum of three elementary school siblings of the preschool children in care after school hours, and a maximum of two elementary school children unrelated to the preschool children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten under this paragraph.~~

~~(c) When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum number of seven elementary school children from more than one unrelated family in care after school hours. Preschool children shall not be in care in the home. The total number of elementary school children in the home may not exceed seven under this paragraph.~~

Section 76. Effective July 1, 1996, paragraph (d) of subsection (2), subsections (3) and (6), and paragraph (a) of subsection (7) of section 402.305, Florida Statutes, are amended, present subsection (15) is renumbered as subsection (16), and a new subsection (15) is added to that section, to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(d) Minimum staff training requirements.

1. Such minimum standards for training shall ensure that all child care personnel and operators of family day care homes serving at-risk children in a subsidized child care program pursuant to s. 402.3015 take an approved 30-clock-hour introductory course in child care, which course covers at least the following topic areas:

a. State and local rules and regulations which govern child care.

b. Health, safety, and nutrition.

c. Identifying and reporting child abuse and neglect.

d. Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.

e. Specialized areas, as determined by the department, for owner-operators and child care personnel of a child care facility.

Within 90 days of employment, child care personnel shall begin training to meet the training requirements and shall complete such training within 1 year of the date on which the training began. Exemption from all or a portion of the required training shall be granted to child care personnel based upon educational credentials or passage of competency examinations.

2. The introductory course in child care shall stress, to the extent possible, an interdisciplinary approach to the study of children.

3. On an annual basis in order to further their child care skills and, if appropriate, administrative skills, child care personnel who have fulfilled the requirements for the child care training shall be required to

take an additional approved 8 clock hours of inservice training or an equivalent as determined by the department.

4. Procedures for ensuring the training of qualified child care professionals to provide training of child care personnel, including onsite training, shall be included in the minimum standards. It is recommended that the state community child care coordination agencies (central agencies) be contracted by the department to coordinate such training when possible. Other district educational resources, such as community colleges and vocational-technical programs, can be designated in such areas where central agencies may not exist or are determined not to have the capability to meet the coordination requirements set forth by the department.

5. Training requirements shall not apply to certain occasional or part-time support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastics instructors.

6. The State Coordinating Council for Early Childhood Services, in coordination with the department, shall evaluate or contract for an evaluation for the general purpose of determining the status of and means to improve staff training requirements and testing procedures. The evaluation shall be completed by October 1, 1992, and conducted every 2 years thereafter. The evaluation shall include, but not be limited to, determining the availability, quality, scope, and sources of current staff training; determining the need for specialty training; and determining ways to increase inservice training and ways to increase the accessibility, quality, and cost-effectiveness of current and proposed staff training. The evaluation methodology shall include a reliable and valid survey of child care personnel.

7. The child care operator shall be required to take basic training in serving children with disabilities within 5 years after employment, either as a part of the introductory training or the annual 8 hours of inservice training.

(3) MINIMUM STAFF CREDENTIALS.—By July 1, *1996* ~~1995~~, for every 20 children in a licensed child care facility, *if the facility operates 8 hours or more per week*, one of the child care personnel in the facility must have:

(a) A child development associate credential;

(b) A child care professional credential, unless the department determines that such child care professional credential is not equivalent to or greater than a child development associate credential; or

(c) A credential that is equivalent to or greater than the credential required in paragraph (a) or paragraph (b).

The department shall establish by rule those hours of operation, such as during rest periods and transitional periods, when ~~the provisions of~~ this subsection *does* ~~do~~ not apply.

(6) SQUARE FOOTAGE PER CHILD.—Minimum standards shall be established by the department by rule.

(a) A child care facility that holds a valid license on October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child and a minimum of 45 square feet of usable outdoor play area for each child. Outdoor play area shall be calculated at the rate of 45 feet per child in any group using the play area at one time. A minimum play area shall be provided for one half of the licensed capacity. This standard applies as long as the child care facility remains licensed at the site occupied on October 1, 1992, and shall not be affected by any change in the ownership of the site.

(b) A child care facility that does not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a child care facility must have a minimum of 35 square feet of usable floor space for each child and a minimum of 45 square feet of usable outdoor play area for each child.

The minimum standard for outdoor play area does not apply in calculating square footage for children under 1 year of age. However, appropriate outdoor infant equipment shall be substituted for outdoor play space. The centers shall provide facilities and equipment conducive to the physical activities appropriate for the age and physical development of the child.

(7) SANITATION AND SAFETY.—

(a) Minimum standards shall include requirements for sanitary and safety conditions, first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation ~~provided by the American Red Cross, the American Heart Association, or a pediatric cardiopulmonary resuscitation course approved by the American Heart Association~~. The minimum standards shall require that ~~if children are present,~~ at least one staff person *trained in* ~~certified in pediatric~~ cardiopulmonary resuscitation, *as evidenced by current documentation of course completion, must be present at all times that children are present* ~~shall be in the facility~~.

(15) TRANSITION PERIODS.—During the periods of time in which children are arriving and departing from the child care facility, notwithstanding local fire ordinances, the provisions of subsection (6) are suspended for a period of time not to exceed 30 minutes.

Section 77. Subsection (4) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

(4) STAFF-TO-CHILDREN RATIO.—

(a) Minimum standards for the care of children in a licensed child care facility as established by rule of the department must include:

1.~~(a)~~ For children from birth through 1 year of age, there must be one child care personnel for every four children.

2.~~(b)~~ For children 1 year of age or older, but under 2 years of age, there must be one child care personnel for every six children.

3.~~(c)~~ For children 2 years of age or older, but under 3 years of age, there must be one child care personnel for every 11 children.

4.~~(d)~~ For children 3 years of age or older, but under 4 years of age, there must be one child care personnel for every 15 children.

5.~~(e)~~ For children 4 years of age or older, but under 5 years of age, there must be one child care personnel for every 20 children.

6.~~(f)~~ For children 5 years of age or older, there must be one child care personnel for every 25 children.

(b) ~~The provisions of~~ This subsection *does* ~~do~~ not apply to nonpublic schools and their integral programs as defined in s. 402.3025(2)(d)1. *In addition, an employee of a child care facility who receives subsidized wages under the WAGES Program may not be considered in calculating the staff-to-children ratio.*

Section 78. Section 402.3051, Florida Statutes, is amended to read:

402.3051 Child care market rate reimbursement; child care grants.—

(1) As used in this section, the term:

(a) "Child care program assessment tool" means an assessment instrument designated or developed by the department to determine quality child care and other child development services to children under the provision of s. 402.3015, Title IV-A of the Social Security Act, and the Child Care and Development Block Grant Act of 1990.

~~(b) "Enhanced rate" means the price at which the department reimburses a licensed child care provider beyond the market rate or prevailing market rate for meeting standards beyond the minimum standards required for licensing as determined annually by the department's child care program assessment tool.~~

(b)~~(c)~~ "Market rate" means the price that a ~~licensed~~ child care provider charges for daily, weekly, or monthly child care services. Market rate shall:

1. Be established for licensed child care facilities *or facilities that are not subject to s. 402.305*, licensed *or registered* family day care homes, *licensed* before-school and after-school child care programs, and *unregulated care provided by a* relative *or other caretaker* ~~care, and other types of child care or programs for children 5 years of age or under not subject to the provisions of s. 402.305~~.

2. Differentiate among child care for children with special needs or risk categories, infants, toddlers, and preschool and school-age children.

3. Differentiate between full-time and part-time care.

4. Consider reductions in the cost of care for additional children in the same family.

(c)~~(d)~~ "Prevailing market rate" means the annually determined 75th percentile of a reasonable frequency distribution of market rate in a predetermined geographic market at which licensed child care providers charge a person for child care services.

(2) The department shall establish procedures to reimburse *licensed, exempt, or registered* child care providers *at* ~~with~~ the prevailing market rate *for child care services for children who are eligible to receive subsidized child care, unless prohibited by federal law* ~~or enhanced rate for child care services to children~~ under ~~the provision of~~ s. 402.3015~~, Title IV-A of the Social Security Act, and the Child Care and Development Block Grant Act of 1990~~. *The department shall establish procedures to reimburse providers of unregulated child care at not more than 50 percent of the market rate. The payment system may not interfere with the parents' decision as to the appropriate child care arrangement, regardless of the level of available funding for child care. The child care program assessment tool may not be used to determine reimbursement rates.*

(3) The department may provide child care grants to central agencies, community colleges, and vocational/technical programs for the purpose of providing support and technical assistance to licensed child care providers ~~to meet standards delineated in the department's child care program assessment tool~~.

(4) The department may use the state community child care coordination agencies (central agencies), community colleges, and vocational/technical programs to implement this section.

(5) The department may adopt rules and other policy provisions necessary to implement this section.

(6) This section shall be implemented only to the extent that funding is available.

Section 79. The Department of Health and Rehabilitative Services and local governmental agencies that license child care facilities shall develop and implement a plan to eliminate duplicative and unnecessary inspections of child care facilities. In addition, the department and the local governmental agencies shall develop and implement an abbreviated inspection plan for child care facilities that have had no Class 1 or Class 2 deficiencies, as defined by rule, for at least 2 consecutive years. The abbreviated inspection must include those elements identified by the department and the local governmental agencies as being key indicators of whether the child care facility continues to provide quality care and programming. The department and local governmental agencies shall conduct the first meeting not later than August 15, 1996, and shall jointly share administrative responsibilities. The department and local governmental agencies shall report to the Legislature not later than January 15, 1997, regarding the status of implementing this section and any recommendations for statutory changes necessary to further reduce duplicative and unnecessary inspections and fully implement the plan for abbreviated inspections.

Section 80. Effective July 1, 1996, subsection (9) is added to section 402.313, Florida Statutes, to read:

402.313 Family day care homes.—

(9) Notwithstanding any other state or local law or ordinance, any family day care home licensed pursuant to this chapter or pursuant to a county ordinance shall be charged the utility rates accorded to a residential home. A licensed family day care home may not be charged commercial utility rates.

Section 81. Effective July 1, 1996, subsection (5) is added to section 402.315, Florida Statutes, to read:

402.315 Funding; license fees.—

(5) All moneys collected by the department for child care licensing shall be held in a trust fund of the department to be reallocated to the department during the following fiscal year to fund child care licensing activities, including the Gold Seal Quality Care program created pursuant to s. 402.281.

Section 82. Paragraph (g) of subsection (1) of section 402.33, Florida Statutes, is amended to read:

402.33 Department authority to charge fees for services provided.—

(1) As used in this section, the term:

(g) "State and federal aid" means cash assistance or cash equivalent benefits based on an individual's proof of financial need, including, but not limited to, *temporary assistance under the WAGES Program* ~~aid to families with dependent children~~ and food stamps.

Fees, other than third-party benefits and benefit payments, may not be charged for services provided to indigents whose only sources of income are from state and federal aid. In addition, fees may not be charged parents of a minor client for services requested by the minor without parental consent or for services provided a minor client who has been permanently committed to the care and custody of the department with parental rights permanently severed. However, lack of parental consent does not preclude the charging of fees established under chapter 39. The department may not require a client who is receiving wages which are below the minimum wage under the federal Fair Labor Standards Act to pay fees from such wages. Voluntary payments for services must be encouraged.

Section 83. Paragraph (a) of subsection (3) of section 402.40, Florida Statutes, is amended to read:

402.40 Child welfare training academies established; Child Welfare Standards and Training Council created; responsibilities of council; Child Welfare Training Trust Fund created.—

(3) CHILD WELFARE STANDARDS AND TRAINING COUNCIL.—

(a) There is created within the Department of Health and Rehabilitative Services the Child Welfare Training Council, hereinafter referred to as the council. The 21-member council shall consist of the Commissioner of Education or his or her designee; a member of the judiciary who has experience in the area of dependency and has served at least 3 years in the Juvenile Division of the circuit court, to be appointed by the Chief Justice of the Supreme Court; and 19 members to be appointed by the Secretary of Health and Rehabilitative Services as follows:

1. Nine members shall be dependency program staff:

a. An intake supervisor or counselor, a protective services supervisor or counselor, a foster care supervisor or counselor, and an adoption and related services supervisor or counselor. Each such member shall have at least 5 years' experience working with children and families, at least two members shall each have a master's degree in social work, and any member not having a master's degree in social work shall have at least a bachelor's degree in social work, child development, behavioral psychology, or any other discipline directly related to providing care or counseling for families.

b. A representative from a licensed, residential child-caring agency contracted with by the state; a representative from a runaway shelter or similar program primarily serving adolescents, which shelter or program must be contracted with by the state; and a representative from a licensed child-placing agency contracted with by the state. At least two of these members shall each have a master's degree in social work, and any member not having a master's degree in social work shall have a degree as cited in subparagraph a. All three members shall have at least 5 years' experience working with children and families.

c. A family foster home parent and an emergency shelter home parent, both of whom shall have been providing such care for at least 5 years and shall have participated in training for foster parents or shelter parents on an ongoing basis.

2. One member shall be a supervisor or counselor from *the WAGES* ~~an Aid to Families with Dependent Children~~ Program.

3. Two members shall be educators from the state's university and community college programs of social work, child development, psychol-

ogy, sociology, or other field of study pertinent to the training of dependency program staff.

4. One member shall be a pediatrician with expertise in the area of child abuse and neglect.

5. One member shall be a psychiatrist or licensed clinical psychologist with extensive experience in counseling children and families.

6. One member shall be an attorney with extensive experience in the practice of family law.

7. One member shall be a guardian ad litem or a child welfare attorney, either of whom shall have extensive experience in the representation of children.

8. One member shall be a state attorney with experience and expertise in the area of dependency and family law.

9. One member shall be a representative from a local law enforcement unit specializing in child abuse and neglect.

10. One member shall be a lay citizen who is a member of a child advocacy organization.

The initial members of the council shall be appointed within 30 days of the effective date of this section. Of the initial appointments, the member appointed by the Chief Justice of the Supreme Court, three members appointed pursuant to subparagraph 1., one member appointed pursuant to subparagraph 3., and the members specified in subparagraphs 4. and 5. shall be appointed to terms of 3 years each; three members appointed pursuant to subparagraph 1., one of the members appointed pursuant to subparagraph 3., and the members specified in subparagraphs 2., 6., and 7. shall be appointed for terms of 2 years each; and three members appointed pursuant to subparagraph 1., and the members specified in subparagraphs 8., 9., and 10. shall be appointed to terms of 1 year each. Thereafter, all appointed members shall serve terms of 3 years each. No person shall serve more than two consecutive terms.

Section 84. Paragraph (c) of subsection (4) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(4) A community resource mother or father shall be an individual who by residence and resources is able to identify with the target population, and meets the following minimum criteria:

(c) Is *a* ~~an AFDC~~ recipient *of temporary assistance under the WAGES Program* or *a* person with an income below the federal poverty level, or has an income equivalent to community clients.

Section 85. Effective July 1, 1996, section 409.178, Florida Statutes, is amended to read:

409.178 Child Care Partnership Act; findings and intent; grant; limitation; rules.—

(1) This section may be cited as the "Child Care Partnership Act."

(2)(a) The Legislature finds that when private employers provide onsite child care or provide other child care benefits, they benefit by improved recruitment and higher retention rates for employees, lower absenteeism, and improved employee morale. The Legislature also finds that there are many ways in which private employers can provide child care assistance to employees: information and referral, vouchering, employer contribution to child care programs, and onsite care. Private employers can offer child care as part of a menu of employee benefits. The Legislature recognizes that flexible compensation programs providing a child care option are beneficial to the private employer through increased productivity, to the private employee in knowing that his or her children are being cared for in a safe and nurturing environment, and to the state in more dollars being available for purchasing power and investment.

(b) It is the intent of the Legislature to promote public/private partnerships to ensure that the children of the state be provided safe and enriching child care at any time, but especially while parents work to remain self-sufficient. It is the intent of the Legislature that private employers be encouraged to participate in the future of this state by providing employee child care benefits. Further, it is the intent of the Legislature to encourage private employers to explore innovative ways to assist employees to obtain quality child care.

(c) The Legislature further recognizes that many parents need assistance in paying the full costs of quality child care. The public and private sectors, by working in partnership can promote and improve access to quality child care and early education for children of working families who need it. Therefore, a more formal mechanism is necessary to stimulate the establishment of public-private partnerships. It is the intent of the Legislature to expand the availability of scholarship options for working families by providing incentives for employers to contribute to meeting the needs of their employees' families through matching public dollars available for child care.

(3) There is created a body politic and corporate known as the Child Care Executive Partnership which shall establish and govern the Child Care Partnership Program. The purpose of the Child Care Partnership Program is to utilize state and federal funds as incentives for matching local funds derived from local governments, employers, charitable foundations, and other sources, so that Florida communities may create local flexible partnerships with employers. The Child Care Partnership Program funds shall be used at the discretion of local communities to meet the needs of local communities in addressing the child care needs of working parents. A child care purchasing pool shall be developed with the state, federal, and local funds to provide subsidies to low-income working parents who are eligible for subsidized child care with a dollar-for-dollar match from employers, local government, and other matching contributors. The funds used from the child care purchasing pool must be used to supplement or extend the use of existing public or private funds and may not be used to supplant the maintenance of effort presently exerted by the employer or other participant in the activity funded.

(4) The Child Care Executive Partnership, staffed by the department, shall consist of:

(a) A representative of the Executive Office of the Governor.

(b) Nine members of the corporate or child care community, appointed by the Governor, to be known hereafter as the "board."

(c) One representative from each of the 10 Child Care Partnership Program pilot purchasing pool counties established by the board, known hereafter as the "oversight group."

1. Members of the board shall serve for a period of 4 years.

2. Members of the oversight group and the representative of the Executive Office of the Governor shall serve at the pleasure of the Governor.

3. The Child Care Executive Partnership shall be chaired by a member chosen by a majority vote of the board and shall meet at least quarterly and at other times upon the call of the chair.

4. Members shall serve without compensation, but may be reimbursed for per diem and travel expenses in accordance with s. 112.061.

5. The Child Care Executive Partnership shall have all the powers and authority, not explicitly prohibited by statute, necessary to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

a. Assisting in the formulation and coordination of the state's child care policy.

b. Adopting an official seal.

c. Soliciting, accepting, receiving, investing, and expending funds from public or private sources.

d. Contracting with public or private entities as necessary.

e. Approving an annual budget.

f. Carrying forward any unexpended state appropriations into succeeding fiscal years.

g. Providing a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, on or before December 1 of each year.

(5)(a) The Legislature shall annually determine the amount of state or federal low-income child care moneys which shall be used to create Child Care Partnership Program child care purchasing pools in counties chosen by the board of the Child Care Executive Partnership through June 30, 1998, provided that at least two of the counties have populations of no more than 300,000. After that date, the Legislature shall review the effectiveness of the child care purchasing pool program and reevaluate the percentage of additional state or federal funds, if any, that can be used for the program's expansion.

(b) To ensure a seamless service delivery and ease of access for families, the community coordinated child care agencies shall administer the child care purchasing pool funds.

(c) The department shall issue a request for proposal for the operation of the pilot child care purchasing pools. In order to be considered, the community coordinated child care agency must commit to:

1. Matching the state pilot purchasing pool funds on a dollar-for-dollar basis; and

2. Expending only those public funds which are matched by employers, local government, and other matching contributors who contribute to the pilot purchasing pool. Parents shall also pay a fee, based upon the department's subsidized child care sliding fee scale.

(d) Each community coordinated child care agency shall be required to establish a community child care task force for each pilot child care purchasing pool. The task force must be composed of employers, parents, private child care providers, and one representative each from the district interagency coordinating council for children's services and the local children's services council, if they exist in the area of the pilot purchasing pool. The community coordinated child care agency is expected to recruit the task force members from existing child care councils, commissions, or task forces already operating in the area of a pilot purchasing pool. A majority of the task force shall consist of employers. Each task force shall develop a plan for the use of child care purchasing pool funds. The plan must show how many children will be served by the pilot purchasing pool, how many will be new to receiving child care services, and how the community coordinated child care agency intends to attract new employers and their employees to the pilot project.

(6) The Department of Health and Rehabilitative Services shall adopt any rules necessary for the implementation and administration of this section.

~~(3)(a) Any private employer contributing to the cost of child care, which meets statutory requirements, for its employees' dependents may apply for a Child Care Partnership Act matching grant in an amount equal to 50 percent of that employer's expenditures for child care of Florida employees' dependents. The amount of such grant shall not exceed the maximum amount established in subsection (5). For the purposes of this subsection, cost of child care includes, but shall not be limited to, the per-child cost of operation of onsite child care contributed to by the private employer, the cost of care purchased by the private employer on behalf of its employees, the cost of care provided by the private employer to employees in the form of vouchers, and the costs of support services as specified in paragraph (b).~~

~~(b) Private employers receiving child care matching grants pursuant to paragraph (a) shall maintain complete records of all child care expenditures made by the employer, in which case the reimbursable cost of these services shall not exceed 10 percent above the allowable contribution per child. If a private employer elects to engage a third party to maintain those records, the cost of such support services as records, health services, referrals, and monitoring are considered part of the cost of care, but the cost of fiscal administration of the private employer, including third-party cost to maintain records, shall not exceed 10 percent above the allowable contribution per child.~~

~~(c) Salary reductions shall not be considered employer contributions for purposes of this subsection.~~

~~(d) All amounts claimed as contributions under this subsection shall be for care provided by a facility which meets Florida licensing or other applicable requirements.~~

~~(e) Employer contributions shall not include that portion of any child care service that is funded by state or federal moneys.~~

~~(4) Any portion of salaries or wages used in computing the contributions under this section shall not be used in computing the credit provided under s. 220.181.~~

~~(5) No private employer shall receive more than $100,000 in annual matching grants for contributions towards the cost of child care. At least one-third of the funds appropriated for grants shall go to qualified employers with fewer than 100 employees.~~

~~(6) The Department of Health and Rehabilitative Services shall promulgate any rules necessary for the implementation and administration of this section. The department may establish criteria for evaluating applications. Consideration shall also be given to the quality of the programs proposed and the degree of need of the employees to be served. The department shall administer the grant program in such a fashion as to allow those qualifying private employers ample knowledge and assurance of matching funds prior to the employer's annual budgetary commitment. The private employer shall certify to the department, within 30 days of receiving such notice, the existence of unencumbered matching funds within its annual budget. Grant renewal for those recipients who have demonstrated a proven ability to comply with the requirements of this section and its accompanying rules shall take precedence over first-time applicants for a period of up to 3 years. The department shall also submit to the Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the number of private employers in Florida receiving Child Care Partnership Act matching grants, the amount of such grants, and the overall effectiveness of the grant program in providing private-employer-sponsored child care. This report shall be due April 1 of every odd-numbered year.~~

Section 86. Effective July 1, 1996, section 409.179, Florida Statutes, is created to read:

409.179 Family-friendly workplace initiative.—Recognizing that employers play a key role in helping families balance work and family responsibilities, the Executive Office of the Governor, in consultation with members of the business community, may establish a family-friendly workplace initiative. The Executive Office of the Governor may develop a program to annually collect information regarding the state's eligible small employers with 50 or fewer employees, and eligible large employers with 51 or more employees in the state, providing the most family-friendly benefits to their employees. The same program may be established for public employers. The criteria for determination of the eligible employers may include, but not be limited to:

(1) Consideration of the dependent care scholarship or discounts given by the employer.

(2) Flexible work hours and schedules.

(3) Time off for caring for sick or injured dependents.

(4) The provision of onsite or nearby dependent care.

(5) Dependent care referral services.

(6) In-kind contributions to community dependent care programs.

Those employers chosen by the Executive Office of the Governor may be recognized with annual "family-friendly workplace" awards and a statewide information and advertising campaign publicizing the employers' awards, their contributions to family-friendly child care, and the methods they used to improve the dependent care experiences of their employees' families.

Section 87. Effective October 1, 1996, subsection (3) of section 409.185, Florida Statutes, is amended to read:

409.185 Determination of eligibility for and amount of financial assistance; exclusions.—

(3)*(a)* The department shall redetermine eligibility at periodic intervals, as determined necessary, for those receiving aid to families with dependent children. Such intervals, however, shall not exceed 12 months. The department may require periodic written reports from such recipients.

(b) The department shall withhold payment from a financial assistance recipient when, after redetermination of eligibility or at any other time, the department obtains evidence that may indicate fraud on the part of the recipient. When evidence of such fraud is obtained, the recipient shall be notified, by a statement accompanying the recipient's next financial assistance payment, that because of such evidence of fraud the following payment will be withheld unless the recipient meets with a financial assistance program supervisor by a specified date, which shall be within 10 days after the date of the notice, to discuss and resolve the matter. The department shall make every effort to resolve the matter within a timeframe that will not cause payment to be withheld from an eligible financial assistance recipient.

Section 88. Subsection (7) of section 409.2554, Florida Statutes, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2597, the term:

(7) "Public assistance" means *food stamps*, money assistance paid on the basis of ~~Title IV-A,~~ Title IV-E~~,~~ and Title XIX of the Social Security Act, *or temporary assistance paid under the WAGES Program*.

Section 89. Subsection (7) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(7) In a judicial circuit with a work experience and job training pilot project, if the obligor is a noncustodial parent of a child receiving public assistance as defined in this chapter, is unemployed or underemployed or has no income, then the court shall order the obligor to seek employment, if the obligor is able to engage in employment, and to immediately notify the court upon obtaining employment, upon obtaining any income, or upon obtaining any ownership of any asset with a value of $500 or more. If the obligor is still unemployed 30 days after any order for support, the court shall order the obligor to enroll in a work experience, job placement, and job training program for noncustodial parents as established in *s. 414.38* ~~s. 409.25655~~.

Section 90. Section 409.25644, Florida Statutes, is created to read:

409.25644 Garnishment.—

(1) If a person is delinquent in paying a child-support obligation subject to enforcement by the department, the executive director or his or her designee may give notice of the amount of such delinquency by registered mail to all persons who have in their possession or under their control any credits or personal property, exclusive of wages, belonging to the delinquent obligor, or owing any debts to the delinquent obligor at the time of receipt by them of such notice. Thereafter, any person who has been notified may not transfer or make any other disposition of such credits, other personal property, or debts until the executive director or his or her designee consents to a transfer or disposition, or until 60 days after the receipt of such notice. The notice provided for in this section may be renewed if the delinquent obligor contests the intended levy in the circuit court or under chapter 120, pending final resolution of that action.

(2) Each person who is notified under this section must, within 5 days after receipt of the notice, advise the executive director or his or her designee of the credits, other personal property, or debts in their possession, under their control, or owing them.

(3) During the last 30 days of the 60-day period set forth in subsection (1), the executive director or his or her designee may levy upon such credits, other personal property, or debts. The levy must be accomplished by delivery of a notice of levy, upon receipt of which the person possessing the credits, other personal property, or debts shall transfer them to the department or pay to the department the amount owed to the delinquent obligor.

(4) A notice that is delivered under this section is effective at the time of delivery against all credits, other personal property, or debts of the delinquent child support obligor which are not at the time of such notice subject to an attachment, garnishment, or execution issued through a judicial process.

(5) Any person acting in accordance with the terms of the notice or levy issued by the executive director or his or her designee is expressly discharged from any obligation or liability to the delinquent obligor with respect to such credits, other personal property, or debts of the delinquent obligor affected by compliance with the notice of freeze or levy.

(6)(a) Levy may be made under subsection (3) upon credits, other personal property, or debt of any person with respect to delinquent child support only after the executive director or his or her designee has notified such person in writing of the intention to make such levy.

(b) Not less than 30 days before the day of the levy, the notice of intent to levy required under paragraph (a) must be given in person or sent by certified or registered mail to the person's last known address.

(c) The notice required in paragraph (a) must include a brief statement that sets forth in simple and nontechnical terms:

1. The provisions of this section relating to levy and sale of property;

2. The procedures applicable to the levy under this section;

3. The administrative and judicial appeals available to the delinquent obligor with respect to such levy and sale, and the procedures relating to such appeals; and

4. The alternatives, if any, available to the delinquent obligor which could prevent levy on the property.

(7) A delinquent child support obligor may contest the notice of intent to levy provided for under subsection (6) by filing an action in circuit court. Alternatively, the delinquent obligor may file a petition under the applicable provisions of chapter 120. After an action has been initiated under chapter 120 to contest the notice of intent to levy, an action relating to the same levy may not be filed by the delinquent obligor in circuit court, and judicial review is exclusively limited to appellate review pursuant to s. 120.68. Also, after an action has been initiated in circuit court, an action may not be brought under chapter 120.

(8) An action may not be brought to contest a notice of intent to levy under chapter 120 or in circuit court, later than 21 days after the date of receipt of the notice of intent to levy.

(9) The department shall provide notice to the Comptroller, in electronic or other form specified by the Comptroller, listing the obligors for whom warrants are outstanding. Pursuant to subsection (1), the Comptroller shall, upon notice from the department, withhold all payments to any delinquent child support obligor who provides commodities or services to the state, leases real property to the state, or constructs a public building or public work for the state. The department may levy upon the withheld payments in accordance with subsection (3). Section 215.422 does not apply from the date the notice is filed with the Comptroller until the date the department notifies the Comptroller of its consent to make payment to the person or 60 days after receipt of the department's notice in accordance with subsection (1), whichever occurs earlier.

Section 91. Effective October 1, 1996, section 409.25645, Florida Statutes, is created to read:

409.25645 Administrative orders for genetic testing.—The department is authorized to institute one or more pilot programs using administrative orders to require genetic testing in Title IV-D cases. In such cases the department or an authorized agent may issue an administrative order to a putative father who has not voluntarily submitted to genetic testing, directing him to appear for a genetic test to determine the paternity of a child, provided that the department shall have no authority to issue such an order in the absence of an affidavit of the child's mother stating that the putative father is or may be a parent of the child. The administrative order shall state:

(1) The type of genetic test that will be used.

(2) The date, time, and place to appear for the genetic test.

(3) That upon failure to appear for the genetic test, or refusal to be tested, the department shall file a petition in circuit court to establish paternity and support.

A copy of the affidavit which is the basis for the issuance of the administrative order shall be attached to the order. The administrative order is exempt from the hearing provisions in chapter 120, because the person to whom it is directed shall have an opportunity to object in circuit court

in the event the department pursues the matter by filing a petition in circuit court. The department may serve the administrative order to appear for a genetic test by regular mail. In any case in which more than one putative father has been identified, the department my proceed under this section with respect to all putative fathers. If the department receives a request from another state Title IV-D agency to assist in the establishment of paternity, the department may cause an administrative order to appear for a genetic test to be served on a putative father who resides in Florida.

Section 92. Section 409.2566, Florida Statutes, is amended to read:

409.2566 Child Support Enforcement Application Fee Trust Fund.—There is ~~hereby~~ created the Child Support Enforcement Application Fee Trust Fund to be used for the deposit of application fees of ~~non-AFDC~~ applicants for child support enforcement services *who do not receive temporary assistance under the WAGES Program*.

Section 93. Effective October 1, 1996, paragraph (e) of subsection (1), paragraph (a) of subsection (2), and subsections (3) and (4) of section 409.2572, Florida Statutes, are amended to read:

409.2572 Cooperation.—

(1) An applicant for, or recipient of, public assistance for a dependent child shall cooperate with the department or a program attorney in:

(e) Identifying another putative father when an earlier named putative father has been excluded by *DNA,* Human Leukocyte Antigen, or other scientific test.

(2) Noncooperation, or failure to cooperate, is defined to include, but is not limited to, the following conduct:

(a) Failing or refusing to identify the father of the child, or where more than one man could be the father of the child, to identify all such persons. If the mother identifies one or more persons as the possible father of the child and asserts that there are no others who could be the father of the child, but the *DNA test,* Human Leukocyte Antigen test, or other scientific test indicates that none of the persons identified could in fact have been the father of the child, the mother shall be deemed noncooperative. If she subsequently identifies another person as the possible father of the child, she shall still be deemed noncooperative until that person has been given the *DNA test,* Human Leukocyte Antigen test, or other scientific test and is not excluded as the father by the test.

(3) *The Title IV-D staff of the department shall be responsible for determining and reporting to the Title IV-A staff of the Department of Health and Rehabilitative Services acts of noncooperation by applicants or recipients of cash or medical assistance.* Any person who *applies for or* is receiving public assistance for, or who has the care, custody, or control of, a dependent child and who without good cause fails or refuses to cooperate with the department, a program attorney, or a prosecuting attorney in the course of administering this chapter *shall be sanctioned by the Department of Health and Rehabilitative Services and is ineligible to receive public assistance until such time as the department determines cooperation has been satisfactory. The imposition of sanctions by the Department of Health and Rehabilitative Services shall result in the removal of the financial needs of the applicant or recipient* ~~shall have his need removed~~ from the public assistance grant. *Sanctions shall remain imposed until the Department of Revenue determines that the applicant or recipient has cooperated sufficiently to enable it to be able to take the next necessary action to locate the alleged father or noncustodial parent, to establish paternity or support, or to enforce or modify an existing support obligation.* The Department *of Health and Rehabilitative Services* shall appoint a protective payee to receive the public assistance grant *for the dependent child* and to use it to purchase the necessities required by the dependent child. The protective payee shall maintain written records of the public assistance receipts and disbursements for review by the department.

~~(4) The IV-D staff shall be responsible for reporting to Medicaid staff acts of noncooperation by any applicant or recipient of medical services who without good cause fails or refuses to cooperate with the efforts of the department to establish and to make third-party payment recovery for medical services.~~

Section 94. Section 409.259, Florida Statutes, is amended to read:

409.259 Partial payment of filing fees ~~in only non-AFDC cases~~.—

(1) Notwithstanding ~~the provisions of~~ s. 28.241, each clerk of the circuit court shall only be reimbursed at the prevailing rate of federal financial participation on the amount of $40 for each ~~non-AFDC support~~ civil action, suit, or proceeding *for support* instituted in the circuit court *in which the parent is not receiving temporary assistance under the WAGES Program*. The prevailing rate of the state match shall be paid by the local government in the form of a certified public expenditure. The clerk of the circuit court shall bill the department monthly. The clerk of the circuit court and the department shall maintain a monthly log of the number of ~~non-AFDC~~ civil actions, suits, or proceedings filed *in which the parent does not receive temporary assistance.* These monthly logs will be used to determine the number of $40 filings the clerk of court may submit for reimbursement at the prevailing rate of federal financial participation.

(2) Notwithstanding ~~the provisions of~~ subsection (1), the department shall continue to be entitled to the other necessary services of the clerk of court in any proceedings under the IV-D program as authorized under s. 409.2571.

Section 95. Subsections (1) and (2) of section 409.2598, Florida Statutes, are amended to read:

409.2598 Suspension or denial of new or renewal licenses; registrations; certifications.—

(1) The Title IV-D agency may petition the court that entered the support order or the court that is enforcing the support order to deny or suspend the license, registration, or certificate issued under chapter 231, *chapter 370, chapter 372,* chapter 409, chapter 455, or chapter 559 or s. 327.031 of any obligor with a delinquent child support obligation. However, a petition may not be filed until the Title IV-D agency has exhausted all other available remedies. The purpose of this section is to promote the public policy of the state as established in s. 409.2551.

(2) The Title IV-D agency is authorized to screen all applicants for new or renewal licenses, registrations, or certificates and current licenses, registrations, or certificates and current licensees, registration holders, and certificateholders of all licenses, registrations, and certificates issued under chapter 231, *chapter 370, chapter 372,* chapter 409, chapter 455, or chapter 559 or s. 327.031 to ensure compliance with any child support obligation. If the Title IV-D agency determines that an applicant, licensee, registration holder, or certificateholder is an obligor who is delinquent on a support obligation, the Title IV-D agency shall certify the delinquency pursuant to s. 61.14.

Section 96. Subsection (6) of section 409.328, Florida Statutes, is amended to read:

409.328 Annual report concerning administrative complaints and disciplinary actions involving food stamp program violations.—The department is directed to prepare and submit a report to the President of the Senate, the Speaker of the House of Representatives, the chairs of the legislative Health and Rehabilitative Services committees, and the Division of Public Assistance Fraud by January 1 of each year, beginning in 1993. In addition to any other information the Legislature may require, the report must include statistics and relevant information detailing:

(6) The number of criminal complaints brought under *s. 414.39* ~~s. 409.325~~, and their disposition.

Section 97. Subsections (1) and (3) of section 409.903, Florida Statutes, are amended to read:

409.903 Mandatory payments for eligible persons.—The department shall make payments for medical assistance and related services on behalf of the following persons who the department determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) Persons who receive payments from or are determined eligible *to participate in the WAGES Program* ~~for the federal and state program~~

~~known as Aid to Families with Dependent Children (AFDC)~~, and certain persons ~~who were eligible for that program but who became ineligible or~~ who would be eligible but do not meet certain technical requirements. This group includes, but is not limited to:

(a) Low-income, single-parent families and their children.

(b) Low-income, two-parent families in which at least one parent is disabled or otherwise incapacitated.

(c) Certain unemployed two-parent families and their children.

(3) A child under age 21 living in a low-income, two-parent family, and a child under age 7 living with a nonrelative, if the income and assets of the family or child, as applicable, do not exceed the *resource* ~~cash assistance~~ limits under the *WAGES* ~~Aid to Families with Dependent Children~~ Program.

Section 98. Paragraph (i) of subsection (12) and subsection (18) of section 409.910, Florida Statutes, are amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.—

(12) The department may, as a matter of right, in order to enforce its rights under this section, institute, intervene in, or join any legal or administrative proceeding in its own name in one or more of the following capacities: individually, as subrogee of the recipient, as assignee of the recipient, or as lienholder of the collateral.

(i) Upon the death of a recipient, and within the time prescribed by ss. 733.702 and 733.710, the department, in addition to any other available remedy, may file a claim against the estate of the recipient for the total amount of medical assistance provided by Medicaid for the benefit of the recipient. Claims so filed shall take priority as class 3 claims as provided by s. 733.707(1)(c). The filing of a claim pursuant to this paragraph shall neither reduce nor diminish the general claims of the department *under s. 414.28* ~~pursuant to s. 409.345~~, except that the department *may* ~~shall~~ not receive double recovery for the same expenditure. Claims under this paragraph shall be superior to those under *s. 414.28* ~~s. 409.345~~. The death of the recipient shall neither extinguish nor diminish any right of the department to recover third-party benefits from a third party or provider. Nothing in this paragraph affects or prevents a proceeding to enforce a lien created pursuant to this section or a proceeding to set aside a fraudulent conveyance as defined in subsection (16).

(18) A recipient or his legal representative or any person representing, or acting as agent for, a recipient or his legal representative, who has notice, excluding notice charged solely by reason of the recording of the lien pursuant to paragraph (6)(c), or who has actual knowledge of the department's rights to third-party benefits under this section, who receives any third-party benefit or proceeds therefrom for a covered illness or injury, is required either to pay the department the full amount of the third-party benefits, but not in excess of the total medical assistance provided by Medicaid, or to place the full amount of the third-party benefits in a trust account for the benefit of the department pending judicial or administrative determination of the department's right thereto. Proof that any such person had notice or knowledge that the recipient had received medical assistance from Medicaid, and that third-party benefits or proceeds therefrom were in any way related to a covered illness or injury for which Medicaid had provided medical assistance, and that any such person knowingly obtained possession or control of, or used, third-party benefits or proceeds and failed either to pay the department the full amount required by this section or to hold the full amount of third-party benefits or proceeds in trust pending judicial or administrative determination, unless adequately explained, gives rise to an inference that such person knowingly failed to credit the state or its agent for payments received from social security, insurance, or other sources, pursuant to *s. 414.39(4)(b)* ~~s. 409.325(4)(b)~~, and acted with the intent set forth in s. 812.014(1).

(a) The department is authorized to investigate and to request appropriate officers or agencies of the state to investigate suspected criminal violations or fraudulent activity related to third-party benefits, including, without limitation, ss. 409.325 and 812.014. Such requests may be directed, without limitation, to the Medicaid Fraud Control Unit of the Office of the Department of Legal Affairs, to the Attorney General, or to any state attorney. Pursuant to s. 409.913, the Attorney General has primary responsibility to investigate and control Medicaid fraud.

(b) In carrying out duties and responsibilities related to Medicaid fraud control, the department may subpoena witnesses or materials within or outside the state and, through any duly designated employee, administer oaths and affirmations and collect evidence for possible use in either civil or criminal judicial proceedings.

(c) All information obtained and documents prepared pursuant to an investigation of a Medicaid recipient, the recipient's legal representative, or any other person relating to an allegation of recipient fraud or theft is confidential and exempt from ~~the provisions of~~ s. 119.07(1):

1. Until such time as the department takes final agency action;

2. Until such time as the Auditor General refers the case for criminal prosecution;

3. Until such time as an indictment or criminal information is filed by a state attorney in a criminal case; or

4. At all times if otherwise protected by law.

~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 99. Subsection (1) of section 409.942, Florida Statutes, is amended to read:

409.942 Electronic benefit transfer program.—

(1) The Department of Health and Rehabilitative Services shall establish an electronic benefit transfer program for the dissemination of food stamp benefits and *temporary assistance* ~~aid to families with dependent children~~ payments, including refugee cash assistance payments, asylum applicant payments, and child support disregard payments. If the Federal Government does not enact legislation or regulations providing for dissemination of supplemental security income by electronic benefit transfer, the state may include supplemental security income in the electronic benefit transfer program.

Section 100. Paragraph (a) of subsection (3) of section 411.232, Florida Statutes, is amended to read:

411.232 Children's Early Investment Program.—

(3) ESSENTIAL ELEMENTS.—

(a) Initially, the program shall be directed to geographic areas where at-risk young children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of teenage pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of ~~AFDC~~ mothers *who participate in the WAGES Program*, children of teenage parents, low birthweight babies and very young foster children. To receive funding under this section, an agency, board, council, or provider must demonstrate:

1. Its capacity to administer and coordinate the programs and services in a comprehensive manner and provide a flexible range of services;

2. Its capacity to identify and serve those children least able to access existing programs and case management services;

3. Its capacity to administer and coordinate the programs and services in an intensive and continuous manner;

4. The proximity of its facilities to young children, parents, and other family members to be served by the program, or its ability to provide offsite services;

5. Its ability to use existing federal, state, and local governmental programs and services in implementing the investment program;

6. Its ability to coordinate activities and services with existing public and private, state and local agencies and programs such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment

and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all the foregoing intended to assist children and families at risk;

7. How its plan will involve project participants and community representatives in the planning and operation of the investment program;

8. Its ability to participate in the evaluation component required in this section; and

9. Its consistency with the strategic plan pursuant to s. 411.221.

Section 101. Paragraph (a) of subsection (3) of section 411.242, Florida Statutes, is amended to read:

411.242 Florida Education Now and Babies Later (ENABL) program.—

(3) ESSENTIAL ELEMENTS.—

(a) The ENABL program should be directed to geographic areas in the state where the childhood birth rate is higher than the state average and where the children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of childhood pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of mothers *who participate in the WAGES Program* ~~receiving aid to families with dependent children (AFDC)~~, children of teenage parents, low birthweight babies, and very young foster children. To receive funding under this section, a community-based local contractor must demonstrate:

1. Its capacity to administer and coordinate the ENABL pregnancy prevention public education program and services for children and their families in a comprehensive manner and to provide a flexible range of age-appropriate educational services.

2. Its capacity to identify and serve those children least able to access existing pregnancy prevention public education programs.

3. Its capacity to administer and coordinate the ENABL programs and services in an intensive and continuous manner.

4. The proximity of its program to young children, parents, and other family members to be served by the ENABL program, or its ability to provide offsite educational services.

5. Its ability to incorporate existing federal, state, and local governmental educational programs and services in implementing the ENABL program.

6. Its ability to coordinate its activities and educational services with existing public and private state and local agencies and programs, such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all of the foregoing intended to assist children and families at risk.

7. How its plan will involve project participants and community representatives in the planning and operation of the ENABL program.

8. Its ability to participate in the evaluation component required in this section.

9. Its consistency with the strategic plan pursuant to s. 411.221.

10. Its capacity to match state funding for the ENABL program at the rate of $1 in cash or in matching services for each dollar funded by the state.

Section 102. Section 411.243, Florida Statutes, is created to read:

411.243 Teen Pregnancy Prevention Community Initiative.—Subject to the availability of funds, the Department of Health and Rehabilitative Services shall create a Teen Pregnancy Prevention Community Initiative. The purpose of this initiative is to create collaborative community partnerships to reduce teen pregnancy. Participating communities shall examine their needs and resources relative to teen pregnancy prevention, and develop plans which provide for a collaborative approach to how existing, enhanced, and new initiatives together will reduce teen pregnancy in a community. Community incentive grants shall provide funds for communities to implement plans which provide for a collaborative, comprehensive, outcome-focused approach to reducing teen pregnancy.

(1) The requirements of the community incentive grants are as follows:

(a) The goal required of all grants is to reduce the incidence of teen pregnancy. All grants must be designed and required to maintain the data to substantiate reducing the incidence of teen pregnancy in the targeted area in their community.

(b) The target population is teens through 19 years of age, including both males and females and mothers and fathers.

(c) Grants must target a specified geographic area or region, for which data can be maintained to substantiate the teen pregnancy rate.

(d) In order to receive funding, communities must demonstrate collaboration in the provision of existing and new teen pregnancy prevention initiatives. This collaboration shall include developing linkages to the health care, social services, and education systems.

(e) Plans must be developed for how a community will reduce the incidence of teen pregnancy in a specified geographic area or region. These plans must include:

1. Provision for collaboration between existing and new initiatives for a comprehensive, well-planned, outcome-focused approach. All organizations involved in teen pregnancy prevention in the community must be involved in the planning and implementation of the community incentive grant initiative.

2. Provision in the targeted area or region for all of the components identified below. These components may be addressed through a collaboration of existing initiatives, enhancements, or new initiatives. Community incentive grant funds must address current gaps in the comprehensive teen pregnancy prevention plan for communities.

a. Primary prevention components are:

(I) Prevention strategies targeting males.

(II) Role modeling and monitoring.

(III) Intervention strategies targeting abused or neglected children.

(IV) Human sexuality education.

(V) Sexual advances protection education.

(VI) Reproductive health care.

(VII) Intervention strategies targeting younger siblings of teen mothers.

(VIII) Community and public awareness.

(IX) Innovative programs to facilitate prosecutions under s. 794.011, s. 794.05, or s. 800.04.

b. Secondary prevention components are:

(I) Home visiting.

(II) Parent education, skill building, and supports.

(III) Care coordination and case management.

(IV) Career development.

(V) Goal setting and achievement.

Community plans must provide for initiatives which are culturally competent and relevant to the families' values.

(2) The state shall conduct an independent process and outcome evaluation of all the community incentive grant initiatives. The evaluation shall be conducted in three phases: The first phase shall focus on process, including implementation and operation, to be reported on after the first year of operation; the second phase shall be an interim evaluation of the outcome, to be completed after the third year of operation; the third phase shall be a final evaluation of process, outcome, and achieve-

ment of the overall goal of reducing the incidence of teen pregnancy, to be completed at the end of the fifth year of operation.

(3) The state shall provide technical assistance, training, and quality assurance to assist the initiative in achieving its goals.

Section 103. Paragraph (d) of subsection (3) of section 420.625, Florida Statutes, is amended to read:

420.625 Grant-in-aid program.—

(3) ESTABLISHMENT.—There is hereby established a grant-in-aid program to help local communities in serving the needs of the homeless through a variety of supportive services, which may include, but are not limited to:

(d) Emergency financial assistance for persons who are totally without shelter or facing loss of shelter, but who are not eligible for such assistance under *s. 414.16* ~~s. 420.627~~.

Section 104. Subsection (1) of section 421.10, Florida Statutes, is amended to read:

421.10 Rentals and tenant selection.—

(1) In the operation or management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenants selection:

(a) It may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income.~~;~~

(b) It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding.~~; and~~

(c) It shall accept any person as a tenant in any housing project according to the appropriate guidelines as established by the United States Department of Housing and Urban Development or other federal agencies.

(d) The Department of Health and Rehabilitative Services, pursuant to 45 C.F.R. s. 233.20(a)(3)(vii)(c), *may* ~~shall~~ not consider as income for *participants in the WAGES Program* ~~aid to families with dependent children~~ assistance received by recipients from other agencies or organizations such as public housing authorities.

Section 105. Subsection (7) of section 497.419, Florida Statutes, is amended to read:

497.419 Cancellation of, or default on, preneed contracts.—

(7) *A* ~~No~~ preneed contract *does not* ~~shall~~ restrict any contract purchaser who is an applicant for, or a recipient of, supplemental security income, *temporary assistance under the WAGES Program* ~~aid to families with dependent children~~, or Medicaid from making his contract irrevocable.

Section 106. Paragraph (a) of subsection (1) of section 772.102, Florida Statutes, is amended to read:

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section *414.39* ~~409.325~~, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Chapter 517, relating to securities transactions.

5. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.

6. Chapter 550, relating to jai alai frontons.

7. Chapter 552, relating to the manufacture, distribution, and use of explosives.

8. Chapter 562, relating to beverage law enforcement.

9. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

10. Chapter 687, relating to interest and usurious practices.

11. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

12. Chapter 782, relating to homicide.

13. Chapter 784, relating to assault and battery.

14. Chapter 787, relating to kidnapping.

15. Chapter 790, relating to weapons and firearms.

16. Section 796.01, s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

17. Chapter 806, relating to arson.

18. Chapter 812, relating to theft, robbery, and related crimes.

19. Chapter 815, relating to computer-related crimes.

20. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

21. Section 827.071, relating to commercial sexual exploitation of children.

22. Chapter 831, relating to forgery and counterfeiting.

23. Chapter 832, relating to issuance of worthless checks and drafts.

24. Section 836.05, relating to extortion.

25. Chapter 837, relating to perjury.

26. Chapter 838, relating to bribery and misuse of public office.

27. Chapter 843, relating to obstruction of justice.

28. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

29. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

30. Chapter 893, relating to drug abuse prevention and control.

31. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

32. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

Section 107. Paragraph (a) of subsection (1) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 403.727(3)(b), relating to environmental control.

3. Section *414.39* ~~409.325~~, relating to public assistance fraud.

4. Section 409.920, relating to Medicaid provider fraud.

5. Section 440.105 or s. 440.106, relating to workers' compensation.

6. Chapter 517, relating to sale of securities and investor protection.

7. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.

8. Chapter 550, relating to jai alai frontons.

9. Chapter 552, relating to the manufacture, distribution, and use of explosives.

10. Chapter 562, relating to beverage law enforcement.

11. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

12. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

13. Chapter 687, relating to interest and usurious practices.

14. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

15. Chapter 782, relating to homicide.

16. Chapter 784, relating to assault and battery.

17. Chapter 787, relating to kidnapping.

18. Chapter 790, relating to weapons and firearms.

19. Section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

20. Chapter 806, relating to arson.

21. Chapter 812, relating to theft, robbery, and related crimes.

22. Chapter 815, relating to computer-related crimes.

23. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

24. Section 827.071, relating to commercial sexual exploitation of children.

25. Chapter 831, relating to forgery and counterfeiting.

26. Chapter 832, relating to issuance of worthless checks and drafts.

27. Section 836.05, relating to extortion.

28. Chapter 837, relating to perjury.

29. Chapter 838, relating to bribery and misuse of public office.

30. Chapter 843, relating to obstruction of justice.

31. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

32. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

33. Chapter 874, relating to criminal street gangs.

34. Chapter 893, relating to drug abuse prevention and control.

35. Chapter 896, relating to offenses related to financial transactions.

36. Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

37. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 108. Paragraph (a) of subsection (3) of section 921.0012, Florida Statutes, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than $300 but less than $20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license.
322.212(5)	3rd	False application for driver's license.
370.13(4)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
372.663(1)	3rd	Poach any alligator or crocodilia.
414.39(2) ~~409.325(2)~~	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than $200.
414.39(3)(a) ~~409.325(3)(a)~~	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
458.327(1)(a)	3rd	Unlicensed practice of medicine.
466.026(1)(a)	3rd	Unlicensed practice of dentistry or dental hygiene.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than $300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than $50.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

Florida Statute	Felony Degree	Description
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05 (2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.
838.015(3)	3rd	Bribery.
838.016(1)	3rd	Public servant receiving unlawful compensation.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

Section 109. Effective October 1, 1996, paragraph (f) is added to subsection (2) of section 943.05, Florida Statutes, to read:

943.05 Division of Criminal Justice Information Systems; duties; crime reports.—

(2) The division shall:

(f) Establish, implement, and maintain a system for transmitting to and among criminal justice agencies information about writs of bodily attachment issued in connection with a court-ordered child support obligation. Such information shall include, but not be limited to, information necessary to identify the respondents and serve the writs.

Section 110. (1) Notwithstanding the provisions of section 409.924, Florida Statutes, the Department of Health and Rehabilitative Services shall convert the existing family transition program site in Alachua County from a voluntary program to a mandatory program, and all family transition program sites shall operate as mandatory programs for family transition program enrollees. The department shall request amendment to the terms and conditions of the federal waiver to accomplish this change. The department shall consult with the United States Department of Health and Human Services, Administration for Children and Families, on the research treatment of current nonvolunteers and control group members and the research status of such recipients shall be specified in the amended terms and conditions. This section shall be implemented in accordance with the provisions of the amended waiver terms and conditions, subject to federal approval.

(2) Notwithstanding any other provisions of this act, this section shall take effect upon becoming a law.

Section 111. Sections 409.026, 409.211, 409.235, 409.2351, 409.326, 409.327, 409.3284, 409.921, 409.922, 409.923, 409.924, 409.925, 409.926, 409.927, 409.928, 409.929, 409.930, 409.931, 409.932, 409.933, 409.934, 409.935, 409.936, 409.937, 409.939, 409.940, 409.941, 414.01, 414.02, 414.03, 414.04, 414.05, 414.06, 414.07, 414.08, 414.09, 414.10, 414.11, and 414.12, Florida Statutes; section 409.029, Florida Statutes, as amended by chapter 95-144, Laws of Florida; 409.185, Florida Statutes, as amended by chapters 95-196 and 95-431, Laws of Florida; sections 409.1857, Florida Statutes, as created by chapter 95-431, Laws of Florida; sections 6 and 8 of chapter 95-431, Laws of Florida, appearing as sections 409.2345 and 409.943, Florida Statutes, respectively; and section 409.255, Florida Statutes, as amended by chapter 95-431, Laws of Florida, are repealed.

Section 112. (1) Notwithstanding the provisions of sections 216.031, 216.181, 216.251, 216.262, and 240.271, Florida Statutes, to the contrary and pursuant to the provisions of section 216.351, Florida Statutes, but subject to any guidelines imposed in the General Appropriations Act, funds and authorized positions for the operation of programs affected by this act may be transferred by the Executive Office of the Governor between appropriation categories, budget entities, and departments as necessary to implement the act. The affected departments shall develop and publish annual operating budgets that reflect any reallocations. Any program, activity, or function transferred under the provisions of this subsection shall be considered a type two transfer under the provisions of section 20.06, Florida Statutes.

(2) Notwithstanding the provisions of section 216.181, Florida Statutes, and pursuant to the provisions of section 216.351, Florida Statutes, but subject to any requirements imposed in the General Appropriations Act, the Comptroller, upon the request of the Executive Office of the Governor, shall transfer or reallocate funds to or among accounts established for disbursement purposes as necessary to implement this act. The departments shall maintain records to account for the original appropriation and shall submit legislative budget requests which reflect the transfer of funds between expenditure categories which have been made in order to implement this act.

(3) This section shall take effect upon this act becoming a law.

Section 113. (1) It is the intent of the Legislature that expenditures from Specific Appropriation 448 of the 1996-1997 General Appropriations Act, relating to Financial Assistance Payments, shall be reduced on an annualized basis by at least $25 million within the first 12 months of implementation of this act and upon enactment of HR 4 or similar federal legislation. Further, the Department of Health and Rehabilitative Services shall report to the Legislature by March 1, 1997, regarding the status of these expected savings and any additional strategies to realize such savings.

(2) Notwithstanding the provisions of section 215.32(2)(c)2, Florida Statutes, the Working Capital Fund may be used to implement the WAGES Program during the 1996-1997 fiscal year when the requirements of the program exceed the amount of funds available through state and federal sources. When necessary, the Executive Office of the Governor shall recommend to the Administration Commission the use of the Working Capital Fund for this purpose. This section is subject to the provisions of section 216.177, Florida Statutes.

Section 114. For fiscal year 1996-1997, up to $2 million in Specific Appropriation 394 shall be used for the Child Care Partnership Program for matching grants to increase child care slots for working people through public-private cooperation.

Section 115. Following the effective date of this act:

(1)(a) The Governor may delay implementation of this act in order to provide the department with the time necessary to prepare to implement new programs.

(b) The Governor may also delay implementation of portions of this act, in order to allow savings resulting from the act to pay for provisions implemented later. If the Governor determines that portions of this act should be delayed, the priority in implementing this act shall be, in order of priority:

1. Provisions that provide savings in the first year of implementation.

2. Provisions necessary to the implementation of work activity requirements, time limits, and sanctions.

3. Provisions related to removing marriage penalties and expanding benefits to stepparent and two-parent families.

4. Provisions related to the reduction of teen pregnancy and out-of-wedlock births.

5. Other provisions.

(2) The programs affected by this act shall continue to operate under the provisions of law that would be in effect in the absence of this act, until such time as the Governor informs the Speaker of the House of Representatives and the President of the Senate of his intention to implement provisions of this act. Notice of intent to implement provisions of this act shall be given to the Speaker of the House of Representatives and the President of the Senate in writing and shall be delivered at least 14 consecutive days prior to such action.

(3) Any changes to a program, activity, or function taken pursuant to this subsection shall be considered a type two transfer pursuant to the provisions of section 20.06(2), Florida Statutes.

Section 116. Except as otherwise provided herein, this act shall take effect upon certification by the Governor that the United States Congress has enacted federal block grant welfare reform legislation.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to welfare reform; providing a new title for ch. 414, F.S.; creating s. 414.015, F.S.; designating ch. 414, F.S., as the "Work and Gain Economic Self-sufficiency (WAGES) Act"; creating s. 414.025, F.S.; providing legislative intent; creating s. 414.0252, F.S.; providing definitions; creating s. 414.026, F.S.; creating the WAGES Program State Board of Directors within the Executive Office of the Governor; providing for the appointment of members and terms of office; providing for reimbursement of per diem and travel expenses; requiring the board of directors to appoint a program director to supervise the administration of the WAGES Program; providing for expiration of the board of directors and legislative review; requiring the Department of Labor and Employment Security and the Department of Health and Rehabilitative Services to develop an implementation plan for welfare reform; creating s. 414.027, F.S.; requiring the board of directors to develop a WAGES Program statewide implementation plan; requiring the plan to be annually updated; creating s. 414.028, F.S.; requiring the WAGES Program State Board of Directors to create and charter local WAGES coalitions to plan and coordinate the delivery of services under the program; providing for membership of the local coalitions; providing duties and functions of the local coalitions; requiring the local coalition to develop a program plan that includes a teen pregnancy prevention component; providing for staff support for local coalitions; creating s. 414.055, F.S.; requiring the Division of Jobs and Benefits of the Department of Labor and Employment Security to establish jobs and benefits offices to function as one-stop centers to deliver services under the act; providing that a public employment office of the division may function as a jobs and benefits office; creating s. 414.065, F.S.; providing for the Department of Health and Rehabilitative Services to provide work activities under the WAGES Program; specifying the activities that satisfy the work requirements for a participant in the WAGES Program; providing for workers' compensation for a participant assigned to community service; requiring an adult participant in the WAGES Program to participate in work activities for a minimum number of hours each week; providing certain exemptions from work activity requirements; providing penalties for noncompliance with work activity requirements; providing for temporary assistance to be based on pay after performance; providing exceptions to noncompliance penalties; providing work activity requirements for noncustodial parents; authorizing the department to assign work requirements according to a specified priority; requiring the department to provide work activities, training, and other program services under contract when practical; providing contract requirements; providing for implementation under a federal waiver; creating s. 414.075, F.S.; providing eligibility standards for participating in the WAGES Program; creating s. 414.085, F.S.; providing income eligibility standards for participating in the WAGES Program; creating s. 414.095, F.S.; providing additional eligibility requirements for participating in the WAGES Program; providing eligibility for certain noncitizens; providing for eligibility of stepparents and caretaker relatives; limiting the temporary assistance available for a pregnant woman; requiring that a family cooperate with the state agency that administers the child support enforcement program; providing for program application; specifying the opportunities and obligations of a participant in the WAGES Program; providing for determining the level of temporary assistance; providing for disregarding a certain amount of a participant's income; providing for calculating assistance levels; providing methods for paying temporary assistance; providing certain restrictions on receiving temporary assistance; providing for preeligibility fraud screening; providing for the assistance levels to be reduced under certain circumstances; requiring the department to apply for additional federal funding under certain circumstances; creating s. 414.105, F.S.; providing a time limitation on program participation; providing certain exceptions to the time limitation; requiring the department to establish a procedure for reviewing hardship exemptions; providing for future repeal of the section; creating s. 414.115, F.S.; limiting the temporary assistance available for additional children; transferring, renumbering, and amending s. 409.1855, F.S., relating to the learnfare program; providing for a reduction in a participant's temporary assistance if a dependent child fails to comply with requirements for school attendance; transferring, renumbering, and amending s. 409.938, F.S.; requiring that a participant who has a preschool child comply with requirements for childhood immunizations; transferring, renumbering, and amending s. 409.186, F.S.; authorizing the Department of Health and Rehabilitative Services to align the requirements for specified public assistance programs; requiring the secretary of the department to notify the Legislature of certain proposed rule changes; providing for the proposed rule to take effect unless the secretary is advised that the proposed rule exceeds the delegated authority of the Legislature; creating s. 414.15, F.S.; requiring the department provide diversion assistance to an applicant in response to an emergency; providing certain limitations on diversion assistance; transferring, renumbering, and amending s. 420.627, F.S.; providing for an emergency assistance program; providing criteria for receiving assistance; providing for assistance in paying a rental security deposit; creating s. 414.17, F.S.; providing audit requirements for the WAGES Program; requiring the department to review waivers granted by the Federal Government and make certain determinations; creating s. 414.20, F.S.; providing additional support services to be provided under the WAGES Program if resources permit; creating s. 414.21, F.S.; providing for transitional medical benefits; creating s. 414.22, F.S.; authorizing transitional education and training for program participants; creating s. 414.23, F.S.; requiring the department to evaluate the programs operated under ch. 414, F.S.; creating s. 414.24, F.S.; requiring the department to develop integrated service delivery strategies; creating s. 414.25, F.S.; providing that the Department of Health and Rehabilitative Services and the Department of Labor and Employment Security are exempt from specified requirements with respect to the leasing of property; providing for expiration of the exemption; transferring and renumbering s. 409.295, F.S., relating to the appointment of a guardian; transferring and renumbering s. 409.315, F.S., relating to the payment of assistance upon death; transferring, renumbering, and amending s. 409.345, F.S.; providing that the acceptance of temporary assistance creates a debt of the person accepting assistance; providing for discharge of the debt; transferring and renumbering s. 409.355, F.S., relating to certain limitations on the use of public assistance rolls; transferring, renumbering, and amending s. 409.275, F.S.; providing for the department to administer the federal food stamp program; creating s. 414.32, F.S.; providing certain prohibitions and restrictions with respect to receiving food stamps; providing circumstances under which a person is disqualified from receiving food stamps; creating s. 414.33, F.S.; requiring the Department of Health and Rehabilitative Services to establish procedures for notifying federal and state agencies of violations under the food stamp program; transferring, renumbering, and amending s. 409.328, F.S., relating to the annual report of administrative complaints and disciplinary actions involving the food stamp program; transferring and renumbering s. 409.60, F.S., relating to emergency relief; transferring, renumbering, and amending s. 409.2562, F.S., relating to the public assistance overpayment recovery program; providing for the recovery of overpayments made under the WAGES Program; transferring and renumbering s. 409.25625, F.S., relating to the privatization of the recovery of public assistance overpayments; transferring, renumbering, and amending s. 409.25655, F.S.; providing for the pilot work experience and job-training program for noncustodial parents to be established in two judicial circuits; amending s. 409.2567, F.S.; requiring the Department of Revenue to report on funds identified for collection from noncustodial parents of children receiving temporary assistance; transferring, renumbering, and amending s. 409.325, F.S., relating to penalties imposed for public assistance fraud; requiring the department to develop a error-prone or fraud-prone case profile within its public assistance information system; providing for screening applications against the profile; transferring and renumbering s. 409.3251, F.S., relating to the Stop Inmate Fraud Program within the Division of Public Assistance Fraud of the Office of the Auditor General; transferring, renumbering, and amending s. 409.335, F.S.; requiring the Department of Health and

Rehabilitative Services; to determine if recovery of certain overpayments would create extreme hardship; authorizing the department to reduce the amount of repayment under certain circumstances; transferring and renumbering s. 409.3282, F.S., relating to the dismissal of an employee of the Department of Health and Rehabilitative Services for certain actions; creating s. 414.43, F.S.; requiring the department to establish a special needs allowance to be deducted from the calculation of family income under certain circumstances; creating s. 414.44, F.S.; requiring the department to collect data necessary to administer ch. 414, F.S.; creating s. 414.45, F.S.; requiring the department to adopt rules; amending s. 11.50, F.S., relating to the Division of Public Assistance Fraud of the Auditor General; providing for investigations with respect to assistance provided under ch. 414, F.S.; amending s. 20.19, F.S., relating to the Department of Health and Rehabilitative Services; revising duties of the Economic Services Program Office and the Children and Families Program Office to conform to changes made by the act; amending s. 39.044, F.S., relating to juvenile detention; deleting an obsolete reference; amending s. 61.11, F.S.; providing certain requirements for the court with respect to a writ of attachment in connection with a court-ordered child support obligation; amending ss. 61.30, 97.021, 194.013, F.S., relating to child support guidelines, elections, and tax adjustments; revising references to reflect the termination of the program known as Aid to Families with Dependent Children and the creation of the WAGES Program; amending s. 212.08, F.S.; providing an exemption for licensed family day care homes from certain utilities tax; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program, to conform; providing requirements for the establishment of performance standards; revising provisions for allocating funds; requiring specified local agencies to assess the service needs of preschool children who are eligible for subsidized child care; requiring a report to the Legislature; amending s. 233.068, F.S., relating to job-related vocational instruction; deleting references to the program known as Project Independence and providing for program functions to be continued under the WAGES Program; amending ss. 239.117, 239.249, 239.301, 240.35, F.S., relating to student fees, vocational education, and adult education; conforming references to changes made by the act; amending ss. 240.40685, 240.61, 246.50, F.S., relating to the Certified Teacher-Aide Welfare Transition Program and the college reach-out program; conforming references to reflect the transfer of program participants to the WAGES Program; creating ss. 383.0112, 383.0113, 383.0114, F.S.; creating the Commission on Responsible Fatherhood; providing duties of the commission and requiring a report; providing for membership; providing for meeting; assigning the commission to the Department of Health and Rehabilitative Services for administrative purposes; providing for community-based programs; amending s. 402.26, F.S.; providing legislative intent with respect to child care and workplaces; amending s. 402.27, F.S., relating to child care and early childhood resource and referral; providing additional duties of the department; creating s. 402.281, F.S.; providing for a Gold Seal Quality Care program; requiring the department to develop a rating system for subsidized child car providers; amending s. 402.3015, F.S.; providing requirements for a subsidized child care program; amending s. 402.301, F.S.; providing state policy with respect to child care for disabled children; amending s. 402.302, F.S.; redefining the term "family day care home"; amending s. 402.305, F.S.; revising licensing standards for child care facilities; providing training requirements for child care operators; providing square footage requirements; amending s. 402.3051, F.S.; revising requirements for the child care market rate reimbursement; requiring the department and local government agencies to develop a plan for inspections of child care facilities; amending s. 402.313, F.S.; revising provisions with respect to utility rates for family day care homes; amending s. 402.315, F.S.; providing for certain funds of the department to be used to fund licensing activities; amending ss. 402.33, 402.40, 402.45, F.S., relating to department fees; child welfare training academies, and community resource programs; conforming cross-references to changes made by the act; amending s. 409.178, F.S., relating to the Child Care Partnership Act; creating the Child Care Executive Partnership; providing for membership; providing powers and authority; providing for the creation of child care purchasing pools; providing for local community child care task forces; requiring the department to adopt rules; creating s. 409.179, F.S.; creating the family-friendly workplace initiative; authorizing the Executive office of the Governor to develop the initiative; providing criteria; amending s. 409.185, F.S.; providing circumstances under which the department may withhold payment from a recipient of financial assistance; amending s. 409.2554, F.S.; redefining the term "public assistance" to include assistance paid under the WAGES Program; amending s. 409.2564, F.S., relating to actions for support; conforming a cross-reference; creating s. 409.25644, F.S.; providing for the garnishment of the wages of a delinquent child support obligor; providing for review under ch. 120, F.S.; creating s. 409.25645, F.S.; providing for administrative orders for genetic testing; amending s. 409.2566, F.S.; revising uses of funds in the Child Support Enforcement Application Fee Trust Fund; amending s. 409.2572, F.S.; providing for DNA testing to identify the father of a dependent child; providing for sanctions; deleting a reporting requirement of the department; amending ss. 409.259, 409.2598, F.S., relating filing fees; conforming provisions; amending s. 409.2598, F.S.; providing for the suspension or denial of a license or registration issued under ch. 370 or ch. 372, F.S., for a person who is delinquent in paying child support; amending ss. 409.328, 409.903, 409.910, 409.942, 411.232, 411.242, F.S., relating to administrative reports, mandatory payments, payments on behalf of Medicaid-eligible persons, the electronic benefit transfer program, the Children's Early Investment Program, the Education Now and Babies Later (ENABLE) program; conforming provisions to changes made by the act; creating the Teen Pregnancy Prevention Community Initiative; providing for grants to provide funds to communities to implement plans to reduce teen pregnancy; providing requirements for receipt of a grant; requiring an independent evaluation of the grant initiatives; amending s. 420.625, 421.10, 497.419, 772.102, 895.02, 921.0012, F.S., relating to a grant-in-aid program, housing authorities, preneed contracts, and public assistance fraud; conforming provisions to changes made by the act; amending s. 943.05, F.S.; requiring the Division of Criminal Justice Information Systems within the Department of Law Enforcement to maintain information about writs issued in connection with a child support obligation; requiring the Department of Health and Rehabilitative Services to convert a family transition program in a specified county to a mandatory program; repealing ss. 409.026, 409.029, 409.185, 409.1857, 409.211, 409.2345, 409.235, 409.2351, 409.255, 409.326, 409.327, 409.3284, 409.921, 409.922, 409.923, 409.924, 409.925, 409.926, 409.927, 409.928, 409.929, 409.930, 409.931, 409.932, 409.933, 409.934, 409.935, 409.936, 409.937, 409.939, 409.940, 409.941, 409.943, 414.01, 414.02, 414.03, 414.04, 414.05, 414.06, 414.07, 414.08, 414.09, 414.10, 414.11, and 414.12, F.S., relating to Department of Health and Rehabilitative Services functions, Florida Employment Opportunity Act, determination of eligibility for and amount of financial assistance, community employment and work experience program, mandatory supplementation, rules governing aid-to-families-with-dependent-children program concerning full benefits for certain families without employment restrictions, aid-to-families-with-dependent-children program, short-term emergency financial assistance for housing, aid-to-families-with-dependent-children unemployed parent program, violation of food stamp program by recipient, violation of food stamp program by retail food store, retail items not purchasable, short title, legislative intent, definitions, general provisions of family transition program, federal waivers and evaluation, responsibilities of the department, benefit limitations and enhanced services applicable to all participants, review panels, full durational review, enhanced services, court-ordered participation, incentives for employers, family transition program learnfare requirement, family transition program aid-to-families-with-dependent-children dependency diversion, rulemaking, reporting, family transition program recognition awards, required quarters of work for aid-to-families-with-dependent-children unemployed parent program, vendor payment for housing authority, periods of substantially high unemployment, federal waivers necessary to implement ch. 95-431, Laws of Florida, county aid for poor mothers, allowance authorized, conditions of allowance, time limit on allowance, orphans dependent on poor female relative and impoverished orphans, implementation, history of each case, method of family investigation, appointments, residence of child, required school attendance, and designation of county welfare board, respectively, to conform; providing for the transfer of funds between appropriation categories; providing legislative intent with respect to the reduction of specified appropriations; providing for the Working Capital Fund to be used to implement the WAGES Program under certain circumstances; providing an appropriation; authorizing the Governor to delay implementation of the act; providing effective dates.

The Conference Committee Report was read and on motion by Senator Jennings, the rules were waived and the Conference Committee Report was adopted. **CS for SB 1662** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40 Nays—None

SPECIAL ORDER CALENDAR, continued

CS for SB 2314—A bill to be entitled An act relating to insurance; creating s. 215.5551, F.S.; authorizing the board to issue bonds to reimburse insurers for claims paid on dwelling structures included in coverage only of a standard homeowner insurance policy; providing conditions for such reimbursement; authorizing the board to purchase reinsurance; creating s. 215.5552, F.S.; providing for use of moneys appropriated by the Legislature from the Florida Hurricane Catastrophe Fund for mitigation purposes; creating s. 624.4041, F.S.; providing that an insurer's authority to transact business may not be conditioned on the number or type of policies it writes or could write in the state of upon a requirement that the insurer write other kinds of insurance; amending s. 626.2815, F.S.; altering the continuing education requirements for agents; providing new membership criteria for the continuing education advisory board; providing conditions for appointment; providing for application of the continuing education requirements to nonresidents; authorizing the Department of Insurance to enter into contracts; creating s. 626.9153, F.S.; providing for exportation of hurricane deductible risk in residential coverage to surplus lines; creating s. 626.9293, F.S.; prescribing conditions for and limitations on windstorm coverage for newly constructed buildings; amending s. 627.062, F.S.; providing time periods for rate filings; providing definitions; providing procedures; providing for changes concerning rate factors; providing changes to the catastrophe reserve; providing for burden of proof for residential coverages; providing for arbitration; providing procedures for arbitration; creating s. 627.0622, F.S.; providing for pass-through of assessments and surcharges; amending s. 627.0628, F.S.; providing an additional member to the Florida Commission on Hurricane Loss Projection Methodology; exempting members and certain employees of the commission and members and employees of the State Board of Administration from liability for performance of their statutory duties; providing a statement of legislative intent; providing additional duties of the commission; providing authority for the department; amending s. 627.0629, F.S.; providing a calculation for rates; providing procedures for rates; providing requirements for premium notice; providing requirements for rate filing; providing for a public hearing if ordered by the Insurance Commissioner; providing for a phase-in of rates; requiring certain insurers to provide windstorm and hurricane coverage; providing exemptions; creating s. 627.0631, F.S.; providing for equalization of surcharges and assessments; amending s. 627.351, F.S.; providing for bonding authority; providing conditions under which newly constructed buildings are eligible for windstorm coverage provided by the Windstorm Joint Underwriters Association; specifying composition of the board of directors; providing conditions under which the Residential Property and Casualty Underwriting Association must offer hurricane coverage; authorizing certain other coverage; providing a date for a certain rate calculation; providing requirements for rates; providing for deactivation of coverage offered by the association on a specified date and for subsequent reactivation; providing standards for servicing carriers; providing for payment of assessments; authorizing a length of time for coverage; providing financing powers; amending s. 627.3512, F.S.; providing for recoupment of deficit assessments; creating s. 627.3513, F.S.; requiring the Department of Insurance to make quarterly reports of the accumulated statutory deficit or surplus of the association; creating s. 627.3514, F.S.; providing criteria for the payment of a bonus under the take-out program; amending s. 627.4025, F.S.; including certain coverage within the definition of residential coverage; defining hurricane coverage; creating s. 627.41341, F.S.; authorizing for a limited time a residential property policy form to be known as a Residential JUA Supplemental Policy; requiring certain coverage for hurricanes; amending s. 627.7013, F.S.; revising provisions restricting hurricane-related cancellations and nonrenewals of personal lines property insurance policies; repealing the moratorium phaseout; providing for moratorium completion; specifying allowable cancellations and nonrenewals; providing for exceptions and waivers; providing that certain actions do not constitute violations; providing for reports; providing for enforcement; providing applicability; creating s. 627.7014, F.S.; providing findings and purpose; creating a limited moratorium on hurricane-related cancellations or nonrenewals of condominium association residential policies; authorizing waivers; specifying actions that do and do not constitute cancellations or nonrenewals; specifying applicability; requiring reporting; providing for rules; providing for future repeal; creating the Hurricane Loss Mitigation Expenditure Advisory Board; specifying duties; creating s. 627.7016, F.S.; authorizing insurers offering residential coverage to contract with building contractors skilled in techniques that mitigate hurricane damage and to offer policyholders the option to select the contractor's services to repair hurricane damage; creating s. 627.4138, F.S.; requiring the department to approve new Gap Insurance policies; amending s. 627.701, F.S.; increasing deductibles for hurricane losses; providing for choice by policyholders; providing for an acknowledgment; requiring incentives for mitigation; amending s. 626.918, F.S.; exempting certain surplus lines insurers from certain eligibility requirements; requiring that such insurers maintain a specified surplus as to policyholders; providing for severability; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Hurricane Insurance Affordability and Availability Act of 1996."

Section 2. Section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(1) FINDINGS AND PURPOSE.—The Legislature finds and declares as follows:

(a) There is a compelling state interest in maintaining a viable and orderly private sector market for property insurance in this state. To the extent that the private sector is unable to maintain a viable and orderly market for property insurance in this state, state actions to maintain such a viable and orderly market are valid and necessary exercises of the police power.

(b) As a result of unprecedented levels of catastrophic insured losses in recent years, and especially as a result of Hurricane Andrew, numerous insurers have determined that in order to protect their solvency, it is necessary for them to reduce their exposure to hurricane losses. Also as a result of these events, world reinsurance capacity has significantly contracted, increasing the pressure on insurers to reduce their catastrophic exposures.

(c) Mortgages require reliable property insurance, and the unavailability of reliable property insurance would therefore make most real estate transactions impossible. In addition, the public health, safety, and welfare demand that structures damaged or destroyed in a catastrophe be repaired or reconstructed as soon as possible. Therefore, the inability of the private sector insurance and reinsurance markets to maintain sufficient capacity to enable residents of this state to obtain property insurance coverage in the private sector endangers the economy of the state and endangers the public health, safety, and welfare. Accordingly, state action to correct for this inability of the private sector constitutes a valid and necessary public and governmental purpose.

(d) The insolvencies and financial impairments resulting from Hurricane Andrew demonstrate that many property insurers are unable or unwilling to maintain reserves, surplus, and reinsurance sufficient to enable the insurers to pay all claims in full in the event of a catastrophe. State action is therefore necessary to protect the public from an insurer's unwillingness or inability to maintain sufficient reserves, surplus, and reinsurance.

(e) A state program to provide reimbursement to insurers for a portion of their catastrophic hurricane losses will create additional insurance capacity sufficient to ameliorate the current dangers to the state's economy and to the public health, safety, and welfare.

(f) It is essential to the functioning of a state program to increase insurance capacity that revenues received be exempt from federal taxation. It is therefore the intent of the Legislature that this program be structured as a state trust fund under the direction and control of the State Board of Administration and operate exclusively for the purpose of protecting and advancing the state's interest in maintaining insurance capacity in this state.

(g) Hurricane Andrew, which caused insured and uninsured losses in excess of $20 billion, will likely not be the last major windstorm to strike Florida. Recognizing that a future wind catastrophe could cause damages in excess of $60 billion, especially if a major urban area or series of urban areas were hit, it is the intent of the Legislature to balance equitably its concerns about mitigation of hurricane impact,

insurance affordability and availability, and the risk of insurer and joint underwriting association insolvency, as well as assessment and bonding limitations.

(2) DEFINITIONS.—As used in this section:

(a) "Actuarially indicated" means, with respect to premiums paid by insurers for reimbursement provided by the fund, an amount determined according to principles of actuarial science to be adequate, but not excessive, in the aggregate, to pay current and future obligations and expenses of the fund, including additional amounts if needed to *pay debt service on revenue bonds issued under this section and to provide required debt service coverage in excess of the amounts required to pay actual debt service on* ~~retire~~ revenue bonds issued under subsection (6), and determined according to principles of actuarial science to reflect each insurer's relative exposure to hurricane losses.

(b) "Covered event" means any one storm declared to be a hurricane by the National Hurricane Center, which storm causes insured losses in this state.

(c) "Covered policy" means any insurance policy covering residential property in this state, including, but not limited to, any homeowner's, mobile home owner's, farm owner's, condominium association, condominium unit owner's, tenant's, or apartment building policy, or any other policy covering a residential structure or its contents issued by any authorized insurer, including any joint underwriting association or similar entity created pursuant to law. "Covered policy" does not include any policy that excludes wind coverage *or hurricane coverage* or any reinsurance agreement.

(d) "Losses" means direct incurred losses under covered policies, excluding losses attributable to additional living expense coverages and excluding loss adjustment expenses.

(e) "Retention" means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer's retention shall be calculated as follows:

1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, 1995, the retention multiple shall be equal to $3 billion divided by the total estimated reimbursement premium for the contract year; for subsequent years, the retention multiple shall be equal to $3 billion, adjusted to reflect the percentage growth in premium for covered policies since 1995, divided by the total estimated reimbursement premium for the contract year. *Total reimbursement premium for purposes of the calculation under this subparagraph shall be estimated using the assumption that all insurers have selected the 90-percent coverage level.*

2. The retention multiple as determined under subparagraph 1. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90-percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under subparagraph 1. For insurers electing the 75-percent coverage level, the retention multiple is 120 percent of the amount determined under subparagraph 1. For insurers electing the 45-percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under subparagraph 1.

3. An insurer shall determine its provisional retention by multiplying its provisional reimbursement premium by the applicable adjusted retention multiple and shall determine its actual retention by multiplying its actual reimbursement premium by the applicable adjusted retention multiple.

(f) "Workers' compensation" includes both workers' compensation and excess workers' compensation insurance.

(g) "Bond" means any bond, debenture, note, or other evidence of financial indebtedness issued under this section.

(h) "Debt service" means the amount required in any fiscal year to pay the principal of, redemption premium, if any, and interest on revenue bonds and any amounts required by the terms of documents authorizing, securing, or providing liquidity for revenue bonds necessary to maintain in effect any such liquidity or security arrangements.

(i) "Debt service coverage" means the amount, if any, required by the documents under which revenue bonds are issued, which amount is to be received in any fiscal year in excess of the amount required to pay debt service for such fiscal year.

(j) "Local government" means a unit of general purpose local government as defined in s. 218.31(2).

(k) "Pledged revenues" means all or any portion of revenues to be derived from reimbursement premiums under subsection (5) or from assessments under subparagraph (6)(a)3., as determined by the board.

(3) FLORIDA HURRICANE CATASTROPHE FUND CREATED.—There is created the Florida Hurricane Catastrophe Fund to be administered by the State Board of Administration. Moneys in the fund may not be expended, loaned, or appropriated except to pay obligations of the fund arising out of reimbursement contracts entered into under subsection (4), payment of *debt service on* ~~debts including obligations arising out of~~ revenue bonds issued under subsection (6), costs of the mitigation program under subsection (7), costs of procuring reinsurance, and costs of administration of the fund. The board shall invest the moneys in the fund pursuant to ss. 215.44-215.52. Except as otherwise provided in this section, earnings from all investments shall be retained in the fund. The board may employ or contract with such staff and professionals as the board deems necessary for the administration of the fund. The board may adopt such rules as are reasonable and necessary to implement this section. Such rules must conform to the Legislature's specific intent in establishing the fund as expressed in subsection (1), must enhance the fund's potential ability to respond to claims for covered events, must contain general provisions so that the rules can be applied with reasonable flexibility so as to accommodate insurers in situations of an unusual nature or where undue hardship may result, except that such flexibility may not in any way impair, override, supersede, or constrain the public purpose of the fund, and must be consistent with sound insurance practices. *The board may, by rule, provide for the exemption from subsections (4) and (5) of insurers writing covered policies with less than $500,000 in aggregate exposure for covered policies, which exposure results in a de minimis reimbursement premium, if the exemption does not affect the actuarial soundness of the fund.*

(4) REIMBURSEMENT CONTRACTS.—

(a) The board shall enter into a contract with each insurer writing covered policies in this state to provide to the insurer the reimbursement described in paragraph (b), in exchange for the reimbursement premium paid into the fund under subsection (5). As a condition of doing business in this state, each such insurer shall enter into such a contract.

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the *percentage coverage levels* ~~payment percentages~~ specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower ~~payment~~ percentage *coverage level* if no revenue bonds issued under *subsection (6)* ~~paragraph (6)(a)~~ after a covered event are outstanding, or elect a higher ~~repayment~~ percentage *coverage level, regardless of whether or not revenue bonds are outstanding,* if it pays to the fund an actuarially appropriate equalization charge as determined by the board. All members of an insurer group must elect the same percentage *coverage level.* Any joint underwriting association, *risk apportionment plan, or other entity created* ~~or assigned risk plan~~ under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources; however, recoveries from such other sources, taken together with reimbursements under the contract, may not exceed 100 percent of the insurer's losses from covered events. If such recoveries and reimbursements exceed 100 percent of the insurer's losses from covered events, and if there is no agreement between the insurer and the reinsurer to the contrary, any amount in excess of 100 percent of the insurer's losses shall be returned to the fund.

(c) The contract shall also provide that the obligation of the board with respect to all contracts covering a particular year shall not exceed the ~~current~~ balance of the fund *as of December 31 of that year,* together with the maximum amount that the board is able to raise through the issuance of revenue bonds under subsection (6). The contract shall require the board to annually notify insurers of the fund's anticipated

borrowing capacity for the next year, the *projected year-end* ~~current~~ balance of the fund, and the insurer's estimated share of total reimbursement premium to be paid to the fund. For all regulatory and reinsurance purposes, an insurer may calculate its projected payout from the fund as its share of the total fund premium *for the current contract year* multiplied by the sum of *the projected year-end* ~~current~~ fund balance and *the anticipated borrowing* ~~bonding~~ capacity *for that year* as reported under this paragraph. In May and October of each year, the board shall publish in the Florida Administrative Weekly a statement of the fund's anticipated borrowing capacity and the *projected year-end* ~~current~~ balance of the fund *for the current contract year*.

(d)1. The contract shall require the insurer to report to the board, *as directed by the board, but no later than* ~~on~~ December 31 of each year, and quarterly thereafter, its losses from covered events for the year. The contract shall require the board to determine and pay, as soon as practicable after receiving these reports, the initial amount of reimbursement due and adjustments to this amount based on later loss information. The adjustments to reimbursement amounts shall require the board to pay, or the insurer to return, amounts reflecting the most recent calculation of losses.

2. If the board determines that the *projected year-end* ~~current~~ balance of the fund, together with the amount that the board determines that it is possible to raise through revenue bonds issued under subsection (6) *and through other borrowing and financing arrangements under paragraph (7)(b),* are insufficient to pay reimbursement to all insurers at the level promised in the contract, the board shall:

a. First reimburse insurers writing covered policies, which insurers are in full compliance with this section and have petitioned the Department of Insurance and qualified as limited apportionment companies under s. 627.351(2)(b)3. The amount of such reimbursement shall be the lesser of $10 million or an amount equal to 10 times the insurer's reimbursement premium for the current year. The amount of reimbursement paid under this sub-subparagraph may not exceed the full amount of reimbursement promised in the reimbursement contract. This sub-subparagraph does not apply with respect to any contract year in which the year-end projected cash balance of the fund, exclusive of any bonding capacity of the fund, exceeds $2 billion. Only one member of any insurer group may receive reimbursement under this sub-subparagraph.

b. Next pay to each insurer the amount of reimbursement it is owed, up to an amount equal to the *insurer's share of the actual premium paid for that contract year, multiplied by the actual claims-paying capacity available for that contract year* ~~projected payout determined under paragraph (c)~~. *This determination shall be adjusted to reflect payments made under sub-subparagraph a.*

c. Thereafter, establish, *based on reimbursable losses,* the prorated reimbursement level at the highest level for which any remaining fund balance or bond proceeds are sufficient.

(e)*1. Except as provided in subparagraphs 2. and 3.,* the contract shall provide that if an insurer demonstrates to the board that it is likely to qualify for reimbursement under the contract, and demonstrates to the board that the immediate receipt of moneys from the board is likely to prevent the insurer from becoming insolvent, the board shall *advance* ~~loan~~ the insurer, at market interest rates, the amounts necessary to maintain the solvency of the insurer, up to 50 percent of the board's estimate of the reimbursement due the insurer. The insurer's reimbursement shall be reduced by an amount equal to the amount of the loan and interest thereon.

2. With respect only to an entity created under s. 627.351, the contract shall also provide that the board may, upon application by such entity, advance to such entity, at market interest rates, up to 90 percent of the lesser of:

a. The board's estimate of the amount of reimbursement due to such entity; or

b. The entity's share of the actual reimbursement premium paid for that contract year, multiplied by the currently available liquid assets of the fund. In order for the entity to qualify for an advance under this subparagraph, the entity must demonstrate to the board that the advance is essential to allow the entity to pay claims for a covered event and the board must determine that the fund's assets are sufficient and are sufficiently liquid to allow the board to make an advance to the entity and still fulfill the board's reimbursement obligations to other insurers. The entity's final reimbursement for any contract year in which an advance has been made under this subparagraph must be reduced by an amount equal to the amount of the advance and any interest on such advance. In order to determine what amounts, if any, are due the entity, the board may require the entity to report its exposure and its losses at any time to determine retention levels and reimbursements payable.

3. The contract shall also provide specifically and solely with respect to any limited apportionment company under s. 627.351(2)(b)3. that the board may, upon application by such company, advance to such company up to the lesser of:

a. 90 percent of the board's estimate of the reimbursement due to such company, or

b. 90 percent of the company's share of the total fund premiums applied to the board's currently available liquid assets,

at market rates, if the company demonstrates to the board that the immediate receipt of such moneys is essential to permit it to pay claims for a covered event and if the board determines that the fund's assets are sufficient and are sufficiently liquid to permit the board to make an advance to such company and at the same time fulfill its reimbursement obligations to the insurers that are participants in the fund. Such company's final reimbursement for any contract year in which an advance pursuant to this subparagraph has been made shall be reduced by an amount equal to the amount of the advance and interest theron. In order to determine what amounts, if any, are due to such company, the board may require such company to report its exposure and its losses at such times as may be required to determine retention levels and loss reimbursements payable.

~~(f) The board shall adopt the initial contract form by rule no later than February 1, 1994. The board shall adopt the initial premium formula by rule no later than March 1, 1994. Initial reimbursement contracts under this section shall be entered into no earlier than May 1, 1994, and no later than June 1, 1994, and shall take effect on June 1, 1994.~~

(f)~~(g)~~ The contract shall provide that in the event of the insolvency of an insurer, the fund shall pay directly to the Florida Insurance Guaranty Association for the benefit of Florida policyholders of the insurer the net amount of all reimbursement moneys owed to the insurer. As used in this paragraph, the term "net amount of all reimbursement moneys" means that amount which remains after reimbursement for preliminary or duplicate payments owed to private reinsurers or other inuring reinsurance payments to private reinsurers that satisfy statutory or contractual obligations of the insolvent insurer attributable to covered events to such reinsurers. Such private reinsurers shall be reimbursed or otherwise paid prior to payment to the Florida Insurance Guaranty Association, notwithstanding any law to the contrary. The guaranty association shall pay all claims up to the maximum amount permitted by chapter 631; thereafter, any remaining moneys shall be paid pro rata to claims not fully satisfied. *This paragraph does not apply to a joint underwriting association, risk apportionment plan, or other entity created under s. 627.351.*

(5) REIMBURSEMENT PREMIUMS.—

(a) Each reimbursement contract shall require the insurer to annually pay to the fund an actuarially indicated premium for the reimbursement.

(b) The State Board of Administration shall select an independent consultant to develop a formula for determining the actuarially indicated premium to be paid to the fund. The formula shall specify, for each zip code or other limited geographical area, the amount of premium to be paid by an insurer for each $1,000 of insured value under covered policies in that zip code or other area. In establishing premiums, the board shall consider the coverage elected under paragraph (4)(b) and any factors that tend to enhance the actuarial sophistication of ratemaking for the fund, including deductibles, type of construction, type of coverage provided, relative concentration of risks, and other such factors deemed by the board to be appropriate. *The formula may provide for a procedure to determine the premiums to be paid by new insurers that begin writing covered policies after the beginning of a contract year, taking into consideration when the insurer starts writing covered policies, the potential exposure of the insurer, the potential exposure of the fund, the administrative costs to the insurer and to the fund, and any other factors deemed*

appropriate by the board. The formula must be approved by unanimous vote of the board. The board may, at any time, revise the formula pursuant to the procedure provided in this paragraph.

(c) No later than September 1 of each year, each insurer shall notify the board of its insured values under covered policies by zip code, as of June 30 of that year. On the basis of these reports, the board shall calculate the premium due from the insurer, based on the formula adopted under paragraph (b). The insurer shall pay the required annual premium pursuant to a periodic payment plan specified in the contract. The board shall provide for payment of reimbursement premium in periodic installments and for the adjustment of provisional premium installments collected prior to submission of the exposure report to reflect data in the exposure report.

(d) All premiums paid to the fund under reimbursement contracts shall be treated as premium for approved reinsurance for all accounting and regulatory purposes.

~~(e) In order to provide startup moneys for the administration of the fund, each insurer subject to this section shall pay to the fund an advance premium payment of $1,000 no later than January 1, 1994. The Department of Insurance shall collect the advance premium payments required by this paragraph on behalf of the board. The insurer shall receive a credit against future premiums for the advance payment.~~

(6) REVENUE BONDS.—

(a) *General provisions.—*

1. Upon the occurrence of a hurricane and a determination that the moneys in the fund are or will be insufficient to pay reimbursement at the levels promised in the reimbursement contracts, the board *may take the necessary steps under paragraph (b) or paragraph (c)* ~~shall enter into agreements with local governments~~ for the issuance of revenue bonds for the benefit of the fund. *The proceeds of such revenue bonds may be used to make reimbursement payments under reimbursement contracts; to refinance or replace previously existing borrowings or financial arrangements; to pay interest on bonds; to fund reserves for the bonds; to pay expenses incident to the issuance or sale of any bond issued under this section, including costs of validating, printing, and delivering the bonds, costs of printing the official statement, costs of publishing notices of sale of the bonds, and related administrative expenses; or for such other purposes related to the financial obligations of the fund as the board may determine.* The term of the bonds may not exceed *30* ~~15~~ years. *The board may pledge or authorize the corporation to pledge all or a portion of all revenues under subsection (5) and under subparagraph 3. to secure such revenue bonds and the board may execute such agreements between the board and the issuer of any revenue bonds and providers of other financing arrangements under paragraph (7)(b) as the board deems necessary to evidence, secure, preserve, and protect such pledge. If reimbursement premiums received under subsection (5) or earnings on such premiums are used to pay debt service on revenue bonds, such premiums and earnings shall be used only after the use of the moneys derived from assessments under subparagraph 3. The funds, credit, property, or taxing power of the state or political subdivisions of the state shall not be pledged for the payment of such bonds.* ~~The board shall pledge all future revenues under subsection (5) and under paragraph (c), or a lesser portion of such revenues sufficient to raise moneys in an amount that will pay reimbursement at the levels promised in the reimbursement contracts, to the retirement of such bonds.~~ The board may also enter into ~~such~~ agreements *under paragraph (b) or paragraph (c) for the purpose of issuing revenue bonds* in the absence of a hurricane upon a determination that such action would maximize the ability of the fund to meet future obligations.

2. The Legislature finds and declares that the issuance of bonds under this subsection is for the public purpose of paying the proceeds of the bonds to insurers, thereby enabling insurers to pay the claims of policyholders to assure that policyholders are able to pay the cost of construction, reconstruction, repair, restoration, and other costs associated with damage to property of policyholders of covered policies after the occurrence of a hurricane. Revenue bonds may not be issued under this subsection until validated under chapter 75. The validation of at least the first obligations incurred pursuant to this subsection shall be appealed to the Supreme Court, to be handled on an expedited basis.

~~(b) The governing body of any county or municipality may issue bonds as defined in s. 125.013 or s. 166.101 from time to time to fund an assistance program, in conjunction with the Florida Hurricane Catastrophe Fund, for the purpose of meeting the reimbursement obligations of the fund. The issuance of such bonds is for the public purpose of ensuring that policyholders located within the county or municipality are able to recover under property insurance policies after a covered event. Revenue bonds may not be issued until validated pursuant to the provisions of chapter 75. The county or municipality shall enter into such contracts with the fund as are necessary to carry out this section. Any bonds issued under this section shall be payable from and secured by moneys received by the fund under subsection (5), and assigned and pledged to or on behalf of the county or municipality for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the county or municipality shall not be pledged for the payment of such bonds.~~

3.~~(c)~~ If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund *the obligations, costs, and expenses of the fund, including repayment of* revenue bonds ~~to pay reimbursement at the levels promised in the reimbursement contracts~~, the board shall direct the Department of Insurance to levy an emergency assessment on each insurer writing property and casualty business in this state. Pursuant to the emergency assessment, each such insurer shall pay to the fund by July 1 of each year an amount *set by the board not exceeding* ~~equal to~~ 2 percent of its gross direct written premium for the prior year from all property and casualty business in this state except for workers' compensation, except that, if the Governor has declared a state of emergency under s. 252.36 due to the occurrence of a covered event, the amount of the assessment may be increased to an amount not exceeding 4 percent of such premium. *As used in this subsection, the term "property and casualty business" includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required by s. 624.424 and any rules adopted under such section, except for those lines identified as accident and health insurance.* The annual assessments under this *subparagraph* ~~paragraph~~ shall continue *as long as* ~~until~~ the revenue bonds issued with respect to which the assessment was imposed are *outstanding, unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing issuance of the bonds* ~~retired~~. An insurer shall not at any time be subject to *aggregate annual assessments under this subparagraph of* more than *2 percent of premium, except that in the case of a declared emergency, an insurer shall not at any time be subject to aggregate annual assessments under this subparagraph of more than 4 percent of premium* ~~one assessment under this paragraph~~. Any rate filing or portion of a rate filing reflecting a rate change attributable entirely to the assessment levied under this *subparagraph* ~~paragraph~~ shall be deemed approved when made, subject to the authority of the Department of Insurance to require actuarial justification as to the adequacy of any rate at any time. If the rate filing reflects only a rate change attributable to the assessment under this paragraph, the filing may consist of a certification so stating.

(b) Revenue bond issuance through counties or municipalities.—

1. If the board elects to enter into agreements with local governments for the issuance of revenue bonds for the benefit of the fund, the board shall enter into such contracts with one or more local governments, including agreements providing for the pledge of revenues, as are necessary to effect such issuance. The governing body of a county or municipality is authorized to issue bonds as defined in s. 125.013 or s. 166.101 from time to time to fund an assistance program, in conjunction with the Florida Hurricane Catastrophe Fund, for the purposes set forth in this section or for the purpose of paying the costs of construction, reconstruction, repair, restoration, and other costs associated with damage to properties of policyholders of covered policies due to the occurrence of a hurricane by assuring that policyholders located in this state are able to recover claims under property insurance policies after a covered event.

2. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any local government may provide for the payment of fund reimbursements, regardless of whether or not the losses for which reimbursement is made occurred within or outside of the territorial jurisdiction of the local government.

3. The state hereby covenants with holders of bonds issued under this paragraph that the state will not repeal or abrogate the power of the board to direct the Department of Insurance to levy the assessments and to collect the proceeds of the revenues pledged to the payment of such bonds as long as any such bonds remain outstanding unless adequate

provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds.

4. There shall be no liability on the part of, and no cause of action shall arise against any members or employees of the governing body of a local government for any actions taken by them in the performance of their duties under this paragraph.

(c) Florida Hurricane Catastrophe Fund Finance Corporation.—

1. In addition to the findings and declarations in subsection (1), the Legislature also finds and declares that:

a. The public benefits corporation created under this paragraph will provide a mechanism necessary for the cost-effective and efficient issuance of bonds. This mechanism will eliminate unnecessary costs in the bond issuance process, thereby increasing the amounts available to pay reimbursement for losses to property sustained as a result of hurricane damage.

b. The purpose of such bonds is to fund reimbursements through the Florida Hurricane Catastrophe Fund to pay for the costs of construction, reconstruction, repair, restoration, and other costs associated with damage to properties of policyholders of covered policies due to the occurrence of a hurricane.

2.a. There is created a public benefits corporation to be known as the Florida Hurricane Catastrophe Fund Finance Corporation.

b. The corporation shall operate under a five member board of directors consisting of the Governor or a designee, the Comptroller or a designee, the Treasurer or a designee, the director of the Division of Bond Finance of the State Board of Administration, and the chief operating officer of the Florida Hurricane Catastrophe Fund.

c. The corporation has all of the powers of corporations under chapter 607 and under chapter 617.

d. The corporation may issue bonds and engage in such other financial transactions as are necessary to provide sufficient funds to achieve the purposes of this section.

e. The corporation may invest in any of the investments authorized under s. 215.47.

f. There shall be no liability on the part of, and no cause of action shall arise against, any board members or employees of the corporation for any actions taken by them in the performance of their duties under this paragraph.

3.a. In actions under chapter 75 to validate any bonds issued by the corporation, the notice required by s. 75.06 shall be published only in Leon County and in two newspapers of general circulation in the state, and the complaint and order of the court shall be served only on the State Attorney of the Second Judicial Circuit.

b. The state hereby covenants with holders of bonds of the corporation that the state will not repeal or abrogate the power of the board to direct the Department of Insurance to levy the assessments and to collect the proceeds of the revenues pledged to the payment of such bonds as long as any such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds.

4. The bonds of the corporation are not a debt of the state or of any political subdivision and neither the state nor any political subdivision is liable on such bonds. The corporation does not have the power to pledge the credit, the revenues, or the taxing power of the state or of any political subdivision. The credit, revenues, or taxing power of the state or of any political subdivision shall not be deemed to be pledged to the payment of any bonds of the corporation.

5.a. The property, revenues, and other assets of the corporation; the transactions and operations of the corporation and the income from such transactions and operations; and all bonds issued under this paragraph and interest on such bonds are exempt from taxation by the state and any political subdivision, including the intangibles tax under chapter 199 and the income tax under chapter 220. This exemption does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations other than the Florida Hurricane Catastrophe Fund Finance Corporation.

b. All bonds of the corporation shall be and constitute legal investments without limitation for all public bodies of this state; for all banks, trust companies, savings banks, savings associations, savings and loan associations, and investment companies; for all administrators, executors, trustees, and other fiduciaries; for all insurance companies and associations and other persons carrying on an insurance business; and for all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of the state and shall be and constitute eligible securities to be deposited as collateral for the security of any state, county, municipal, or other public funds. This sub-subparagraph shall be considered as additional and supplemental authority and shall not be limited without specific reference to this sub-subparagraph.

6. The corporation and its corporate existence shall continue until terminated by law, however, no such law shall take effect as long as the corporation has bonds outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds. Upon termination of the existence of the corporation, all of its rights and properties in excess of its obligations shall pass to and be vested in the state.

(7) ADDITIONAL POWERS AND DUTIES.—

(a) The board may procure reinsurance from reinsurers approved under s. 624.610 for the purpose of maximizing the capacity of the fund.

(b) In addition to borrowing under subsection (6), the board may also borrow from, *or enter into other financing arrangements with,* any market sources at prevailing interest rates.

(c) Each fiscal year, the Legislature shall appropriate from the investment income of the Florida Hurricane Catastrophe Fund an amount no less than $10 million and no more than 35 percent of the investment income from the prior fiscal year for the purpose of providing funding for local governments, state agencies, public and private educational institutions, and nonprofit organizations to support programs intended to improve hurricane preparedness, reduce potential losses in the event of a hurricane, provide research into means to reduce such losses, educate or inform the public as to means to reduce hurricane losses, assist the public in determining the appropriateness of particular upgrades to structures or in the financing of such upgrades, or protect local infrastructure from potential damage from a hurricane. Moneys shall first be available for appropriation under this paragraph in fiscal year 1997-1998. Moneys in excess of the $10 million specified in this paragraph shall not be available for appropriation under this paragraph if the State Board of Administration finds that an appropriation of investment income from the fund would jeopardize the actuarial soundness of the fund.

(d) The board may allow insurers to comply with reporting requirements and reporting format requirements by using alternative methods of reporting if the proper administration of the fund is not thereby impaired and if the alternative methods produce data which is consistent with the purposes of this section.

(e) In order to assure the equitable operation of the fund, the board may impose a reasonable fee on an insurer to recover costs involved in reprocessing inaccurate, incomplete, or untimely exposure data submitted by the insurer.

(8) ADVISORY COUNCIL.—The State Board of Administration shall appoint a nine-member advisory council that consists of an actuary, a meteorologist, an engineer, a representative of insurers, a representative of insurance agents, a representative of reinsurers, and three consumers who shall also be representatives of other affected professions and industries, to provide the board with information and advice in connection with its duties under this section. Members of the advisory council shall serve at the pleasure of the board and are eligible for per diem and travel expenses under s. 112.061.

(9) APPLICABILITY OF S. 19, ART. III OF THE STATE CONSTITUTION.—The Legislature finds that the Florida Hurricane Catastrophe Fund created by this section is a trust fund established for bond covenants, indentures, or resolutions within the meaning of s. 19(f)(3), Art. III of the State Constitution.

(10) VIOLATIONS.—Any violation of this section or of rules adopted under this section constitutes a violation of the Insurance Code.

(11) FEDERAL OR MULTISTATE CATASTROPHIC FUNDS.—Upon the creation of a federal or multistate catastrophic insurance or reinsurance program intended to serve purposes similar to the purposes of the fund created by this section, the State Board of Administration shall promptly make recommendations to the Legislature for coordination with the federal or multistate program, for termination of the fund, or for such other actions as the board finds appropriate in the circumstances.

(12) REVERSION OF FUND ASSETS UPON TERMINATION.—The fund and the duties of the board under this section may be terminated only by law. Upon termination of the fund, all assets of the fund shall revert to the General Revenue Fund.

Section 3. The amendments to section 215.555, Florida Statutes, contained in this act shall first apply to reimbursement contracts entered into in 1996.

Section 4. Effective January 1, 1997, paragraphs (a) and (g) of subsection (2) and subsection (5) of section 627.062, Florida Statutes, are amended, and subsection (6) is added to said section, to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(a) Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on such classes of insurance written in this state. A copy of rates, rating schedules, rating manuals, premium credits or discount schedules, and surcharge schedules, and changes thereto, shall be filed with the department under one of the following procedures:

1. If the filing is made at least *90* ~~60~~ days before the proposed effective date and the filing is not implemented during the department's review of the filing and any proceeding and judicial review, then such filing shall be considered a "file and use" filing. In such case, the department shall ~~initiate proceedings to disapprove the rate and so notify the insurer or shall~~ finalize its review *by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after* ~~within 60 days of~~ receipt of the filing. *The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or* notification to the insurer by the department of its preliminary findings shall *not* toll the *90-day* ~~60-day~~ period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the department does not issue *a* notice *of intent* to *approve or a notice of intent to disapprove within 90 days after receipt* ~~the insurer of its preliminary findings within 60 days~~ of the filing.

2. If the filing is not made in accordance with the provisions of subparagraph 1., such filing shall be made as soon as practicable, but no later than 30 days after the effective date, and shall be considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the department to return to policyholders portions of rates found to be excessive, as provided in paragraph (h).

(g) The department may at any time review a rate, rating schedule, rating manual, or rate change; the pertinent records of the insurer; and market conditions. If the department finds on a preliminary basis that a rate may be excessive, inadequate, or unfairly discriminatory, the department shall initiate proceedings to disapprove the rate and shall so notify the insurer. However, the department may not disapprove as excessive any rate for which it has given final approval or which has been deemed approved for a period of 1 year after the effective date of the filing unless the department finds that a material misrepresentation or material error was made by the insurer or was contained in the filing. Upon being so notified, the insurer or rating organization shall, within 60 days, file with the department all information which, in the belief of the insurer or organization, proves the reasonableness, adequacy, and fairness of the rate or rate change. *The department shall issue a notice of intent to approve or a notice of intent to disapprove pursuant to the procedures of paragraph (a) within 90 days after receipt of the insurer's initial response.* In such instances and in any administrative proceeding relating to the legality of the rate, the insurer or rating organization shall carry the burden of proof by a preponderance of the evidence to show that the rate is not excessive, inadequate, or unfairly discriminatory. After the department notifies an insurer that a rate may be excessive, inadequate, or unfairly discriminatory, unless the department withdraws the notification, the insurer shall not alter the rate except to conform with the department's notice until the earlier of 120 days after the date the notification was provided or 180 days after the date of the implementation of the rate. The department may, subject to chapter 120, disapprove without the 60-day notification any rate increase filed by an insurer within the prohibited time period or during the time that the legality of the increased rate is being contested.

The provisions of this subsection shall not apply to workers' compensation and employer's liability insurance and to motor vehicle insurance.

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida Hurricane Catastrophe Fund, the insurer may *fully* recoup *in its property insurance premiums any reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, together with reasonable costs of other reinsurance, but may not recoup reinsurance costs that duplicate coverage provided by the Florida Hurricane Catastrophe Fund.*~~the actual amount of reimbursement premium by including in the insurer's rate filing an allowance for the reimbursement premium charged by the Florida Hurricane Catastrophe Fund. In the filing, the insurer must adjust its rates to remove that portion of the rates attributable to catastrophe losses expected to be covered by the Florida Hurricane Catastrophe Fund. In determining what portion of a rate is attributable to catastrophes covered by the Florida Hurricane Catastrophe Fund, the projected recovery from the fund shall be calculated according to the formula specified in s. 215.555(4)(c).~~

(6)(a) After any action with respect to a rate filing that constitutes agency action for purposes of the Administrative Procedure Act, an insurer may, in lieu of demanding a hearing under s. 120.57, require arbitration of the rate filing. Arbitration shall be conducted by a board of arbitrators consisting of an arbitrator selected by the department, an arbitrator selected by the insurer, and an arbitrator selected jointly by the other two arbitrators. A decision is valid only upon agreement of at least two of the three arbitrators. The department and insurer may select as their arbitrator an employee familiar with the filing. The department and the insurer must treat the majority decision of the arbitrators as the final approval of a rate filing. Costs of arbitration shall be paid equally by the department and the insurer. The arbitration shall not commence before the insurer has responded to any 60-day notice by filing with the department all information which in the belief of the insurer proves the reasonableness, adequacy and fairness of the rate or rate change.

(b) Arbitration under this subsection shall be conducted pursuant to the procedures specified in ss. 682.06 - 682.10. The department and insurer shall seek to avoid the expense of arbitration by engaging in good faith settlement negotiations prior to commencement of arbitration.

(c) Upon initiation of the arbitration process, the insurer waives all rights to challenge the action of the department under the Administrative Procedure Act or any other provision of law; however, such rights are restored to the insurer if the arbitrators fail to render a decision within 45 days after commencement of the arbitration.

(d) The department may promulgate rules of practice and procedure to implement this section. Such rules shall be limited to provisions to foster efficient and effective administration of the arbitration process, including creating a roster of arbitrator candidates and a procedure for designating an arbitrator from that list in the event the parties have been unable to select the third arbitrator. The initial list shall be developed by January 1, 1997.

Section 5. The revisions to s. 627.062, shall take effect January 1, 1997.

Section 6. Paragraph (g) of subsection (2) and paragraphs (c) and (d) of subsection (3) of section 627.0628, Florida Statutes, are amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology.—

(2) COMMISSION CREATED.—

(g) *There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of the commission, any member of the State Board of Administration, or any employee of the State Board of Administration for any action taken in the performance of their duties under this section. In addition, the commission may, in writing, waive any potential cause of action for negligence of a consultant, contractor, or contract employee engaged to assist the commission.* ~~Initial appointments to the commission shall be made no later than June 15, 1995. The commission shall hold its first meeting on a date designated by the Insurance Commissioner, but no later than July 15, 1995.~~

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(c) With respect to a rate filing under s. 627.062, an insurer may employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable *to determine hurricane loss factors for use in a rate filing under s. 627.062, which findings and factors are admissible and relevant in consideration of a rate filing by the department or in any administrative or judicial review.* ~~In reviewing the rate filing, the Department of Insurance must accept the insurer's use of such actuarial methods, principles, standards, models, or output ranges unless the department finds that the way in which such actuarial methods, principles, standards, models, or output ranges were applied by the insurer was erroneous, as shown by a preponderance of the evidence.~~

(d) The commission shall adopt initial actuarial methods, principles, standards, models, or output ranges no later than December 31, 1995. The commission shall adopt revisions to such actuarial methods, principles, standards, models, or output ranges at least annually thereafter. As soon as possible, but no later than July 1, 1996, the commission shall adopt revised actuarial methods, principles, standards, models, or output ranges which include specification of acceptable computer models or output ranges derived from computer models. ~~As an interim measure, until the commission adopts actuarial methods, principles, standards, models, or output ranges which include specification of acceptable computer models or output ranges derived from computer models, an insurer may use any computer model used by the State Board of Administration in setting reimbursement premiums for the Florida Hurricane Catastrophe Fund, which model shall have the same force and effect under paragraph (c) as a model adopted by the commission.~~

Section 7. Subsection (2) of section 627.0629, Florida Statutes, is amended, and subsections (4), (5), (6), and (7) are added to said section, to read:

627.0629 Residential property insurance; rate filings.—

(2)(a) A rate filing for residential property insurance made on or before the implementation of paragraph (b) may include rate factors that reflect the manner in which building code enforcement in a particular jurisdiction addresses the risk of wind damage; however, such a rate filing must also provide for variations from such rate factors on an individual basis based on an inspection of a particular structure by a licensed home inspector, which inspection may be at the cost of the insured.

(b) A rate filing for residential property insurance made more than 150 days after approval by the department of a building code rating factor plan submitted by a statewide rating organization shall include positive and negative rate factors that reflect the manner in which building code enforcement in a particular jurisdiction addresses risk of wind damage. The rate filing shall include variations from standard rate factors on an individual basis based on inspection of a particular structure by a licensed home inspector. If an inspection is requested by the insured, the insurer may require the insured to pay the reasonable cost of the inspection. This paragraph applies to structures constructed or renovated after the implementation of this paragraph.

(c) The premium notice shall specify the amount by which the rate has been adjusted as a result of this subsection and shall also specify the maximum possible positive and negative adjustments that are approved for use by the insurer under this subsection.

(4) The Legislature finds that separate consideration and notice of hurricane insurance premiums will assist consumers by providing greater assurance that hurricane premiums are lawful and by providing more complete information regarding the components of property insurance premiums. Effective January 1, 1997, a rate filing for residential property insurance shall be separated into two components, rates for hurricane coverage and rates for all other coverages. A premium notice reflecting a rate implemented on the basis of such a filing shall separately indicate the premium for hurricane coverage and the premium for all other coverages.

(5) In order to provide an appropriate transition period, an insurer may, in its sole discretion, implement an approved rate filing for residential property insurance over a period of years. An insurer electing to phase in its rate filing must provide an informational notice to the department setting out its schedule for implementation of the phased-in rate filing.

(6) An insurer may not write a residential property insurance policy without providing windstorm coverage or hurricane coverage as defined in s. 627.4025. This paragraph does not apply with respect to risks located in an area eligible for coverage under the Florida Windstorm Underwriting Association under s. 627.351(2).

(7) Any rate filing that is based in whole or part on data from a computer model may not exceed 25 percent unless there is a public hearing.

Section 8. Paragraph (b) of subsection (2) is amended and paragraph (d) is added to said subsection and paragraphs (b), (c), (d), and (m) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(b) The department shall require all insurers licensed to transact property insurance on a direct basis in this state to provide windstorm coverage to applicants from areas determined to be eligible pursuant to paragraph (c) who in good faith are entitled to, but are unable to procure, such coverage through ordinary means; or it shall adopt a reasonable plan or plans for the equitable apportionment or sharing among such insurers of windstorm coverage. The commissioner shall promulgate rules which provide a formula for the recovery and repayment of any deferred assessments.

1. For the purpose of this section, properties eligible for such windstorm coverage are defined as dwellings, buildings, and other structures, including mobile homes which are used as dwellings and which are tied down in compliance with mobile home tie-down requirements prescribed by the Department of Highway Safety and Motor Vehicles pursuant to s. 320.8325, and the contents of all such properties.

2.a. All insurers required to be members of such plan shall participate in its writings, expenses, profits, and losses. Such gross participation shall be in the proportion that the net direct premiums of each member written on property in this state during the preceding calendar year bear to the aggregate net direct premiums of all members of the plan written on property in this state during the preceding calendar year. The commissioner, after review of annual statements, other reports, and any other statistics which he deems necessary, shall certify to the plan the aggregate net direct premiums written on property in this state by all members. The plan of operation shall provide that one additional domestic member of the board of directors be elected by the domestic companies of this state on the basis of cumulative weighted voting based on the net written premiums of domestic companies in this state. Any such plan shall provide a formula whereby a company voluntarily providing windstorm coverage in affected areas will be relieved wholly or partially from apportionment. A company which is a member of a group of companies under common management may elect to have its credits applied on a group basis, and any company or group may elect to have its credits applied to any other company or group.

b. Assessments to pay deficits in the plan under this subparagraph shall be included as an appropriate factor in the making of rates as provided in s. 627.3512.

c. The Legislature finds that the potential for unlimited deficit assessments under this subparagraph may induce insurers to attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the plan was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for covering any deficits of the plan; however, it is also the

intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years.

d.*(I) When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for property insurance as defined in s. 624.404 for all insurers licensed to transact property insurance on a direct basis in this state, the association shall levy an assessment on such insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for property. Any remaining deficit shall be recovered through emergency assessments under sub-sub-subparagraph (II).*

(II) Upon a determination by the board of governors that a deficit exceeds the amount that will be recovered through regular assessments of insurers, the board shall levy, after verification by the department, emergency assessments to be collected by insurers, including joint underwriting associations, upon issuance or renewal of policies in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for property insurance as defined in s. 624.404, as determined by the board and verified by the department. The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for subject lines of business for the prior year. The board may pledge the proceeds of the emergency assessments under this sub-subparagraph as the source of revenue for bonds, to retire any other debt incurred as a result of the deficit or events giving rise to the deficit, or in any other way that the board determines will efficiently recover the deficit. Emergency assessments collected under this subparagraph are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions, however, failure to pay the emergency assessment shall be treated as failure to pay premium.

(III) Each insurer's share of the total assessment under this sub-subparagraph shall be in the proportion that the insurer's direct written premium for property insurance as defined in s. 624.404 for the year preceding the assessment bears to the aggregate statewide direct written premium for property insurance as defined in s. 624.404 for that year. ~~The total amount of deficit assessments under this subparagraph with respect to any year may not exceed 10 percent of the statewide total gross written premium for all insurers for the coverages referred to in this paragraph for the prior year, except that if the deficit with respect to any plan year exceeds such amount and bonds are issued under sub-subparagraph e. to defray the deficit, the total amount of assessments with respect to such deficit may not in any year exceed 10 percent of the deficit, or such lesser percentage as is sufficient to retire the bonds as determined by the board, and shall continue annually until the bonds are retired.~~

e. The governing body of any unit of local government, any residents of which are insured under the plan, may issue bonds as defined in s. 125.013 or s. 166.101 from time to time to fund an assistance program, in conjunction with the plan, for the purpose of defraying deficits of the plan. Revenue bonds may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue bonds as will provide relief to claimants and policyholders of the plan and insurers responsible for apportionment of plan losses. The unit of local government shall enter into such contracts with the plan as are necessary to carry out this paragraph. Any bonds issued under this sub-subparagraph shall be payable from and secured by moneys received by the plan from assessments under this subparagraph, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer. *The authority granted by this sub-subparagraph is additional to any bonding authority granted by subparagraph 6.*

3. The plan shall also provide that any member with a surplus as to policyholders of $20 million or less writing 25 percent of its total countrywide property insurance premiums in this state may petition the department, within 90 days of the effective date of chapter 76-96, Laws of Florida, and thereafter within the first 90 days of each calendar year, to qualify as a limited apportionment company. The apportionment of such a company in any calendar year for which it is qualified shall not exceed its gross participation, which shall not be affected by the formula for voluntary writings. In no event shall a limited apportionment company be required to participate in any apportionment of losses in the aggregate which exceeds $50 million after payment of available plan funds in any calendar year. The plan shall provide that, if the department determines that any assessment will result in an impairment of the surplus of a limited apportionment company, the department may direct that all or part of such assessment be deferred.

4. The plan shall provide for the deferment, in whole or in part, of the assessment of a member insurer if, in the opinion of the commissioner, payment of the assessment would endanger or impair the solvency of the member insurer. In the event an assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in subparagraph 2.

5. The plan may include deductibles and rules for classification of risks and rate modifications consistent with the objective of providing and maintaining funds sufficient to pay catastrophe losses. The plan shall provide for windstorm coverage on residential properties in limits up to $10 million for commercial lines residential risks and up to $1 million for personal lines residential risks. If coverage with the association is sought for a residential risk valued in excess of these limits, coverage shall be available to the risk up to the replacement cost or actual cash value of the property, at the option of the insured, if coverage for the risk cannot be located in the authorized market. The association must accept a commercial lines residential risk with limits above $10 million or a personal lines residential risk with limits above $1 million if coverage is not available in the authorized market. The association may write coverage above the limits specified in this subparagraph with or without facultative or other reinsurance coverage, as the association determines appropriate.

6.*a.* The plan may authorize the formation of a private nonprofit corporation, a private nonprofit unincorporated association, or a nonprofit mutual company which may be empowered, among other things, to borrow money *by issuing bonds or by incurring other indebtedness* and to accumulate reserves or funds to be used for the payment of insured catastrophe losses. *The plan may authorize all actions necessary to facilitate the issuance of bonds, including the pledging of assessments or other revenues.*

b. The entity created under this subparagraph, or any entity formed for the purposes of subparagraph 2., may borrow money; issue bonds, notes, or debt instruments; pledge or sell assessments, rights, premiums, contractual rights, and other assets as security for such bonds, notes, or debt instruments; enter into any contracts or agreements necessary or proper to accomplish such borrowings; and take other actions necessary to carry out the purposes of this subsection. The entity may accumulate reserves and retain surpluses as of the end of any association year to provide for the payment of losses incurred by the association during that year or any future year. The plan shall incorporate and continue the plan of operation and articles of agreement in effect on the effective date of chapter 76-96, Laws of Florida, to the extent that it is not inconsistent with chapter 76-96, and as subsequently modified consistent with chapter 76-96. The board of directors and officers currently serving shall continue to serve until their successors are duly qualified as provided under the plan. The assets and obligations of the plan in effect immediately prior to the effective date of chapter 76-96 shall be construed to be the assets and obligations of the successor plan created herein.

7. On such coverage, an agent's remuneration shall be that amount of money payable to him by the terms of his contract with the company with which the business is placed. However, no commission will be paid on that portion of the premium which is in excess of the standard premium of that company.

(d) For the purpose of evaluating whether the criteria of paragraph (c) are met, such criteria shall be applied as the situation would exist if policies had not been written by the Florida Residential Property and Casualty Joint Underwriting Association and property insurance for such policyholders was not available.

(6) RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION.—

(b)1. All insurers authorized to write such insurance in this state must participate in and be members of the Residential Property and Casualty Joint Underwriting Association.

2. All revenues, assets, liabilities, losses, and expenses of the association shall be divided into two separate accounts, one of which is for personal lines residential coverages and the other of which is for commercial lines residential coverages. Revenues, assets, liabilities, losses, and expenses not attributable to particular coverages shall be prorated between the accounts.

3. With respect to a deficit in an account:

a. When the deficit incurred in a particular calendar year is not greater than 10 percent of the aggregate statewide direct written premium for the subject lines of business, the entire deficit shall be recovered through assessments of insurers under paragraph (g).

b. When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for the subject lines of business, the association shall levy an assessment on insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for the subject lines of business. Any remaining deficit shall be recovered through emergency assessments under sub-subparagraph d.

c. Each insurer's share of the total assessment under sub-subparagraph a. or sub-subparagraph b. shall be in the proportion that the insurer's direct written premium for the subject lines of business for the year preceding the assessment bears to the aggregate statewide direct written premium for the subject lines of business for that year.

d. Upon a determination by the board of governors that a deficit in an account exceeds the amount that will be recovered through regular assessments of insurers under sub-subparagraph a. or sub-subparagraph b., the board shall levy, after verification by the department, emergency assessments to be collected by insurers, including joint underwriting associations, upon issuance or renewal of policies in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for subject lines of business as determined by the board and verified by the department. The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for subject lines of business for the prior year. The board may pledge the proceeds of ~~the emergency~~ assessments, *projected revenues from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, surcharges, and other funds available to the association* ~~under this sub-subparagraph~~ as the source of revenue for *and to secure* bonds issued under paragraph (g), *bonds or other indebtedness issued under subparagraph (c)3., or lines of credit of other financing mechanisms issued or created under subparagraph (c)10.*, to retire any other debt incurred as a result of the deficit or events giving rise to the deficit, or in any other way that the board determines will efficiently recover the deficit. *As used in this subsection, the term "assessments" includes assessments under sub-subparagraph a., sub-subparagraph b., or subparagraph (g)1. and emergency assessments under this sub-subparagraph.* Emergency assessments collected under this subparagraph are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium.

e. As used in this subparagraph, the term "subject lines of business" means, with respect to the personal lines account, any personal lines policy defined in s. 627.4025, and means, with respect to the commercial lines account, all commercial property and commercial fire insurance.

(c) The plan of operation of the association:

1. May provide for one or more designated insurers, able and willing to provide policy and claims service, to act on behalf of the association to provide such service. ~~If more than one insurer is designated,~~ Each licensed agent shall be entitled to *indicate the order of preference regarding* ~~select the insurer~~ who will service the business placed by the agent. *The association shall adhere to each agent's preferences unless after consideration of other factors in assigning agents, including, but not limited to, servicing capacity and fee arrangements, the association has reason to believe it is in the best interest of the association to make a different assignment.*

2. Must provide for adoption of residential property and casualty insurance policy forms, which forms must be approved by the department prior to use. The association shall adopt the following policy forms:

a. Standard personal lines policy forms including wind coverage, which are multiperil policies providing what is generally considered to be full coverage of a residential property similar to the coverage provided under an HO-2, HO-3, HO-4, or HO-6 policy.

b. Standard personal lines policy forms without wind coverage, which are the same as the policies described in sub-subparagraph a. except that they do not include wind coverage.

c. Basic personal lines policy forms including wind coverage, which are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

d. Basic personal lines policy forms without wind coverage, which are the same as the policies described in sub-subparagraph c. except that they do not include wind coverage.

e. Commercial lines residential policy forms including wind coverage that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

f. Commercial lines residential policy forms without wind coverage, which are the same as the policies described in sub-subparagraph e. except that they do not include wind coverage.

3. May provide that the association may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The association shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection. The association is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The association shall have the authority to pledge assessments and other funds available to the association as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4. Must require that the association operate subject to the supervision and approval of a board of governors consisting of 13 individuals, including 1 who is elected as chairman. The board shall consist of:

a. The insurance consumer advocate appointed under s. 627.0613.

b. Five members designated by the insurance industry.

c. Five consumer representatives appointed by the Insurance Commissioner. Two of the consumer representatives must, *at the time of*

appointment, be holders of policies issued by the association, who are selected with consideration given to reflecting the geographic balance of association policyholders. Two of the consumer members must be individuals who are minority persons as defined in s. 288.703(3). One of the consumer members shall have expertise in the field of mortgage lending.

d. Two representatives of the insurance industry appointed by the Insurance Commissioner. Of the two insurance industry representatives appointed by the Insurance Commissioner, at least one must be an individual who is a minority person as defined in s. 288.703(3).

Any board member may be disapproved or removed and replaced by the commissioner at any time for cause. All board members, including the chairman, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. With respect to personal lines residential risks, the procedures shall require that the authorized insurer that last provided coverage of the risk shall first be given an opportunity to insure the risk at its approved rate. Upon rejection by such insurer, the risk shall be submitted to the market assistance plan. If the market assistance plan is able to obtain an offer from an authorized insurer to insure the risk at its approved rate under either a standard policy including wind coverage or a basic policy including wind coverage, the risk is not eligible for any policy issued by the association *in the event that the risk accepts the offer of coverage, if the producing agent who submitted the application to the plan is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of his first year's commission to the producing agent who submitted the application to the plan, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission.* If the market assistance plan is not able to obtain any such offer, the risk is eligible for *either* a standard policy including wind coverage *or a basic policy including wind coverage* issued by the association; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. *The association shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.*

b. With respect to commercial lines residential risks, the procedures shall require that the authorized insurer that last provided coverage of the risk shall first be given an opportunity to insure the risk at its approved rate. Upon rejection by such insurer, the risk shall be submitted to the market assistance plan. If the market assistance plan is able to obtain an offer to insure the risk under a policy including wind coverage from an authorized insurer at its approved rate or from a surplus lines insurer at no more than 25 percent above the association rate, the risk is not eligible for any policy issued by the association; however, an offer from a surplus lines insurer does not disqualify a condominium association, cooperative, or homeowners' association from eligibility for coverage by the association *in the event that the risk accepts the offer of coverage, if the producing agent who submitted the application to the plan is not currently appointed by the insurer, the insurer shall either appoint the agent to service the risk or, if the insurer places the coverage through a new agent, require the new agent who then writes the policy to pay not less than 50 percent of his first year's commission to the producing agent who submitted the application to the plan, except that if the new agent is an employee or exclusive agent of the insurer, the new agent shall pay a policy fee of $50 to the producing agent in lieu of splitting the commission.* If the market assistance plan is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the association. After December 31, 1996, an offer from a surplus lines insurer does not disqualify an applicant from obtaining coverage from the association. *This subparagraph does not require the association to provide wind coverage or hurricane coverage in any area in which such coverage is available through the Florida Windstorm Underwriting Association.*

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income attributable to a particular plan year are in excess of projected losses and expenses of the plan attributable to that year, such excess shall be held in surplus. Such surplus shall be available to defray deficits as to future years and shall be used for that purpose prior to assessing member insurers as to any plan year.

8. Must provide ~~for a Risk Underwriting Committee of the association composed of three members experienced in evaluating insurance risks, to review and determine insurability of risks rejected by the voluntary market for which application is made for insurance through the association. The committee shall consist of a representative of the market assistance plan created under s. 627.3515 and two members named by the board. The Risk Underwriting Committee shall appoint such advisory committees as are provided for in the plan and are necessary to conduct its functions. The expenses of the members of the Risk Underwriting Committee and its advisory committees shall be paid by the association. The plan approved by the department shall establish~~ objective criteria and procedures ~~for use by the Risk Underwriting Committee~~ to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the *association* ~~underwriting committee~~ shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the association shall make its best efforts to procure catastrophe reinsurance at reasonable rates, as determined by the board of governors.

10. Must provide that in the event of deficit assessments *under subsubparagraph (b)3.a. or subsubparagraph (b)3.b., the association shall levy upon*~~,~~ association policyholders *a market equalization surcharge equal to the percentage assessment* ~~shall be subject to renewal surcharges equal to the statewide average of recoupment percentages under s. 627.3512~~ attributable to such deficit. Such surcharges, together with projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, assessment proceeds, and any other funds available to the association, may be used to fund lines of credit and other financing mechanisms to the extent available from public or private sources. The purpose of the lines of credit or other financing mechanism is to provide additional resources to assist the association in covering claims and expenses attributable to a catastrophe. *Market equalization* ~~Renewal~~ surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes, *however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.*

11. The policies issued by the association must provide that for personal lines residential risks, if the association or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. However, if the risk is located in an area in which Florida Windstorm Underwriting Association coverage is available, such an offer of a standard or basic policy terminates eligibility regardless of whether or not the offer includes wind coverage. Upon termination of eligibility, the association shall provide written notice to the policyholder stating that the association policy shall be canceled as of 30 days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the Insurance Code relating to cancellation and notice of cancellation do not apply to actions under this subparagraph.

12. Association policies and applications must include a notice that the association policy could, under this section or s. 627.3511, be replaced with a policy issued by an admitted insurer that does not provide coverage identical to the coverage provided by the association. The notice shall also specify that acceptance of association coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

(d)1. It is the intent of the Legislature that the rates for coverage provided by the association be actuarially sound and not competitive

with approved rates charged in the admitted voluntary market, so that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. Beginning with the rate filing taking effect January 1, 1998, to the extent that such data is available, the rates of the plan shall be based on the association's actual loss experience and expenses. *Rates shall include*~~, together with~~ an appropriate catastrophe loading factor that reflects the actual catastrophic exposure of the association and recognizes that the association has little or no capital or surplus; and the association shall carefully review each rate filing to assure that provider compensation is not excessive. As an interim measure, the association shall adopt rating plans that provide, for each county, that the average rates of the association for each line of business are the same as the average rates charged by the insurer that had the highest average rate in that county among the *20* ~~10~~ insurers with the greatest total direct written premium in the state for that line of business in the preceding year, except that with respect to mobile home coverages, the average rates of the association shall be the same as the average rates charged by the insurer that had the highest average rate in that county among the *8* ~~5~~ insurers with the greatest total written premium for mobile home owner's policies in the state in the preceding year. It is the intent of the Legislature that such interim rating plans be phased in, with average rates reflecting at least half of the difference between the then-current association rate and the full interim rate taking effect with policies issued or renewed on or after January 1, 1996, and with the full interim rates taking effect with policies issued or renewed on or after January 1, 1997. Nothing in this subparagraph requires the association to reduce rates approved under s. 627.062 and in effect on December 31, 1995. *Nothing in this subparagraph shall require the association to adopt a rate that is inadequate under s. 627.062.*

2. Rate filings of the association shall be made on a use and file basis under s. 627.062(2)(a)2. The association shall make a rate filing under s. 627.062 at least once a year, but no more often than quarterly.

~~3. Effective January 1, 1996, all new and renewal policies issued by the association shall be for a maximum term of 6 months.~~

(m) *Notwithstanding any other provision of law:*

1. The pledge of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the association under the laws of this state.

2. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments under sub-subparagraph (b)3.a., sub-subparagraph (b)3.b., or subparagraph (g)1., emergency assessments under sub-subparagraph (b)3.d., market equalization or renewal surcharges under subparagraph (g)10., or any other rights, revenues, or other assets of the association pledged pursuant to any financing documents.

3. Each such pledge of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, emergency assessments, market equalization or renewal surcharges, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of, or after, any such proceeding shall continue unaffected by such proceeding. As used in this paragraph, the term "financing documents" means any agreement or agreements, instrument or instruments, or other document or documents now existing or hereafter created evidencing any bonds or other indebtedness of the association or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the association are pledged to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation of the association related to such bonds or indebtedness. ~~The association shall, in March and September of each year, publish in the Florida Administrative Weekly a statement of financial condition, which also includes an estimate of average projected premium needs, in the aggregate, for the next 12 months.~~

Section 9. Working group on residual property insurance markets.—

(1) FINDINGS.—The Legislature finds and declares:

(a) That for the foreseeable future, residual market mechanisms will be needed to provide at least hurricane insurance coverage in at least some parts of the state.

(b) That the Legislature reaffirms its previous declarations that there is a compelling public interest in assuring the availability and affordability of property insurance for all residents of the state.

(c) That a permanent replacement is required for the existing residual market mechanisms, the Residential Property and Casualty Joint Underwriting Association and the Florida Windstorm Underwriting Association.

(d) That any permanent replacement for the existing residual market mechanisms must maximize the role of the private sector in providing hurricane coverage and minimize the role of the public sector.

(e) That the residual market alternatives proposed in HB 2693 and SB 2314, as filed for consideration in the 1996 Regular Session of the Legislature, together with any other replacement for the existing mechanisms, need further consideration and refinement before the Legislature decides among the alternatives.

(2) WORKING GROUP ON RESIDUAL PROPERTY INSURANCE MARKETS.—

(a) There is created within the Legislative Branch the Working Group on Residual Property Insurance Markets. The working group shall consist of: the Chair of the Committee on Insurance of the House of Representatives and the Chair of the Committee on Banking and Insurance of the Senate, who shall jointly chair the working group; the Insurance Commissioner or his designee; the Insurance Consumer Advocate; four additional members appointed by the Speaker of the House of Representatives; four additional members appointed by the President of the Senate; a member of the House of Representatives designated by the Minority Leader of the House of Representatives; and a member of the Senate designated by the Minority Leader of the Senate. The Speakers appointees shall include one representative of property insurers, one representative of mortgage lenders, one representative of Realtors, and one representative of consumers. The Presidents appointees shall include one representative of insurance agents, one representative of home builders, one representative of domestic property insurers, and one representative of consumers.

(b) The working group shall meet at the call of the chairs as needed between the adjournment sine die of the 1996 Regular Session of the Legislature and the commencement of the 1997 Regular Session of the Legislature. The working group shall develop recommendations to the Legislature for a permanent residual market mechanism to replace the existing Residential Property and Casualty Joint Underwriting Association and Florida Windstorm Underwriting Association, consistent with the findings in subsection (1). The working group shall provide a report of its recommendations to the presiding officers of the Legislature and the Governor by January 1, 1997, or such later date as is designated by the presiding officers.

(c) The staffs of the Committee on Insurance of the House of Representatives and the Committee on Banking and Insurance of the Senate shall provide staff support for the working group. Private sector members of the working group are not eligible for per diem or travel expenses.

(3) EXPIRATION.—This section is repealed on the first day of the 1997 Regular Session of the Legislature.

Section 10. Subsection (4) and paragraph (a) of subsection (5) of section 627.3511, Florida Statutes, are amended to read, and subsections (6) and (7) are added to said section, to read:

627.3511 Depopulation of Residential Property and Casualty Joint Underwriting Association.—

(4) AGENT BONUS.—When ~~a policy issued by~~ the Residential Property and Casualty Joint Underwriting Association *enters into a contractual agreement for a take-out plan that provides a bonus to the insurer* ~~is replaced by wind coverage in the admitted voluntary market at ap-~~

~~proved rates, either by issuance of a policy upon expiration of the association policy or by assumption of the association's obligations with respect to in-force policies~~, the producing agent of record of the association policy is entitled to retain any unearned commission on such policy, and the insurer shall either*:*

(a) Pay to the producing agent of record of the association policy an amount equal to the *insurer's usual and customary commission for the type of policy written if the term of the association policy was in excess of 6 months, or one-half of such usual and customary commission if the term of the association policy was 6 months or less; or* ~~commission that the association would have paid to the agent had the policy been renewed by the agent in the association, or the insurer shall~~

(b) Offer to *allow* ~~retain~~ the producing agent of record of the association policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the insurer's usual and customary commission for the type of policy written.~~;~~

The insurer need not take any further action if the offer is rejected. This subsection does not apply to any reciprocal interinsurance exchange, nonprofit federation, or any subsidiary or affiliate of such organization. This subsection does not apply if the agent is also the agent of record on the new coverage.

(5) APPLICABILITY.—

(a) The take-out bonus provided by subsection (2) and the exemption from assessment provided by paragraph (3)(a) apply only if the Residential Property and Casualty Joint Underwriting Association policy is replaced *by either a standard policy including wind coverage or a basic policy including wind coverage, however, with respect to risks located in areas where coverage through the Florida Windstorm Underwriting Association is available, the replacement policy need not provide wind coverage. The insurer must renew the replacement policy* ~~with a policy that meets the requirements of the secondary mortgage market and that the insurer guarantees is renewable~~ at approved rates on substantially similar terms *for two additional 1-year terms,* ~~by the policyholder for a period of 3 years after issuance~~ unless canceled by the insurer for *a lawful reason other than reduction of hurricane exposure. For each replacement policy canceled or nonrenewed by the insurer for any reason during the 3-year coverage period required by this paragraph, the insurer must remove from the association one additional policy covering a risk similar to the risk covered by the canceled or nonrenewed policy* ~~reasons of fraud or nonpayment of premium~~. In addition to ~~complying with~~ these requirements, the *association* ~~insurer~~ must place the bonus moneys in escrow for a period of 3 years; such moneys may be released from escrow only to pay claims. ~~The insurer may not cancel or nonrenew policies covering risks removed from the association for reasons of reducing risk of hurricane loss, and may cancel or nonrenew such policies as otherwise allowed by law only to the extent of 3 percent of the total and only if it removes a similar policy from the association for each policy so canceled or nonrenewed.~~

(6) CONDOMINIUM ASSOCIATION TAKE-OUT PLANS.—

(a) The Residential Property and Casualty Joint Underwriting Association shall pay a bonus to an insurer for each condominium association policy that the insurer removes from the association pursuant to an approved take-out plan, either by issuance of a new policy upon expiration of the association policy or by assumption of the association's obligations with respect to an in-force policy. The association board shall determine the amount of the bonus based on such factors as the coverage provided, relative hurricane risk, the length of time that the property has been covered by the association, and the criteria specified in paragraphs (b) and (c). The amount of the bonus with respect to a particular policy may not exceed 25 percent of the association's 1-year premium for the policy. Such payment is subject to approval of the association board. In order to qualify for the bonus under this subsection, the take-out plan must include policies reflecting at least $100 million in structure exposure.

(b) In order for a plan to qualify for approval:

1. At least 40 percent of the policies removed from the association under the plan must be located in Dade, Broward, and Palm Beach Counties, or at least 30 percent of the policies removed from the association under the plan must be located in such counties and an additional 50 percent of the policies removed from the association must be located in other coastal counties.

2. The insurer must renew the replacement policy at approved rates on substantially similar terms for two additional 1-year terms, unless canceled or nonrenewed by the insurer for a lawful reason other than reduction of hurricane exposure. For each replacement policy canceled or nonrenewed by the insurer for any reason during the 3-year coverage period required by this subparagraph, the insurer must remove from the association one additional policy covering a risk similar to the risk covered by the canceled or nonrenewed policy.

(c) A take-out plan is deemed approved unless the department, within 120 days after the board votes to recommend the plan, disapproves the plan based on:

1. The capacity of the insurer to absorb the policies proposed to be taken out of the association and the concentration of risks of those policies.

2. Whether the geographic and risk characteristics of policies in the proposed take-out plan serve to reduce the exposure of the association sufficient to justify the bonus.

3. Whether coverage for risks to be taken out otherwise exists in the admitted voluntary market.

4. The degree to which the take-out bonus is promoting new capital being allocated by the insurer to residential property coverage in this state.

(d) The calculation of an insurer's assessment liability under s. 627.351 shall, with respect to condominium association policies removed from the association under an approved take-out plan, exclude such removed policies for the succeeding 3 years, as follows:

1. In the first year following removal of the policies, the policies are excluded from the calculation to the extent of 100 percent.

2. In the second year following removal of the policies, the policies are excluded from the calculation to the extent of 75 percent.

3. In the third year following removal of the policies, the policies are excluded from the calculation to the extent of 50 percent.

(e) An insurer that first wrote condominium association property coverage in this state on or after June 1, 1996, is exempt from assessments under s. 627.351 with respect to condominium association policies until the earlier of:

1. The end of the calendar year in which such insurer first wrote 0.5 percent or more of the statewide aggregate direct written premium for condominium association property coverage; or

2. December 31 of the third year in which such insurer wrote condominium association property coverage in this state.

(f) An insurer that is not otherwise exempt from assessments under s. 627.351 with respect to condominium association policies is, for any calendar year in which such insurer increased its total condominium association hurricane exposure by 25 percent or more over its exposure for the preceding calendar year is, exempt from assessments under s. 627.351 attributable to such increased exposure.

(7) A minority business, which is at least 51 percent owned by minority persons as described in s. 288.703(3), desiring to operate or become licensed as a property and casualty insurer may apply up to $50 of the take-out bonus, as described in this section, toward the minimum capital requirements as set forth in s. 624.407(1)(a). Such minority business, which has applied for a certificate of authority to engage in business as a property and casualty insurer, may simultaneously file the business' proposed take-out plan, as described in this section, to the Residential Property and Casualty Joint Underwriting Association. The Insurance Commissioner may request that the association approve such take-out plan subject to the granting of a certificate of authority by the department.

Section 11. Section 627.4025, Florida Statutes, is amended to read:

627.4025 Residential coverage *and hurricane coverage* defined.—

(1) Residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's,

mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies. *Residential coverage for personal lines and commercial lines as set forth in this section includes policies that provide coverage for particular perils such as windstorm and hurricane or coverage for insurer insolvency or deductibles.*

(2) As used in policies providing residential coverage:

(a) "Hurricane coverage" is coverage for loss or damage caused by the peril of windstorm during a hurricane. The term includes ensuing damage to the interior of a building, or to property inside a building, caused by rain, snow, sleet, hail, sand, or dust if the direct force of the windstorm first damages the building, causing an opening through which rain, snow, sleet, hail, sand or dust enters and causes damage.

(b) "Windstorm" for purposes of paragraph (a) means wind, wind gusts, hail, rain, tornadoes, or cyclones caused by or resulting from a hurricane which results in direct physical loss or damage to property.

(c) "Hurricane" for purposes of paragraphs (a) and (b) means a storm system that has been declared to be a hurricane by the National Hurricane Center of the National Weather Service. The duration of the hurricane includes the time period, in Florida:

1. Beginning at the time a hurricane watch or hurricane warning is issued for any part of Florida by the National Hurricane Center of the National Weather Service;

2. Continuing for the time period during which the hurricane conditions exist anywhere in Florida; and

3. Ending 72 hours following the termination of the last hurricane watch or hurricane warning issued for any part of Florida by the National Hurricane Center of the National Weather Service.

Section 12. Section 627.701, Florida Statutes, is amended to read:

627.701 Liability of insureds; coinsurance; deductibles.—

(1) A property insurer may issue an insurance policy or contract covering either real or personal property in this state which contains provisions requiring the insured to be liable as a coinsurer with the insurer issuing the policy for any part of the loss or damage by covered peril to the property described in the policy only if:

(a) The following words are printed or stamped on the face of the policy, or a form containing the following words is attached to the policy: "Coinsurance contract: The rate charged in this policy is based upon the use of the coinsurance clause attached to this policy, with the consent of the insured.";

(b) The coinsurance clause in the policy is clearly identifiable; and

(c) The rate for the insurance with or without the coinsurance clause is furnished the insured upon his request.

(2) Unless the department determines that the deductible provision is clear and unambiguous, a property insurer may not issue an insurance policy or contract covering real property in this state which contains a deductible provision that:

(a) Applies solely to *hurricane* ~~windstorm~~ losses.

(b) States the deductible as a percentage rather than as a specific amount of money.

(3)(a) A policy of residential property insurance shall include a deductible amount applicable to *hurricane or* wind losses no lower than $500 and no higher than 2 percent of the policy dwelling limits with respect to personal lines residential risks, and no higher than 3 percent of the policy limits with respect to commercial lines residential risks; however, if a risk was covered on August 24, 1992, under a policy having a higher deductible than the deductibles allowed by this paragraph, a policy covering such risk may include a deductible no higher than the deductible in effect on August 24, 1992. Notwithstanding the other provisions of this paragraph, a personal lines residential policy covering a risk valued at $50,000 or less may include a deductible amount attributable to *hurricane or* wind losses no lower than $250, and a personal lines residential policy covering a risk valued at *$100,000* ~~$250,000~~ or more may include a deductible amount attributable to *hurricane or* wind losses no higher than 5 percent of the policy limits unless subject to a higher deductible on August 24, 1992; however, no maximum deductible is required with respect to a personal lines residential policy covering a risk valued at more than $500,000. An insurer may require a higher deductible, provided such deductible is the same as or similar to a deductible *program* lawfully in effect on *June 14, 1995* ~~the date this paragraph becomes effective~~. In addition to the deductible amounts authorized by this paragraph, an insurer may also offer policies with a copayment provision under which, after exhaustion of the deductible, the policyholder is responsible for 10 percent of the next $10,000 of insured *hurricane or wind* losses.

(b)*1. Except as otherwise provided in this paragraph,* prior to issuing a personal lines residential property insurance policy on or after April 1, 1996, or prior to the first renewal of a residential property insurance policy on or after April 1, 1996, the insurer must offer alternative deductible amounts applicable to *hurricane or* wind losses equal to $500 and 2 percent of the policy dwelling limits, *unless the 2 percent deductible is less than $500. The written notice of the offer shall specify the hurricane or wind deductible to be applied in the event that the applicant or policyholder fails to affirmatively choose a hurricane deductible.* The insurer must provide such policyholder with notice of the availability of the deductible amounts specified in this paragraph in a form specified by the department *in conjunction with each renewal of the policy* ~~at least once every 3 years~~. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy.

2. This paragraph does not apply with respect to a deductible program lawfully in effect on *June 14, 1995* ~~the effective date of this paragraph~~, or to any similar deductible program, if the deductible program requires a minimum deductible amount of no less than 2 percent of the policy limits.

3. With respect to a policy covering a risk with dwelling limits of at least $100,000, but less than $250,000, the insurer may, in lieu of offering a policy with a $500 hurricane or wind deductible as required by subparagraph 1., offer a policy that the insurer guarantees it will not nonrenew for reasons of reducing hurricane loss for one renewal period and that contains the 2 percent hurricane or wind deductible as required by subparagraph 1.

4. With respect to a policy covering a risk with dwelling limits of $250,000 or more, the insurer need not offer the $500 hurricane or wind deductible as required by subparagraph 1., but must, except as otherwise provided in this subsection, offer the 2 percent hurricane or wind deductible as required by subparagraph 1.

(c) In order to provide for the transition from wind deductibles to hurricane deductibles as required by this subsection, an insurer is required to provide wind deductibles meeting the requirements of this subsection until the effective date of the insurer's first rate filing made after January 1, 1997, and is thereafter required to provide hurricane deductibles meeting the requirements of this subsection.

(4)~~(c)~~ Any policy that contains a separate *hurricane* ~~windstorm~~ deductible must on its face include in boldfaced type no smaller than 18 points the following statement: "THIS POLICY CONTAINS A SEPARATE DEDUCTIBLE FOR *HURRICANE LOSSES* ~~WINDSTORM~~, WHICH MAY RESULT IN HIGH OUT-OF-POCKET EXPENSES TO YOU." A policy containing a coinsurance provision applicable to *hurricane losses* ~~windstorm~~ must on its face include in boldfaced type no smaller than 18 points the following statement: "THIS POLICY CONTAINS A CO-PAY PROVISION THAT MAY RESULT IN HIGH OUT-OF-POCKET EXPENSES TO YOU."

(5)(a) It is the intent of the Legislature to encourage the use of higher hurricane deductibles as a means of increasing the effective capacity of the hurricane insurance market in this state and as a means of limiting the impact of rapidly changing hurricane insurance premiums. The Legislature finds that the hurricane deductibles specified in this subsection are reasonable when a property owner has made adequate provision for restoration of the property to its full value after a catastrophic loss.

(b) A personal lines residential insurance policy providing hurricane coverage may, at the mutual option of the insured and insurer, include a secured hurricane deductible as described in paragraph (c) if the applicant presents the insurer a certificate of security as described in para-

graph (d). An insurer may not directly or indirectly require a secured deductible under this subsection as a condition of issuing or renewing a policy. A certificate of security is not required with respect to an applicant who owns a 100 percent equity interest in the property.

(c) A secured hurricane deductible must include the substance of the following:

1. The first $500 of any claim, regardless of the peril causing the loss, is fully deductible.

2. With respect to hurricane losses only, the next $5,000 in losses are fully insured, subject only to a copayment requirement of 10 percent.

3. With respect to hurricane losses only, the remainder of the claim is subject to a deductible equal to a specified percentage of the policy dwelling limits in excess of the deductible allowed under paragraph (3)(a) but no higher than 10 percent of the policy dwelling limits.

4. The insurer agrees to renew the coverage on a guaranteed basis for a period of years after initial issuance of the secured deductible equal to at least 1 year for each 2 percentage points of deductible specified in subparagraph 3. unless the policy is canceled for nonpayment of premium or the insured fails to maintain the certificate of security. Such renewal shall be at the same premium as the initial policy except for premium changes attributable to changes in the value of the property.

(d) The department shall draft and formally propose as a rule the form for the certificate of security no later than July 1, 1996. The certificate of security may be issued in any of the following circumstances:

1. A mortgage lender or other financial institution may issue a certificate of security after granting the applicant a line of credit, secured by equity in real property or other reasonable security, which line of credit may be drawn on only to pay for the deductible portion of insured construction or reconstruction after a hurricane loss. In the sole discretion of the mortgage lender or other financial institution, the line of credit may be issued to an applicant on an unsecured basis.

2. A licensed insurance agent may issue a certificate of security after obtaining for an applicant a line of credit, secured by equity in real property or other reasonable security, which line of credit may be drawn on only to pay for the deductible portion of insured construction or reconstruction after a hurricane loss. The Florida Hurricane Catastrophe Fund shall negotiate agreements creating a financing consortium to serve as an additional source of lines of credit to secure deductibles. Any licensed insurance agent may act as the agent of such consortium.

3. Any person qualified to act a trustee for any purpose may issue a certificate of security secured by a pledge of assets, with the restriction that the assets may be drawn on only to pay for the deductible portion of insured construction or reconstruction after a hurricane loss.

4. Any insurer, including any admitted insurer or any surplus lines insurer, may issue a certificate of security after issuing the applicant a policy of supplemental insurance that will pay for 100 percent of the deductible portion of insured construction or reconstruction after a hurricane loss.

5. Any other method approved by the department upon finding that such other method provides a similar level of security as the methods specified in this paragraph and that such other method has no negative impact on residential property insurance catastrophic capacity. The legislative intent of this subparagraph is to provide the flexibility needed to achieve the public policy of expanding property insurance capacity while improving the affordability of property insurance.

(e) An issuer of a certificate of security may terminate the certificate for failure to honor any of the terms of the underlying financial arrangement. The issuer must provide notice of termination to the insurer within 10 working days after termination. Unless the policyholder obtains a replacement certificate of security within an additional 20 working days after such notice, the deductible provision in the policy must revert to a lower deductible otherwise offered by the insurer and the policyholder is responsible for any additional premium required for a policy with such deductible.

(6) Prior to issuing a personal lines residential property insurance policy on or after April 1, 1997, or prior to the first renewal of a residential property insurance policy on or after April 1, 1997, the insurer must offer a deductible equal to $500 applicable to losses from perils other than hurricane. The insurer must provide the policyholder with notice of the availability of the deductible specified in this subsection in a form specified by the department at least once every 3 years. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy. An insurer may require a higher deductible only as part of a deductible program lawfully in effect on June 1, 1996, or as part of a similar deductible program.

(7)(a) The Legislature finds that property insurance coverage has become unaffordable for a significant number of mobile home owners, as evidenced by reports that up to 100,000 mobile home owners have terminated their insurance coverage because they cannot afford to pay approved rates charged in the voluntary or residual markets. The Legislature further finds that additional flexibility in available coverages will enable mobile home owners to obtain affordable insurance and increase capacity.

(b) Notwithstanding the provisions of subsection (3), with respect to mobile home policies:

1. The deductible for hurricane coverage may not exceed 10 percent of the property value if the property is not subject to any liens and may not exceed 5 percent of the property value if the property is subject to any liens.

2. The insurer need not make the offers required by paragraph (3)(a).

Section 13. Effective June 1, 1996, or upon this act becoming a law, whichever occurs later, section 627.7013, Florida Statutes, is amended to read:

627.7013 Orderly markets for personal lines residential property insurance.—

(1) FINDINGS AND PURPOSE.—

(a) The Legislature finds that personal lines residential property insurers, as a condition of doing business in this state, have a responsibility to contribute to an orderly market for personal lines residential property insurance and that there is a compelling state interest in maintaining an orderly market for personal lines residential property insurance. The Legislature further finds that Hurricane Andrew, which caused over $15 billion of insured losses in South Florida, has reinforced the need of consumers to have reliable homeowner's insurance coverage; however, the enormous monetary impact to insurers of Hurricane Andrew claims has prompted insurers to propose substantial cancellation or nonrenewal of their homeowner's insurance policyholders. The Legislature further finds that the massive cancellations and nonrenewals announced, proposed, or contemplated by certain insurers constitute a significant danger to the public health, safety, and welfare, and destabilize the insurance market. In furtherance of the overwhelming public necessity for an orderly market for property insurance, the Legislature, in chapter 93-401, Laws of Florida, imposed, for a limited time, a moratorium on cancellation or nonrenewal of personal lines residential property insurance policies. The Legislature further finds that upon expiration of the moratorium, additional actions are required to maintain an orderly market for personal lines residential property insurance in this state. The purposes of this section are to provide for a phaseout of the moratorium and to require advance planning and approval for programs of exposure reduction.

(b) The Legislature finds, as of the beginning of the 1996 Regular Session of the Legislature, that:

1. The conditions described in paragraph (a) remain applicable to the property insurance market in this state in 1996 and are likely to remain applicable for several years thereafter.

2. The Residential Property and Casualty Joint Underwriting Association, a residual market mechanism created to alleviate temporary unavailability of property insurance coverage, remains the primary or exclusive source of new property insurance coverage in significant portions of the state.

3. Recent enactments intended to restore a competitive, private sector property insurance market, including creation and enhancement of the Florida Hurricane Catastrophe Fund, incentives for depopulation of the Residential Property and Casualty Joint Underwriting Association, incentives for hurricane loss mitigation and prevention, creation of the

Florida Commission on Hurricane Loss Projection Methodology, and revisions of laws relating to rates and coverages, are beginning to have their intended effects, however, the market instability that persists could frustrate these efforts to restore the market.

4. The moratorium completion provided in this section is the least intrusive method for maintaining an orderly market, insofar as it applies only to hurricane-related cancellations and nonrenewals of personal lines residential policies that were in force on the effective date, and insofar as it allows an insurer annually to nonrenew up to 5 percent of the total number of such policies as of the effective date.

(2) MORATORIUM *COMPLETION* ~~PHASEOUT~~.—

(a) As used in this subsection, the term "total number of policies" means the number of an insurer's policies of a specified type that were in force on June 1, 1996, or the date on which this section became law, whichever was later.

(b) The following restrictions apply only to cancellation or nonrenewal of personal lines residential property insurance policies that were in force on June 1, 1996, or the date on which this section became law, whichever was later.

1. In any 12-month period, an insurer may not cancel or nonrenew more than 5 percent of such insurer's total number of homeowners policies, 5 percent of such insurer's total number of mobile home owners policies, or 5 percent of such insurer's total number of personal lines residential policies of all types and classes in the state for the purpose of reducing the insurer's exposure to hurricane claims and may not, with respect to any county, cancel or nonrenew more than 10 percent of its total number of homeowners policies, 10 percent of its total number of mobile home owners policies, or 10 percent of its total number of personal lines residential policies of all types and classes in the county for the purpose of reducing the insurer's exposure to hurricane claims. This subparagraph does not prohibit any cancellations or nonrenewals of such policies for any other lawful reason unrelated to the risk of loss from hurricane exposure.

2.a. If, for any 12-month period, an insurer proposes to cancel or nonrenew personal lines residential policies to an extent not authorized by subparagraph 1. for the purpose of reducing exposure to hurricane claims, the insurer must file a phaseout plan with the department at least 90 days prior to the effective date of the plan. In the plan, the insurer must demonstrate to the department that the insurer is protecting market stability and the interests of its policyholders. The plan may not be implemented unless it is approved by the department. In developing the plan, the insurer must consider policyholder longevity, the use of voluntary incentives to accomplish the reduction, and geographic distribution. The insurer must demonstrate that under the plan the insurer will not cancel or nonrenew more policies in the 12-month period than the largest number of similar policies the insurer canceled or nonrenewed for any reason in any 12-month period between August 24, 1989, and August 24, 1992.

b. If the insurer considers the number of cancellations and nonrenewals under sub-subparagraph a. to be insufficient, the insurer may apply for approval of additional cancellations or nonrenewals on the basis of an unreasonable risk of insolvency. In evaluating a request under this sub-subparagraph, the department shall consider and shall require the insurer to provide information relevant to: the insurer's size, market concentration, and general financial condition; the portion of the insurer's business in this state represented by personal lines residential property insurance; the reasonableness of assumptions with respect to size, frequency, severity, and path of hurricanes; the reinsurance available to the insurer and potential recoveries from the Florida Hurricane Catastrophe Fund; and the extent to which the insurer's assets have been voluntarily transferred by dividend or otherwise from the insurer to its stockholders, parent companies, or affiliated companies since June 1, 1996, or the date on which this section became law, whichever was later. In the implementation of exposure reductions under this sub-subparagraph, the department and the insurer shall consider such factors as policyholder longevity, the use of voluntary incentives to accomplish the exposure reduction, and geographic distribution.

c. A policy shall not be counted as having been canceled or nonrenewed for purposes of this subsection if any of the following apply:

(I) The policy was canceled or nonrenewed for an underwriting reason unrelated to the risk of loss from hurricane exposure, nonpayment of premium, or any other lawful reason that is unrelated to the risk of loss from hurricane exposure. The department shall consider the reason specified in the notice of cancellation or nonrenewal to be the reason for the cancellation or nonrenewal unless the department finds by a preponderance of the evidence that the stated reason was not the insurers actual reason for the cancellation or nonrenewal.

(II) The cancellation or nonrenewal was initiated by the insured.

(III) The insurer has offered the policyholder replacement or alternative coverage at approved rates, which coverage meets the requirements of the secondary mortgage market.

d. In addition to any other cancellations or nonrenewals subject to the limitations in this subsection, a policy shall be considered as having been canceled or nonrenewed for purposes of this subsection if:

(I) The insurer implements a rate increase under the use-and-file provisions of s. 627.062(2)(a)2., which rate increase exceeds 150 percent of the increase ultimately approved by the department, and, while the rate filing was pending, the policyholder voluntarily canceled or nonrenewed the policy and obtained replacement coverage from another insurer, including the Residential Property and Casualty Joint Underwriting Association; or

(II) The insurer reduces the commission to an agent by more than 25 percent and the agent thereafter places the risk with another insurer, including the Residential Property and Casualty Joint Underwriting Association, the Florida Windstorm Underwriting Association, or the Coastal Zone Insurance Plan.

e. The department must approve or disapprove an application for a waiver within 90 days after the department receives the application for waiver.

3. In addition to the cancellations or nonrenewals authorized under this section, an insurer may cancel or nonrenew policies to the extent authorized by an exemption from or waiver of either the moratorium created by chapter 93-401, Laws of Florida, or the moratorium phaseout under former s. 627.7013(2).

4. Notwithstanding any provisions of this section to the contrary, this section does not apply to any insurer that, prior to August 24, 1992, filed notice of such insurer's intent to discontinue writing insurance in this state under s. 624.430, and for which a finding has been made by the department, the Division of Administrative Hearings of the Department of Management Services, or a court that such notice satisfied all requirements of s. 624.430. Nothing in this section shall be construed to authorize an insurer to withdraw from any line of property insurance business for the purpose of reducing exposure to risk of hurricane loss if such withdrawal commenced at any time that the moratorium under chapter 93-401, Laws of Florida, or the moratorium phaseout under this section is in effect.

5. The following actions by an insurer do not constitute cancellations or nonrenewals for purposes of this subsection:

a. The transfer of a risk from one admitted insurer to another admitted insurer, unless the terms of the new or replacement policy place the policyholder in default of a mortgage obligation.

b. An increase in the hurricane deductible applicable to the policy, unless the new deductible places the policyholder in default of a mortgage obligation or the deductible exceeds the limits specified in s. 627.701.

c. Any other lawful change in coverage that does not place the policyholder in default of a mortgage obligation.

d. A cancellation or nonrenewal that is part of the same action as the removal of a policy including windstorm or hurricane coverage from the Residential Property and Casualty Joint Underwriting Association.

6. In order to assure fair and effective enforcement of this subsection, each insurer shall, no later than October 1, 1996, report to the department the policy number of each policy subject to this subsection, arranged by county. The report shall include the policy number for each personal lines residential policy that was in force on June 1, 1996, or the date this section became law, whichever was later. Beginning October 1, 1996, each insurer shall also report, on a monthly basis, all cancellations and non-

renewals of policies included in such policy list and the reasons for the cancellations and nonrenewals.

7. An insurer that as an overconcentration of wind risk in areas eligible for coverage under the Florida Windstorm Underwriting Association may submit to the department for approval an accelerated exposure reduction plan. The plan, if approved, shall allow te insurer to nonrenew additional policies for reasons of reducing hurricane loss, beyond the amounts authorized elsewhere in this paragraph, subject to the following conditions:

a. All additional nonrenewals under this subparagraph shall consist of nonrenewals of only the windstorm portion of a policy, and shall be allowed only if the Florida Windstorm Underwriting Association provides windstorm coverage to replace the nonrenewed windstorm coverage.

b. At the conclusion of te accelerated exposure reduction plan, which shall be no later than 12 months after the date of the first nonrenewal under such plan, the insurer is prohibited from any further nonrenewals for purposes of reducing hurricane loss until the expiration of this subsection.

c. The total number of nonrenewals statewide for purposes of reduction of hurricane loss, under this subparagraph taken together with the other provisions of this paragraph, shall not exceed the total number of nonrenewals that would have been allowed statewide under subparagraph 1. between June 1, 1996 and the expiration of this subsection.

d. Notwithstanding the provisions of s. 627.4133, the insurer must give the policyholder 45 days' advance notice of the nonrenewal of windstorm coverage under this subparagraph and the availability of such coverage through the Florida Windstorm Underwriting Association.

e. The first nonrenewal under an accelerated exposure reduction program under this subparagraph may not take effect earlier than February 1, 1997.

f. In reviewing the proposed accelerated exposure reduction plan, the department shall consider:

(I) The degree to which the exposure reduction plan is necessary to address the insurer's overconcentration.

(II) Prior levels of participation in writing voluntary wind coverage in areas eligible for coverage through the Florida Windstorm Underwriting Association.

(III) The availability of wind coverage in the voluntary market for the subject risks.

(IV) the capacity of the Florida Windstorm Underwriting Association to absorb the risks proposed to be covered by the association.

~~(a) Effective upon the expiration of the moratorium on cancellation or nonrenewal of personal lines residential property insurance policies under chapter 93-401, Laws of Florida, the following restrictions shall apply to the cancellation or nonrenewal of personal lines residential property insurance policies that were in force on November 14, 1993, and were subject to the moratorium:~~

~~1. In any 12-month period, an insurer may not cancel or nonrenew more than 5 percent of its homeowner's policies, 5 percent of its mobile home owner's policies, or 5 percent of its personal lines residential policies of all types and classes in the state for the purpose of reducing the insurer's exposure to hurricane claims and may not, with respect to any county, cancel or nonrenew more than 10 percent of its homeowner's policies, 10 percent of its mobile home owner's policies, or 10 percent of its personal lines residential policies of all types and classes in the county for the purpose of reducing the insurer's exposure to hurricane claims. This subparagraph does not prohibit any cancellations or nonrenewals of such policies for any other lawful reason unrelated to the risk of loss from hurricane exposure.~~

~~2.a. If, for any 12-month period, an insurer proposes to cancel or nonrenew personal lines residential policies to an extent not authorized by subparagraph 1. for the purpose of reducing exposure to hurricane claims, the insurer must file a phaseout plan with the department at least 90 days prior to the effective date of the plan. In the plan, the insurer must demonstrate to the department that the insurer is protecting market stability and the interests of its policyholders. The plan may not be implemented unless it is approved by the department. In developing the plan, the insurer must consider policyholder longevity, the use of voluntary incentives to accomplish the reduction, and geographic distribution. The insurer must demonstrate that under the plan the insurer will not cancel or nonrenew more policies in the 12-month period than the largest number of like policies the insurer canceled or nonrenewed for any reason in any 12-month period between August 24, 1989, and August 24, 1992.~~

~~b. If the insurer considers the number of cancellations and nonrenewals under sub-subparagraph a. to be insufficient, the insurer may apply for approval of additional cancellations or nonrenewals on the basis of an unreasonable risk of insolvency. In evaluating a request under this sub-subparagraph, the department shall consider, and shall require the insurer to provide information relevant to: the insurer's size, market concentration, and general financial condition; the portion of the insurer's business in this state represented by personal lines residential property insurance; the reasonableness of assumptions with respect to size, frequency, severity, and path of hurricanes; the reinsurance available to the insurer and potential recoveries from the Florida Hurricane Catastrophe Fund; and the extent to which the insurer's assets have been voluntarily transferred by dividend or otherwise from the insurer to its stockholders, parent companies, or affiliated companies since May 19, 1993. In the implementation of exposure reductions under this sub-subparagraph, the department and the insurer shall consider such factors as policyholder longevity, the use of voluntary incentives to accomplish the exposure reduction, and geographic distribution.~~

~~c. A policy shall not be counted as having been canceled or nonrenewed for purposes of this subsection if any of the following apply:~~

~~(I) The policy was canceled or nonrenewed for an underwriting reason unrelated to the risk of loss from hurricane exposure, nonpayment of premium, or any other lawful reason that is unrelated to the risk of loss from hurricane exposure. The department shall consider the reason specified in the notice of cancellation or nonrenewal to be the reason for the cancellation or nonrenewal, unless the department finds by a preponderance of the evidence that the stated reason was not the insurer's actual reason for the cancellation or nonrenewal.~~

~~(II) The cancellation or nonrenewal was initiated by the insured.~~

~~(III) The insurer has offered the policyholder replacement or alternative coverage at approved rates, which coverage meets the requirements of the secondary mortgage market.~~

~~d. In addition to any other cancellations or nonrenewals subject to the limitations in this subsection, a policy shall be considered as having been canceled or nonrenewed for purposes of this subsection if:~~

~~(I) After July 1, 1995, the insurer implements a rate increase under the use and file provisions of s. 627.062(2)(a)2., which rate increase exceeds 150 percent of the increase ultimately approved by the department, and, while the rate filing was pending, the policyholder voluntarily canceled or nonrenewed the policy and obtained replacement coverage from another insurer, including the Residential Property and Casualty Joint Underwriting Association; or~~

~~(II) After July 1, 1995, the insurer reduces the commission to an agent by more than 25 percent, and the agent thereafter places the risk with another insurer, including the Residential Property and Casualty Joint Underwriting Association.~~

~~e. The department must approve or disapprove an application for a waiver within 90 days after the department receives the application for waiver.~~

~~3. In addition to the cancellations or nonrenewals authorized under this section, an insurer may cancel or nonrenew policies to the extent authorized by an exemption from the moratorium on cancellations or nonrenewals of personal lines property insurance policies under chapter 93-401, Laws of Florida, granted prior to November 5, 1993, by order of the department, by final order in an administrative proceeding, or by order in a judicial proceeding, or ordered on or after November 5, 1993, by final order in an administrative proceeding or ordered on or after November 5, 1993, in a judicial proceeding relative to the moratorium on cancellations or nonrenewals of personal lines property insurance~~

~~policies under chapter 93-401, if the administrative or judicial action was pending on November 5, 1993.~~

~~4. Notwithstanding any provisions of this section to the contrary, this section does not apply to any insurer that, prior to August 24, 1992, filed notice of its intent to discontinue its writings in this state under s. 624.430, and for which a finding has been made by the department, the Division of Administrative Hearings of the Department of Management Services, or a court that such notice satisfied all requirements of s. 624.430. Nothing in this section shall be construed to authorize an insurer to withdraw from any line of property insurance business for the purpose of reducing exposure to risk of hurricane loss if such withdrawal commenced at any time that the moratorium under chapter 93-401 or the moratorium phaseout under this section is in effect.~~

~~In respect to any proceedings for review of the denial, in whole or in part, of an insurer's application for exemption from chapter 93-401, Laws of Florida, under s. 120.57 or judicial review thereof, nothing in the preceding paragraphs of this section, or any part thereof, shall be considered as clarifying the intent of the Legislature as to the meaning of the provisions of chapter 93-401 providing for the exemption of insurers from the provisions of that law; nor shall anything in the preceding paragraphs of this section, or any part thereof, be considered as having application to the question of the correctness or incorrectness of the department's denial of an exemption application, in whole or in part, under the provisions of that law.~~

(c)~~(b)~~ The department may adopt rules to implement this subsection.

(d)~~(c)~~ This subsection is repealed on *June 1, 1999* ~~November 14, 1996~~.

Section 14. Effective June 1, 1996, or upon this act becoming a law, whichever occurs later, section 627.7014, Florida Statutes, is created to read:

627.7014 Orderly markets for condominium association residential property insurance.—

(1) FINDINGS AND PURPOSE.—

(a) The Legislature finds:

1. That residential property insurers providing condominium association coverage, as a condition of doing business in this state, have a responsibility to contribute to an orderly market for condominium association residential property insurance and that there is a compelling state interest in maintaining an orderly market for condominium association residential property insurance.

2. That Hurricane Andrew, which caused over $15 billion of insured losses in South Florida, has reinforced the need of consumers to have reliable condominium association insurance coverage, however, even more than 3 years after Hurricane Andrew, the hurricanes enormous monetary impact is causing insurers to propose substantial cancellation or nonrenewal of their condominium association insurance policyholders.

3. That the massive cancellations and nonrenewals announced, proposed, or contemplated by certain insurers constitute a significant danger to the public health, safety, and welfare and destabilize the insurance market.

4. That the Residential Property and Casualty Joint Underwriting Association, a residual market mechanism created to alleviate temporary unavailability of property insurance coverage, remains the primary or exclusive source of new property insurance in significant portions of the state.

5. That recent enactments intended to restore a competitive, private sector property insurance market, including creation and enhancement of the Florida Hurricane Catastrophe Fund, incentives for depopulation of the Residential Property and Casualty Joint Underwriting Association, incentives for hurricane loss mitigation and prevention, creation of the Florida Commission on Hurricane Loss Projection Methodology, and revisions of laws relating to rates and coverages, are beginning to have their intended effects, however, the market remains unstable.

6. That the moratorium created by this section is the least intrusive method for maintaining an orderly market for condominium association insurance, insofar as it applies only to hurricane-related cancellations and nonrenewals of personal lines residential policies that were in force on the effective date of this section, and insofar as it allows an insurer annually to nonrenew up to 5 percent of the total number of such policies as of the effective date of this section.

(b) The purposes of this section are to provide for a temporary moratorium on hurricane-related cancellations and nonrenewals of condominium association coverage and to require advance planning and approval for programs of condominium association exposure reduction.

(2) MORATORIUM.—

(a) As used in this subsection, the term "total number of policies" means the number of an insurer's condominium association policies providing windstorm or hurricane coverage that were in force on the effective date of this section. The following restrictions apply to the cancellation or nonrenewal of condominium association residential property insurance policies that were in force on the effective date of this section:

1. In any 12-month period, an insurer may not cancel or nonrenew more than 5 percent of its total number of condominium association policies in the state for the purpose of reducing the insurers exposure to hurricane claims and may not, with respect to any county, cancel or nonrenew more than 10 percent of its total number of condominium association policies in the county for the purpose of reducing the insurer's exposure to hurricane claims. This subparagraph does not prohibit any cancellations or nonrenewals of such policies for any other lawful reason unrelated to the risk of loss from hurricane exposure.

2.a. If, for any 12-month period, an insurer proposes to cancel or nonrenew condominium association policies to an extent not authorized by subparagraph 1. for the purpose of reducing exposure to hurricane claims, the insurer must file a phaseout plan with the department at least 90 days prior to the effective date of the plan. In the plan, the insurer must demonstrate to the department that the insurer is protecting market stability and the interests of its policyholders. The plan may not be implemented unless it is approved by the department. In developing the plan, the insurer must consider policyholder longevity, the use of voluntary incentives to accomplish the reduction, and geographic distribution. The insurer must demonstrate that under the plan the insurer will not cancel or nonrenew more policies in the 12-month period than the largest number of similar policies the insurer canceled or nonrenewed for any reason in any 12-month period between August 24, 1989, and August 24, 1992.

b. If the insurer considers the number of cancellations and nonrenewals under sub-subparagraph a. to be insufficient, the insurer may apply for approval of additional cancellations or nonrenewals on the basis of an unreasonable risk of insolvency. In evaluating a request under this sub-subparagraph, the department shall consider, and shall require the insurer to provide information relevant to: the insurer's size, market concentration, and general financial condition; the portion of the insurer's business in this state represented by condominium association residential property insurance; the reasonableness of assumptions with respect to size, frequency, severity, and path of hurricanes; and the reinsurance available to the insurer and potential recoveries from the Florida Hurricane Catastrophe Fund. In the implementation of exposure reductions under this sub-subparagraph, the department and the insurer shall consider such factors as policyholder longevity, the use of voluntary incentives to accomplish the exposure reduction, and geographic distribution.

c. A policy shall not be counted as having been canceled or nonrenewed for purposes of this subsection if any of the following apply:

(I) The policy was canceled or nonrenewed for an underwriting reason unrelated to the risk of loss from hurricane exposure, nonpayment of premium, or any other lawful reason that is unrelated to the risk of loss from hurricane exposure. The department shall consider the reason specified in the notice of cancellation or nonrenewal to be the reason for the cancellation or nonrenewal unless the department finds by a preponderance of the evidence that the stated reason was not the insurers actual reason for the cancellation or nonrenewal.

(II) The cancellation or nonrenewal was initiated by the insured.

(III) The insurer has offered the policyholder replacement or alternative coverage at approved rates.

(IV) The risk is transferred from one admitted insurer to another admitted insurer, unless the terms of the new or replacement policy place the policyholder in default of a mortgage obligation.

(V) The hurricane deductible applicable to the policy is increased unless the new deductible exceeds statutory limits or places the policyholder in default of a mortgage obligation.

(VI) Any other lawful change in coverage that does not place the policyholder in default of a mortgage obligation is made.

d. In addition to any other cancellations or nonrenewals subject to the limitations in this subsection, a policy shall be considered as having been canceled or nonrenewed for purposes of this subsection if:

(I) The insurer implements a rate increase under the use-and-file provisions of s. 627.062(2)(a)2., which rate increase exceeds 150 percent of the increase ultimately approved by the department, and, while the rate filing was pending, the policyholder voluntarily canceled or nonrenewed the policy and obtained replacement coverage from another insurer, including the Residential Property and Casualty Joint Underwriting Association; or

(II) The insurer reduces the commission to an agent by more than 25 percent and the agent thereafter places the risk with another insurer, including the Residential Property and Casualty Joint Underwriting Association.

e. The department must approve or disapprove an application for a waiver within 90 days after the department receives the application for waiver.

4. Notwithstanding any provisions of this section to the contrary, this section does not apply to any insurer that, prior to August 24, 1992, filed notice of such insurer's intent to discontinue writing insurance in this state under s. 624.430, and for which a finding has been made by the department, the Division of Administrative Hearings of the Department of Management Services, or a court that such notice satisfied all requirements of s. 624.430. This section also does not apply to any insurer that:

a. Collects at least 75 percent of its Florida premiums from policies that include hurricane coverage provided to condominium associations in coastal counties.

b. Collects at least 80 percent of its Florida premiums from policies that include hurricane coverage provided to condominium associations in Broward, Dade, and Palm Beach Counties.

c. Has, annually since 1992:

(I) Increased its aggregate Florida premium volume from policies that include hurricane coverage provided to condominium associations in coastal counties.

(II) Increased its aggregate Florida premium volume from policies that include hurricane coverage provided to condominium associations in Broward, Dade, and Palm Beach Counties.

(III) Increased its aggregate Florida exposure from policies that include hurricane coverage provided to condominium associations in coastal counties.

(IV) Increased its aggregate Florida exposure from policies that include hurricane coverage provided to condominium associations in Broward, Dade, and Palm Beach Counties.

d. Has surplus as to policyholders of no more than $200 million as reflected in its annual statement for 1995.

5. In order to assure fair and effective enforcement of this subsection, each insurer shall, no later than October 1, 1996, report to the department the policy number of each policy subject to this subsection, arranged by county. The report shall include the policy number for each condominium association policy that was in force on the effective date of this section. Beginning October 1, 1996, each insurer shall also report, on a monthly basis, all cancellations and nonrenewals of policies included in such policy list and the reasons for the cancellations and nonrenewals.

6. An insurer that as an overconcentration of wind risk in areas eligible for coverage under the Florida Windstorm Underwriting Association may submit to the department for approval an accelerated exposure reduction plan. The plan, if approved, shall allow te insurer to nonrenew additional policies for reasons of reducing hurricane loss, beyond the amounts authorized elsewhere in this paragraph, subject to the following conditions:

a. All additional nonrenewals under this subparagraph shall consist of nonrenewals of only the windstorm portion of a policy, and shall be allowed only if the Florida Windstorm Underwriting Association provides windstorm coverage to replace the nonrenewed windstorm coverage.

b. At the conclusion of te accelerated exposure reduction plan, which shall be no later than 12 months after the date of the first nonrenewal under such plan, the insurer is prohibited from any further nonrenewals for purposes of reducing hurricane loss until the expiration of this subsection.

c. The total number of nonrenewals statewide for purposes of reduction of hurricane loss, under this subparagraph taken together with the other provisions of this paragraph, shall not exceed the total number of nonrenewals that would have been allowed statewide under subparagraph 1. between June 1, 1996 and the expiration of this subsection.

d. Notwithstanding the provisions of s. 627.4133, the insurer must give the policyholder 45 days' advance notice of the nonrenewal of windstorm coverage under this subparagraph and the availability of such coverage through the Florida Windstorm Underwriting Association.

e. The first nonrenewal under an accelerated exposure reduction program under this subparagraph may not take effect earlier than February 1, 1997.

f. In reviewing the proposed accelerated exposure reduction plan, the department shall consider:

(I) The degree to which the exposure reduction plan is necessary to address the insurer's overconcentration.

(II) Prior levels of participation in writing voluntary wind coverage in areas eligible for coverage through the Florida Windstorm Underwriting Association.

(III) The availability of wind coverage in the voluntary market for the subject risks.

(IV) the capacity of the Florida Windstorm Underwriting Association to absorb the risks proposed to be covered by the association.

(b) The department may adopt rules to implement this subsection.

(c) This subsection is repealed on June 1, 1999.

Section 15. Section 627.7016, Florida Statutes, is created to read:

627.7016 Insurer contracts with building contractors.—An insurer who offers residential coverage, as defined in s. 627.4025, may contract with a building contractor skilled in techniques that mitigate hurricane damage. Insurers may offer policyholders the option to select the services of such building contractors to repair damage covered by the insurance policy. The insurer must guarantee the building contractor's work and may offer the policyholder any other terms, conditions, or benefits. The insurance company is not liable for the actions of the building contractor.

Section 16. Section 627.7017, Florida Statutes, is created to read:

627.7017 Hurricane loss mitigation projects.—In addition to any other hurricane loss mitigation activities authorized or required by law, the department may contract with public or private entities for hurricane loss mitigation projects.

Section 17. Severability.—If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity

shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 18. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to insurance; creating the "Hurricane Insurance Affordability and Availability Act of 1996;" amending s. 215.555, F.S.; revising provisions relating to the Florida Hurricane Catastrophe Fund; providing for retention calculation; providing for de minimis exemptions; revising provisions relating to reimbursement contracts; providing for advances; providing for premium calculations; revising provisions relating to bonds; creating a public benefits corporation and specifying powers and duties thereof; providing applicability; amending s. 627.062, F.S.; specifying rate standards and procedures; providing for recoupment of certain expenses; providing for arbitration; amending s. 627.0628, F.S.; providing for adoption and effect of standards and guidelines for projection of hurricane losses; providing immunity with respect to the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; providing for separate calculation and notice of hurricane rates; specifying content of premium notices; requiring public hearings in certain circumstances; providing for phase-in of rate increases; limiting exclusion of windstorm or hurricane coverage; amending s. 627.351, F.S.; revising provisions relating to funding and financing of the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association; specifying criteria for eligibility for coverage; providing eligibility for coverage under the Florida Residential Property and Casualty Joint Underwriting Association; providing rate standards; providing for market equalization surcharges; providing for termination of eligibility and coverage; requiring and specifying effect of notice; preserving rights in the event of liquidation and similar actions; removing a limitation on the term of policies; creating the Working Group on Residual Property Insurance Markets within the Legislative Branch; providing findings; providing membership; requiring consideration of alternatives to existing residual market mechanisms for property insurance; providing for recommendations; providing for expiration; amending s. 627.3511, F.S.; revising applicability of agent bonuses and take-out bonuses; providing for take-out plans for condominium association policies; amending s. 627.4025, F.S.; defining hurricane coverage; amending s. 627.701, F.S.; providing for hurricane deductibles; specifying mandatory offers; authorizing secured hurricane deductibles; providing for certificates of security; amending s. 627.7013, F.S.; providing additional findings; revising provisions restricting hurricane-related cancellations and nonrenewals of personal lines property insurance policies; repealing the moratorium phaseout; providing for moratorium completion; specifying allowable cancellations and nonrenewals; providing for exceptions and waivers; providing that certain actions do not constitute violations; providing for reports; providing for enforcement; providing applicability; creating s. 627.7014, F.S.; providing findings and purpose; creating a limited moratorium on hurricane-related cancellations or nonrenewals of condominium association residential policies; authorizing waivers; specifying actions that do and do not constitute cancellations or nonrenewals; specifying applicability; requiring reporting; providing for rules; providing for future repeal; creating s. 627.7016, F.S.; providing for insurer contracts with building contractors; creating s. 627.7017, F.S.; authorizing the department to contract for hurricane loss mitigation projects; providing severability; providing effective dates.

Senator Jenne offered the following amendment to **Amendment 1** which was moved by Senator Burt and adopted:

Amendment 1A—On page 28, line 19 through page 29, lines 1-25, delete those lines and insert:

(6)(a) After any action with respect to a rate filing that constitutes agency action for purposes of the Administrative Procedure Act, an insurer may, in lieu of demanding a hearing under s. 120.57, require arbitration of the rate filing. Arbitration shall be conducted by a board of arbitrators consisting of an arbitrator selected by the department, an arbitrator selected by the insurer, and an arbitrator selected jointly by the other two arbitrators. Each arbitrator must be certified by the American Arbitration Association. A decision is valid only upon the affirmative vote of at least two of the arbitrators. No arbitrator may be an employee of any insurance regulator or regulatory body or of any insurer, regardless of whether or not the employing insurer does business in this state. The department and the insurer must treat the decision of the arbitrators as the final approval of a rate filing. Costs of arbitration shall be paid by the insurer.

(b) Arbitration under this subsection shall be conducted pursuant to the procedures specified in ss. 682.06-682.10. Either party may apply to the circuit court to vacate or modify the decision pursuant to s. 682.13 or s. 682.14. The department shall adopt rules for arbitration under this subsection, which rules may not be inconsistent with the arbitration rules of the American Arbitration Association as of January 1, 1996.

(c) Upon initiation of the arbitration process, the insurer waives all rights to challenge the action of the department under the Administrative Procedure Act or any other provision of law, however, such rights are restored to the insurer if the arbitrators fail to render a decision within 90 days after initiation of the arbitration process.

Senator Grant moved the following amendment to **Amendment 1** which failed:

Amendment 1B (with title amendment)—On page 25, between lines 9-10, insert:

Section 4. Subsection (2)(d)2. of Section 626.918, Florida Statutes, is amended to read:

626.918 Eligible surplus lines insurers.—

2. For those surplus lines insurers that were eligible on January 1, 1994, and that maintained their eligibility thereafter, the required surplus as to policyholders, *except as provided in subsection 3. hereof,* shall be:

a. On December 31, 1994, and until December 30, 1995, $2.5 million.

b. On December 31, 1995, and until December 30, 1996, $3.5 million.

c. On December 31, 1996, and until December 30, 1997, $4.5 million.

d. On December 31, 1997, and until December 30, 1998, $5.5 million.

e. On December 31, 1998, and until December 30, 1999, $6.5 million.

f. On December 31, 1999, and until December 30, 2000, $8 million.

g. On December 31, 2000, and until December 30, 2001, $9.5 million.

h. On December 31, 2001, and until December 30, 2002, $11 million.

i. On December 31, 2002, and until December 30, 2003, $13 million.

j. On December 31, 2003, and thereafter, $15 million.

Section 5. A new subsection (2)(d)3., Florida Statutes, is created and added to Section 626.918, and subsequent subsections are renumbered.

3. Surplus lines insurers that are a part of a Florida insurance holding company system that includes a Florida domestic insurer, shall be required to maintain surplus as to policyholders in an amount equal to the requirements of section 624.408, F.S.

4. ~~3.~~ The capital and surplus requirements as set forth in subparagraph 2. *or 3.* do not apply in the case of an insurance exchange created by the laws of individual states, where the exchange maintains capital and surplus pursuant to the requirements of that state, or maintains capital and surplus in an amount not less than $50 million in the aggregate. For an insurance exchange which maintains funds in the amount of at least $12 million for the protection of all insurance exchange policyholders, each individual syndicate shall maintain minimum capital and surplus in an amount not less than $3 million. If the insurance exchange does not maintain funds in the amount of at least $12 million for the protection of all insurance exchange policyholders, each individual syndicate shall meet the minimum capital and surplus requirements set forth in subparagraph 2.

Section 6. Section 626.921, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 626.921, F.S., for present text.)

626.921 Florida Surplus Lines Service Office.—

(1) There is created a nonprofit association to be known as the Florida Surplus Lines Service Office. The Legislature declares that the establishment of a surplus lines self-regulating organization is necessary to establish a system that will permit better access by consumers to approved unauthorized insurers. Accordingly, the Legislature declares that this section should be liberally construed and applied to promote its underlying purposes, which will protect consumers seeking insurance in this state, permit surplus lines insurance to be placed with approved surplus lines insurers, establish a self-regulating organization that will promote and permit orderly access to surplus lines insurance in this state, enhance the number and types of insurance products available to consumers in this state, provide a source of advice and counsel for the benefit of consumers, surplus lines agents, insurers, and government agencies concerning the operation of the surplus lines insurance market, and protect the revenues of this state.

(2) All surplus lines agents shall, as a condition of holding a license as a surplus lines agent in this state, be deemed to be members of this association and shall report to and file with the service office a copy of or information on each surplus lines insurance policy or document as provided in the plan of operation adopted under subsection (5). Upon receipt of any claim notice reported under a surplus lines policy that is subject to the filing requirements of this section, the insurer, or an adjuster representing the insurer, must advise the service office of such claim, identifying the policy under which coverage is claimed, and the service office shall determine whether the policy has been filed as required by this section. The service office shall immediately report the particulars of any unfiled policy to the department for enforcement of compliance with the Florida Surplus Lines Law.

(3) The association shall perform its functions under a plan of operation adopted under subsection (5). It shall exercise its powers through a board of governors established under subsection (4). The association shall be regulated by the department and is subject to the applicable provisions of this code and the rules of the department. The service office shall conduct the following activities provided in the plan of operation adopted under subsection (5):

(a) Receive, record, and review all surplus lines insurance policies or documents.

(b) Maintain records of the surplus lines policies reported to the service office and prepare monthly reports for the department in such form as the department prescribes.

(c) Prepare and deliver to each surplus lines agent quarterly reports of each surplus lines agent's business in such form as the department prescribes, and collect and remit to the department the surplus lines tax as provided for in s. 626.932.

(d) Perform a reconciliation of the policies written in the nonadmitted market, as provided by nonadmitted insurers, with the policies reported to the service office by the surplus lines agents, and prepare and deliver to the department a report on the results of the reconciliation in such form as the department prescribes.

(e) Submit to the department for review and approval an annual budget for the operation of the service office.

(f) Collect from each surplus lines agent a service fee of 0.3 percent of the total gross premium of each surplus lines policy or document reported under this section, for the cost of operation of the service office. The service fee shall be paid by the insured.

(g) Employ and retain such personnel as are necessary to carry out the duties of the service office.

(h) Borrow money, as necessary, to effect the purposes of the service office.

(i) Enter into contracts, as necessary, to effect the purposes of the service office.

(j) Perform such other acts as will facilitate and encourage compliance with the surplus lines law of this state and rules adopted thereunder.

(k) Provide such other services as are incidental or related to the purposes of the service office.

(4) The association shall operate under the supervision of a board of governors consisting of:

(a) Five individuals appointed by the department from the regular membership of the Florida Surplus Lines Association.

(b) Two individuals appointed by the department, one from each of the two largest domestic agents' associations, each of whom must be licensed surplus lines agents.

(c) The Insurance Consumer Advocate.

(d) One individual appointed by the department, who must be a risk manager for a large domestic commercial enterprise.

Each board member must be appointed to serve beginning on the date designated by the plan of operation and shall serve at the pleasure of the department for a 3-year term, such term initially to be staggered by the plan of operation so that three appointments expire in 1 year, three appointments expire in 2 years, and three appointments expire in 3 years. Members may be reappointed for subsequent terms. The board of governors shall elect such officers as may be provided in the plan of operation.

(5)(a) The association shall submit to the department a plan of operation, and any amendments thereto, to provide operating procedures for the administration of the service office. The plan of operation and any amendments thereto shall become effective upon approval by order of the department.

(b) If the association fails to submit a suitable plan of operation within 180 days following October 1, 1996, or if at any time thereafter the association fails to submit suitable amendments to the plan of operation, the department shall, after notice and hearing, adopt a plan of operation, or amendments to a plan of operation, and adopt such rules as are necessary or advisable to effectuate the provisions of this section. Such rules shall continue in force until modified by the department or superseded by a plan of operation submitted by the association and approved by the department.

(c) All surplus lines agents licensed in this state must comply with the plan of operation.

(6) The department shall, at such times deemed necessary, make or cause to be made an examination of the association. The costs of any such examination shall be paid by the association. During the course of such examination, the governors, officers, agents, employees, and members of the association may be examined under oath regarding the operation of the service office and shall make available all books, records, accounts, documents, and agreements pertaining thereto.

(7) In the absence of gross negligence, fraud, or bad faith, there shall be no liability on the part of, and no causes of action of any nature shall arise against, the association, its governors, officers, agents, or employees, the department, or employees or representatives of the department, or the commissioner, for any action taken or omitted by them in performance of their powers and duties under this section.

(8) Information furnished to the department under s. 626.923 or contained in the records subject to examination by the department under s. 626.930 is confidential and exempt from the provisions of s. 119.07(1) if the disclosure of the information would reveal a trade secret as defined in s. 688.002. The exemption does not apply to any proceeding instituted by the department against an agent or insurer.

(9) This section may be cited as the "Dana Roehrig Law."

Section 7. Subsections (1), (4), and (5) of section 626.931, Florida Statutes, are amended to read:

626.931 Quarterly report.—

(1) Each surplus lines agent shall on or before the end of the month next following each calendar quarter file with the *Florida Surplus Lines Service Office* ~~department~~ a verified report of all surplus lines insurance transacted by him during such calendar quarter.

(4) Each foreign insurer accepting premiums which are subject to taxes and which are described in this section shall, on or before the end of the month following each calendar quarter, file with the *Florida Surplus Lines Service Office* ~~department~~ a verified report of all surplus lines insurance transacted by such insurer for insurance risks located in this state during such calendar quarter.

(5) Each alien insurer accepting premiums which are subject to taxes and which are described in this section shall, on or before June 30 of each year, file with the *Florida Surplus Lines Service Office* ~~department~~ a verified report of all surplus lines insurance transacted by such insurer for insurance risks located in this state during the preceding calendar year, provided the first such report shall be with respect to calendar year 1994.

Section 8. Subsections (2) and (6) of section 626.932, Florida Statutes, are amended to read:

626.932 Surplus lines tax.—

(2)(a) The surplus lines agent shall pay to the *Florida Surplus Lines Service Office* ~~department~~ the tax related to each calendar quarter's business as reported, and at the same time as provided for the filing of the quarterly report, under s. 626.931. *The Florida Surplus Lines Service Office shall forward to the department the taxes and any interest collected pursuant to subparagraph (b), within 10 days of receipt, along with a copy of the quarterly reports received.*

(b) The agent shall pay interest on the amount of any delinquent tax due, at the rate of 9 percent per year, compounded annually, beginning the day the amount becomes delinquent.

(6) For the purposes of this section, the term "premium" means the consideration for insurance by whatever name called and includes any assessment, or any membership, policy, survey, inspection, service, or similar fee or charge in consideration for an insurance contract, which items are deemed to be a part of the premium. The per-policy fee authorized by s. 626.916(4) is specifically included within the meaning of the term "premium." *However, the term does not include the service fee imposed under s. 626.9325.*

Section 9. Section 626.9325, Florida Statutes, is created to read:

626.9325 Service fee.—

(1) The premiums charged for surplus lines insurance are subject to a service fee as provided in s. 626.921(3)(f). The surplus lines agent shall collect from the insured the amount of the fee at the time of the delivery of the policy, or other initial confirmation of insurance, in addition to the full amount of the gross premium charged by the insurer for the insurance. The surplus lines agent is prohibited from absorbing such fee or, as an inducement for insurance or for any other reason, rebating all or any part of such fee or of his commission.

(2)(a) The surplus lines agent shall pay monthly to the Florida Surplus Lines Service Office the fees related to all policies reported during the previous calendar month in accordance with the plan of operation of the Florida Surplus Lines Service Office.

(b) The agent shall pay interest on the amount of any delinquent fees due, at the rate of 9 percent per year, compounded annually, beginning the day the amount becomes delinquent.

(3) If a surplus lines policy covers risks or exposures only partially in this state, the fee payable shall be computed on the portion of the premium which is properly allocable to the risks or exposures located in this state.

(4) This section does not apply as to insurance of risks of the state government or its agencies, or of any county or municipality or of any agency thereof.

(5) The association shall use the fees to fund the cost of operations of the Florida Surplus Lines Service Office.

(6) For the purposes of this section, the term "premium" means the consideration for insurance by whatever name called and includes any assessment, or any membership, policy, survey, inspection, service, or similar fee or charge in consideration for an insurance contract, which items are deemed to be a part of the premium. The per-policy fee authorized by s. 626.916(4) is specifically included within the meaning of the term "premium."

Section 10. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act, which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

And the title is amended as follows:

On page 93, line 27, after the semicolon (;) insert: amending s. 626.918, F.S.; providing an exception for surplus lines insurers regarding surplus requirements; amending s. 626.921, F.S.; creating a nonprofit association named the "Florida Surplus Lines Service Office"; providing findings; requiring surplus lines agents to be members of the association; providing duties; requiring the office to collect a service fee from surplus lines agents; providing for a board of governors; providing for appointment of board members; requiring a plan of operation to be submitted to the Department of Insurance; requiring the department to conduct examinations of the association; providing for limitations of liability for the association under certain circumstances; providing a short title; amending s. 626.931, F.S.; requiring surplus lines agents, foreign insurers, and alien insurers to file a quarterly report with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; requiring surplus lines agents to pay a surplus lines tax to the office; excluding from the term "premium" a service fee; creating s. 626.9325, F.S.; imposing a service fee on premiums charged for surplus lines insurance; requiring surplus lines agents to collect the fee and pay the fee to the office; requiring interest under certain circumstances; providing for application; specifying use of such fees; providing definitions; providing severability for provisions of this act;

Amendment 1 as amended was adopted.

On motion by Senator Jenne, by two-thirds vote **CS for SB 2314** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—22 Nays—16

SB 1680—A bill to be entitled An act relating to continuing education; amending s. 626.2815, F.S.; revising continuing education requirements for certain persons; revising membership of a continuing education advisory board; requiring the board to establish criteria for evaluating continuing education courses; authorizing the Department of Insurance to contract for administration of the continuing education program; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 1680** to **CS for HB 1283**.

Pending further consideration of **SB 1680** as amended, on motions by Senator Holzendorf, by two-thirds vote—

CS for HB 1283—A bill to be entitled An act relating to insurance; amending s. 626.2815, F.S.; revising continuing education requirements for certain persons; revising membership of a continuing education advisory board; requiring the board to establish criteria for evaluating continuing education courses; authorizing the Department of Insurance to contract for administration of the continuing education program; amending s. 627.351, F.S.; revising the responsibility of the market assistance plan; revising maximum term for new and renewal policies issued by the association; amending s. 627.3515, F.S.; revising the responsibilities of the market assistance plan; amending s. 627.728, F.S.; redefining the term "nonpayment of premium"; amending s. 634.405, F.S.; providing an exception to the required deposit or bond for a service warranty company; providing legislative intent; providing for precedence and operation of certain provisions; amending s. 627.062, F.S.; prohibiting the Department of Insurance from limiting payment of acquisition cost on the full amount of premium for insurance; amending s. 627.7295, F.S.; excepting certain private passenger motor vehicle insurance from certain application; amending s. 627.848, F.S.; specifying effective date of certain cancellations of insurance contracts; amending s. 626.99, F.S.; revising disclosure and information requirements for replacement of life insurance or annuities; providing an effective date.

—a companion measure, was substituted for **SB 1680** and by two-thirds vote read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **CS for HB 1283** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Forman, by two-thirds vote **CS for HB 373** was withdrawn from the Committees on Commerce and Economic Opportunities; and Health Care.

On motion by Senator Forman—

CS for HB 373—A bill to be entitled An act relating to drug-free workplace requirements; amending s. 112.0455, F.S.; redefining the term "specimen"; prescribing qualifications of laboratories that analyze drug specimens; requiring the Agency for Health Care Administration to adopt rules relating to the drug testing of urine, hair, blood, and other body specimens; providing standards and procedures for certain testing; amending s. 440.101, F.S.; including reference to the Agency for Health Care Administration with respect to drug-free workplaces; amending s. 440.102, F.S.; prescribing qualifications of laboratories that analyze drug specimens; requiring the Agency for Health Care Administration to adopt rules relating to the drug testing of urine, hair, blood, and other body specimens; revising collective bargaining rights; requiring drug testing policy be applied equally to all employees; providing an effective date.

—a companion measure, was substituted for **CS for SB 518** and read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for HB 373** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 456—A bill to be entitled An act relating to insurance; creating s. 624.4071, F.S.; authorizing a certificate of authority to operate a special-purpose homeowner insurance company; providing standards for issuance of the certificate; specifying the operations; specifying the application of regulatory requirements; providing for exemptions from regulatory requirements for a special-purpose homeowner insurance company; specifying the sources and procedures for assumption of policies; providing procedures concerning policyholders; providing procedures for the special-purpose homeowner insurance company; providing for expiration of the section; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 624.4071, Florida Statutes, is created to read:

624.4071 Special purpose homeowner insurance company.—

(1) The department may issue to a qualified applicant a certificate of authority to operate a special purpose homeowner insurance company in order to provide residential coverage to policyholders in this state. The purpose of a special purpose homeowner insurance company is to provide, on a temporary basis, a new, limited authority insurance company in order to accelerate the restoration of the Florida homeowner insurance marketplace, which includes depopulation of the Residential Property and Casualty Joint Underwriting Association.

(2) A special purpose homeowner insurance company must have a parent company, and both companies must meet the requirements of this subsection in order for the subsidiary to qualify for and maintain a certificate of authority under this section.

(a) The parent company must be an admitted insurer in at least one state in the United States and must have over $50 million in capital and surplus.

(b) The parent company must have and maintain at least 51 percent of the equity and at least 51 percent of the control of the special purpose homeowner insurance company.

(c) An insurer not authorized to transact business in this state, but that otherwise meets the requirements of this section, may apply as a special purpose homeowner insurance company.

(d) The special purpose homeowner insurance company must:

1. Have and maintain at least $10 million in surplus and otherwise satisfy the requirements of s. 624.4095.

2. Be a member of the Florida Insurance Guaranty Association and the Florida Hurricane Catastrophe Fund, and be subject to any of their required assessments and premium charges. However, a special purpose homeowner insurance company may not be a member of the Florida Windstorm Underwriting Association or the Florida Residential Property and Casualty Joint Underwriting Association, and neither the company nor its policyholders are subject to any assessments by these associations.

3. Offer coverage for all perils, including windstorm, in providing residential coverage as defined in s. 627.4025. A special purpose homeowner insurance company's rates must be filed with the department. After a period of 1 year from the date a company receives a certificate of authority, the company's rates are subject to department approval under s. 627.062.

(3)(a) The special purpose homeowner insurance company may charge a policyholder an initial premium of up to 110 percent of the premium charged to that policyholder for substantially similar coverage by the authorized insurer that last insured the policyholder, or the Residential Property and Casualty Joint Underwriting Association if the Residential Property and Casualty Joint Underwriting Association last insured the policyholder; or the special purpose homeowner insurance company may charge a policyholder the same premium that the policyholder would have been charged for substantially similar coverage upon renewal by the authorized insurer last insuring the policyholder or by the Residential Property and Casualty Joint Underwriting Association, if the Residential Property and Casualty Joint Underwriting Association last insured the policyholder.

(b) A special purpose homeowner insurance company's forms must be substantially similar to standard ISO homeowner forms and must be filed with the department at least 30 days prior to use and must be approved by the department.

(4) An application for a certificate of authority to operate a special purpose homeowner insurance company must be approved by the department, or be denied for good cause, under an expedited approval process within 75 days after receipt of the application. Both the special purpose homeowner insurance company and its parent company must demonstrate that its management is competent and trustworthy as required by s. 624.404(3).

(5) The special purpose homeowner insurance company may write only policies that are directly taken from the Residential Property and Casualty Joint Underwriting Association or from an unaffiliated authorized insurer; may assume such policies either during the policy period or at the time of renewal; and must offer to renew such policies for two additional policy periods of 12 months each in accordance with subsection (3).

(a) If the policy is to be nonrenewed by the Residential Property and Casualty Joint Underwriting Association or by an unaffiliated authorized insurer, the policyholder must be given 45 days' notice of nonrenewal along with a concurrent offer of coverage from the special purpose homeowner insurance company. If the policyholder declines coverage by nonpayment of premium or by notice given prior to the effective date of the new policy, the policyholder is ineligible for coverage by the Residential Property and Casualty Joint Underwriting Association, and the offer made by the special purpose homeowner insurance company terminates.

(b) If the policy is to be nonrenewed by the Residential Property and Casualty Joint Underwriting Association or by an unaffiliated authorized insurer as the result of an assumption by a special purpose homeowner insurance company, the policyholder must be given 45 days' notice of assumption. If the policyholder declines coverage by nonpayment of premium or by notice given prior to the effective date of the new policy, the policyholder is ineligible for coverage with the ceding insurer or the Residential Property and Casualty Joint Underwriting Association, and

the policy will not be assumed by the special purpose homeowner insurance company.

(c) If a special purpose homeowner insurance company assumes a policy other than at nonrenewal, the authorized insurer last insuring the policyholder or the Residential Property and Casualty Joint Underwriting Association must pay any rate charge in excess of the current policy rate until the date the policy would have been renewed, at which time the policyholder is responsible for the entire rate at the time the policy is renewed with the special purpose homeowner company.

(d) If a policy is assumed at any time other than at its renewal, the coverage and terms provided by the assumed policy continue in force until the original policy would have been renewed.

(e) A policyholder who, at time of assumption, is covered for wind damage by the Florida Windstorm Underwriting Association shall have that peril assumed by the special purpose homeowner insurance company at the normal expiration of the Florida Windstorm Underwriting Association policy.

(6) A special purpose homeowner insurance company must report, in writing, twice annually to the department, its most current estimate of probable maximum loss, and must furnish the department with copies of its reinsurance treaties in effect as of the reporting date. The first report must be filed with the department within 6 months after the company receives its certificate of authority, and subsequent reports must be filed at 6-month intervals.

(7) A special purpose homeowner insurance company shall file with the department full and true statements of its financial condition, transactions, and affairs in accordance with s. 624.424. This annual statement covering the preceding calendar year must be filed on or before March 1. Such statements must contain information generally included in insurers' financial statements prepared in accordance with generally accepted insurance accounting principles and practices and in a form generally used by insurers for financial statements. Each special purpose homeowner insurance company shall submit no later than June 1 an audited financial statement pursuant to s. 624.424(8) which shall verify the unaudited statement previously filed.

(a) Such statements must contain a statement of opinion on loss and loss adjustment expense reserves made by a member of the American Academy of Actuaries.

(b) The parent company and the subsidiary must file such statements as a material part of an application to receive a certificate of authority for operating a special purpose homeowner insurance company. From the date a special purpose homeowner insurance company receives a certificate of authority, the company shall file such statements with the department every 6 months.

(c) The department may refuse to continue, or may suspend or revoke, the certificate of authority of a special purpose homeowner insurance company that fails to comply with the requirements of this section or that meets the grounds specified in s. 624.418.

(8) The department shall draft and formally propose rules within 60 days after the effective date of this section. The rules shall set forth the contents of the notice that insurers and the special purpose homeowner insurance company shall provide policyholders when a policy is canceled or nonrenewed for any reason and when an offer of new coverage is made. In developing the rule, the department shall consider factors necessary to inform the policyholder with respect to the policyholder's rights and responsibilities and the significant features of the policy.

(9) A certificate of authority to operate a special purpose homeowner insurance company may not be issued after December 31, 1998. After December 31, 1998, a certificate of authority issued pursuant to the requirements of this section continues to be effective and subject to the requirements of this section until surrendered to the Department of Insurance. A certificate of authority issued pursuant to this section may not be sold or otherwise transferred without the approval of the department.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to insurance; creating s. 624.4071, F.S.; authorizing a certificate of authority to operate a special purpose homeowner insurance company; providing standards for issuance of the certificate; specifying the operations; specifying the application of regulatory requirements; providing for exemptions from regulatory requirements for a special purpose homeowner insurance company; providing that certificates may not be issued under this section after a specified date; providing for continuing regulation of existing certificates; prohibiting selling or otherwise transferring such certificates without the approval of the Department of Insurance; providing an effective date.

On motion by Senator Burt, by two-thirds vote **CS for SB 456** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—1

INTRODUCTION OF RESOLUTION EXTENDING THE 1996 REGULAR SESSION

First Reading

On motion by Senator Jennings, by unanimous consent—

By Senator Jennings—

SCR 3142—A concurrent resolution extending the 1996 regular legislative session under the authority of Article III, Section 3(d) of the State Constitution; establishing limitations on the scope of legislation to be considered; providing for recess.

—was introduced out of order and read by title.

Pending further consideration of **SCR 3142**, on motion by Senator Jennings, by two-thirds vote—

HCR 2751—A concurrent resolution extending the 1996 regular legislative session under the authority of Article III, Section 3 (d) of the State Constitution; establishing limitations on the scope of legislation to be considered.

WHEREAS, the sixty days of the 1996 Regular Session of the Florida Legislature will expire on May 3, 1996, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the 1996 Regular Session of the Florida Legislature is extended until 2:00 a.m., Saturday May 4, 1996, under the authority of Article III, Section 3(d) of the State Constitution.

BE IT FURTHER RESOLVED that the regular session so extended shall consider only the following matters:

(1) House Bill 2715; the general appropriations bill; and the Conference Committee Report thereon;

(2) House Bill 2717; the appropriations implementing bill; and the Conference Committee Report thereon;

(3) Any substantive bills referred to the Appropriations Conference Committee necessary to implement budget reductions, transfers or adjustments contained in the general appropriations bill; and the Conference Committee Report thereon.

BE IT FURTHER RESOLVED that all other measures in both houses are hereby indefinitely postponed.

—a companion measure, was substituted for **SCR 3142** and by two-thirds vote read the second time in full, adopted by the required constitutional three-fifths vote of the members present and voting and certified to the House. The vote on adoption was:

Yeas—36 Nays—1

LOCAL BILL CALENDAR

On motions by Senator Jennings, by two-thirds vote **SB 3080**, **SB 3114**, **SB 2992**, **SB 3124**, **SB 3132**, **SB 3130**, **SB 3134**, **SB 3138**, **SB 3140**, **HB 775**, **HB 857**, **HB 867**, **HB 1019**, **HB 1299**, **HB 1301**, **HB 1303**, **HB 1305**, **HB 1435**, **HB 1457**, **HB 1843**, **HB 2085**, **HB 2169**, **HB 2171**, **HB 2173**, **HB 2175**, **HB 2177**, **HB 2179**, **HB 2181**, **HB 2183**, **HB 2221**, **HB 2345**, **HB 2441**, **HB 2485**, **HB 2571**, **HB 2597**, **HB 2609**, **HB 2617 HB 2625**, **HB 2627**, **HB 2629**, **HB 2631**, **HB 2633**, **HB 2683**, **HB 2729**, **HB 2733**, **HB 2637**, **HB 2639**, **HB 1261**, **HB 1855**, **HB 1959**, **HB 2009**, **HB 2737**, **HB 2265**, **HB 2375**, **HB 2377**, **HB 2417**, **HB 2605**, **CS for HB 1979** and **CS for HB 2005** were established as the Local Bill Calendar and by two-thirds vote of the membership considered outside the extended call.

On motions by Senator Harris, by two-thirds vote—

HB 1417—A bill to be entitled An act relating to Charlotte and Sarasota Counties; creating the Englewood Water District; establishing boundaries; providing definitions; providing for election of a board of supervisors to govern said district; establishing powers, authority, and duties of the board; granting to said governing board the authority in the territory defined to construct, acquire, extend, enlarge, reconstruct, improve, maintain, equip, repair, and operate a water system, wastewater system, or wastewater reuse system, or any combination thereof; authorizing the levy and collection of non-ad valorem assessments on property benefited by the construction of such water system, wastewater system, or wastewater reuse system, or combined systems; providing for optional methods of financing the cost of the water system, wastewater system, or wastewater reuse system or combined systems or extensions and additions thereto by the issuance of revenue bonds or assessment bonds or any combination thereof and the fixing and collection of rates and charges on users of such systems; providing for the levy and collection of non-ad valorem assessments on benefited property and the pledge of such assessments for the payment of any revenue bonds, or assessment bonds; providing for the rights, remedies, and security of any of the holders of said bonds; providing penalties; repealing chapter 59-931, Laws of Florida, as amended, relating to the creation and establishment of the Englewood Water District; providing an effective date.

—a companion measure, was substituted for **SB 3080** and by two-thirds vote read the second time by title. On motion by Senator Harris, by two-thirds vote **HB 1417** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Weinstein, by two-thirds vote—

HB 2615—A bill to be entitled An act relating to Broward County; establishing purpose and intent; providing for the annexation of certain lands located in unincorporated Broward County into the City of Dania; providing for deannexation of certain lands presently located within the municipal boundaries of the City of Dania; providing for jurisdiction of the Fort Lauderdale-Hollywood International Airport; providing an exception to deannexation provisions of ch. 171, F.S.; providing for an effective date.

—a companion measure, was substituted for **SB 3114** and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 2615** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Bankhead, by two-thirds vote—

HB 987—A bill to be entitled An act relating to the City of St. Augustine, St. Johns County; allowing the use of golf carts for municipal purposes on state, county, and municipal roadways within the corporate limits of the City of St. Augustine; providing for safety equipment; limiting golf cart operation on state roads; limiting such use by municipal employees to the performance of their official duties and roads with a posted speed of no more than 40 miles per hour; providing an effective date.

—a companion measure, was substituted for **SB 2992** and by two-thirds vote read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 987** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Weinstein, by two-thirds vote—

HB 2623—A bill to be entitled An act relating to North Springs Improvement District, Broward County; amending sections 4(1), 8, and 9 of chapter 71-580, Laws of Florida, as amended; including school buildings and related structures, parks, and recreational, cultural, and educational facilities in the definition of "assessable improvements"; increasing the compensation each supervisor shall be entitled to receive for services; authorizing the district to construct school buildings and related structures and to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain parks and facilities for indoor and outdoor recreational, cultural, and educational uses; providing an effective date.

—a companion measure, was substituted for **SB 3124** and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 2623** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Myers, by two-thirds vote—

HB 1799—A bill to be entitled An act relating to the Town of Gulf Stream, Palm Beach County; authorizing the town to engage in the cultivation of Australian pine for specified purposes, notwithstanding the provisions of s. 369.251, F.S.; providing an effective date.

—a companion measure, was substituted for **SB 3132** and by two-thirds vote read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 1799** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

See Returning Messages on Senate Bills for consideration of **SB 3130**.

On motion by Senator Kurth, by two-thirds vote—

SB 3134—A bill to be entitled An act relating to the St. Lucie County Fire District; amending the charter of the district to incorporate all subsequent amendments; changing the interest rate; repealing all previous acts relating to the fire district; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **SB 3134** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Rossin, by two-thirds vote—

SB 3138—A bill to be entitled An act relating to the Bonita Springs Fire Control and Rescue District, Lee County; amending chapter 65-1828, Laws of Florida, as amended; deeming the district to be a political subdivision; authorizing the district to establish and maintain emergency medical and rescue response services and acquire equipment; providing for the election of district board members during even-numbered years; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **SB 3138** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Rossin, by two-thirds vote—

SB 3140—A bill to be entitled An act relating to Lee County; amending chapter 76-412, Laws of Florida, as amended; amending the Enabling Act of the South Trail Fire Protection and Rescue Service District to expand the boundaries thereof; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **SB 3140** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Myers, by two-thirds vote—

HB 775—A bill to be entitled An act relating to Palm Beach County; amending chapter 67-2169, Laws of Florida, as amended; revising provisions relating to uses of and trespassing on the West Palm Beach water catchment area; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 775** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Myers, by two-thirds vote—

HB 857—A bill to be entitled An act relating to Lake Worth Drainage District, Palm Beach County; removing and deleting certain lands in the territorial boundaries of said district; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 857** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Jennings, by two-thirds vote—

HB 867—A bill to be entitled An act relating to Orange County; authorizing passenger buses serving the International Drive Master Transit District through a contract with the district to have neon signs on the body of the bus under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote **HB 867** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Myers, by two-thirds vote—

HB 1019—A bill to be entitled An act relating to Northern Palm Beach County Improvement District; providing for the correction of errors contained in legal descriptions set forth in chapter 95-504, Laws of Florida; providing for the annexation of lands into the Northern Palm Beach County Improvement District; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 1019** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Thomas, by two-thirds vote—

HB 1299—A bill to be entitled An act relating to Leon County; repealing chapter 3945, Laws of Florida, 1889, chapter 4799, Laws of Florida, 1899, chapter 6717, Laws of Florida, 1913 and chapter 24661, Laws of Florida, 1947, relating to restrictions on grazing animals; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **HB 1299** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Thomas, by two-thirds vote—

HB 1301—A bill to be entitled An act relating to Leon County; repealing chapters 61-2419 and 65-1838, Laws of Florida, relating to impoundment of dogs; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **HB 1301** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Thomas, by two-thirds vote—

HB 1303—A bill to be entitled An act relating to Leon County; repealing chapter 24663, Laws of Florida, 1947, chapter 25981, Laws of Florida, 1949, chapter 30939, Laws of Florida, 1955, and chapters 57-1526, 59-1501, 61-2416, 63-1563, 65-1835, and 67-1639, Laws of Florida, relating to the zoning commission, and chapters 59-1503 and 65-1840, Laws of Florida, relating to plats and platting; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **HB 1303** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Thomas, by two-thirds vote—

HB 1305—A bill to be entitled An act relating to Leon County; repealing chapter 69-1249, Laws of Florida, relating to peddler's permits; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **HB 1305** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Rossin, by two-thirds vote—

HB 1435—A bill to be entitled An act relating to the Bonita Springs Fire Control & Rescue District, Lee County; amending chapter 65-1828, Laws of Florida; increasing the size of the district by adding additional lands in Lee County; providing ballot language, providing for referendum approval; providing an effective date; authorizing a mail ballot election.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 1435** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Rossin, by two-thirds vote—

HB 1457—A bill to be entitled An act relating to Lee County; amending chapter 76-412, Laws of Florida, as amended; amending the Enabling Act of the South Trail Fire Protection and Rescue Service District to expand the boundaries thereof; providing for a referendum; providing for mail ballot; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 1457** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Rossin, by two-thirds vote—

HB 1843—A bill to be entitled An act relating to the City of South Bay, Palm Beach County; extending and enlarging the corporate limits of the City of South Bay to include specified unincorporated lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 1843** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Dudley, by two-thirds vote—

HB 2085—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; amending article III of chapter 84-416, Laws of Florida; revising the boundaries of the district to include property in unincorporated Collier County; providing ballot language; providing for a referendum approval; providing for mail ballot.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 2085** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Beard, by two-thirds vote—

HB 2169—A bill to be entitled An act relating to performance audits of the Hillsborough County Environmental Protection Commission; amending chapter 94-405, Laws of Florida; changing the due date of the initial audit; providing for mandatory components of the audit; providing for use of an alternative audit; deleting optional components of the audit; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 2169** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Beard, by two-thirds vote—

HB 2171—A bill to be entitled An act relating to Hillsborough County; repealing chapter 25883, Laws of Florida, 1949, relating to the Historical Commission and Museum; abolishing the present board, transferring its assets and obligations to the county or to a successor board created by ordinance; providing for assumption of the present board's obligations and liabilities by the county or the successor board; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 2171** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Beard, by two-thirds vote—

HB 2173—A bill to be entitled An act relating to performance audits of the Hillsborough County Public Transportation Commission; amending chapter 94-408, Laws of Florida; changing the due date of the initial audit; providing for mandatory components of the audit; providing for use of an alternative audit; deleting optional components of the audit; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 2173** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Beard, by two-thirds vote—

HB 2175—A bill to be entitled An act relating to performance audits of the Hillsborough County Aviation Authority; amending chapter 94-412, Laws of Florida; providing for mandatory components of the audit; deleting language relating to audits by the clerk of the circuit court; providing for use of an alternative audit; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 2175** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Beard, by two-thirds vote—

HB 2177—A bill to be entitled An act relating to performance audits of the Hillsborough County City-County Planning Commission; amending chapter 94-406, Laws of Florida; providing for mandatory components of the audit; providing for use of an alternative audit; repealing provisions relating to optional components of the audit; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 2177** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Beard, by two-thirds vote—

HB 2179—A bill to be entitled An act relating to performance audits of the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida; providing for mandatory components of the audit and deleting language relating to audits by the clerk of the circuit court; providing for use of an alternative audit; repealing provisions relating to optional components of the audit; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 2179** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Beard, by two-thirds vote—

HB 2181—A bill to be entitled An act relating to Hillsborough County; creating the Civil Service Act; providing applicability of the act to employees of specified agencies within the county government of Hillsborough County; providing for optional applicability of the act to other agencies and entities within Hillsborough County; providing a policy; providing definitions; describing classes of employees and specifying those to whom the act is applicable; creating a civil service board and providing its powers and duties; providing for a director for the board; providing for rules; providing for establishment and use of initial employment lists and promotional lists; prescribing applicability of the act when positions are created or abolished; providing for employees to undergo a probationary period; providing for suspension and dismissal of employees; providing for appeal hearings before the board; providing for recommendation and adoption of classification and pay plans; providing for a committee to review extant rules; providing for fiscal responsibility; providing for audits; providing restrictions on employees' qualifying for elective office; providing for an employee advisory committee; providing for a performance audit of the board; prescribing criminal penalties for violations; providing for future review of the act; providing severability; repealing chs. 85-424, 86-408, 86-409, 87-545, and 94-407, Laws of Florida, relating to the Hillsborough County Civil Service Act; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 2181** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Beard, by two-thirds vote—

HB 2183—A bill to be entitled An act relating to the Tampa Sports Authority; amending ch. 82-306, Laws of Florida, as amended; deleting provisions that provide for the appointment of the initial members of the authority's board; providing additional powers of the authority; requiring the authority to undergo a periodic performance audit; providing components and procedures for the audit; providing for an audit performed pursuant to general law to fulfill the requirements for the performance audit under certain circumstances; requiring the chairman of the authority to submit a report to the Hillsborough County Legislative Delegation; repealing chs. 92-236, 94-410, 95-525, Laws of Florida, relating to the Tampa Sports Authority; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 2183** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Beard, by two-thirds vote—

HB 2221—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 94-465, Laws of Florida, relating to an alcoholic beverage license for use by the Tampa Museum of Art; providing for the sale of alcoholic beverages, except alcoholic beverages, as defined in s. 565.01, F.S., in sealed containers for consumption off the premises where sold; deleting language relating to the vendor removing partially consumed alcoholic beverages from the premises where sold; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 2221** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Johnson, by two-thirds vote—

HB 2345—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; amending chapter 59-1177, Laws of Florida, as amended; revising th Special Assessment Procedure of the district; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **HB 2345** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Myers, by two-thirds vote—

HB 2441—A bill to be entitled An act relating to St. Lucie County; amending section 1 of chapter 69-1544, Laws of Florida, 1969; authorizing the board of supervisors of North St. Lucie River Water Control District to assess and levy a minimum maintenance tax in amount not to exceed $25 per year upon each tract or parcel of land within said district without regard to the net assessment of benefits assessed as accruing to original construction; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 2441** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Thomas, by two-thirds vote—

HB 2485—A bill to be entitled An act relating to the Bay County Law Library; amending chapter 69-835, Laws of Florida; amending the Law Library Fund fee charged in criminal cases in the county court; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote **HB 2485** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Jenne, by two-thirds vote—

HB 2571—A bill to be entitled An act relating to Central County Water Control District, formerly Central County Water Drainage District, Hendry County; increasing the number of members serving on the district's board of supervisors; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote **HB 2571** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Myers, by two-thirds vote—

HB 2597—A bill to be entitled An act relating to the St. Lucie County Fire District; amending the charter of the district to incorporate all subsequent amendments; changing the interest rate; repealing all previous acts relating to the fire district; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 2597** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Childers, by two-thirds vote—

HB 2609—A bill to be entitled An act relating to Santa Rosa County; repealing chapters 80-606, 83-515, and 90-482, Laws of Florida; abolishing the Skyline Fire Protection and Rescue Service District; transferring the assets, debts, and liabilities of the District; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **HB 2609** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Weinstein, by two-thirds vote—

HB 2617—A bill to be entitled An act relating to the Central Broward Drainage District, Broward County; changing the name of the district to "Central Broward Water Control District"; amending chapter 61-1439, Laws of Florida, as amended; providing for a more precise legal description of the boundaries of the district and providing that the purpose of the district is to effect drainage and water management, pursuant to this act, of land within the district's geographical boundaries; revising outdated, obsolete, and incorrect language and provisions; providing that the chairperson and vice-chairperson of the board of commissioners shall be chosen by the board at the first meeting in January of each year; providing for precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 2617** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Weinstein, by two-thirds vote—

HB 2625—A bill to be entitled An act relating to Broward County; repealing chapter 59-1150, Laws of Florida, which authorizes the Board of County Commissioners to establish a planning department and for certain other matters related thereto; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 2625** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Weinstein, by two-thirds vote—

HB 2627—A bill to be entitled An act relating to the Cities of Lauderhill and Tamarac, Broward County; placing one parcel of land in the corporate limits of the City of Lauderhill, which parcel is presently in the City of Tamarac; redefining each city's common boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 2627** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Weinstein, by two-thirds vote—

HB 2629—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; amending chapter 67-904, Laws of Florida, as amended; providing for an increase in the compensation allowable for members of the Board of Supervisors; revising obsolete statute references; deleting a deadline for certifying to the Broward County Property Appraiser taxes which are to be collected and levied for the district; deleting a deadline for certifying to the Broward County Property Appraiser taxes which are to be collected and levied for the district; increasing the amount at which bids are required for the procurement by district for contractual services and the purchase of goods, supplies and materials; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 2629** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Weinstein, by two-thirds vote—

HB 2631—A bill to be entitled An act relating to Broward County; amending chapter 57-1183, Laws of Florida, as amended, which created and incorporated a special tax district in Broward County, known as the Hillsboro Inlet Improvement and Maintenance District; providing for the shortening of the name to the "Hillsboro Inlet District"; providing for a change in the number of commission representatives to account for two cities, Fort Lauderdale and Sea Ranch Lakes, whose residents pay ad valorem taxes into the district; providing for a quorum at commission meetings; providing for procedures for conducting regular and special commission meetings; authorizing the district to borrow at the prevailing market rate; authorizing the district to issue bonded indebtedness; authorizing the district to enter into interlocal agreements; authorizing the vice chair or other designated commissioners to draw checks for a purpose authorized by this act; providing for the levy of taxes not to exceed 1/2 of 1 mill in accordance with the provisions of chapter 200, F.S., as amended from time to time; clarifying the payment of costs, fees, and expenses, including health and medical insurance, of the board of commissioners consistent with chapter 112, F.S., as amended from time to time; providing for an annual publication of a budget summary of the district in compliance with chapter 200, F.S., authorizing an increase in the discretionary spending level for supplies, equipment, and materials to facilitate emergency repairs; authorizing the district to incur costs and expenses in cases of emergency up to an amount not to exceed $50,000; providing for a continuous existence of the district; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 2631** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Weinstein, by two-thirds vote—

HB 2633—A bill to be entitled An act relating to Broward County; providing for procedures for annexation of unincorporated areas into municipalities throughout Broward County, certain provisions of s. 171.0413, F.S., to the contrary notwithstanding; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 2633** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Harden, by two-thirds vote—

HB 2683—A bill to be entitled An act relating to Okaloosa County, Ocean City-Wright Fire Control District; amending chapter 78-570, Laws of Florida; providing that the board of commissioners of the fire control district shall have the authority to establish by rule a schedule of reasonable charges for responding, standing by as a protective measure, or assisting in or mitigating emergencies, which either threaten or may threaten the health and safety of persons within the district or at such location at which the district may be responding; providing other user fees; providing for the collection of fees; providing that the board of commissioners of the fire control district shall have the authority to establish a schedule of reasonable charges for responding to emergencies outside the district boundaries and for the collection and enforcement of such charges; providing an effective date.

—was read the second time by title. On motion by Senator Harden, by two-thirds vote **HB 2683** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Williams, by two-thirds vote—

HB 2729—A bill to be entitled An act relating to Gilchrist County; allowing the expenditure to the F.F.A. Alumni for land acquisition for the purpose of building a rodeo arena, from the Gilchrist Law Enforcement Trust Fund, which contains proceeds from the sale of certain contraband; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote **HB 2729** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Dantzler, by two-thirds vote—

HB 2733—A bill to be entitled An act relating to the Polk County School Board; providing that the School Board of Polk County may place a measure on the ballot in a general election to increase the number of Polk County School Board members from five to seven; providing an effective date.

—was read the second time by title. On motion by Senator Dantzler, by two-thirds vote **HB 2733** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Weinstein, by two-thirds vote—

HB 2637—A bill to be entitled An act relating to Broward County; repealing chapter 69-902, Laws of Florida, which provides for the construction, acquisition, or purchase of airports and for certain other matters related thereto; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 2637** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Weinstein, by two-thirds vote—

HB 2639—A bill to be entitled An act relating to Broward County; repealing chapter 61-1951, Laws of Florida, authorizing the Board of County Commissioners to adopt rules and regulations requiring the fencing of public or residential swimming pools and for certain other matters related thereto; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 2639** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Horne, by two-thirds vote—

HB 1261—A bill to be entitled An act relating to the City of Jacksonville Beach, Duval County; amending chapter 27643, Laws of Florida, 1951, as amended, being the Employees' Retirement System of the City of Jacksonville Beach; changing the annual compensation limits; providing for an early retirement benefit; providing an effective date.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 1261** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Horne, by two-thirds vote—

HB 1855—A bill to be entitled An act relating to the City of Jacksonville; amending s. 17.06 of chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville; clarifying the exemptions provided by the charter to designated employees; providing an effective date.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 1855** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Harden, by two-thirds vote—

HB 1959—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 61-2655, Laws of Florida, as amended; providing for subpoena power for the board of trustees; providing for eligible rollover distributions; providing provisions for repeal of conflicting laws; providing an effective date.

—was read the second time by title. On motion by Senator Harden, by two-thirds vote **HB 1959** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator McKay, by two-thirds vote—

HB 2009—A bill to be entitled An act relating to Manatee County; amending chapter 61-2455, Laws of Florida, as amended, the Manatee County Law Library Act, to provide that the Clerk of the Circuit Court of Manatee County shall collect the sum of $20 in each civil cause or proceeding commenced in the circuit court, and the sum of $15 in each civil cause or proceeding commenced in county court in which the amount in issue is between $2,500 and $5,000, and the sum of $20 in each civil cause commenced in county court in which the amount in issue is $5,000 or greater, which costs or fees are in addition to costs or fees otherwise provided by law, and the whole of which additional costs or fees shall be paid into the County Law Library Fund and expended according to the Manatee County Law Library Act; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 2009** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Harden, by two-thirds vote—

HB 2737—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing that the position of Santa Rosa County Project Coordinator shall be an unclassified position; providing an effective date.

—was read the second time by title. On motion by Senator Harden, by two-thirds vote **HB 2737** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Horne, by two-thirds vote—

HB 2265—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 18615, Laws of Florida, 1937, as amended; amending authorized investments; requiring an investment plan for the Police and Fire Pension Fund; providing an effective date.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 2265** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Rossin, by two-thirds vote—

HB 2375—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Police Pension and Relief Fund; revising provisions relating to share accounts, supplemental pension distribution, Deferred Retirement Option Plan, eligibility for disability benefits, incorporating provisions of s. 112.181, F.S., and death benefits to beneficiaries; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 2375** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Rossin, by two-thirds vote—

HB 2377—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Firefighters' Pension Fund; revising the definition of service; revising provisions relating to investment policies, supplemental pension distribution, disability pensions, medical examinations, return to work and beneficiary benefits; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 2377** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Horne, by two-thirds vote—

HB 2417—A bill to be entitled An act relating to the City of Jacksonville; amending section 22.04 of chapter 92-341, Laws of Florida, as amended, being the charter of the City of Jacksonville; amending authorized investments; requiring investment plan for the police and fire pension fund; providing an effective date.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 2417** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Weinstein, by two-thirds vote—

HB 2605—A bill to be entitled An act relating to the City of Sunrise, Broward County; extending and enlarging the corporate limits of the City of Sunrise to include the Community of Bonaventure within said corporate limits subject to certain referendum requirements; adopting a revised home rule charter; providing municipal boundaries and municipal powers; providing a commission-manager form of government; providing for intergovernmental relations; providing for extraterritorial powers; providing a description of corporate limits; providing for election of a city commission, and providing for membership, composition, qualifications, terms, and powers and duties of its members, including the mayor, providing for a deputy mayor and assistant deputy mayor; providing for vacancies, forfeiture of office and filling of vacancies; providing provisions for forfeiture of office; providing a judge of qualifications; providing a prohibition upon commissioners holding other offices; prohibiting the appointment and removal of city employees; providing for the creation of boards, agencies, authorities, commissions and committees; providing for an independent audit; providing for meetings and meeting procedures; providing for ordinances, resolutions, and motions, including emergency ordinances; providing for authentication, recording and disposition of ordinances, resolutions and charter amendments; providing for compensation and expenses; providing an oath of office; providing for the appointment of a city manager, city clerk, city attorney, and chief of police; providing for removal and filling of vacancies; providing policies for the preservation of the character of communities; providing a statement of intent; providing for the Community of Sunrise and the Community of Bonaventure; providing a board of trustees for each community; providing for powers, functions, staff and compensation of the boards of trustees; providing for identity with facilities and emergency service providers; providing for an internal auditor; providing for appointment, removal, compensation, qualifications, powers and duties of a city manager; providing for an acting city manager and chief assistant; providing for the creation of administrative departments; providing for a personnel system, the merit principle and employee's oath; prohibiting the use or borrowing of retirement funds; providing for an administrative code; providing for growth management, including goals, objectives and mandates for the comprehensive plan; providing for an annual report; providing for a fiscal year, a budget, budget message and capital program; providing for budget adoption and amendments; providing for payment of money by the city; providing for bonds for city officers and employees; providing for elections, including conduct of elections, voting machines, form of ballots, regular and special elections, candidates, filing affidavits, qualifying fees and times; providing for the election of the mayor and commissioners; providing for a runoff election; providing for a standard of ethics; providing for charter amendments; providing a transition schedule; providing for the selection of a name; providing for revised state shared revenue allocations; providing for revised local option gas tax revenue allocations; providing for deletion of obsolete schedule items; providing for severability; providing for a referendum; and providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 2605** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Harris, by two-thirds vote—

CS for HB 1979—A bill to be entitled An act relating to Lee and Charlotte Counties; creating the Gasparilla Island Bridge Authority, a special taxing district; providing district boundaries; prescribing the purposes, powers, privileges, duties, liability, and officials; providing applicability of the provisions of ch. 189, F.S., to said district; providing definitions; providing for the appointment of the first governing board and the election and appointment of its future members; defining terms of office; prescribing duties, powers, and qualifications, and fixing compensation; providing for the setting of bridge toll rates by the district; providing for the levy of ad valorem taxes upon the lands in said district under certain circumstances and for the collection and enforcement thereof; providing the authority for the district to issue bonds and the authority to pledge revenues for the repayment of those bonds; providing the power of eminent domain; providing provisions with respect to the tax exemption of bonds, tax delinquency enforcement and liens relating thereto; specifying authority decisions requiring a majority vote; providing for interlocal cooperation; providing for fees or costs for the offices of the county property appraisers and tax collectors; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Harris, by two-thirds vote **CS for HB 1979** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Wexler, by two-thirds vote—

CS for HB 2005—A bill to be entitled An act relating to Palm Beach County; amending chapter 87-450, Laws of Florida, as amended, relating to the Palm Beach County Health Care Act; providing for revisions to the powers of the district; modifying the prohibition against the construction of hospitals by the district; revising provisions relating to funding, millage, budgets, assets, and insurance; revising provisions relating to indigency criteria; providing for the authorization of a lump sum bonus payment program; providing for the authority to implement cooperative agreements with other entities; providing for the establishment of committees; providing for the appointment of members to the district board; providing for the elimination of subdistricts and subdistrict governing boards; providing for the establishment of a management board for hospitals owned by the district and for the appointment of members to said board; providing for the delegation of powers to the management board; providing for the reorganization of district-owned hospitals; providing for an annual report to the county commissioners and legislative delegation; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **CS for HB 2005** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Jennings, by two-thirds vote **HB 2663** was placed on the Local Bill Calendar and by two-thirds vote of the membership considered outside the extended call.

On motion by Senator Rossin, by two-thirds vote—

HB 2663—A bill to be entitled An act relating to the Bonita Springs Fire Control and Rescue District, Lee County; amending chapter 65-1828, Laws of Florida, as amended; authorizing the district to establish and maintain emergency medical and rescue response services and acquire equipment; providing for the election of district board members during even-numbered years; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 2663** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Jennings, by two-thirds vote of the membership **CS for SB 2846** was considered outside the extended call.

CS for SB 2846—A bill to be entitled An act relating to the State University System; amending s. 110.131, F.S.; deleting a reporting requirement for the Board of Regents with respect to other-personal-services employees; amending s. 120.57, F.S.; authorizing a university president's designee to conduct administrative hearings; amending s. 228.2001, F.S., relating to discrimination against students and employees; deleting certain authority to delegate duties; amending s. 235.055, F.S.; deleting the authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 240.1201, F.S.; providing for classification of certain persons as residents for tuition purposes; amending s. 240.145, F.S.; revising duties of the Postsecondary Education Planning Commission with respect to its executive director; amending s. 240.205, F.S.; revising provisions relating to Board of Regents' contracts and acquisition of property and services; amending s. 240.207, F.S.; requiring an orientation program for Regents; amending s. 240.209, F.S., relating to duties of the Board of Regents; revising requirements for the board with respect to fees and procurement and construction contracts; authorizing the Board of Regents to acquire and dispose of real property; providing procedures for appraisals and property acquisition; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited access programs; revising requirements for student handbooks; amending s. 240.2111, F.S., relating to an employee recognition program; deleting requirement that the program be adopted by rule; amending s. 240.214, F.S.; revising accountability goals and reporting procedures for the State University System; amending s. 240.227, F.S.; providing responsibilities of university presidents; revising duties of university presidents relating to acquisition, and contracts for and management of, property and financial resources; providing duties relating to submission of estimated revenues, postaudit of local accounts, operation of universities, reporting of recommendations, and collection of a financial aid fee; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.271, F.S.; revising provisions relating to the allocation of funds; requiring data to be submitted; amending s. 240.274, F.S., relating to university libraries; deleting Board of Regents' rulemaking power; amending s. 240.2803, F.S.; revising the funds included within the definition of auxiliary enterprises; amending s. 240.281, F.S.; authorizing the deposit of certain funds outside the State Treasury; amending s. 240.289, F.S.; authorizing a university to accept credit card payments from students without imposing a surcharge; amending s. 240.295, F.S., relating to fixed capital outlay projects; deleting Board of Regents' rulemaking power; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending ss. 282.308, 282.312, F.S.; providing Board of Regents' duties relating to resource management; amending s. 287.012, F.S.; exempting the Board of Regents and the State University System from certain provisions relating to commodities, insurance, and contractual services; providing responsibilities; amending s. 287.017, F.S.; revising the threshold amounts of purchasing categories; deleting applicability of certain rules to the State University System; amending s. 215.20, F.S.; providing for a service charge on certain State University System funds maintained in local bank accounts; repealing ss. 240.225, 240.247, 240.4988(4), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, and Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (6) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(6)(a) The provisions of subsections (2), (3), and (4) do not apply to any employee for whom the Board of Regents or the Board of Trustees of the Florida School for the Deaf and the Blind is the employer as defined in s. 447.203(2); except that, for purposes of subsection (5), ~~the Board of Regents and~~ the Board of Trustees of the Florida School for the Deaf and the Blind shall comply with the recordkeeping and reporting requirements adopted by the department pursuant to subsection (3) with respect to those other-personal-services employees exempted by this subsection.

Section 2. Section 235.055, Florida Statutes, is amended to read:

235.055 Construction of facilities on leased property; conditions.—

(1) *A board may* ~~Boards, including the Board of Regents, are authorized to~~ construct or place educational facilities and ancillary facilities on land *that* ~~which~~ is owned by any person after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.

(2) A board *may*~~, including the Board of Regents, is authorized to~~ enter into a short-term lease for the use of land owned by any person on which temporary or relocatable facilities are to be utilized.

Section 3. Subsection (4) of section 240.145, Florida Statutes, is amended to read:

240.145 Postsecondary Education Planning Commission.—

(4) The commission shall appoint *and may suspend or dismiss an executive director to the commission. The commission shall fix the compensation and establish the personnel service designation for the executive director and all other professional, administrative, and clerical employees necessary to assist the commission and the executive director in the performance of their duties* ~~an executive director to serve at its pleasure, who shall perform the duties assigned to him or her by the commission~~. The executive director shall be the chief administrative officer of the commission and shall be responsible for appointing all employees and staff members of the commission, who shall serve under his or her direction and control.

Section 4. Subsection (6) of section 240.205, Florida Statutes, is amended to read:

240.205 Board of Regents incorporated.—The Board of Regents is hereby created as a body corporate with all the powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory hereof and shall:

(6) Acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for *the acquisition of commodities,* goods, equipment, *contractual* ~~or~~ services, ~~including educational services for~~ leases of real and personal property, and ~~for~~ construction~~, in accordance with chapter 287, as applicable~~. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. The board may also acquire the same *commodities,* goods, equipment, *contractual* services, leases, and construction~~, as designated for the board,~~ for use by a university when the contractual obligation exceeds *$1 million* ~~$500,000~~. Title to all real property, however acquired, shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it.

Section 5. Subsection (4) is added to section 240.207, Florida Statutes, to read:

240.207 Board of Regents; appointment of members; qualifications and terms of office.—

(4) Upon appointment and before confirmation by the Senate, each Regent shall participate in an orientation program sponsored by the Board of Regents. This program shall be developed in consultation with university presidents and other appropriate university personnel. The orientation program should provide a comprehensive introduction to the higher education system in the state, an understanding of the funding and substantive policies affecting the State University System, and an understanding of the nature of the trusteeship.

Section 6. Paragraphs (p), (q), and (r) of subsection (3) are amended and a new paragraph (u) is added to that subsection, and subsection (8) of section 240.209, Florida Statutes, is amended, to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(p) Notwithstanding the provisions of ss. 216.044, 255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt rules to administer a program for the maintenance and construction of facilities in the State University System. *The board may* ~~and to~~ secure, or otherwise provide as a self-insurer pursuant to s. 440.38(6), workers' compensation coverage for contractors and subcontractors, or each of them, employed by or on behalf of the Board of Regents, *or by or on behalf of a state university,* when performing work on or adjacent to property owned or used by the Board of Regents or the State University System.

(q) ~~Adopt rules to~~ Ensure compliance with the provisions of *ss. 287.055 and* ~~s.~~ 287.0945, for all State University System procurement, and, additionally, ss. *255.05, 255.051, 255.0516, 255.0525,* 255.101, and 255.102, for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 *are* ~~shall~~ not ~~be~~ subject to s. 287.0945(7)(a).

(r) Adopt such rules as are necessary to carry out its duties and responsibilities, *including, but not limited to, procedures to administer an acquisition program for the purchase or lease of real and personal property and contractual services pursuant to s. 240.205(6).*

(u) Provide for a program of multi-year appointments whereby the universities are authorized to appoint employees, including ranked faculty members, for a fixed term of employment.

(8)*(a) Notwithstanding s. 253.025, the Board of Regents may sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of a university in the State University System.*

(b) The board may secure appraisals and surveys.

1. The board shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

2. The board shall obtain certified surveys that accurately portray the condition of a parcel as it currently exists.

(c) The board may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board.

(d) This subsection does not mitigate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by the board shall vest in the Board of Trustees of the Internal Improvement Trust Fund. ~~Notwithstanding the provisions of s. 283.33, books published by the State University System press shall not be subject to the bid requirements provided in s. 287.017.~~

Section 7. Subsections (1) and (3) of section 240.2097, Florida Statutes, are amended to read:

240.2097 Education programs, limited access status; transfer students; student handbook; rules.—The Board of Regents shall adopt rules to include the following provisions:

(1) The criteria for assigning limited access status to an educational program shall be delineated. A process for the periodic review of programs shall be identified so that the board can determine the need for retention or removal of limited access status. ~~The board shall provide in a report to the Legislature, by institution, a list of all limited access programs, the minimum admission standards for each program, and a copy of the most recent review demonstrating the need for retention of limited access status. Such report shall be submitted by December 1, 1990, and annually thereafter.~~

(3) Each university shall *review* ~~compile~~ and update *as necessary* ~~annually~~ a student handbook that includes, but is not limited to, ~~a comprehensive calendar that emphasizes important dates and deadlines,~~ student rights and responsibilities, appeals processes available to students, a roster of contact persons within the administrative staff available to respond to student inquiries, and a statement as to the State University System policy on acquired immune deficiency syndrome including the name and telephone number of the university acquired immune deficiency syndrome counselor. Each student handbook must include a statement displayed prominently which provides that the university will not tolerate the sale, possession, or use of controlled substances, with the exception of medication prescribed by a physician and taken in accordance with the prescribed usage, nor will the university tolerate the consumption of alcoholic beverages by students younger than 21 years of age or the sale of alcoholic beverages to students younger than 21 years of age. Each student handbook must also list the legal and university-specific sanctions that will be imposed upon students who violate the law or university policies regarding controlled substances and alcoholic beverages.

Section 8. Paragraph (a) of subsection (1) of section 240.2111, Florida Statutes is amended to read:

240.2111 Employee recognition program.—

(1)(a) Notwithstanding the provisions of s. 110.1245, the Board of Regents and each university shall *develop procedures* ~~promulgate rules~~ for an employee recognition program *that* ~~which~~ provides for the following components:

1. A superior accomplishment component to recognize employees who have contributed outstanding and meritorious service in their fields, including those who have made exceptional contributions to efficiency, economy, or other improvement in State University System operations. No cash award under the superior accomplishment component of the program shall exceed $1,000, excluding applicable taxes.

2. A satisfactory service component to recognize employees who have achieved increments of 5 continuous years of satisfactory service to the Board of Regents, university, or state in appreciation and recognition of such service. No cash award granted under the satisfactory service component shall exceed $50, excluding applicable taxes.

Section 9. Section 240.214, Florida Statutes, is amended to read:

240.214 State University System accountability process.—It is the intent of the Legislature that an accountability process be implemented which provides for the systematic, ongoing evaluation of quality and effectiveness in the State University System. It is further the intent of the Legislature that this accountability process monitor performance at the system level *and at the individual university level* in each of the major *program* areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities. The accountability process shall provide for the adoption of systemwide *program* performance *goals and measures* ~~standards and performance goals for each standard~~ identified through a collaborative effort involving the State University System, the Legislature, and the Governor's Office. The accountability process shall result in ~~an~~ annual accountability *reports by the State University System and each university, which shall be submitted to the Legislature by December 31 of each year* ~~report to the Legislature~~.

(1) *The State University System and each university must use the identified measures in their accountability reports to report the level of performance toward meeting program goals and must identify performance standards against which each subsequent year's progress will be measured. The program goals and standards adopted through the accountability process must be consistent with the goals and objectives in the strategic plan required by s. 240.209 and with the performance-based program budgeting process required by s.216.0166.* ~~The annual accountability report shall include goals and measurable objectives related to~~

~~the systemwide strategic plan pursuant to s. 240.209. The plan must include, at a minimum, objectives related to the following measures:~~

~~(a) Total student credit hours;~~

~~(b) Total number of contact hours of instruction produced by faculty, by institution, rank, and course level;~~

~~(c) Pass rates on professional licensure examinations, by institution;~~

~~(d) Institutional quality as assessed by followup, such as analyses of employment information on former students, national rankings, and surveys of alumni, parents, clients, and employers;~~

~~(e) Length of time and number of academic credits required to complete an academic degree, by institution and by degree;~~

~~(f) Enrollment, progression, retention, and graduation rates by race and gender;~~

~~(g) Student course demand;~~

~~(h) An analysis of administrative and support functions;~~

~~(i) Every 3 years, beginning 1995-1996, an analysis of the cumulative debt of students; and~~

~~(j) An evaluation of the production of classroom contact hours at each university in comparison to a standard of 12 contact hours per term or 32 contact hours per year for each full-time instructional position and the level of funding provided for instruction.~~

(2) ~~By December 31 of each year, the Board of Regents shall submit the annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken during the next year.~~ The accountability reports shall be designed in consultation with the Governor's Office, the Office of *Program Policy Analysis and Government Accountability* ~~the Auditor General~~, and the Legislature.

(3) The Board of Regents shall recommend in the annual accountability report any appropriate modifications to this section.

Section 10. Section 240.227, Florida Statutes, is amended to read:

240.227 University presidents; powers and duties.—The president is the chief administrative officer of the university and is responsible for the operation and administration of the university. *Each university president has responsibility and accountability for decisions and operations at the university level. Each university president may communicate freely his or her ideas and represent his or her institution to the Board of Regents, state and federal legislators, state officials, faculty and staff, students, parents, alumni, supporters, the general public, and other constituencies. Each university president shall communicate with the Chancellor and the Board of Regents in a timely fashion and the Chancellor shall communicate with the presidents in a timely fashion. The president is appointed, evaluated, and removed by the Board of Regents, serves under conditions of employment as set by the board, and reports to and is responsible to the board.* Each university president shall:

(1) Develop and adopt rules governing the operation and administration of the university. Such rules shall be consistent with the mission of the university and statewide rules and policies and shall assist in the development of the university in a manner which will complement the missions and activities of the other universities for the overall purpose of achieving the highest quality of education for the citizens of the state.

(2) Prepare a budget request to be transmitted to the Board of Regents. Such request shall be prepared in accordance with the fiscal policy guidelines, formats, and instructions prescribed by the Board of Regents.

(3) Develop an operating budget.

(4) Conduct biennially a space utilization study to support the university budget request for capital outlay.

(5) Appoint university personnel and provide for the compensation and other conditions of employment consistent with applicable collective bargaining agreements and the Board of Regents rule for university personnel who are exempt from chapter 110.

(6) Certify annually to the Board of Regents the actual classroom contact hours conducted by each faculty member.

(7) Maintain all data and information pertaining to the operation of the university.

(8) Govern admissions, subject to rules of the Board of Regents and as provided in s. 240.233.

(9) Develop a program of continuing education and establish, pursuant to rules and guidelines adopted by the Board of Regents, fees for continuing education activities within the university service area when there is a demonstrated and justified need. The university is authorized to cooperate with any public utility, any other governmental entity or private individual, or any type of profit or nonprofit legal entity in connection with the establishment and operation of such a continuing education program, including the acceptance of money and other things of value.

(10) Provide and coordinate credit and noncredit extension courses in all fields which the university considers necessary to improve and maintain the educational standards of the university service area.

(11) Make rules necessary for the establishment and maintenance of a personnel exchange program, by which persons employed within the university as instructional and research faculty and comparable administrative and professional staff may be exchanged with persons employed in like capacities by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry. The salary and benefits of State University System and state personnel participating in the exchange program shall be continued during the period of time they participate in the exchange program, and such personnel shall be deemed to have no break in creditable or continuous state service or employment during the period of time in which they participate in the exchange program. The salary and benefits of persons participating in the personnel exchange program who are employed by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry shall be paid by the originating employers of those participants. The duties and responsibilities of a person participating in the exchange program shall be the same as those of the person he or she replaces.

(12) Approve and execute contracts for *the acquisition of commodities,* goods, ~~for~~ equipment, ~~for~~ services, ~~including educational services, for~~ leases *of* ~~for~~ real *and personal* property, and ~~for~~ construction to be rendered to or by the university, provided such contracts are made pursuant to *rules of the Board of Regents* ~~the provisions of chapter 287, as applicable~~, are for the implementation of approved programs of the university, and do not require expenditures in excess of *$1 million* ~~$500,000~~. *The acquisition* ~~Goods and equipment~~ may be *made* ~~acquired~~ by installment or lease-purchase contract. Such contracts may provide for the payment of interest on the unpaid portion of the purchase price.

(13) Manage the property and financial resources of the university, *including, but not limited to, adjusting property records and disposing of state-owned tangible personal property in the university's custody in accordance with procedures established by the Board of Regents. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.* ~~pursuant to s. 240.225.~~

(14) Establish the internal academic calendar of the university within general guidelines of the Board of Regents.

(15) Administer the university's program of intercollegiate athletics.

(16) Recommend to the Board of Regents the establishment and termination of degree programs within the approved role and scope of the university.

(17) Award degrees.

(18) Supervise all construction contracts.

(19) Administer personnel programs established by the Board of Regents and any applicable collective bargaining agreements under the supervision of the Board of Regents.

(20) Recommend to the Board of Regents any fees applicable to the university and not otherwise prescribed by law.

(21) Organize the university to efficiently and effectively achieve the goals of the university; however, any reorganization which increases the number of administrators or their level of compensation shall be reviewed and approved by the Board of Regents.

(22) Review periodically the operations of the university in order to determine whether the rules and policies of the Board of Regents and the universities are being followed and to determine how effectively and efficiently the university is being administered.

(23) Otherwise provide for the effective operation of the university in the achievement of the goals established for it in the strategic plan adopted by the Board of Regents.

(24) Adopt rules and enter into agreements for student exchange programs which involve students at the university and students in institutions of higher learning, either within or without the state, which are not in the State University System. Such agreements may provide that the tuition and fees of a student who is enrolled in a university in the State University System and who is participating in an exchange program shall be paid to the state university during the period of time he or she is participating in the exchange program. Such agreements may also provide that the tuition and fees of a student who is enrolled in an institution which is not in the State University System and who is participating in an exchange program shall be paid to the nonstate institution in which he or she is enrolled.

(25) Approve and execute general construction contracts within guidelines established by the Board of Regents. A general construction contract is one that is publicly bid and awarded to the lowest responsive and responsible bidder, and does not include projects contracted through design-build, construction management, or program management procedures, or contracts with professional consultants pursuant to s. 287.055.

Section 11. Subsection (16) is added to section 240.241, Florida Statutes, to read:

240.241 Divisions of sponsored research at state universities.—

(16) The provisions contained in s. 216.346 shall not apply for contracts or subcontracts between state universities.

Section 12. Section 240.2605, Florida Statutes, is amended to read:

240.2605 Trust Fund for Major Gifts.—

(1) There is established a Trust Fund for Major Gifts. Such trust fund shall provide *the Board of Regents Foundation,* each university, and New College with the opportunity to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments, which shall be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by *procedure* ~~rule~~ of the Board of Regents. All funds appropriated for the challenge grants, new donors, major gifts, or eminent scholars program shall be deposited into the trust fund and invested pursuant to the provisions of s. 18.125 until the Board of Regents allocates such funds to universities to match private donations. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund not matched and distributed to universities shall increase the total funds available for challenge grants. The Board of Regents may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 240.272.

(2) The Board of Regents shall specify the process for submission, documentation, and approval of requests for matching funds, accountability for endowments and proceeds of endowments, allocations to universities, restrictions on the use of the proceeds from endowments, and criteria used in determining the value of donations.

(3)(a) The amount appropriated to the trust fund shall be allocated by the Board of Regents to *the Board of Regents Foundation,* each university, and New College based on the amount of the donation and the restrictions applied to the donation.

(b) Donations for a specific purpose are matched in the following manner:

1. *The Board of Regents Foundation and* each university that raises at least $100,000 but no more than $599,999 from a private source shall receive a matching grant equal to 50 percent of the private contribution.

2. *The Board of Regents Foundation and* each university that raises a contribution of at least $600,000 but no more than $1 million from a private source shall receive a matching grant equal to 70 percent of the private contribution.

3. *The Board of Regents Foundation and* each university that raises a contribution in excess of $1 million but no more than $1.5 million from a private source shall receive a matching grant equal to 75 percent of the private contribution.

4. *The Board of Regents Foundation and* each university that raises a contribution in excess of $1.5 million but no more than $2 million from a private source shall receive a matching grant equal to 80 percent of the private contribution.

5. *The Board of Regents Foundation and* each university that raises a contribution in excess of $2 million from a private source shall receive a matching grant equal to 100 percent of the private contribution.

(c) The Board of Regents shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching funds as specified for the particular challenge grant and the amount of the private donations actually received by the university *or Board of Regents Foundation* for the respective challenge grant.

(4) Matching funds may be provided for contributions encumbered or pledged under the Florida Endowment Trust Fund for Eminent Scholars Act prior to July 1, 1994, and for donations or pledges of any amount equal to or in excess of the prescribed minimums which are pledged for the purpose of this section.

(5)(a) *The Board of Regents Foundation,* each university foundation, and New College Foundation shall establish a challenge grant account for each challenge grant as a depository for private contributions and state matching funds to be administered on behalf of the *Board of Regents, the* university, or New College. State matching funds shall be transferred to a university foundation or New College Foundation upon notification that the university or New College has received and deposited the amount specified in this section in a foundation challenge grant account.

(b) The foundation serving a university and New College Foundation shall have the responsibility for the maintenance and investment of its challenge grant account and for the administration of the program on behalf of the university or New College, pursuant to procedures specified by the Board of Regents. Each foundation shall include in its annual report to the Board of Regents information concerning collection and investment of matching gifts and donations and investment of the account.

(c) A donation of at least $600,000 and associated state matching funds may be designated as an Eminent Scholar Endowed Chair pursuant to procedures specified by the Board of Regents.

(6) The donations, state matching funds, or proceeds from endowments established pursuant to this section shall not be expended for the construction, renovation, or maintenance of facilities or for the support of intercollegiate athletics.

(7) The Board of Regents Foundation may participate in the same manner as a university foundation with regard to the provisions of this section.

Section 13. Section 240.274, Florida Statutes, is amended to read:

240.274 Universities; public documents distributed to libraries.— The general library of each institution in the State University System

is entitled to receive copies of reports of state officials, departments, and institutions and all other state documents published by the state. Each officer of the state empowered by law to distribute such public documents is authorized to transmit without charge, except for payment of shipping costs, the number of copies of each public document desired upon requisition from the librarian. It is the duty of the library to keep public documents in a convenient form accessible to the public. The library~~, under rules formulated by the Board of Regents,~~ is authorized to exchange documents for those of other states, territories, and countries.

Section 14. Subsection (1) of section 240.2803, Florida Statutes, is amended to read:

240.2803 Auxiliary enterprises; contracts, grants, and donations; definitions.—As used in s. 19(f)(3), Art. III of the State Constitution, the term:

(1) "Auxiliary enterprises" includes activities that directly or indirectly provide a service to a university or its students, faculty, or staff and for which is charged a fee related to, but not necessarily in an amount that will cover, the cost of the service. Auxiliary enterprises are generally self-sufficient operations, and include housing, bookstores, student health services, continuing education programs, food services, college stores, vending machines, specialty shops, day care centers, golf courses, student activities programs, financial aid programs, *and* intercollegiate athletics programs~~, and other programs for which the funds are deposited outside the State Treasury~~.

Section 15. Subsection (9) of section 240.281, Florida Statutes, is amended to read:

240.281 Deposit of funds received by institutions and agencies in the State University System.—All funds received by any institution or agency in the State University System, from whatever source received and for whatever purpose, shall be deposited in the State Treasury subject to disbursement in such manner and for such purposes as the Legislature may by law provide. The following funds shall be exempt from the provisions of this section and, with the approval of the Board of Regents, may be deposited outside the State Treasury:

~~(9) Such other funds as may be approved by the Board of Regents and the Executive Office of the Governor.~~

Section 16. Subsections (2) and (3) of section 240.295, Florida Statutes, are amended to read:

240.295 State University System; authorization for fixed capital outlay projects.—

(2) The following types of projects may be accomplished pursuant to the restrictions identified in subsection (1):

(a) Construction of any new buildings, or remodeling of existing buildings, when funded from nonstate sources such as federal grant funds, private gifts, grants, or lease arrangements if such grants or gifts are given for the specific purpose of construction;

(b) The replacement of any buildings destroyed by fire or other calamity;

(c) Construction of projects financed as provided in s. 240.2093 or part I of chapter 243;

(d) Construction of dormitories or other auxiliary accommodations;

(e)~~(d)~~ Construction of new facilities or remodeling of existing facilities to meet needs for research, provided that such projects are financed pursuant to s. 240.241; or

(f)~~(e)~~ Construction of facilities or remodeling of existing facilities to meet needs as determined by the university, provided that the amount of funds for any such project does not exceed $500,000, and the trust funds, other than the funds used to accomplish projects contemplated in this subsection, are authorized and available for such purposes.

(3) Other than those projects currently authorized, no project proposed by a university which is to be funded from Capital Improvement Trust Fund fees or building fees shall be submitted to the Board of Regents for approval without prior consultation with the student government association of that university. ~~The Board of Regents shall promulgate rules which are consistent with this requirement.~~

Section 17. Present subsections (3) and (4) of section 243.151, Florida Statutes, are redesignated as subsections (4) and (5), respectively, and amended, and a new subsection (3) is added to that section, to read:

243.151 Lease agreements; land, facilities.—

(3) Upon approval by the Board of Regents, a university may:

(a) Construct educational facilities on land that is owned by a direct support organization, as defined in s. 240.299, or a governmental agency at the federal, state, county, or municipal level, if the university has acquired a long-term lease for the use of the land. The lease must be for at least 40 years or the expected time the facilities to be constructed on the land are expected to remain in a condition acceptable for use, whichever is longer.

(b) Acquire a short-term lease from one of the entities listed in paragraph (a) for the use of land, if adequate temporary or relocatable facilities are available on the land.

(c) Enter into a short-term lease for the use of land and buildings upon which capital improvements may be made.

If sufficient land is not available from any of the entities listed in paragraph (a), a university may acquire a short-term lease from a private landowner or developer.

(4)~~(3)~~ Agreements as provided in this section shall be entered into with an offeror resulting from publicly announced competitive bids or proposals, except that the university may enter into an agreement *with the entities enumerated in paragraph (3)(a) for leasing land or* with a direct-support organization as provided in s. 240.299, which shall enter into subsequent agreements for financing and constructing the project after receiving competitive bids or proposals. Any facility constructed, lease-purchased, or purchased under such agreements, whether erected on land under the jurisdiction of the university or not, shall conform to the construction standards and codes applicable to university facilities. The Board of Regents shall adopt such rules as are necessary to carry out its duties and responsibilities imposed by this section.

(5)~~(4)~~ Agreements executed by the Board of Regents prior to January 1, 1980, for the purposes listed herein shall be validated, and said board's capacity to act in such cases ratified and confirmed.

Section 18. Subsection (2) of section 282.308, Florida Statutes, is amended to read:

282.308 State University System information resources management plan.—

(2) The *Board of Regents* ~~Chancellor of the State University System~~ shall review, recommend modifications to, and approve each university plan and shall provide a copy of each university's approved plan and a copy of the approved State University System Strategic Information Resources Management Plan to the commission by May 1 of each even-numbered year. Such plans are not subject to approval by the commission, but shall support and further the goals and objectives of the strategic plan required pursuant to s. 240.209(3)(j), the state agency strategic plan prepared by the Department of Education pursuant to s. 186.021, and the State Strategic Plan for Information Resources Management specified in s. 282.3061.

Section 19. Paragraph (a) of subsection (1) of section 282.312, Florida Statutes, is amended to read:

282.312 Annual Performance Reports.—

(1)(a) By November 1 of each year, and, for the State University System, within 30 days after completion of the expenditure analyses developed pursuant to s. 240.271(4), each information resource manager shall prepare and submit to the Information Resource Commission an Annual Performance Report describing the agency's information resources management activities for the previous fiscal year. Following consultation with the Legislative Information Technology Resource Committee, the commission shall prescribe the format for the Annual

Performance Report; except for the report on the information resources management of the State University System, the format of which shall be prescribed by the *Board of Regents upon consultation with the Council of Presidents and* ~~Chancellor of the State University System;~~ with the ~~consultation of the~~ committee. However, those sections of the report dealing with expenditures shall use the data codes and chart of accounts prescribed for use within all agencies by the State Automated Management Accounting Subsystem.

Section 20. Subsection (1) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(1) "Agency" means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. *"Agency" does not include the Board of Regents or the State University System; however, this exemption shall not be construed to exempt the Board of Regents or the State University System from the provisions of s. 287.055 regarding consultant selection or s. 120.53(5) regarding the contract bidding process.*

Section 21. Section 287.017, Florida Statutes, is amended to read:

287.017 Purchasing categories, threshold amounts; procedures for automatic adjustment by division.—

(1) The following purchasing categories are hereby created:

(a) CATEGORY ONE: $5,000.

(b) CATEGORY TWO: $10,000.

(c) CATEGORY THREE: $20,000.

(d) CATEGORY FOUR: $60,000.

(e) CATEGORY FIVE: $120,000.

(2) The division shall adopt rules to annually adjust the amounts provided in subsection (1) based upon the rate of change of a nationally recognized price index. Such rules shall include, but not be limited to, the following:

(a) Designation of the nationally recognized price index or component thereof used to calculate the proper adjustment authorized in this section.

(b) The procedure for rounding results.

(c) The effective date of each annual adjustment based upon the previous calendar year data.

~~(3) Notwithstanding s. 240.225, the State University System shall be subject to the rules adopted pursuant to this section.~~

Section 22. Section 240.225, Florida Statutes, as amended by chapter 94-226, Laws of Florida; section 240.247, Florida Statutes; subsection (4) of section 240.4988, Florida Statutes, and sections 15 and 16 of chapter 94-232, Laws of Florida, are repealed.

Section 23. Paragraph (f) of subsection (1) of section 229.551, Florida Statutes, is amended to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(f) Development and coordination of a common course designation and numbering system for community colleges and the State University System which will improve program planning, increase communication among community colleges and universities, and facilitate the transfer of students. The system shall not encourage or require course content prescription or standardization or uniform course testing, and the continuing maintenance of the system shall be accomplished by appropriate faculty committees. Also, the system shall be applied to all *associate-in-science-degree* ~~postsecondary~~ and *technical-certificate* ~~certificate career education~~ programs and courses offered in school districts and community colleges. The Articulation Coordinating Committee shall:

1. Identify the highest demand degree programs within the State University System.

2. Conduct a study of courses offered by universities and accepted for credit toward a degree. The study shall identify courses designated as either general education or required as a prerequisite for a degree. The study shall also identify these courses as upper-division level or lower-division level.

3. Appoint faculty committees representing both community college and university faculties to recommend a single level for each course included in the common course numbering and designation system. Any course designated as an upper-division level course must be characterized by a need for advanced academic preparation and skills that a student would be unlikely to achieve without significant prior coursework. *Courses that are offered both as part of an associate in science degree program and a baccalaureate degree program shall be designated as both the lower and upper division.* Of the courses required for each baccalaureate degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower-division courses, except in degree programs approved by the Board of Regents pursuant to s. 240.209(5)(e). A course designated as lower-division may be offered by any community college. By January 1, 1996, the Articulation Coordinating Committee shall recommend to the State Board of Education the levels for the courses. By January 1, 1996, the common course numbering and designation system shall include the courses at the recommended levels, and by fall semester of 1996, the registration process at each state university and community college shall include the courses at their designated levels and common course numbers.

4. Appoint faculty committees representing both community college and university faculties to recommend those courses identified to meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. By January 1, 1996, the Articulation Coordinating Committee shall recommend to the State Board of Education those courses identified to meet these general education requirements by their common course code number. By fall semester, 1996, all community colleges and state universities shall accept these general education courses.

5. Appoint faculty committees representing both community colleges and universities to recommend common prerequisite courses and identify course substitutions when common prerequisites cannot be established for degree programs across all institutions. Faculty work groups shall adopt a strategy for addressing significant differences in prerequisites, including course substitutions. The Board of Regents shall be notified by the Articulation Coordinating Committee when significant differences remain. By fall semester, 1996, common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the Board of Regents pursuant to s. 240.209(5)(f). The Board of Regents shall work with the State Board of Community Colleges on the development of a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program; and

Section 24. Subsection (2) of section 229.595, Florida Statutes, is amended to read:

229.595 Implementation of state system of education accountability for school-to-work transition.—

(2) School accountability efforts shall include information regarding the provision of accurate, timely career and curricular counseling to students. Such accountability shall include a delineation of the information available to students regarding career opportunities, educational requirements associated with each career, educational institutions that prepare students to enter each career, and student financial aid available to enable students to pursue any postsecondary instruction required to enter that career. Such accountability shall also delineate

school procedures for identifying individual student interests and aptitudes which enable students to make informed decisions about the curriculum that best addresses their individual interests and aptitudes while preparing them to enroll in postsecondary education and enter the workforce. *Information shall include recommended high school coursework that prepares students for success in college-level work. Such information shall be made known to parents and students annually through inclusion in the institution's handbook, manual, and other similar documents regularly provided to parents and students. Schools are encouraged to implement additional innovative methods for the communication of information to parents and students.*

Section 25. Paragraph (b) of subsection (2) of section 229.601, Florida Statutes, is amended to read:

229.601 Career education program.—

(2) There is hereby established a career education program in the state educational system. The Commissioner of Education and his or her designated staff shall administer this program. In developing and administering the career education program, the purpose of which is to promote positive career opportunities for all students regardless of their race, color, creed, national origin, ancestry, socioeconomic status, or gender, the commissioner shall:

(b) Assemble, develop, and distribute instructional materials for use in career education. *Such materials shall include information regarding recommended high school coursework that prepares students for success in college-level coursework.*

Section 26. Subsections (1), (2), and (3) of section 239.109, Florida Statutes, are amended to read:

239.109 Career and adult education interinstitutional articulation agreements.—

(1) Each superintendent of schools and community college president shall be responsible for the development and implementation of a comprehensive, interinstitutional articulation agreement for *vocational* ~~career~~ and adult education for the students enrolled in their respective school district and service area. *Vocational education plans shall include the promotion of the secondary school portion of a sequential program of studies which is continued in a planned, related postsecondary education program.* Such agreement shall be drafted for each community college and school district located within each *vocational* ~~career~~ education planning region. The superintendent and president are encouraged to establish an articulation committee for the purpose of developing this agreement.

(2) The interinstitutional articulation agreement for any school year shall be completed *by April 1 and* before registration for the fall term of the following school year. ~~The initial agreement drafted pursuant to this section shall be completed no later than April 1, 1993. The initial agreement and each subsequent~~ *The* agreement must include, but is not limited to, the following components:

(a) A ratification or modification of existing agreements related to articulation or the provision of specific vocational and adult programs and courses.

(b) A delineation of the specific vocational and adult programs and courses that are not part of programs, by level, which will be conducted by each institution.

(c) A delineation of the acceptability of courses and programs for student transfer of credit across institutions. For courses to which common course numbers have been assigned, such numbers shall provide the basis for transferability of credit.

(d) A report of a review of responsibilities relating to the delivery of all adult, *technical certificate* ~~certificate career education~~, and supplemental *vocational* ~~career~~ education in the district.

(3) The community college president is responsible for incorporation, either directly or by reference, of all courses and programs into the interinstitutional articulation agreement in *vocational* ~~career~~ education planning regions for which the community college is the designated vocational provider. The superintendent of schools is responsible for incorporation, either directly or by reference, of all courses and programs into the interinstitutional articulation agreement in *vocational* ~~career~~ education planning regions for which the ~~area~~ technical center is the designated vocational provider.

Section 27. Paragraph (b) of subsection (5) of section 239.117, Florida Statutes, is amended to read:

239.117 Postsecondary student fees.—

(5)

(b) Students enrolled in college-preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college-preparatory *class within a* skill area more than two times shall pay fees at 100 percent of the *full cost of instruction and shall not be included in calculations of full-time equivalent enrollments for state funding purposes* ~~direct instructional cost~~; however, each community college shall have the authority to review and reduce such payment on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. Fee-nonexempt students enrolled in vocational preparatory instruction shall be charged fees equal to the fees charged for *technical-certificate* ~~certificate career~~ education ~~instruction~~. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

Section 28. Subsection (4) and paragraph (d) of subsection (5) of section 239.301, Florida Statutes, are amended to read:

239.301 Adult general education.—

(4) Both community colleges and school districts may conduct adult basic and secondary and vocational-preparatory courses within the same service area. ~~Any state university in which the percentage of incoming students who require college-preparatory instruction equals or exceeds 25 percent may conduct college-preparatory instruction.~~ Area technical centers and community colleges may contract with each other for the provision of vocational-preparatory instruction.

(5)

(d) Expenditures for college-preparatory and lifelong learning students shall be reported separately. Allocations for college-preparatory courses shall be based on proportional full-time equivalent enrollment. Program review results shall be included in the determination of subsequent allocations. A student shall be funded to enroll in the same college-preparatory *class within a* skill area only twice, after which time *the student shall pay 100 percent of the full cost of instruction* ~~no state funds shall be~~ used to support the continuous enrollment of that student in the same class *and such student shall not be included in calculations of full-time equivalent enrollments for state funding purposes*; however, each community college shall have the authority to review and reduce fees paid by students on an individual basis contingent upon the student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. College-preparatory and lifelong learning courses do not generate credit toward an associate or baccalaureate degree.

Section 29. Subsections (1) and (2) of section 240.1161, Florida Statutes, are amended to read:

240.1161 District interinstitutional articulation agreements.—

(1) Each superintendent of schools and community college president shall be responsible for the development and implementation of a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Within this general responsibility, the superintendent and president shall develop a comprehensive interinstitutional articulation agreement for the school district and community college that serves the school district. The superintendent and president *shall* ~~are encouraged to~~ establish an articulation committee for the purpose of developing this agreement. Each state university president is encouraged to designate a university representative to participate in the development of the interinstitutional articulation agreements for each school district within the university service area.

(2) The district interinstitutional articulation agreement for any school year shall be completed *by April 1 and* prior to high school regis-

tration for the fall term of the following school year. ~~The initial agreement drafted pursuant to this section shall be completed no later than April 1, 1988. The initial agreement and each subsequent~~ *The* agreement shall include, but not be limited to, the following components:

(a) A ratification or modification of all existing articulation agreements.

(b)*1.* A delineation of courses and programs composed of dual enrollment students.

2.~~(c)~~ An identification of eligibility criteria for student participation in dual enrollment courses and programs.

3.~~(d)~~ A delineation of institutional responsibilities regarding student screening prior to enrollment and monitoring student performance subsequent to enrollment in dual enrollment courses and programs.

4.~~(e)~~ An identification of the criteria by which the quality of dual enrollment courses and programs are to be judged and a delineation of institutional responsibilities for the maintenance of instructional quality.

5.~~(f)~~ A delineation of institutional responsibilities for assuming the cost of dual enrollment courses and programs that includes such responsibilities for student instructional materials.

6.~~(g)~~ An identification of responsibility for providing student transportation if the dual enrollment instruction is conducted at a facility other than the high school campus.

(c) Mechanisms and strategies for reducing the incidence of postsecondary remediation in math, reading, and writing for first-time-enrolled recent high school graduates, based upon the findings in the postsecondary readiness for college report produced pursuant to s. 240.118. Each articulation committee shall annually analyze and assess the effectiveness of the mechanisms toward meeting the goal of reducing postsecondary remediation needs. The assessment shall be annually presented to participating local school boards and community college boards of trustees and shall include, but not be limited to: mechanisms currently being initiated; an analysis of problems and corrective actions; anticipated outcomes; strategies for the better preparation of students upon graduation from high school; an analysis of costs associated with the implementation of postsecondary remedial education and secondary-level corrective actions; and the identification of strategies for reducing costs of the delivery of postsecondary remediation for recent high school graduates. Wherever possible, public schools and community colleges are encouraged to share resources and implement innovative strategies and mechanisms such as distance learning, summer student and faculty workshops, parental involvement activities, and the distribution of information over the internet.

Section 30. Subsections (3) and (4) of section 240.117, Florida Statutes, are amended to read:

240.117 Common placement testing for public postsecondary education.—

(3) By January 15, *1997* ~~1996~~, the Articulation Coordinating Committee shall recommend and the State Board of Education shall adopt rules which would require *the department to administer the common placement test or an equivalent statewide examination to all students during the 10th grade year before enrollment in the 11th grade year for the purpose of obtaining information useful in counseling students and placing students into college-preparatory high school courses prior to entering public postsecondary education.* ~~high schools to offer students the opportunity to take the common placement test at the beginning of the tenth grade year before enrollment in the eleventh grade year in public high school for the purpose of obtaining remedial instruction prior to entering public postsecondary education.~~

(4)(a) Community college or state university students who have been identified as requiring additional preparation pursuant to subsection (1) shall enroll in college-preparatory adult education pursuant to s. 239.301 in community colleges to develop needed college-entry skills. These students shall be permitted to take courses within their degree program concurrently in other curriculum areas for which they are qualified while enrolled in college-preparatory instruction courses. A student enrolled in a college-preparatory course may concurrently enroll only in college credit courses that do not require the skills addressed in the college-preparatory course. The State Board of Community Colleges shall specify the college credit courses that are acceptable for students enrolled in each college-preparatory skill area, pursuant to s. 240.311(3)(q). A student who wishes to earn an associate ~~in arts~~ or a baccalaureate degree, but who is required to complete a college-preparatory course, must successfully complete the required college-preparatory studies by the time the student has accumulated 12 hours of lower-division college credit degree coursework; however, a student may continue enrollment in degree-earning coursework provided the student maintains enrollment in college-preparatory coursework for each subsequent semester until college-preparatory coursework requirements are completed, and the student demonstrates satisfactory performance in degree-earning coursework. *By fall semester 1997,* a passing score on *a statewide test approved by the State Board of Community Colleges and the State Board of Education* ~~all subtests of the common placement test~~ must be achieved before a student is considered to have met basic computation and communication skills requirements *necessary to perform college-level work. Institution-based assessment instruments may be used to demonstrate that students have met basic computation and communication skills until such time as the statewide test is approved and implemented*~~; however, no student shall be required to retake any subtest which was previously passed by said student~~. A student shall be funded to enroll in the same college-preparatory *class within a* skill area only twice, after which time *the student shall pay 100 percent of the full cost of instruction* ~~no state funds shall be~~ used to support continuous enrollment of that student in the same class *and such student shall not be included in calculations of full-time equivalent enrollments for state funding purposes*; however, each community college shall have the authority to review and reduce fees paid by students on an individual basis contingent upon the student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. *The college must inform such a student of any course conducted as part of an adult secondary education program through which the student can acquire the needed remediation at less cost to the student.* Credit awarded for college-preparatory instruction may not be counted towards fulfilling the number of credits required for a degree.

(b) The administrators of a state university may contract with a community college board of trustees for the community college to provide such instruction on the state university campus. Any state university in which the percentage of incoming students requiring college-preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer college-preparatory instruction without contracting with a community college*; however, any state university offering college-preparatory instruction as of January 1, 1996, may continue to provide such services.*

Section 31. Paragraph (q) of subsection (3) of section 240.311, Florida Statutes, is amended to read:

240.311 State Board of Community Colleges; powers and duties.—

(3) The State Board of Community Colleges shall:

(q) Specify, by rule, the degree program courses that may be taken by students concurrently enrolled in college-preparatory instruction. *By December 1, 1998, the Division of Community Colleges shall report to the chairs of the appropriate substantive committees of the Legislature on the effectiveness of the concurrent coursework provision in assuring that students are prepared for enrollment in such coursework.*

Section 32. Section 240.321, Florida Statutes, is amended to read:

240.321 Community college district board of trustees; rules for admissions of students.—

(1) The board of trustees shall make rules governing admissions of students. These rules shall include the following:

(a) Admissions counseling to all students entering college credit programs, which counseling shall utilize tests to measure achievement of college-level communication and computation competencies by all students entering college credit programs.

(b) Admission to the associate ~~in arts~~ degree program is subject to minimum standards adopted by the State Board of Education and shall require:

1. A high school diploma or its equivalent. Students who are enrolled in a dual enrollment or early admission program pursuant to s. 240.116 and secondary students enrolled in college-level instruction creditable toward the associate degree, but not toward the high school diploma, shall be exempt from this requirement.

2. A demonstrated level of achievement of college-level communication and computation skills.

3. Any other requirements established by the board of trustees.

(c) Admission to other programs within the community college shall include education requirements as established by the board of trustees.

(d) Students who are nondegree seeking shall be permitted to enroll in up to 6 hours of college credit coursework prior to the demonstration of an appropriate level of achievement of basic communication and computation skills. Exceptions may be designated in policy by the board of trustees.

(e)~~(d)~~ Nonresident students may be admitted to the community college upon such terms as the board may establish.

(2) For students who are awarded a high school diploma after August 1, 1987:

(a) No Florida high school graduate shall be admitted to the associate ~~in arts~~ degree program if he or she has not successfully completed the requirements set forth in s. 232.246 or unless he or she has been awarded a general education development diploma, provided the examination completed for such diploma was in the English language.

(b) Nonresident students may be admitted to the community college upon such terms as the college may establish. However, ~~effective August 1, 1987,~~ such terms for nonresidents admitted to the associate ~~in arts~~ degree program shall include, but shall not be limited to:

1. Completion of a secondary school curriculum which includes 4 years of English and 3 years each of mathematics, science, and social studies; however, in lieu of the English requirement, a foreign student may use 4 years of instruction in his or her native language or another language which was the language of instruction in the secondary school attended, or

2. Achievement of the minimum scores on the test required in s. 240.117(1).

Section 33. Subsection (6) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction.

(6) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent from the fee schedule adopted by the State Board of Community Colleges. *However, an additional amount of no more than 2 percent above the maximum matriculation and tuition fee set by the board of trustees may be assessed, provided the funds generated are used exclusively for counseling and advisement services.*

Section 34. The Postsecondary Education Planning Commission and the Florida Commission on Education Reform and Accountability are directed to work in conjunction to assess the collaborative efforts of community colleges and public schools in decreasing the incidence, demands, and costs associated with postsecondary college-preparatory instruction, pursuant to activities associated with the implementation of interinstitutional articulation agreements formed pursuant to section 240.1161, Florida Statutes, and to biannually report to the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature on the progress of efforts and on findings, conclusions, and recommendations for statutory change.

Section 35. There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African American, Hispanic American, Asian American, and Native American students. The participants in the program include Florida's public community colleges and its public and private universities that have teacher education programs.

(1) The minority teacher education scholars program shall provide an annual scholarship of $4,000 for each approved minority teacher education scholar who is enrolled in one of Florida's public or private universities in the junior year and is admitted into a teacher education program. The program shall provide an incentive award of $2,000 to each scholar's community college if the scholar renews the scholarship for a second year and $2,000 to the scholar's university or college if the scholar graduates in 2 or 3 years with a baccalaureate degree and a major in education. An additional incentive of $500 is to be paid to each community college and to each public or private university or college if the minority teacher education scholar is a man or is eligible to teach mathematics or science courses in a Florida public school. An education institution that earns a minority teaching incentive award must use it to support its minority student recruitment and retention programs.

(2) To assist each participating education institution in the recruitment and retention of minority teacher scholars, the administrators of the Florida Fund for Minority Teachers shall implement a system-wide training program. The training program must include an annual conference or series of conferences for students who are in the program or who are identified by a high school or a community college as likely candidates for the program. The training program must also include research about and dissemination concerning successful activities or programs that recruit minority students for teacher education and retain them through graduation, certification, and employment. Staff employed by the corporation may work with each participating education institution to assure that local faculty and administrators receive the benefit of all available research and resources to increase retention of their minority teacher education scholars.

(3) To be eligible for an incentive award, a college or university must offer a teacher education program and must be accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(4) The total amount appropriated annually for new scholarships in the program must be divided by $4000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, the remaining scholarship or scholarships must be transferred to another institution that has eligible students.

(5) A student may receive a scholarship from the program for 3 consecutive years if the student remains enrolled full-time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education.

(6) If a minority teacher education scholar graduates and is employed as a teacher by a Florida district school board, the scholar is not required to repay the scholarship amount so long as the scholar teaches in a Florida public school. A scholar may repay the entire scholarship amount by remaining employed as a Florida public school teacher for 1 year for each year he or she received the scholarship.

(7) If a minority teacher education scholar does not graduate within 3 years, or if the scholar graduates but does not teach in a Florida public school, the scholar must repay the total amount awarded, plus annual interest of 8 percent.

(a) Interest begins accruing the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated. Interest does not accrue during any period of deferment or eligible teaching service.

(b) The repayment period begins the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated.

(c) The terms and conditions of the scholarship repayment must be contained in both a promissory note and a repayment schedule. The loan must be paid within 10 years of the date of graduation or termination of full-time enrollment, including any periods of deferment. A shorter repayment period may be granted. The minimum monthly repayment is $50 or the unpaid balance, unless otherwise approved, except that the

monthly payment may not be less than the accruing interest. The recipient may prepay all or any part of the scholarship without penalty.

(d) The holder of the promissory note may grant a deferment of repayment for a recipient who is a full-time student, who is unable to secure a teaching position that would qualify as repayment, who becomes disabled, or who experiences other hardships. Such a deferment may be granted for a total of 24 months and may not exceed 12 consecutive months.

(e) If a student defaults on the scholarship, the entire unpaid balance, including interest accrued, becomes due and payable at the option of the holder of the promissory note, or when the recipient is no longer able to pay or no longer intends to pay. The recipient is responsible for paying all reasonable attorney's fees and other costs and charges necessary for administration of the collection process.

Section 36. (1) There is created the Florida Fund for Minority Teachers, which is a not-for-profit statutory corporation housed in the College of Education at the University of Florida. The corporation shall administer and manage the minority teacher education scholars program.

(2) The corporation shall submit an annual budget projection to the Department of Education to be included in the annual Legislative Budget Request. The projection must be based on a 7-year plan that would be capable of awarding the following schedule of scholarships and incentives:

(a) In the initial year, 700 scholarships of $4,000 each to scholars in the junior year of college.

(b) In the second year, 350 scholarships to new scholars in their junior year and 700 renewal scholarships to the rising seniors.

(c) In each succeeding year, 350 scholarships to new scholars in the junior year and renewal scholarships to the 350 rising seniors.

(d) An incentive of $2,000 to the public community college upon the scholar's renewal of the scholarship for a second year, and $2,000 to the public or private college or university from which each scholar in the program graduated, upon the scholar's receipt of the baccalaureate degree with a major in education.

(e) An additional incentive of $500 to the community college and $500 to the university or college if the graduating scholar is a male minority teacher education graduate.

(f) An additional incentive of $500 to the community college and $500 to the university or college if the graduating scholar is eligible to teach mathematics or science.

(g) The initial budget projections for the incentive award fund must be capable of providing an incentive for each successful outcome provided by the program. However, the annual projections must be adjusted to account for changes such as the number of students who graduate in 3 rather than 2 years and the number of students who do not graduate or who must repay their scholarships.

(3) A board of directors shall administer the corporation. The Governor shall appoint 12 members to the board, who shall serve terms of 3 years, except that four of the initial members shall serve 1-year terms and four shall serve 2-year terms. A majority of the members must be from the private sector and may not derive a majority of their income from an educational institution. Five or fewer members may be employed by public community colleges or public or private postsecondary institutions that operate colleges of education. At least one member must be a financial aid officer employed by a postsecondary education institution operating in Florida. The Board of Regents, the State Board of Community Colleges, and the State Board of Independent Colleges and Universities shall collaborate to provide the Governor with a list of at least 14 recommendations of members to be appointed to the board. The board shall:

(a) Hold meetings to implement this section.

(b) Select a chairperson annually.

(c) Make rules for its own government.

(d) Appoint an executive director to serve at its pleasure. The executive director shall be the chief administrative officer and agent of the board.

(e) Maintain a record of its proceedings.

(f) Delegate to the chairperson the responsibility for signing final orders.

(g) Carry out the training program as required for the minority teacher education scholars program. No more than 15 percent of the funds appropriated for the minority teacher education scholars program may be expended for administration, including administration of the required training program.

Section 37. Economically Disadvantaged Student Assistance Grant Program.—

(1) There is created an Economically Disadvantaged Student Assistance Grant Program to be administered by participating institutions in accordance with rules of the State Board of Education.

(2) Economically disadvantaged student assistance grants from the program may be made to students who meet the general requirements for student eligibility as provided in sections 240.404 and 240.409(2)(a), Florida Statutes, except as otherwise provided in this section. A grant may be awarded to a student who:

(a) Is enrolled in an institution eligible to participate under section 240.409, section 240.4095 or section 240.4097, Florida Statutes.

(b) Is pursuing a degree and meets the federal poverty level as established by the federal Office of Management and Budget.

(3) A student applying for an economically disadvantaged student assistance grant must also apply for the Pell Grant. The Pell Grant entitlement shall be considered by the department when conducting an assessment of the financial resources available to each student. Priority in the distribution of grants shall be given to students with the lowest total family resources in accordance with a nationally recognized system of needs analysis.

(4)(a) The amount of the grant may not exceed the amount of the grant pursuant to section 240.409, section 240.4095, or section 240.4097, Florida Statutes, and may not exceed the amount of demonstrated unmet need.

(b) No student may receive a grant for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment.

(c) Payment of grants shall be transmitted to the president of the eligible institution, or to the president's representative, in advance of the registration period. If any recipient terminates his or her enrollment for any reason during the academic year, the unused portion of the grant, as determined by rules of the state board, shall be refunded within 60 days to the department.

(d) Each institution that receives moneys through the Economically Disadvantaged Student Assistance Grant Program shall prepare an annual report that includes an independent external audit or an audit prepared by the Auditor General of the institution's administration of the program and a complete accounting of the moneys for the program. Such report shall be submitted to the department on or before March 1 every year. The department may conduct its own annual audit of an institution's administration of the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program or request a refund of any moneys overpaid to the institution for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph must be remitted within 60 days.

(5) Funds appropriated by the Legislature for economically disadvantaged student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of section 216.301, Florida Statutes, and pursuant to section 216.351, Florida Statutes, any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section.

(6)(a) Institutions shall certify to the department, within 30 days of the end of regular registration, the eligibility status of each awarded student. The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made. However, an institution shall be required to make refunds for students who receive award disbursements and terminate enrollment for any reason during the academic term when an institution's refund policies permit a student to receive a refund under these circumstances.

(b) Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration.

(7) Economically disadvantaged student assistance grant recipients may receive tuition assistance and support services from Title IIA, JOBS, Title IIB, Title IIC, or Title III funds through the Department of Labor and Employment Security and any other appropriate funds while participating in school-to-work programs. The state's plan for the use of these funds shall require that the funds be used in coordination with other available education funds as tuition and support services grants for eligible participants, ensuring that postsecondary education remains affordable and accessible to these students.

Section 38. Paragraph (b) of subsection (1) of section 232.2465, Florida Statutes, is amended to read:

232.2465 Florida Academic Scholars' Certificate Program.—For the purpose of recognizing and rewarding outstanding performance and academic achievement on the part of public school students and nonpublic school students, the Commissioner of Education shall award to each high school graduate who meets the requirements specified herein, and as further specified by the State Board of Education, a special certificate recognizing and designating the graduate as a Florida Academic Scholar.

(1) In order to qualify as a Florida Academic Scholar, a student must:

(b) Achieve *the designated unweighted grade point average and the minimum test* ~~a~~ score ~~of 1100~~ on the combined verbal and quantitative parts of the Scholastic Aptitude Test *or the recentered Scholastic Assessment Test* of the College Entrance Examination or an equivalent score on the American College Testing Program*, as determined by rules of the Department of Education*.

Section 39. Paragraph (b) of subsection (2) of section 239.217, Florida Statutes, is amended to read:

239.217 Florida Gold Seal Vocational Endorsement Program.—

(2) Each school district may award the Florida gold seal vocational endorsement to a high school student who meets the requirements of this section. To be eligible for award of the Florida gold seal vocational endorsement, a student must:

(b) Complete three vocational credits in a sequential program of studies in a vocational job-preparatory or technology-education program. On-the-job training credit may not be *used* ~~substituted~~ for *any of* the three vocational credits. Beginning in the 1997-1998 school year, a student must complete the secondary school portion of a sequential program of studies which requires at least three secondary school vocational credits and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two program, the student is eligible for a vocational endorsement if the student completes a job-preparatory vocational education program selected by the Occupational Forecasting Conference or the Jobs and Education Partnership of Enterprise Florida for its ability to provide high-wage employment in an occupation with high potential for employment opportunities.

If a student does not meet the requirements of this subsection as a result of inaccurate or incomplete information provided by a high school guidance counselor, teacher, or school district personnel, the student may, nevertheless, be eligible for the Florida gold seal vocational endorsement if the principal of the school or the district superintendent verifies that such inaccuracies or misinformation caused the deficiencies. The school district must provide a means for the student to correct deficiencies resulting from such misinformation. The student must correct the deficiencies no later than December 31 immediately following high school graduation, either by completing comparable work at the postsecondary institution or by completing a directed individualized study program that is developed and administered by the school district. If the student does not complete the requirements necessary to correct the deficiencies by December 31 immediately following high school graduation, the student is ineligible to participate in the Florida Gold Seal Vocational Endorsement Program.

Section 40. Paragraph (b) of subsection (1) of section 240.115, Florida Statutes, is amended to read:

240.115 Articulation agreement; acceleration mechanisms.—

(1)

(b) Any student who transfers among regionally accredited postsecondary institutions *or among nationally accredited public technical centers* that participate in the common course designation and numbering system shall be awarded credit by the receiving institution for courses satisfactorily completed by the student at the previous institutions if the courses are judged by the appropriate common course designation and numbering system faculty task force to be equivalent to courses offered at the receiving institution. The award of credit may be limited to courses that are entered in the common course designation and numbering system. Credits awarded pursuant to this subsection shall satisfy institutional requirements on the same basis as credits awarded to native students.

Section 41. Subsection (3) of section 240.40, Florida Statutes, is amended to read:

240.40 State Student Financial Assistance Trust Fund.—

(3) Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, *at the end of any fiscal year, up to 10 percent of the General Revenue funds that were in the trust fund at the beginning of that fiscal year may* ~~any balance in the trust fund at the end of any fiscal year shall~~ remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

Section 42. Subsections (1) and (4) and paragraph (c) of subsection (6) of section 240.4021, Florida Statutes, are amended to read:

240.4021 Vocational Gold Seal Endorsement Scholarship Program.—

(1) There is created the Vocational Gold Seal Endorsement Scholarship Program to encourage outstanding high school graduates to enroll in *postsecondary vocational* ~~degree career~~ education or technical programs in the state.

(4) ~~Beginning with the 1991-1992 academic year,~~ An award may be made to an initial applicant who:

(a) Files an application during his or her last year in high school; and

(b) Receives a standard high school diploma with a Florida gold seal vocational endorsement from a Florida public school.

(6)

(c) *A student may receive an award for a maximum of four semesters or six quarters, except that a student who is enrolled in an Associate in Science degree program of more than 60 credit hours may continue to earn the award for five semesters or seven quarters. A student who is pursuing a baccalaureate degree that is a continuation of the high school vocational program may continue to receive the award for a maximum of 5 years. The Department of Education shall develop a list of high school vocational programs that relate to baccalaureate degree programs.* The department shall create a renewal application for each student who received the award for one or more terms during the immediately preceding academic year.

Section 43. Subsections (7) and (9) of section 240.107, Florida Statutes, are amended to read:

240.107 College-level communication and computation skills examination.—

(7) The State Board of Education, by rule, shall establish fees for the administration of the examination to private postsecondary students. ~~The examination may be administered to students other than those receiving financial aid as required in s. 240.404(1)(a)2., provided that the appropriate fees are paid.~~

(9) *A* ~~Beginning January 1, 1996, any~~ student ~~fulfilling one or more of the following requirements before completion of associate in arts degree requirements or baccalaureate degree requirements~~ is exempt from the testing requirements of this section *if the student*:

(a) Achieves a score that meets or exceeds a minimum score on a nationally standardized examination ~~listed in the articulation agreement~~, as established by the Articulation Coordinating Committee; *or*

~~(b) Achieves a passing score on the college placement test, required pursuant to s. 240.117, and, as certified on the high school transcript, a cumulative grade point average of 3.0 or above, on a 4.0 scale, in college-preparatory high school coursework identified by the Articulation Coordinating Committee; or~~

(b)~~(c)~~ Achieves ~~a passing score on the college placement test, required pursuant to s. 240.117, and~~ a cumulative grade point average of 2.5 or above, on a 4.0 scale, in postsecondary-level coursework identified by the Postsecondary Education Planning Commission.

Any student denied a degree prior to January 1, 1996, based on the failure of at least one subtest of the CLAST may use any of the alternatives specified in this subsection for receipt of a degree if such student meets all degree program requirements at the time of application for the degree under the exemption provisions of this subsection. This section does not require a student to take the CLAST before being given the opportunity to use any of the alternatives specified in this subsection. The exemptions provided herein do not apply to requirements for certification as provided in s. 231.17.

Section 44. Paragraph (a) of subsection (1) of section 240.404, Florida Statutes, is amended to read:

240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. *Achievement of the academic requirements of and acceptance* ~~Acceptance~~ at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by a member of the Commission on Recognition of Postsecondary Accreditation; any Florida institution the credits of which are acceptable for transfer to state universities; any area technical center; or any private vocational-technical institution accredited by a member of the Commission on Recognition of Postsecondary Accreditation.

~~2. Participation in the college-level communication and computation skills testing program. This requirement is limited to students seeking associate's or bachelor's degrees.~~

2.~~3.~~ Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 240.402, s. 240.4021, s. 240.4085, s. 240.409, s. 240.4093, s. 240.4095, s. 240.4097, s. 240.412, s. 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 240.1201 and rules of the State Board of Education.

~~4. Compliance with Selective Service System registration requirements pursuant to s. 240.4045.~~

3.~~5.~~ Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

Section 45. Effective July 1, 1997, section 240.409, Florida Statutes, as amended by section 10 of chapter 95-376, Laws of Florida, and section 30 of chapter 95-430, Laws of Florida, is amended to read:

240.409 Florida Public Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Public Student Assistance Grant Program to be administered by the *participating institutions* ~~Department of Education~~ in accordance with rules of the state board.

(2)(a) State student assistance grants through the program may be made ~~only~~ to ~~full-time~~ degree-seeking students *enrolled for a minimum of 6 credit hours* who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the *weighted* average prior academic year cost of tuition and matriculation fees for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a state student assistance grant. Recipients of such grants must have been accepted at a state university or community college authorized by Florida law. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters in a period of not more than 6 consecutive years, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida public student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered by the department when conducting an assessment of the financial resources available to each student.

(c) ~~The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, and such system shall include a certification of acceptability by the state university or community college of the applicant's choice and the use of a nationally recognized system of need analysis.~~ Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, *in accordance with a nationally recognized system of need analysis* ~~as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs~~.

(d) Each participating institution shall report eligible students to whom grant moneys are disbursed each academic term to the department by the established date. Each institution shall also report to the department necessary demographic and eligibility data for those students.

~~(d) The department is directed to establish, for fall enrollment, an initial application deadline for students attending all eligible institutions and an additional application deadline for community college applicants who apply after the initial application deadline. The second community college deadline shall be at the close of each institution's drop-add period. The department shall reserve an amount to be designated annually in the General Appropriations Act for the purpose of providing awards to community college students who apply for a student assistance grant after the initial application deadline. Community college applicants who apply during the initial application period and are eligible to receive an award, but do not receive an award because of insufficient funds, shall have their applications reconsidered with those community college applicants who apply after the initial application deadline. The provisions of this paragraph shall take effect beginning with the 1990-1991 academic year.~~

(3) Based on the unmet financial need of an eligible applicant, the full amount of a Florida public student assistance grant must be between $200 and *the weighted average of the cost of tuition and matriculation fees for 30 credit hours at state universities* ~~$1,500~~ per academic year or the amount specified in the General Appropriations Act. *Students enrolled for 6 to 8 credit hours may receive up to one-half of the maximum award; students enrolled for 9 to 11 credit hours may receive up to three-fourths of the maximum award; and students enrolled for 12 or more credit hours may receive up to the full award.* ~~When funds are not sufficient to make full awards to all eligible applicants, the department shall~~

~~reduce the amount of each recipient's grant award pro rata. For any year in which a pro rata grant reduction is necessary, such adjustment shall be made by reducing the second semester or the second and third quarter award disbursements to grant recipients. In each such instance, institutions shall notify students of award adjustments.~~

~~(4) In the event that a Florida public student assistance grant recipient transfers from one institution eligible under this section, s. 240.4095, or s. 240.4097 to another, his or her eligibility shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.~~

(4)~~(5)~~(a) Payment of Florida public student assistance grants *shall* ~~may~~ be transmitted to the president of the state university or community college ~~which the recipient is attending,~~ or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(b) ~~Institutions shall certify to the department, within 30 days of the end of regular registration, the eligibility status of each awarded student.~~ The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of *changing* ~~amending~~ eligibility determinations previously made. ~~However, an institution shall be required to make refunds for students who receive award disbursements and terminate enrollment for any reason during the academic term when an institution's refund policies permit a student to receive a refund under these circumstances.~~

~~(c) Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days of the end of regular registration.~~

(5)~~(6)~~ Funds appropriated by the Legislature for state student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year *which* ~~that~~ has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

(6)~~(7)~~ The State Board of Education shall adopt rules necessary to implement this section.

Section 46. Effective July 1, 1997, section 240.4095, Florida Statutes, as amended by section 2 of chapter 95-376, Laws of Florida, and section 29 of chapter 95-430, Laws of Florida, is amended to read:

240.4095 Florida Private Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Private Student Assistance Grant Program to be administered by the *participating institutions* ~~Department of Education~~ in accordance with rules of the state board.

(2)(a) Florida private student assistance grants from the State Student Financial Assistance Trust Fund may be made ~~only~~ to ~~full-time~~ degree-seeking students *enrolled for a minimum of 6 credit hours* who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed a total of *the weighted average tuition and matriculation fees for 30 credit hours at state universities plus $1,000* ~~$1,500~~ per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent nonprofit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools~~, and which has a secular purpose,~~ and which is located in and chartered as a domestic corporation by the state. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters *of full-time enrollment* ~~in a period of not more than 6 consecutive years~~, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida private student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered ~~by the department~~ when conducting an assessment of the financial resources available to each student.

(c) ~~The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, including the use of a nationally recognized system of need analysis. The system shall include a certification of acceptability by the independent nonprofit college or university of the applicant's choice.~~ Priority in the distribution of grant moneys shall be given to students with the lowest total family resources *in accordance with a nationally recognized system of need analysis*~~, as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs~~.

(d) Each participating institution shall report eligible students to whom grant moneys are disbursed each academic term to the department by the established date. Each institution shall also report to the department necessary demographic and eligibility data for those students.

(3) Based on the unmet financial need of an eligible applicant, the ~~full~~ amount of a Florida private student assistance grant must be between $200 and *the weighted average cost of matriculation and tuition fees for 30 credit hours at state universities plus $1,000* ~~$1,500~~ per academic year or the amount specified in the General Appropriations Act. *Students enrolled for 6 to 8 credit hours may receive up to one-half of the maximum award; students enrolled for 9 to 11 credit hours may receive up to three-fourths of the maximum award; and students enrolled for 12 or more credit hours may receive up to the full award.* ~~When funds are not sufficient to make full awards to all eligible applicants, the department shall reduce the amount of each recipient's grant award pro rata. For any year in which a pro rata grant reduction is necessary, such adjustment shall be made by reducing the second semester or the second and third quarter award disbursements to grant recipients. In each such instance, institutions shall notify students of award adjustments.~~

~~(4) In the event that a Florida private student assistance grant recipient transfers from one institution eligible under this section, s. 240.409, or s. 240.4097 to another, his or her eligibility shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.~~

(4)~~(5)~~(a) Payment of Florida private student assistance grants *must* ~~may~~ be transmitted to the president of the college or university ~~which the recipient is attending,~~ or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(b) ~~Institutions shall certify to the department, within 30 days of the end of regular registration, the eligibility status of each awarded student.~~ The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of *changing* ~~amending~~ eligibility determinations previously made. ~~However, an institution shall be required to make refunds for students who receive award disbursements and terminate enrollment for any reason during the academic term when an institution's refund policies permit a student to receive a refund under these circumstances.~~

~~(c) Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days of the end of regular registration.~~

(c)~~(d)~~ Each institution that receives moneys through the Florida Private Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the

department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(5)~~(6)~~ Funds appropriated by the Legislature for Florida private student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year *which* ~~that~~ has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(6)~~(7)~~ The State Board of Education shall adopt rules necessary to implement this section.

Section 47. Effective July 1, 1997, section 240.4097, Florida Statutes, as amended by section 17 of chapter 95-376, Laws of Florida, and section 31 of chapter 95-430, Laws of Florida, is amended to read:

240.4097 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Postsecondary Student Assistance Grant Program to be administered by the *participating institutions* ~~Department of Education~~ in accordance with rules of the state board.

(2)(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students *enrolled for a minimum of 6 credit hours* who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed a total of *the weighted average prior-academic-year cost of tuition and matriculation fees at state universities plus $1,000* ~~$1,500~~ per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in and chartered as a domestic corporation by the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by the State Board of Independent Colleges and Universities or exempt from licensure pursuant to s. 246.085(1)(a), excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 240.4095.

No student may receive an award for more than the equivalent of 9 semesters or 14 quarters *of full-time enrollment* ~~in a period of not more than 6 consecutive years~~, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered ~~by the department~~ when conducting an assessment of the financial resources available to each student.

(c) ~~The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, including the use of a nationally recognized system of need analysis. The system shall include a certification of acceptability by the school of the applicant's choice.~~ Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, *in accordance with a nationally recognized system of need analysis* ~~as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs~~.

(d) Each participating institution shall report eligible students to whom grant moneys are disbursed each academic term to the department by the established date. Each institution shall also report to the department necessary demographic and eligibility data for those students.

(3) Based on the unmet financial need of an eligible applicant, the full amount of a Florida postsecondary student assistance grant must be between $200 and *the weighted average cost of tuition and matriculation fees for 30 credit hours at state universities plus $1,000* ~~$1,500~~ per academic year or the amount specified in the General Appropriations Act. *Students enrolled for 6 to 8 credit hours may receive up to one-half of the maximum award; students enrolled for 9 to 11 credit hours may receive up to three-fourths of the maximum award; and students enrolled for 12 or more credit hours may receive up to the full award.* ~~When funds are not sufficient to make full awards to all eligible applicants, the department shall reduce the amount of each recipient's grant award pro rata. For any year in which a pro rata grant reduction is necessary, such adjustment shall be made by reducing the second semester or the second and third quarter award disbursements to grant recipients. In each such instance, institutions shall notify students of award adjustments.~~

~~(4) In the event that a student assistance grant recipient transfers from one institution eligible under this section, s. 240.409, or s. 240.4095 to another, his or her eligibility shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.~~

(4)~~(5)~~(a) Payment of Florida postsecondary student assistance grants *shall* ~~may~~ be transmitted to the president of the eligible institution ~~which the recipient is attending,~~ or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(b) ~~Institutions shall certify to the department, within 30 days of the end of regular registration, the eligibility status of each awarded student.~~ The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of *changing* ~~amending~~ eligibility determinations previously made. ~~However, an institution shall be required to make refunds for students who receive award disbursements and terminate enrollment for any reason during the academic term when an institution's refund policies permit a student to receive a refund under these circumstances.~~

~~(c) Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days of the end of regular registration.~~

(c)~~(d)~~ Each institution that receives moneys through the Florida Postsecondary Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(5)~~(6)~~ Any institution that was eligible to receive state student assistance grants on January 1, 1989, and that is not eligible to receive grants pursuant to s. 240.4095 is eligible to receive grants pursuant to this section.

(6)~~(7)~~ Funds appropriated by the Legislature for Florida postsecondary student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year *which* ~~that~~ has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(7)~~(8)~~ The State Board of Education shall adopt rules necessary to implement this section.

Section 48. Present subsections (4) through (12) of section 240.424, Florida Statutes, are renumbered as subsections (5) through (13), respectively, and a new subsection (4) is added to that section, to read:

240.424 Duties of the department.—The duties of the department shall include:

(4) Development of an integrated student financial aid database. The database shall be designed to support all aspects of the administration and delivery of state-funded student financial aid and shall be compatible with other sources of student aid. The Office of Student Financial Assistance shall provide a progress report on all components of the database to the Legislature by December 1, 1996, which shall include a timeline for implementation identifying which components will be ready for use beginning July 1, 1997, and the date when the entire system will be completed.

Section 49. Paragraph (f) of subsection (2) of section 240.437, Florida Statutes, is repealed, and subsection (1) of that section is amended to read:

240.437 Student financial aid planning and development.—

(1) There is created a student financial aid planning and development program which shall be administered by the Department of Education. It is the intent of the Legislature that ~~a specific sum of~~ funds be allocated each year for the purpose of sponsoring the design, development, and implementation of a comprehensive program of student financial aid and of initiating activities of inservice training for student financial aid administrators and activities to encourage maximum lender participation in guaranteed loans. *The department is authorized, in accordance with federal regulations, to use the Student Loan Guaranty Reserve Trust Fund to carry out the purposes of this section.* The Florida Council of Student Financial Aid Advisors shall serve as the advisory body to the Department of Education in the development of a comprehensive program of student financial aid.

Section 50. Paragraph (b) of subsection (5) of section 240.412, Florida Statutes, is amended to read:

240.412 Jose Marti Scholarship Challenge Grant Fund.—

(5)

(b) In order to renew a scholarship awarded pursuant to this section, a student shall:

1. Earn a grade point average of at least 3.0 on a 4.0 scale for the previous term, maintain at least a 3.0 average for college work, or have an average below 3.0 only for the previous term and be eligible for continued enrollment at the institution.

2. Maintain full-time enrollment.

3. ~~Participate in the college-level communication and computation skills testing program. Graduate recipients shall be exempt from this requirement.~~

Section 51. Subsections (1) and (3) of section 240.606, Florida Statutes, are amended to read:

240.606 Florida Work Experience Program.—

(1) There is established the Florida Work Experience Program to be administered by the Department of Education. The purpose of the program is to introduce eligible students to work experience that will complement and reinforce their educational program and career goals and provide a self-help student aid program. Such program shall be available to:

(a) Any student attending a state university or community college authorized by Florida law; or

(b) Any student attending a nonprofit Florida *postsecondary institution eligible to participate in either of the student assistance grant programs established in ss. 240.4095 and 240.4097.* ~~college or university which: is accredited by a member of the Commission on Recognition of Postsecondary Accreditation, the credits of which are acceptable, without qualification, for transfer to a state university; grants baccalaureate or associate degrees; is not a pervasively sectarian institution; and is located in and chartered by the state.~~

(3) Each participating institution is authorized to enter into contractual agreements with private or public employers for the purpose of establishing a Florida work experience program. ~~A minimum of 25 percent of the funds for the Florida Work Experience Program shall be used to contract with public schools for student work experience opportunities.~~

Section 52. Sections 240.4045 and 240.4093, Florida Statutes, are repealed.

Section 53. Section 240.1164, Florida Statutes, is created to read:

240.1164 Grade forgiveness, withdrawal, and appeal policies.—

(1) INTENT.—It is the intent of the Legislature that a system of grade forgiveness, withdrawal, and appeal be established to ensure consistency throughout the State University System.

(2) GRADE FORGIVENESS AND WITHDRAWAL.—The Board of Regents shall develop common policies to provide a system of grade forgiveness and withdrawal. Each university shall work with student, faculty, and administrative representatives to develop and implement policies and procedures for grade forgiveness and withdrawal. The common policies shall be derived from minimum standards as identified by the Board of Regents. Such policies shall permit students to withdraw from a class based on extenuating circumstances or individual hardship, as defined in policy. Such policies shall also permit students to have grades forgiven based on:

(a) Extenuating circumstances or individual hardship, as defined in policy; or

(b) If previously earned grades in a course averaged a grade lower than a "C."

Nothing in this subsection shall require a university to establish a grade forgiveness policy.

(3) GRADE APPEAL.—Each university shall work with student, faculty, and administrative representatives to develop and implement policies and procedures for grade appeal. Such policies shall be derived from minimum standards as identified by the Board of Regents for universities. Policies shall include procedures to ensure the convenience of all parties involved in a grade appeal effort.

Section 54. Subsection (3) of section 240.2097, Florida Statutes, is amended to read:

240.2097 Education programs, limited access status; transfer students; student handbook; rules.—The Board of Regents shall adopt rules to include the following provisions:

(3) Each university shall compile and update annually a student handbook that includes, but is not limited to, a comprehensive calendar that emphasizes important dates and deadlines, student rights and responsibilities, *a complete listing of all levels of appeal for student judicial cases, institutional policies on grade forgiveness, withdrawal, and appeal* ~~appeals processes available to students~~, a roster of contact persons within the administrative staff available to respond to student inquiries, and a statement as to the State University System policy on acquired immune deficiency syndrome including the name and telephone number of the university acquired immune deficiency syndrome counselor. Each student handbook must include a statement displayed prominently which provides that the university will not tolerate the sale, possession, or use of controlled substances, with the exception of medication prescribed by a physician and taken in accordance with the prescribed usage, nor will the university tolerate the consumption of alcoholic beverages by students younger than 21 years of age or the sale of alcoholic beverages to students younger than 21 years of age. Each student handbook must also list the legal and university-specific sanctions that will be imposed upon students who violate the law or university policies regarding controlled substances and alcoholic beverages.

Section 55. Subsection (3) is added to section 240.261, Florida Statutes, to read:

240.261 Disciplinary rules.—

(3) The Board of Regents shall establish a committee, at least half of the members to be appointed by the State Council of Student Body Presidents and the remainder of the members to include university administrators, faculty, a university ombudsman officer, and the university judicial officer. The committee shall review the rules and guidelines ensuring

fairness and uniformity regarding student due process rights and shall report recommendations for policy change to the Board of Regents for consideration by January 1, 1997, and every 3 years thereafter.

Section 56. The Postsecondary Education Planning Commission is hereby directed to conduct a review of progress made toward the implementation of sections 240.1164(2), 240.2098, and 240.3193, Florida Statutes. This review shall include consultation with university judicial officers or other administrators.

Section 57. Subsection (6) of section 240.116, Florida Statutes, is amended to read:

240.116 Articulated acceleration.—

(6) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education shall establish rules which specify the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules, which have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit, shall only apply to students taking International Baccalaureate Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the community college or university that accepts the student for admission. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations. *During the 1996-1997, 1997-1998, and 1998-1999 school years, the Department of Education shall assist one school district in conducting a pilot of the Advanced International Certificate of Secondary Education program administered by the University of Cambridge Local Examinations Syndicate. The department shall produce an evaluation report and recommendations regarding the comparability of the Advanced International Certificate of Secondary Education program to the International Baccalaureate program and submit the report to the Legislature on or before October 1, 1999.*

Section 58. Paragraph (n) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(n) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. *During the 1997-1998 and 1998-1999 schools years of the pilot program authorized in s. 240.116, students enrolled in the Advanced International Certificate of Education program shall generate full-time equivalent membership in the same manner as students enrolled in the International Baccalaureate program. During 1997-1998, a maximum of 40 students are authorized to generate full-time equivalent membership in the program and in 1998-1899 a maximum of 80 students are authorized to generate full-time equivalent membership in the program.*

Section 59. This act shall take effect July 1, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the State University System; amending s. 110.131, F.S.; deleting a reporting requirement for the Board of Regents with respect to other-personal-services employees; amending s. 235.055, F.S.; deleting the authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 240.145, F.S.; revising duties of the Postsecondary Education Planning Commission with respect to its executive director; amending s. 240.205, F.S.; revising provisions relating to Board of Regents' contracts and acquisition of property and services; amending s. 240.207, F.S.; requiring an orientation program for Regents; amending s. 240.209, F.S., relating to duties of the Board of Regents; revising requirements for the board with respect to procurement and construction contracts; authorizing the Board of Regents to acquire and dispose of real property; providing procedures for appraisals and property acquisition; providing for personnel contracts; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited access programs; revising requirements for student handbooks; amending s. 240.2111, F.S., relating to an employee recognition program; deleting requirement that the program be adopted by rule; amending s. 240.214, F.S.; revising accountability goals and reporting procedures for the State University System; amending s. 240.227, F.S.; providing responsibilities of university presidents; providing for appointment of university presidents; revising duties of university presidents relating to acquisition, and contracts for and management of, property and financial resources and approval and execution of general construction contracts; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.274, F.S., relating to university libraries; deleting Board of Regents' rulemaking power; amending s. 240.2803, F.S.; revising the funds included within the definition of auxiliary enterprises; amending s. 240.281, F.S.; revising the authority for an institution to deposit certain funds outside the State Treasury; amending s. 240.295, F.S., relating to fixed capital outlay projects; providing for dormitories; deleting Board of Regents' rulemaking power; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending ss. 282.308, 282.312, F.S.; providing Board of Regents' duties relating to resource management; amending s. 287.012, F.S., relating to purchasing and contractual services; providing responsibilities; amending s. 287.017, F.S.; revising the threshold amounts of purchasing categories; deleting applicability of certain rules to the State University System; repealing ss. 240.225, 240.247, 240.4988(4), F.S., and ss. 15 and 16 of ch. 94-232, Laws of Florida, relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, the title of ch. 239, F.S., and a directive to the Division of Statutory Revision; amending s. 229.551, F.S.; revising terminology with respect to student preparedness for postsecondary education; providing for upper-division and lower-division coursework dual classification; amending s. 229.595, F.S.; requiring the inclusion of student postsecondary preparedness information in manuals and handbooks; amending s. 229.601, F.S.; providing for recommended high school coursework information; amending s. 239.109, F.S.; revising terminology; requiring the promotion of sequential programs of study; amending s. 239.117, F.S.; clarifying funding of the continuous enrollment of students in college-preparatory instruction; revising terminology; amending s. 239.301, F.S.; deleting conflicting language; clarifying funding of the continuous enrollment of students in college-preparatory instruction; amending s. 240.1161, F.S., relating to interinstitutional articulation agreements; requiring implementation mechanisms for reducing the incidence of postsecondary remediation; requiring an assessment of activities and the presentation of outcomes; amending s. 240.117, F.S.; deleting obsolete language; requiring the administration of a statewide diagnostic examination during the tenth grade year; clarifying examination requirements; clarifying funding of the continuous enrollment of students in college-preparatory instruction; clarifying language regarding the offering of college-preparatory instruction; amending s. 240.311, F.S., relating to duties of the State Board of Community Colleges; requiring the review of collaborative efforts and the submission of a progress report; amending s. 240.321, F.S.; expanding admission requirements to other associate degree programs; limiting enrollment in college-level courses for certain students; amending s. 240.35, F.S.; permitting the assessment of additional funds for advisement purposes; requiring the Postsecondary Education Planning Commission and the Florida Commission on Education Reform and Accountability to conduct a study and submit a report; creating the minority teacher

education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; authorizing incentive awards for public community colleges and certain public and private colleges and universities; providing restrictions; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships and incentives; providing for a board of directors; providing responsibilities; limiting administrative costs; creating the Economically Disadvantaged Student Assistance Grant Program; providing eligibility requirements; providing a time limitation for grant renewals; requiring transfer of funds by a date certain; requiring an annual report; providing for deposit of appropriations in the State Student Assistance Trust Fund; authorizing certain funds sources for use by the program for certain purposes; amending s. 232.2465, F.S.; authorizing the State Board of Education to specify the score required for a student to earn a Florida Academic Scholars' Certificate; amending s. 239.217, F.S.; providing requirements to qualify for the Florida gold seal vocational endorsement; changing an effective date; amending s. 240.115, F.S.; authorizing national accreditation as a criterion for public technical centers to participate in the common course numbering system; amending s. 240.40, F.S.; reducing the portion of allocated funds that may remain in a trust fund at the end of a fiscal year; amending s. 240.4021, F.S.; deleting an obsolete date; correcting obsolete terminology; establishing a time limit; amending s. 240.107, F.S.; revising provisions relating to the college-level communication and computation skills examination; providing exemptions from a required test; amending s. 240.404, F.S.; deleting a requirement for participation in a testing program; requiring achievement of certain academic requirements as a condition for receiving state student financial aid; deleting a requirement; amending s. 240.409, F.S.; authorizing eligibility determination and grant distribution for the Florida Public Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4095, F.S.; authorizing eligibility determination and grant distribution for the Florida Private Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4097, F.S.; authorizing eligibility determination and grant distribution for the Florida Postsecondary Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.424, F.S.; requiring the Department of Education to develop an integrated student financial aid data base; requiring a progress report; amending s. 240.437, F.S.; authorizing the Department of Education to use the Student Loan Guaranty Reserve Trust Fund for planning and developing student financial aid; repealing s. 240.437(2)(f), F.S.; deleting a CLAST requirement; amending s. 240.412, F.S.; deleting a CLAST requirement; amending s. 240.606, F.S.; deleting a requirement that a certain portion of funds for the Florida Work Experience Program be used for contracts with public schools; repealing s. 240.4045, F.S., which requires male applicants and recipients of financial aid services to comply with Selective Service System registration requirements; repealing s. 240.4093, F.S., the Vocational Student Assistance Grant Fund; creating s. 240.1164, F.S.; providing intent; requiring the development of policies for grade forgiveness, withdrawal, and appeal; amending s. 240.2097, F.S.; revising contents of university student handbooks; amending s. 240.261, F.S.; requiring the establishment of a committee to review rules regarding student due process rights; directing the Postsecondary Education Planning Commission to conduct a review; amending ss. 240.116, 236.081, F.S.; creating a pilot program for Advanced International Certificate of Secondary Education; clarifying full-time equivalent membership; providing an effective date.

Senator Kirkpatrick moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 11, lines 6 and 7, delete "*reports to and*"

Amendment 1B—On page 5, lines 11 and 12, delete "*Notwithstanding s. 253.025, the Board of Regents*" and insert: *The Board of Regents, as the duly authorized agent of the Board of Trustees of the Internal Improvement Trust Fund,*

Amendment 1C—In title, on page 85, line 1, after the semicolon (;) insert: amending s. 233.07, F.S.; deleting a limit in the number of instructional materials that may be recommended for adoption; excluding computer hardware from the definition of the term "instructional materials"; amending s. 233.09, F.S.; requiring a quorum for a meeting of a state instructional materials committee; requiring the system for selecting instructional materials to result in criteria for selection rather than a list of selected materials; amending s. 233.10, F.S.; authorizing action by a simple majority of state instructional materials committee members; amending s. 233.25, F.S.; requiring outcomes of instructional materials to correlate to outcomes of Blueprint 2000; amending s. 236.122, F.S.; requiring an annual categorical amount to fund purchases of instructional materials;

Senator Kirkpatrick moved the following amendment to **Amendment 1**:

Amendment 1D—On page 77, between lines 15 and 16, insert:

Section 59. Paragraph (c) of subsection (1) and subsection (4) of section 233.07, Florida Statutes, are amended to read:

233.07 State instructional materials committees.—

(1) Each school year, not later than April 15, the Commissioner of Education shall appoint state instructional materials committees composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary or secondary schools and representing the major fields and levels in which instructional materials are used in the public schools of the state and, in addition, lay citizens not professionally connected with education. There shall be committees for the recommendation of instructional materials for the elementary and secondary grades as may be found necessary by the Commissioner of Education. Committee members shall receive training pursuant to s. 233.095 in competencies related to the evaluation and selection of instructional materials.

(c) The commissioner shall determine annually the areas in which instructional materials shall be submitted for adoption. One of the factors upon which the commissioner shall base his or her decision is the desires of the school districts. ~~The commissioner shall also determine the number of titles to be adopted in each area, not to exceed 15 titles.~~

(4) For purposes of this chapter, "instructional materials" *means* ~~are defined as~~ items that ~~by design~~ serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, *science laboratory supplies,* learning laboratories, slides, films and filmstrips, recordings, manipulatives, computer *software* ~~coursework~~, video discs, or other such electronic media *or combination thereof,* and other commonly accepted instructional tools. *The term does not include electronic or computer hardware or supplies even if such hardware is bundled with software.*

Section 60. Subsections (1), (4), and (5) and paragraph (a) of subsection (3) of section 233.09, Florida Statutes, are amended to read:

233.09 Duties of each state instructional materials committee.—The duties of each state instructional materials committee shall be:

(1) PLACE AND TIME OF MEETING.—To meet at the call of the Commissioner of Education, at a place in the state designated by him or her, and to remain there in session for a period of time, not to exceed 20 days, for the purpose of evaluating and recommending instructional materials for adoption by the state. All meetings of state instructional materials committees shall be announced publicly through the news media of the state at least 2 weeks prior to the date of convening. The announcement of the meeting shall include the agenda of the meeting. All meetings of the committees *must* ~~shall~~ be open to the public *and may convene only if a quorum consisting of five members is present.*

(3) PROCEDURES.—To adopt procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption. Included in these procedures shall be the following minimum standards:

(a) Provisions which afford each publisher or manufacturer or his or her representative *a sufficient* ~~an~~ opportunity to present to members of the state *and district* instructional materials committees the merits of each instructional material submitted in each adoption;

(4) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate carefully all instructional materials submitted, to ascertain which instructional materials, if any, submitted for consideration ~~best~~ implement ~~the selection criteria developed by the Commissioner of Education~~

~~and those~~ curricular objectives included within applicable curriculum frameworks approved by the State Board of Education and the state and district performance standards provided for in ss. 229.565 and 232.2454. The committees shall file with the Commissioner of Education a written statement of the procedures used in the evaluation of instructional materials, and certified copies of such statements shall be made available to the public upon request. The state instructional materials committees *may not conduct* ~~shall be prohibited from conducting~~ their assigned duties until such written statements are on file with the Commissioner of Education.

(a) When recommending instructional materials for use in the schools, each committee shall include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, and racial diversity of our society, including men and women in professional, vocational, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) When recommending instructional materials for use in the schools, each committee shall include only materials which accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) When recommending instructional materials for use in the schools, each committee shall require such materials as it *considers* ~~deems~~ necessary and proper to encourage thrift, fire prevention, and humane treatment of people and animals.

(d) When recommending instructional materials for use in the schools, each committee shall require, when appropriate to the comprehension of pupils, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. ~~No~~ Instructional materials *may not* ~~shall~~ be recommended by any committee for use in the schools *if the materials* ~~which~~ contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) Instructional materials recommended for mathematics, science, and computer education *must* ~~shall~~ be consistent with the Comprehensive Plan for Mathematics, Science, and Computer Education.

(f) All instructional materials recommended by each committee for use in the schools *must* ~~shall~~ be, to the satisfaction of each committee, accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels. Instructional materials committees shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

(g) When recommending instructional materials for use in the schools, each committee shall have the recommendations of all districts *that* ~~which~~ submit evaluations *as to whether* ~~on~~ the materials submitted for adoption in that particular subject area *meet the state criteria as set forth in this subsection* aggregated and presented to the members to aid them in the selection process; however, *the* ~~such~~ aggregation *must* ~~shall~~ be weighted in accordance with the full-time equivalent student percentage of each district. Each committee shall prepare an additional aggregation, unweighted, with each district recommendation given equal consideration. ~~No~~ Instructional materials *may not* ~~shall~~ be evaluated or recommended for adoption unless each of the district committees *has* ~~shall have~~ been loaned the specified number of samples.

(h) In addition to relying on statements of publishers or manufacturers of instructional material, any committee may conduct, or cause to be conducted, an independent investigation as to the compliance of submitted materials with the requirements of this section.

(i) *If* ~~In the event that~~, after *the good-faith* ~~good faith~~ acquisition of instructional materials by a district school board, the instructional materials are found to be not in accordance with the requirements of this subsection and the school board is unable to acquire other instructional materials *that* ~~which~~ meet the requirements of this subsection in time for them to be used as intended, the school board may use the acquired materials, but only for that academic year.

(5) REPORT OF COMMITTEE.—After a thorough study of all data submitted on each instructional material, and after each member of the appropriate committee has carefully evaluated each instructional material, to present a written report to the Commissioner of Education. *The* ~~Such~~ report *must* ~~shall~~ be made public *and must*~~. The report shall~~ include:

(a) A description of the procedures used in determining the instructional materials to be recommended to the Commissioner of Education.

(b) Recommendations of *which* instructional materials for each grade and subject field in the curriculum of public elementary and secondary schools in the state in which adoptions are to be made *have met state criteria as described in subsection (4). All those materials that meet the criteria must be recommended for adoption.* If *the committee considers it* ~~deemed~~ advisable *to do so,* the committee may include such other information, expression of opinion, or recommendation as would be helpful to the commissioner. If there is a difference of opinion among the members of the committee as to the merits of any instructional materials, any member may file an expression of his or her individual opinion.

Section 61. Section 233.10, Florida Statutes, is amended to read:

233.10 Findings of committee and voting to be public.—The findings of the committees, including the evaluation of instructional materials, shall be in sessions open to the public. All decisions leading to determinations of the committees *must* ~~shall~~ be *determined* by roll call vote, and ~~at no time will~~ a secret ballot *is not* ~~be~~ permitted. *All decisions leading to determinations of the committees must be made by a simple majority vote of those members present and voting.*

Section 62. Paragraph (b) of subsection (3) of section 233.25, Florida Statutes, is amended to read:

233.25 Duties, responsibilities, and requirements of publishers and manufacturers of instructional materials.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(3) Submit, at a time designated in s. 233.14, the following information:

(b) *Documentation* ~~Written proof~~ that the publisher has provided written correlations to the *outcomes specified in Blueprint 2000 and a description of how the materials address and support the philosophy and objectives of Blueprint 2000* ~~following instructional objectives when appropriate: standards of excellence, the minimum student performance standards, and the raise achievement in secondary education program (RAISE) which provides for curriculum frameworks for secondary level courses~~.

Section 63. Section 236.122, Florida Statutes, is amended to read:

236.122 Allocation for instructional materials.—*Annually, a separate categorical amount must be established in the General Appropriations Act as an allocation for instructional materials. These funds may be used only for instructional materials as defined in s. 233.07 and as authorized by s. 233.08.* The department is authorized to allocate and distribute to each district *this* ~~an~~ amount ~~as prescribed annually by the Legislature~~ for instructional materials for student membership in basic and special programs in grades K-12, which will provide for growth and maintenance needs. For purposes of this section, unweighted full-time equivalent students enrolled in the laboratory schools in the State University System are to be included as school district students and reported as such to the department. The annual allocation shall be determined as follows:

(1) The growth allocation for each school district shall be calculated as follows:

(a) Subtract from that district's projected full-time equivalent membership of students in basic and special programs in grades K-12 used in determining the initial allocation of the Florida Education Finance Program, the prior year's full-time equivalent membership of students in basic and special programs in grades K-12 for that district.

(b) Multiply any such increase in full-time equivalent student membership by the allocation for a set of instructional materials, as determined by the department, or as provided for in the General Appropriations Act.

(c) The amount thus determined shall be that district's initial allocation for growth for the school year. However, the department shall recompute and adjust the initial allocation based on actual full-time equivalent student membership data for that year.

(2) The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership of students in basic and special programs in grades K-12 by the allocation for maintenance of a set of instructional materials as provided for in the General Appropriations Act. The amount thus determined shall be that district's initial allocation for maintenance for the school year; however, the department shall recompute and adjust the initial allocation based on such actual full-time equivalent student membership data for that year.

(3) *If* ~~In the event~~ the funds appropriated are not sufficient for the purpose of implementing this section in full, the department shall prorate the funds available for instructional materials after first funding in full each district's growth allocation.

(Renumber subsequent sections.)

Senator Sullivan moved the following substitute amendment for **Amendment 1D** which was adopted:

Amendment 1E—On page 2, line 20, delete "~~by design~~" and insert: by design

Senator Kirkpatrick moved the following amendments to **Amendment 1** which were adopted:

Amendment 1F—On page 76, line 6, delete "*one school district*" and insert: *up to three school districts*

Amendment 1G (with title amendment)—On page 40, line 22 through page 41, line 3, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 81, lines 21-23, delete "amending s. 240.35, F.S.; permitting the assessment of additional funds for advisement purposes;"

Senator Sullivan moved the following amendment to **Amendment 1** which was adopted:

Amendment 1H—On page 72, lines 28-31 and on page 73, lines 1-25, delete those lines and insert:

(1) INTENT.—It is the intent of the Legislature that a system of grade forgiveness, withdrawal, and appeal be established to ensure consistency throughout the State University and Community College Systems.

(2) GRADE FORGIVENESS AND WITHDRAWAL.—The Board of Regents and the State Board of Community Colleges shall develop common policies to provide a system of grade forgiveness and withdrawal. Each university and community college shall work with student, faculty and administrative representatives to develop and implement policies and procedures for grade forgiveness and withdrawal. The common policies shall be derived from minimum standards as identified by the Board of Regents and the State Board of Community Colleges. Such policies shall permit students to withdraw from a class based on extenuating circumstances or individual hardship, as defined in policy. Such policies shall also permit students to have grades forgiven based on:

(a) Extenuating circumstances or individual hardship, as defined in policy; or

(b) If previously earned grades in a course averaged a grade lower than a "C."

Nothing in this subsection shall require a university or community college to establish a grade forgiveness policy.

(3) GRADE APPEAL.—Each university and community college shall work with student, faculty, and administrative representatives to develop and implement policies and procedures for grade appeal. Such policies shall be derived from minimum standards as identified by the Board of Regents for universities, and the State Board of Community Colleges for community colleges. Policies shall include procedures to ensure the convenience of all parties involved in a grade appeal effort.

Senator Dudley moved the following amendment to **Amendment 1** which was adopted:

Amendment 1I—On page 40, line 22 through page 41, line 3, delete all those lines

Senator Silver moved the following amendment to **Amendment 1** which was adopted:

Amendment 1J (with title amendment)—On page 77, between lines 15 and 16, insert:

Section 1. Subsection (5) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(5) "Educational institution" means a federal, state, parochial, church, or private school, college, or university conducting regular classes and courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Schools, or the Florida Council of Independent Schools; *a nonprofit private school the principal activity of which is conducting regular classes and courses of study accepted for continuing postgraduate dental education credit by a board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation; an* educational direct-support *organization* ~~organizations~~ created pursuant to *s. 229.8021* ~~ss. 229.8021~~, *s.* 240.299, *or s.* ~~and~~ 240.331; *or a facility* ~~and facilities~~ located on the property of *an* eligible *entity* ~~entities~~ which will become owned by *that entity* ~~those entities~~ on a date certain.

Section 2. This act shall take effect July 1, 1996.

And the title is amended as follows:

On page 85, line 1, after the semicolon (;) insert: An act relating to taxation; amending s. 196.012, F.S.; redefining the term "educational institution," for purposes of the exemption of such institutions from ad valorem taxation, to include certain schools providing postgraduate dental education;

Senator Dyer moved the following amendment to **Amendment 1** which was adopted:

Amendment 1K (with title amendment)—On page 77, between lines 15 and 16, insert:

Section 28. Subsections (1) and (2) of section 255.05, FLorida Statutes, are amended to read:

255.05 Bond of contractor constructing public buildings; form; action by materialmen.—

(1)(a) Any person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work, to execute, deliver to the public owner, and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. The bond must state the name and principal business address of both the principal and the surety and must contain a description of the project sufficient to identify it. Such bond shall be conditioned that the contractor perform the contract in the time and manner prescribed in the contract and promptly make payments to all *claimants, as defined in this section,* ~~persons defined in s. 713.01~~ whose claims derive directly or indirectly from the prosecution of the work provided for in the contract. *For purposes of this section, a "claimant" includes those persons defined as lienors in s. 713.01(16).* Any claimant may apply to the governmental entity having charge of the work for copies of the contract and bond and shall thereupon be furnished with a certified copy of the contract and bond. The claimant shall have a right of action against the contractor and surety for the amount due him or her, *including unpaid finance*

charges due under the claimant's contract. Such action shall not involve the public authority in any expense. When such work is done for the state and the contract is for $100,000 or less, no payment and performance bond shall be required. At the discretion of the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, any person entering into such a contract which is for $200,000 or less may be exempted from executing the payment and performance bond. When such work is done for the state, the director of the Department of Management Services may delegate to state agencies the authority to exempt any person entering into such a contract amounting to more than $100,000 but less than $200,000 from executing the payment and performance bond. In the event such exemption is granted, the officer or officials shall not be personally liable to persons suffering loss because of granting such exemption. The Department of Management Services shall maintain information on the number of requests by state agencies for delegation of authority to waive the bond requirements by agency and project number and whether any request for delegation was denied and the justification for the denial.

(b) The Department of Management Services shall adopt rules with respect to all contracts for $200,000 or less, to provide:

1. Procedures for retaining up to 10 percent of each request for payment submitted by a contractor and procedures for determining disbursements from the amount retained on a pro rata basis to *claimants* ~~laborers, materialmen, and subcontractors, as defined in s. 713.01~~.

2. Procedures for requiring certification from *claimants* ~~laborers, materialmen, and subcontractors, as defined in s. 713.01~~, prior to final payment to the contractor that such *claimants* ~~laborers, materialmen, and subcontractors~~ have no claims against the contractor resulting from the completion of the work provided for in the contract.

The state shall not be held liable to any *claimant* ~~laborer, materialman, or subcontractor~~ for any amounts greater than the pro rata share as determined under this section.

(2) A claimant, except a laborer, who is not in privity with the contractor shall, *before commencing or* within 45 days after *commencing* ~~beginning~~ to furnish labor, materials, or supplies for the prosecution of the work, furnish the contractor with a notice that he or she intends to look to the bond for protection. A claimant who is not in privity with the contractor and who has not received payment for his or her labor, materials, or supplies shall~~, within 90 days after performance of the labor or after complete delivery of the materials or supplies or, with respect to rental equipment, within 90 days after the date that the rental equipment was last on the job site available for use,~~ deliver to the contractor and to the surety written notice of the performance of the labor or delivery of the materials or supplies and of the nonpayment. *The notice of nonpayment may be served at any time during the progress of the work or thereafter but not later than 90 days after the final furnishing of the labor, services, or materials by the claimant; or with respect to rental equipment, not later than 90 days after the date that the rental equipment was last on the job site available for use.* No action for the labor, materials, or supplies may be instituted against the contractor or the surety unless both notices have been given. No action shall be instituted against the contractor or the surety on the payment bond or the payment provisions of a combined payment and performance bond after 1 year from the performance of the labor or completion of delivery of the materials or supplies. A claimant may not waive in advance his or her right to bring an action under the bond against the surety. In any action brought to enforce a claim against a payment bond under this section, the prevailing party is entitled to recover a reasonable fee for the services of his or her attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 85, line 1, after the semicolon (;) insert: amending s. 255.05, F.S.; revising language with respect to the bond of a contractor constructing a public building; defining the term "claimant"; deleting reference to laborers, materialmen, and subcontractors and substituting the term "claimant"; providing for notice of nonpayment from a claimant not in privity with the contractor;

Senator Kirkpatrick moved the following amendment to **Amendment 1** which was adopted:

Amendment 1L (with title amendment)—On page 77, line 16, insert:

Section 59. Section 240.36, Florida Statutes, is amended to read:

240.36 Florida Academic Improvement Trust Fund for Community Colleges.—

(1) There is created the Florida Academic Improvement Trust Fund for Community Colleges to be administered according to rules of the State Board of Community Colleges. This trust fund shall be used to encourage private support in enhancing public community colleges by providing *the* community *college system* ~~colleges~~ with the opportunity to receive and match challenge grants.

(2) Funds appropriated shall be deposited in the trust fund and shall be invested pursuant to s. 18.125. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to that portion of the trust fund not matched shall remain in the trust fund and shall increase the total funds available for challenge grants. At the end of a fiscal year, any unexpended balance of an appropriation in the trust fund will not revert to the fund from which appropriated, but will remain in the trust fund until used for the purposes specified in this section.

(3) For every year in which there is a legislative appropriation to the trust fund, no less than $25,000 must be reserved to permit each community college *and the Division of Community Colleges, which shall be an eligible community college entity for the purposes of this section,* an opportunity to match challenge grants. The balance of the funds shall be available for matching by any *eligible* community college *entity.* Trust funds which remain unmatched by contribution on March 1 of any year shall also be available for matching by any community college. The State Board of Community Colleges shall adopt rules providing all community *college entities* ~~colleges~~ with an opportunity to apply for excess trust funds prior to the awarding of such funds. However, no community college may receive more than its percentage of the total full-time equivalent enrollment or 15 percent, whichever is greater, of the funds appropriated to the trust fund for that fiscal year. A community college *entity* shall place all funds it receives in excess of the first challenge grant and its matching funds in its endowment fund and only the earnings on that amount may be spent for approved projects. A community college may spend the first challenge grant and its matching funds as cash for any approved project, except scholarships. If a community college *entity* proposes to use any amount of the grant or the matching funds for scholarships, it must deposit that amount in its endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships.

(4) Challenge grants shall be proportionately allocated from the trust fund on the basis of matching each $4 of state funds with $6 of local *or private* funds. The matching funds shall come from contributions made after July 1, 1983, for the purposes of matching this grant. To be eligible, a minimum of $4,500 must be raised from private sources, and such contributions must be in excess of the total average annual cash contributions made to the foundation at each community college in the 3 fiscal years before July 1, 1983.

(5) Funds sufficient to provide the match shall be transferred from the state trust fund to the *local* community college foundation *or the statewide community college direct support organization* ~~in increments of $3,000~~ upon notification that a proportionate amount has been received and deposited by the community college *entity* in its own trust fund.

(6) Each community college *entity* shall establish its own academic improvement trust fund as a depository for the private contributions and matching state fund established herein. The foundation *of the* ~~at each~~ community college *entities are* ~~is~~ responsible for the maintenance, investment, and administration of *their* ~~its~~ academic improvement trust fund.

(7)(a) The board of trustees of the community college *and the Division of Community Colleges are* ~~is~~ responsible for determining the uses for the proceeds of *their respective* ~~the~~ trust *funds* ~~fund~~. Such uses *of the proceeds shall be limited to expenditure of the funds for* ~~may include~~:

1. Scientific and technical equipment.

2. Other *instructional* activities that will benefit future students as well as students currently enrolled at the community college and that will improve the quality of education at the community college *or in the community college system*.

3. Scholarships, which are the lowest priority for use of these funds.

4. As to the State Board of Community Colleges, funds may also be used for the development of prototypical educational programs and the support of educational research that will provide a direct benefit to all or part of the community college system.

(b) If a community college includes scholarships in its proposal, it shall create an endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships. Such scholarships must be program specific and require high academic achievement for students to qualify for or retain the scholarship. A scholarship program may be used for minority recruitment but may not be used for athletic participants. The board of trustees must have designated the program as a program of emphasis for quality improvement, a designation that should be restricted to a limited number of programs at the community college. In addition, the board of trustees must have adopted a specific plan that details how the community college will improve the quality of the program designated for emphasis and that includes quality measures and outcome measures. Over a period of time, the community college operating budget should show additional financial commitment to the program of emphasis above and beyond the average increases to other programs offered by the community college. Fundraising activities must be specifically identified as being for the program of emphasis or scholarship money. The community college must fully levy the amount for financial aid purposes provided by s. 240.35*(12)*~~(10)~~ in addition to the tuition and matriculation fee before any scholarship funds are awarded to the community college as part of its approved request.

(c) Proposals for use of the trust fund *by community colleges* shall be submitted to the State Board of Community Colleges for approval. Any proposal not acted upon in 60 days shall be considered not approved.

(8) The State Board of Community Colleges shall establish rules to provide for the administration of this fund. Such rules shall establish the minimum challenge grant reserved for each college and the maximum amount which a college may receive from a legislative appropriation in any fiscal year in accordance with the provisions of the General Appropriations Act.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 85, line 1, after the semicolon (;) insert: amending s. 240.36, F.S.; revising provisions relating to the Florida Academic Improvement Trust Fund for Community Colleges;

Amendment 1 as amended was adopted.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 2846** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator Jennings, by two-thirds vote of the membership **CS for SB 638** was considered outside the extended call.

On motions by Senator Williams, by two-thirds vote—

CS for HB 1887—A bill to be entitled An act relating to air and water resources; amending ss. 373.019 and 403.031, F.S.; deleting obsolete language and conforming the definitions of "state water policy"; amending s. 373.406, F.S.; providing an exemption from regulation under part IV of chapter 373, F.S.; amending s. 373.414, F.S.; clarifying criteria relating to review of certain surface water and wetlands activities; providing for review of certain activities under certain rules; revising an exemption; creating s. 373.4141, F.S.; providing procedures and timeframes for approval of permits under said part; amending s. 373.4145, F.S.; providing that permit applications under said part pending in the Northwest Florida Water Management District on a specified date are subject to certain grandfathering provisions; creating s. 373.428, F.S.; providing that activities permitted under said part are subject to federal consistency review with regard to the state's coastal management program; amending s. 403.061, F.S.; providing for legislative approval prior to certain interstate agreements relating to ozone precursor pollutants; providing for future repeal of certain rulemaking procedures of the Departments of Environmental Protection and Agriculture and Consumer Services; amending s. 403.0872, F.S.; deleting a future repeal date; providing an effective date.

—a companion measure, was substituted for **CS for SB 638** and by two-thirds vote read the second time by title. On motion by Senator Williams, by two-thirds vote **CS for HB 1887** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Jennings, by two-thirds vote of the membership **SB 936** was considered outside the extended call.

On motion by Senator Jennings, by two-thirds vote **HB 783** was withdrawn from the Committee on Governmental Reform and Oversight.

On motions by Senator Harris—

HB 783—A bill to be entitled An act relating to pool/spa contractors; amending s. 489.105, F.S.; revising definitions relating to the various types of pool/spa contractors; providing that licensure is required to install, construct, maintain, or replace equipment permanently attached to and associated with a pool or spa for the purpose of water treatment or cleaning of the pool or spa; providing that licensure is not required for use thereof for such a purpose unless such usage involves construction, modification, or replacement of such equipment; providing that water treatment that does not require such equipment does not require licensure; providing that a license is not required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment; providing an effective date.

—a companion measure, was substituted for **SB 936** and read the second time by title. On motion by Senator Harris, by two-thirds vote **HB 783** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Jennings, by two-thirds vote of the membership **SB 1798** was considered outside the extended call.

On motions by Senator Williams, the rules were waived and by two-thirds vote—

CS for HB 1805—A bill to be entitled An act relating to amusement games; amending s. 849.161, F.S.; authorizing the use of certain amusement games or machines at specified locations; providing application; providing an effective date.

—a companion measure, was substituted for **SB 1798** and by two-thirds vote read the second time by title.

Senator Jenne moved the following amendment which was adopted:

Amendment 1—On page 2, line 16 and on page 3, line 5, after "games" insert: *or any other game or machine that may be construed as a gambling device under Florida Law*

On motion by Senator Williams, by two-thirds vote **CS for HB 1805** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motion by Senator Jennings, by two-thirds vote of the membership **SB 786** was considered outside the extended call.

On motions by Senator Brown-Waite, by two-thirds vote—

HB 2195—A bill to be entitled An act relating to certificate of need; amending s. 408.032, F.S.; deleting the definition of "capital expenditure"; including hospices within the definition of "health care facility"; amending s. 408.036, F.S., relating to health-care-related projects which are subject to certificate-of-need review; revising applicability; eliminating certificate-of-need review for projects exceeding the $1 million expenditure threshold and for acquisition of major medical equipment, research, education, and training programs, donations, acquisition of land for health care facilities or health care provider offices, termination of a health care service, shared services contracts or projects, emergency projects and unforeseen major public health hazards, and medical office buildings; providing for exemptions for inpatient cardiac catheterization services, termination of a health care service, and certain expenditures for outpatient services; creating s. 408.0369, F.S.; establishing a Certificate of Need Study Commission; providing for membership; providing duties and responsibilities; providing for an executive director; providing for compensation; requiring recommendations; amending s. 408.037, F.S., relating to application content; amending s. 408.039, F.S., relating to letters of intent and the administrative hearings process; amending ss. 408.040 and 408.702, F.S.; correcting cross references; amending s. 408.043, F.S.; providing that private accreditation is not required for issuance or maintenance of a certificate of need; amending s. 400.602, F.S.; correcting a cross reference relating to hospice licensure for certain entities; conditioning implementation of study on a specific appropriation; providing effective dates.

—a companion measure, was substituted for **SB 786** and by two-thirds vote read the second time by title.

Senator Gutman moved the following amendment which failed:

Amendment 1 (with title amendment)—On page 17, line 31, before the period (.) insert: beginning with adult inpatient diagnostic cardiac catherization services

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: requiring recommendations relating to adult inpatient diagnostic catherization services;

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 2—On page 12, line 17, insert:

Section 4. Subsection 408.036(1), as amended by this act, shall not apply to any applications filed prior to or pending as of July 1, 1996.

(Renumber subsequent sections.)

On motion by Senator Brown-Waite, by two-thirds vote **HB 2195** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Jennings, by two-thirds vote of the membership **CS for CS for SB 2192** was considered outside the extended call.

On motions by Senator Brown-Waite, by two-thirds vote—

CS for HB 1905—A bill to be entitled An act relating to resource recovery and management; amending s. 403.703, F.S.; revising the definition of "construction and demolition debris"; amending s. 403.707, F.S.; removing the exemption from permit requirements for solid waste disposal areas limited solely to the disposal of construction and demolition debris; requiring the Department of Environmental Protection to establish a separate category for solid waste management facilities which accept only construction and demolition debris for disposal or recycling; providing for the establishment of requirements for such facilities; providing for the establishment of a compliance schedule for existing facilities; requiring owners and operators to provide financial assurance for the closing of a facility; requiring the department to establish training requirements for owners of such facilities; requiring the department to establish criteria and guidelines to encourage recycling; requiring the department to provide specified notice to local governments; authorizing local governments to notify the department of the operation or construction of specified programs or facilities; providing a legislative finding; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2192** and by two-thirds vote read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 1905** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Jennings, the rules were waived and by two-thirds vote **HB 1791**, **CS for HB 711**, **SB 480**, **CS for SB 746**, **SB 1106**, **CS for SB 2448**, **CS for SB 1070**, **CS for SB 1180**, **CS for HB 1969**, **SB 356**, **SB 302**, **CS for SB 96**, **SB 422**, **CS for SB 646**, **SB 2688**, **SB 1928**, **CS for SB 1204**, **CS for SJR 2902** and **CS for SB 376** were established as the Special Order Calendar.

CONSIDERATION OF BILL OUT OF ORDER

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership **HB 49** was considered outside the extended call.

On motion by Senator Burt, by two-thirds vote **HB 49** was withdrawn from the Committee on Ways and Means.

On motion by Senator Burt, by unanimous consent—

HB 49—A bill to be entitled An act relating to controlled substance schedules; amending s. 893.03, F.S.; excepting levo-alphacetylmethadol from classification under Schedule I and reclassifying it under Schedule II; amending s. 893.13, F.S.; providing that specified unauthorized activities involving flunitrazepam shall be subject to the same penalties provided therein for violations involving controlled substances under s. 893.03(1)(a), Florida Statutes, relating to certain Schedule I controlled substances; providing effective dates.

—was taken up out of order and read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Burt and failed:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (c) of subsection (1), paragraphs (a) and (c) of subsection (2), and subsection (4) of section 893.03, Florida Statutes, are amended to read:

893.03 Standards and schedules.—The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, or trade name designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt Anabolic Steroid Products."

(1) SCHEDULE I.—A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards. The following substances are controlled in Schedule I:

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Acetyl-alpha-methylfentanyl.

2. Acetylmethadol.

3. Allylprodine.

4. Alphacetylmethadol *(except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).*

5. Alphamethadol.

6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).

7. Alpha-methylthiofentanyl.

8. Alphameprodine.

9. Benzethidine.

10. Benzylfentanyl.

11. Betacetylmethadol.

12. Beta-hydroxyfentanyl.

13. Beta-hydroxy-3-methylfentanyl.

14. Betameprodine.

15. Betamethadol.

16. Betaprodine.

17. Clonitazene.

18. Dextromoramide.

19. Diampromide.

20. Diethylthiambutene.

21. Difenoxin.

22. Dimenoxadol.

23. Dimepheptanol.

24. Dimethylthiambutene.

25. Dioxaphetyl butyrate.

26. Dipipanone.

27. Ethylmethylthiambutene.

28. Etonitazene.

29. Etoxeridine.

30. Furethidine.

31. Hydroxypethidine.

32. Ketobemidone.

33. Levomoramide.

34. Levophenacylmorphan.

35. 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).

36. 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).

37. 3-Methylthiofentanyl.

38. 3, 4-Methylenedioxymethamphetamine (MDMA).

39. Morpheridine.

40. Noracymethadol.

41. Norlevorphanol.

42. Normethadone.

43. Norpipanone.

44. Para-Fluorofentanyl.

45. Phenadoxone.

46. Phenampromide.

47. Phenomorphan.

48. Phenoperidine.

49. 1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine (PEPAP).

50. Piritramide.

51. Proheptazine.

52. Properidine.

53. Propiram.

54. Racemoramide.

55. Thenylfentanyl.

56. Thiofentanyl.

57. Tilidine.

58. Trimeperidine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances or which contains any of their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Alpha-ethyltryptamine.

2. ~~1.~~ 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-methylaminorex).

3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).

4. ~~2.~~ 4-Bromo-2,5-dimethoxyamphetamine.

5. 4-Bromo-2, 5-dimethoxyphenethylamine.

6. ~~3.~~ Bufotenine.

7. ~~4.~~ Cannabis.

8. ~~5.~~ Cathinone.

9. ~~6.~~ Diethyltryptamine.

10. ~~7.~~ 2,5-Dimethoxyamphetamine.

11. ~~8.~~ 2,5-Dimethoxy-4-ethylamphetamine (DOET).

12. ~~9.~~ Dimethyltryptamine.

13. ~~10.~~ N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine analog of phencyclidine).

14. ~~11.~~ N-Ethyl-3-piperidyl benzilate.

15. ~~12.~~ N-ethylamphetamine.

16. ~~13.~~ Fenethylline.

17. ~~14.~~ N-Hydroxy-3,4-methylenedioxyamphetamine.

18. ~~15.~~ Ibogaine.

19. ~~16.~~ Lysergic acid diethylamide (LSD).

20. ~~17.~~ Mescaline.

21. Methcathinone.

22. ~~18.~~ 5-Methoxy-3,4-methylenedioxyamphetamine.

23. ~~19.~~ 4-methoxyamphetamine.

24. ~~20.~~ 4-Methyl-2,5-dimethoxyamphetamine.

25. ~~21.~~ 3,4-Methylenedioxy-N-ethylamphetamine.

26. ~~22.~~ 3,4-Methylenedioxyamphetamine.

27. ~~23.~~ N-Methyl-3-piperidyl benzilate.

28. ~~24.~~ N,N-dimethylamphetamine.

29. ~~25.~~ Parahexyl.

30. ~~26.~~ Peyote.

31. ~~27.~~ N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine analog of phencyclidine).

32. ~~28.~~ Psilocybin.

33. ~~29.~~ Psilocyn.

34. ~~30.~~ Tetrahydrocannabinols.

35. ~~31.~~ 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP) (Thiophene analog of phencyclidine).

36. ~~32.~~ 3,4,5-Trimethoxyamphetamine.

(2) SCHEDULE II.—A substance in Schedule II has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of the substance may lead to severe psychological or physical dependence. The following substances are controlled in Schedule II:

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis:

1. Opium and any salt, compound, derivative, or preparation of opium, except nalmefene or isoquinoline alkaloids of opium, including, but not limited to, the following:

a. Raw opium.

b. Opium extracts.

c. Opium fluid extracts.

d. Powdered opium.

e. Granulated opium.

f. Tincture of opium.

g. Codeine.

h. Ethylmorphine.

i. Etorphine hydrochloride.

j. Hydrocodone.

k. Hydromorphone.

l. Levo-alphacetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).

m. ~~l.~~ Metopon (methyldihydromorphinone).

n. ~~m.~~ Morphine.

o. ~~n.~~ Oxycodone.

p. ~~o.~~ Oxymorphone.

q. ~~p.~~ Thebaine.

2. Any salt, compound, derivative, or preparation of a substance which is chemically equivalent to or identical with any of the substances referred to in subparagraph 1., except that these substances shall not include the isoquinoline alkaloids of opium.

3. Any part of the plant of the species Papaver somniferum, L.

4. Cocaine or ecgonine, including any of their stereoisomers, and any salt, compound, derivative, or preparation of cocaine or ecgonine.

5. Dronabinol (synthetic THC) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers, optical isomers, salts of their isomers, and salts of their optical isomers:

1. Amobarbital.

2. Amphetamine.

3. Flunitrazepam.

4. ~~3.~~ Glutethimide.

5. ~~4.~~ Methamphetamine.

6. ~~5.~~ Methylphenidate.

7. ~~6.~~ Pentobarbital.

8. ~~7.~~ Phenmetrazine.

9. ~~8.~~ Phenylacetone.

10. ~~9.~~ Secobarbital.

(4) SCHEDULE IV.—A substance in Schedule IV has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, are controlled in Schedule IV:

(a) Alprazolam.

(b) Barbital.

(c) Bromazepam.

(d) Camazepam.

(e) Cathine.

(f) Chloral betaine.

(g) Chloral hydrate.

(h) Chlordiazepoxide.

(i) Clobazam.

(j) Clonazepam.

(k) Clorazepate.

(l) Clotiazepam.

(m) Cloxazolam.

(n) Delorazepam.

(o) Dextropropoxyphene (dosage forms).

(p) Diazepam.

(q) Diethylpropion.

(r) Estazolam.

(s) Ethchlorvynol.

(t) Ethinamate.

(u) Ethyl loflazepate.

(v) Fencamfamin.

(w) Fenfluramine.

(x) ~~(w)~~ Fenproporex.

(y) ~~(x)~~ Fludiazepam.

~~(y) Flunitrazepam.~~

(z) Flurazepam.

(aa) Halazepam.

(bb) Haloxazolam.

(cc) Ketazolam.

(dd) Loprazolam.

(ee) Lorazepam.

(ff) Lormetazepam.

(gg) Mazindol.

(hh) Mebutamate.

(ii) Medazepam.

(jj) Mefenorex.

(kk) Meprobamate.

(ll) Methohexital.

(mm) Methylphenobarbital.

(nn) Midazolam.

(oo) Nimetazepam.

(pp) Nitrazepam.

(qq) Nordiazepam.

(rr) Oxazepam.

(ss) Oxazolam.

(tt) Paraldehyde.

(uu) Pemoline.

(vv) Pentazocine.

(ww) Phenobarbital.

(xx) Phentermine.

(yy) Pinazepam.

(zz) Pipradrol.

(aaa) Prazepam.

(bbb) Propylhexedrine, excluding any patent or proprietary preparation containing propylhexedrine, unless otherwise provided by federal law.

(ccc) Quazepam.

(ddd) Tetrazepam.

(eee) SPA[(-)-1 dimethylamino-1, 2 diphenylethane].

(fff) Temazepam.

(ggg) Triazolam.

(hhh) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

Section 2. Effective July 1, 1996, subsection (12) is added to section 893.13, Florida Statutes, to read:

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as provided in this chapter, it is unlawful to sell or deliver in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 a.m. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 and must be sentenced to a minimum term of imprisonment of 3 calendar years.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(d) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 200 feet of the real property comprising a public housing facility, within 200 feet of the real property comprising a public or private college, university, or other postsecondary educational institution, or within 200 feet of any public park. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve

100 hours of public service in addition to any other penalty prescribed by law.

(2)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to purchase, or possess with intent to purchase, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as provided in this chapter, it is unlawful to purchase in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who delivers, without consideration, not more than 20 grams of cannabis, as defined in this chapter, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this paragraph, "cannabis" does not include the resin extracted from the plants of the genus Cannabis or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(4) Except as authorized by this chapter, it is unlawful for any person 18 years of age or older to deliver any controlled substance to a person under the age of 18 years, or to use or hire a person under the age of 18 years as an agent or employee in the sale or delivery of such a substance, or to use such person to assist in avoiding detection or apprehension for a violation of this chapter. Any person who violates this provision with respect to:

(a) A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence may not be suspended or deferred, nor shall the person so convicted be placed on probation.

(5) It is unlawful for any person to bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. Any person who violates this provision with respect to:

(a) A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6)(a) It is unlawful for any person to be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice or to be in actual or constructive possession of a controlled substance except as otherwise authorized by this chapter. Any person who violates this provision commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the offense is the possession of not more than 20 grams of cannabis, as defined in this chapter, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this subsection, "cannabis" does not include the resin extracted from the plants of the genus Cannabis, or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(c) Except as provided in this chapter, it is unlawful to possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Notwithstanding any provision to the contrary of the laws of this state relating to arrest, a law enforcement officer may arrest without warrant any person who the officer has probable cause to believe is violating the provisions of this chapter relating to possession of cannabis.

(7)(a) It is unlawful for any person:

1. To distribute or dispense a controlled substance in violation of this chapter.

2. To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this chapter.

3. To refuse an entry into any premises for any inspection or to refuse to allow any inspection authorized by this chapter.

4. To distribute a controlled substance named or described in s. 893.03(1) or (2) except pursuant to an order form as required by s. 893.06.

5. To keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.

6. To use to his or her own personal advantage, or to reveal, any information obtained in enforcement of this chapter except in a prosecution or administrative hearing for a violation of this chapter.

7. To withhold information from a practitioner from whom the person seeks to obtain a controlled substance or a prescription for a controlled substance that the person has received a controlled substance or a prescription for a controlled substance of like therapeutic use from another practitioner within the last 30 days.

8. To possess a prescription form which has not been completed and signed by the practitioner whose name appears printed thereon, unless the person is that practitioner, is an agent or employee of that practitioner, is a pharmacist, or is a supplier of prescription forms who is authorized by that practitioner to possess those forms.

9. To acquire or obtain, or attempt to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

10. To affix any false or forged label to a package or receptacle containing a controlled substance.

11. To furnish false or fraudulent material information in, or omit any material information from, any report or other document required to be kept or filed under this chapter or any record required to be kept by this chapter.

(b) Any person who violates the provisions of subparagraphs (a)1.-8. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; except that, upon a second or subsequent violation, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who violates the provisions of subparagraphs (a)9.-11. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) Notwithstanding any provision to the contrary of the laws of this state:

(a) The court may assess for alcohol and other drug abuse programs as provided in s. 893.165 any defendant who pleads guilty or nolo contendere to, or is convicted of, a violation of any provision of this chapter or which involves a criminal violation of s. 316.193, s. 856.011, s. 856.015, or chapter 562, chapter 567, or chapter 568, in addition to any fine and other penalty provided by law, an amount up to the amount of the fine authorized for the violation.

(b) The court may assess any defendant who pleads guilty or nolo contendere to, or is convicted of, a violation of any provision of this section, without regard to whether adjudication was withheld, in addition to any fine and other penalty provided or authorized by law, an amount of $100, to be paid to the clerk of the court, who shall forward it to the Operating Trust Fund of the Department of Law Enforcement to be used by the statewide criminal analysis laboratory system for the purposes specified in s. 943.361.

The court is authorized to order a defendant to pay an additional assessment if it finds that the defendant has the ability to pay the fine and the additional assessment and will not be prevented thereby from being rehabilitated or from making restitution.

(9) The provisions of subsections (1) through (7) are not applicable to the delivery to, or actual or constructive possession for medical or scientific use or purpose only of controlled substances by, persons included in any of the following classes, or the agents or employees of such persons, for use in the usual course of their business or profession or in the performance of their official duties:

(a) Pharmacists.

(b) Practitioners.

(c) Persons who procure controlled substances in good faith and in the course of professional practice only, by or under the supervision of pharmacists or practitioners employed by them, or for the purpose of lawful research, teaching, or testing, and not for resale.

(d) Hospitals that procure controlled substances for lawful administration by practitioners, but only for use by or in the particular hospital.

(e) Officers or employees of state, federal, or local governments acting in their official capacity only, or informers acting under their jurisdiction.

(f) Common carriers.

(g) Manufacturers, wholesalers, and distributors.

(h) Law enforcement officers for bona fide law enforcement purposes in the course of an active criminal investigation.

(10) Notwithstanding any provision of the sentencing guidelines to the contrary, on or after October 1, 1993, any defendant who:

(a) Violates subparagraph (1)(a)1., subparagraph (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph (5)(a); and

(b) Has not previously been convicted, regardless of whether adjudication was withheld, of any felony, other than a violation of subparagraph (1)(a)1., subparagraph (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph (5)(a),

may be required by the court to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(1), in lieu of serving a term of imprisonment.

(11) Notwithstanding any provision of the sentencing guidelines to the contrary, on or after January 1, 1994, any defendant who:

(a) Violates subparagraph (1)(a)2., subparagraph (2)(a)2., paragraph (5)(b), or paragraph (6)(a); and

(b) Has not previously been convicted, regardless of whether adjudication was withheld, of any felony, other than a violation of subparagraph (1)(a)2., subparagraph (2)(a)2., paragraph (5)(b), or paragraph (6)(a),

may be required by the court to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(2), in lieu of serving a term of imprisonment.

(12) Notwithstanding any provisions to the contrary of the laws of this state, any unauthorized activity under this section which involves flunitrazepam shall be subject to the same penalties as are provided for in this section for violations involving controlled substances named or described in s. 893.03(1)(a).

Section 3. Except as otherwise specified in this act, this act shall be effective upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-13, delete those lines and insert: An act relating to controlled substance schedules; amending s. 893.03, F.S.; exempting levo-alpacetylmethadol from classification under Schedule I and reclassifying it under Schedule II; adding alpha-ethyltryptamine, 2-amino-5-phenyl-2-oxazoline, 4-bromo-2,5-dimethoxyphenethylamine, and methcathinone to Schedule I; reclassifying flunitrazepam; adding fenfluramine to Schedule IV; amending s. 893.13, F.S.; providing that specified unauthorized activities involving flunitrazepam shall be subject to the same penalties provided therein for violations involving controlled substances under s. 893.03(1)(l), F.S., relating to certain Schedule I controlled substances; providing effective dates.

On motion by Senator Burt, by two-thirds vote **HB 49** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SPECIAL ORDER CALENDAR, continued

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership, **HB 1791** was considered outside the extended call.

HB 1791—A bill to be entitled An act relating to trust funds; terminating or modifying specified trust funds within the legislative branch, the Department of Commerce, the Department of Community Affairs, the Department of Labor and Employment Security, the Department of Education, the Department of State, the Department of Health and Rehabilitative Services, the Department of Elderly Affairs, the Agency for Health Care Administration, the Department of Insurance, the Department of Business and Professional Regulation, the Department of Juvenile Justice, and the Department of Corrections; providing for the transfer of current balances, the paying of outstanding debts and obligations, and the removal of the terminated funds and accounts from the various state accounting systems; renaming certain re-created trust funds; amending s. 311.11, F.S.; repealing provisions creating the Seaport Employment Training Trust Fund within the Department of Commerce; amending s. 288.1224, F.S.; deleting references to the Tourism Promotion Investment Trust Fund within the Department of Commerce; amending ss. 265.605 and 265.606, F.S.; deleting provisions relating to the Fine Arts Endowment Trust Fund within the Department of State and providing for funding from the General Revenue Fund; amending s. 265.608, F.S.; repealing provisions creating the Science Museum Trust Fund within the Department of State and providing for funding from the Cultural Institutions Trust Fund; amending s. 265.609, F.S.; repealing provisions creating the Youth and Children's Museum Trust Fund within the Department of State and providing funding from the Cultural Institutions Trust Fund; amending ss. 267.061, 267.0617, 267.072, and 550.0351, F.S.; deleting references to the Museum of Florida History Trust Fund and the Historic Preservation Trust Fund within the Department of State and providing for funding from the Historical Resources Operating Trust Fund; amending s. 267.162, F.S.; deleting references to the Florida Folklife Trust Fund within the Department of State; amending s. 607.1901, F.S.; conforming provisions relating to transfers from the Corporations Trust Fund within the Department of State to changes made by this act; repealing s. 402.3195, relating to the Child Care Facility and Family Day Care Home Trust Fund; amending s. 39.418, F.S.; funding the care of children in need of services through the Operations and Maintenance Trust Fund; amending s. 392.69, F.S.; funding tuberculosis control through the Operations and Maintenance Trust Fund; amending s. 404.122, F.S.; funding prevention and mitigation efforts relating to abandonment of radioactive materials through

the Radiation Protection Trust Fund; amending ss. 404.111 and 404.131, F.S., to conform; repealing s. 402.3193, F.S., relating to the Child Care Trust Fund; amending s. 397.407, F.S.; funding monitoring, inspection, and oversight of substance-abuse-service providers through the Operations and Maintenance Trust Fund; amending s. 415.1111, F.S.; clarifying a trust fund; amending ss. 408.7056, 627.6472, 641.57, and 641.58, F.S.; providing for deposit into the Health Care Trust Fund of fines, fees, assessments, and other funds resulting from the Statewide Provider and Subscriber Assistance Program, regulation of insurers offering exclusive provider policies, and regulation of health care services provided by health maintenance organizations and prepaid health clinics; repealing s. 624.91(6), F.S., relating to the Florida Healthy Kids Trust Fund; amending s. 732.92155, F.S.; funding organ and tissue donor education and procurement programs through the Florida Organ and Tissue Donor Education and Procurement Trust Fund; amending ss. 320.08047, 322.08, 381.6024, and 732.915, F.S., to conform; amending s. 408.20, F.S.; providing for assessments against the Health Care Trust Fund to fund certain activities of the Agency for Health Care Administration; amending s. 215.20, F.S., to conform; amending s. 455.2205, F.S., relating to the Health Care Trust Fund; requiring separate accounts for providers licensed by the Agency for Health Care Administration; providing for expenditure accounts and reports; making the use of certain funds subject to the General Appropriations Act; amending s. 409.916, F.S.; providing for deposit of certain receipts into the Grants and Donations Trust Fund within the Agency for Health Care Administration and providing for their use; amending s. 633.445, F.S.; funding the State Fire Marshal Scholarship Grant Program through the Fire College Trust Fund; amending s. 633.461, F.S., to conform; repealing s. 561.026, F.S., relating to the Alcoholic Beverage and Tobacco Forfeiture and Investigative Support Trust Fund; amending s. 932.7055, F.S., to conform; amending s. 475.045, F.S.; funding the Florida Real Estate Commission Education and Research Foundation through investment of a portion of the Professional Regulation Trust Fund; amending s. 548.077, F.S.; funding the State Athletic Commission through the Professional Regulation Trust Fund; amending s. 455.116, F.S.; eliminating reference to certain trust funds in the Department of Business and Professional Regulation; repealing s. 409.2566, F.S., relating to the Child Support Enforcement Application Fee Trust Fund; creating s. 61.1814, F.S.; creating the Child Support Enforcement Application and User Fee Trust Fund within the Department of Revenue and providing its purpose; amending s. 409.2567, F.S., to conform; amending ss. 296.11 and 296.38, F.S.; funding the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida through the Operations and Maintenance Trust Fund and the Grants and Donations Trust Fund; amending s. 296.12, F.S., to conform; amending s. 393.15, F.S.; funding community-based treatment programs for the developmentally disabled through the Community Resources Development Trust Fund; amending s. 741.01, F.S.; funding domestic violence centers through the Domestic Violence Trust Fund; amending ss. 28.101, 415.603, and 741.30, F.S., to conform; amending s. 284.01, F.S.; funding state risk management through the State Property Insurance Trust Fund; amending ss. 258.007, 272.185, 284.03, 284.05, 284.14, 287.025, 331.350, and 946.509, F.S., to conform; amending s. 420.36, F.S.; funding the Low-income Emergency Home Repair Program through the Energy Consumption Trust Fund; amending s. 215.22, F.S.; eliminating reference to the Hurricane Andrew Recovery and Rebuilding Trust Fund in the list of trust funds exempt from trust fund service charges; amending s. 402.181, F.S.; funding the State Institutions Claims Program through the General Revenue Fund; amending s. 409.803, F.S., to conform; repealing s. 39.018, F.S., which creates the Juvenile Justice Facility Construction and Operation Trust Fund; amending s. 413.615, F.S.; establishing a base principal amount in the endowment fund of the Florida Endowment for Vocational Rehabilitation and providing for annual increases thereof; revising the manner of funding the operating account of the fund; amending s. 440.50, F.S., relating to the Workers' Compensation Administration Trust Fund; eliminating a provision relating to the Treasurer as custodian of the fund and to the holding of moneys in trust therein; amending ss. 440.15, 440.45, 440.491, and 627.991, F.S., to correct references to the fund; providing an effective date.

—was read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **HB 1791** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40 Nays—None

CONSIDERATION OF BILL OUT OF ORDER

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership **HB 169** was considered outside the extended call.

On motion by Senator Jennings, by two-thirds vote **HB 169** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Jennings, by unanimous consent—

HB 169—A bill to be entitled An act relating to insurance; amending s. 324.021, F.S.; revising the definition of "owner/lessor" to provide alternative minimum limits on certain liability coverage for certain motor vehicle lease agreements under certain circumstances; amending s. 626.729, F.S.; revising the definition of "industrial fire insurance" to include certain additional types of coverage; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Jennings, by two-thirds vote **HB 169** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

COMMUNICATION

A communication was received from the House of Representatives that in compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, the Conference Committee Reports on House Bills 2715 and 2717 were furnished to each member of the Legislature, the Governor, each member of the Cabinet, and the Chief Justice of the Supreme Court. Delivery was completed April 30, 1996 at 9:41 p.m., EDT.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 2715 as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON HB 2715

The Honorable Peter R. Wallace
Speaker, House of Representatives

The Honorable James A. Scott
President of the Senate

Dear Presiding Officers:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 2715, same being:

> An act making appropriations; providing moneys for the annual period beginning July 1, 1996, and ending June 30, 1997, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its amendment 1.
2. That the House of Representatives and the Senate adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Buzz Ritchie
Chair
s/J. Keith Arnold
s/Mary Brennan
s/Irlo Bronson
s/Cynthia Chestnut
s/Lee Constantine
s/Jim Davis

s/Mario Diaz-Balart
Vice Chair
s/W.G. Bankhead
s/Malcolm E. Beard
s/Charlie Bronson
s/Locke Burt
s/Roberto Casas
s/W. D. Childers

s/Rudy Garcia
s/Lars A. Hafner
s/Dennis L. Jones
s/James E. (Jim) King, Jr.
s/Anne Mackenzie
s/Randy Mackey
s/Elvin L. Martinez
s/Luis C. Morse
s/Vernon Peeples
s/Ken Pruitt
s/Alzo J. Reddick
s/Beryl Roberts-Burke
s/Debby Sanderson
s/Dean Saunders
s/W. E. Sublette
s/C. L. Valdes

Managers on the part of the House of Representatives

s/Charlie Crist
s/Rick Dantzler
s/Fred R. Dudley
s/Alberto Gutman
s/Robert Harden
s/James Hargrett
s/Katherine Harris
Betty S. Holzendorf
s/Jim Horne
s/Toni Jennings
s/Daryl L. Jones
s/George G. Kirkpatrick
s/Patsy Ann Kurth
s/William G. (Doc) Myers
s/John Ostalkiewicz
Ronald A. Silver
s/D. C. Sullivan
s/Pat Thomas
s/Charles Williams

Managers on the part of the Senate

Conference Committee Amendment 1—On page 1, line 1, delete everything and insert:

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 1996, and ending June 30, 1997, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

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

The moneys contained herein are appropriated from the named funds for the 1996-97 Fiscal Year to the State agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

SECTION 1. EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The moneys contained herein are appropriated from the Education Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

PUBLIC SCHOOLS, DIVISION OF

24 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT DISCRETIONARY LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 463,290,000

Funds appropriated in Specific Appropriation 24 are provided as enhancement funds for school districts and shall be allocated by prorating each district's base funding entitlement to the amount of the appropriation.

Districts shall use a unique fund source code for accounting for the receipt and expenditure of all Educational Enhancement Trust Funds.

Prior to the expenditure of funds appropriated in Specific Appropriation 24, each school district shall establish policies and procedures that define enhancement and the types of expenditures that will

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be considered consistent with that definition. Districts shall provide to the Department of Education a copy of all policies and procedures that relate to the use of enhancement funds and shall annually, within a sixty day period following the end of each fiscal year, submit a report to the Department of Education showing the actual expenditure of all enhancement funds.

From the funds provided in Specific Appropriation 24, school boards may allocate to each school not less than $4 and not more than $9.50 per unweighted FTE student to be used at the discretion of the staff and parents of the school to implement the school's improvement plan. School boards that can demonstrate that they are currently expending at least $4 per unweighted full-time equivalent student on the planning process required by current law and this act may use such expenditures to satisfy the requirements of this section. The school's improvement plan shall be based on the needs of the students at the school and shall be consistent with the state-wide and district-wide school improvement programs.

Funds provided in Specific Appropriation 24 include funding for the following issues:

From the funds provided in Specific Appropriation 24 to Broward County $270,000 shall be used solely for improvement to the school district's property; these multipurpose classroom construction matching funds are contingent upon private matching funds of at least $250,000 being raised by September 1, 1996.

Funds in Specific Appropriation 24 allocated to Duval County shall be used to implement an alternative program in conjunction with the Forest Service, the St. John's Water Management District, the Juvenile Justice System, the Fourth Judicial Circuit, the State Attorney's Office and the City of Jacksonville, for students who commit Class II offenses in grades 6, 7, and 8.

27 SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 107,000,000

Funds in Specific Appropriation 27 are provided to establish and maintain pre-school programs. No district shall be required to use more than 80% of its pre-school programs allocation for that purpose. Any district that uses funds provided in Specific Appropriation 27 for a purpose other than operation of pre-school programs shall include in its annual financial report the amount and purpose for each expenditure.

From the funds appropriated in Specific Appropriation 27, $3,000,000 shall be used as incentives for collaborative partnerships between school district operated preschool programs and those contracted through Central Agencies, Head Start grantees, and non-public programs serving eligible children for the purpose of supporting

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communities and schools in meeting their obligations under Goal 1 of Education Reform and Accountability.

Funds provided in Specific Appropriation 27 shall be used to provide an appropriate pre-school program as authorized in s. 230.2305, Florida Statutes.

From the funds provided in Specific Appropriation 27 $427,000 is provided to assist the coordination and delivery of early childhood services.

From funds provided in Specific Appropriation 27, $77,500 shall be used for the operation of a State Coordinating Council on Early Childhood Services.

Funds in Specific Appropriation 27 shall be allocated to each eligible school district on the basis of full-time equivalent (FTE) students served consistent with the provisions of Section 230.2305, Florida Statutes. For the purpose of this appropriation, an FTE is defined as six hours per day of quality contact time in a developmentally appropriate program for 180 days. The calculation of a district's entitlement shall be based on $3,200 per FTE. For 1996-97, the minimum amount for each school district shall be $65,000.

From the funds in Specific Appropriation 27, $3,295,172 is provided to continue the Migrant Education 3 and 4 Year Old's Program.

From the funds provided in Specific Appropriation 27, $3,000,000 shall be used for the Florida First Start Program. The Commissioner shall allocate these funds to the existing 24 Florida First Start programs in amounts equal to, or proportional to, the amounts those programs received in 1995-96.

From the funds provided in Specific Appropriation 27, $125,000 shall be used for continuing the third party evaluation in s. 411.205, Florida Statutes.

From the funds provided in Specific Appropriation 27, $19,100,000 of eligible expenditure shall be used as matching funds to earn up to $23.4 million above the 1995-96 funding level used in the federal Family Support Act (Title II-A) to provide day care and Pre-K services to the children of AFDC parents, including those participating in the Certified Teacher Aide Welfare Transition Program. Services may be provided directly by community colleges and district vocational technical centers, through Family Service Centers and Full-Service Schools, or under contract with providers. Funds must be used in accordance with federal laws regarding Family Support Act funded child care. Participiton in the Certified Teacher Aide Welfare Transition Program must be validated by November 1, 1996 for the 1996-97 fiscal year. Funds not obligated for the Certified Teacher Aide Welfare Transition Program may be used for participation in regular pre-kindergarten programs.

27A SPECIAL CATEGORIES
GRANTS AND AIDS - TECHNOLOGY MATCHING
GRANTS

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FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 5,000,000

The funds provided in Specific Appropriation 27A shall be matched with no less than 40% local funds to enable public and private elementary and secondary schools to implement a technology plan for delivery of interactive voice, video and data over a seemlessly integrated computer network primarily for distance learning designed for measurably increased student achievement, economic development as to specific communities served using systems integration expertise to ensure vendor neutrality. None of the funds provided in Specific Appropriation 27A shall be expended for technology by any school until the school has submitted a plan for its proposed technology expenditures to the Commissioner of Education and that plan has been approved by the Commissioner. The Commissioner shall not approve any plan without prior consultation with DMS and review and approval by the Florida Distance Learning Network.

COMMUNITY COLLEGES, DIVISION OF

28 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 120,660,000

Funds provided in Specific Appropriation 28 shall be allocated as follows:

Brevard	4,701,432
Broward	7,764,898
Central Florida	2,414,950
Chipola	832,388
Daytona Beach	7,278,820
Edison	2,865,205
Florida CC at Jacksonville	11,781,992
Florida Keys	542,931
Gulf Coast	2,061,663
Hillsborough	6,073,198
Indian River	5,316,596
Lake City	1,284,215
Lake-Sumter	750,426
Manatee	2,459,399
Miami-Dade	19,564,802
North Florida	565,753
Okaloosa-Walton	2,237,617
Palm Beach	5,252,613
Pasco-Hernando	1,799,610
Pensacola	4,522,694
Polk	1,862,785
St. Johns	1,297,032
St. Petersburg	6,213,859
Santa Fe	4,741,578
Seminole	4,184,472
South Florida	1,581,144
Tallahassee	3,086,319
Valencia	7,621,607

The State Board of Community Colleges shall submit a report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate reflecting how these funds

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were expended.

29 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY COLLEGE
ENDOWMENT MATCHING FUND
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,750,000

29A SPECIAL CATEGORIES
PERFORMANCE BASED INCENTIVE PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,000,000

30 SPECIAL CATEGORIES
GRANTS AND AIDS - NURSING EDUCATION
CHALLENGE GRANT FUND
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 800,000

UNIVERSITIES, DIVISION OF

EDUCATIONAL AND GENERAL ACTIVITIES

From the funds in Specific Appropriations 30A and 31 for university enhancements, the Board of Regents shall allocate to each university its proportional share to be used for enhanced programs to be determined by each respective university. The Board of Regents may allocate up to $500,000 of these funds (off-the-top) for implementing systemwide or statewide priorities. Funds appropriated herein may be transferred to one or more appropriation categories for expenditure; however, the Board of Regents shall establish a mechanism for tracking such transferred funds back to the original appropriation. The Board of Regents shall submit an annual report reflecting how these funds were expended.

30A LUMP SUM
STATE UNIVERSITY SYSTEM LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 122,150,000

31 LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 5,060,000

BOARD OF REGENTS GENERAL OFFICE

37 SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 5,000,000

TOTAL OF SECTION 1

FROM TRUST FUNDS 833,710,000

TOTAL ALL FUNDS 833,710,000

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The moneys contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF
EDUCATION

Funds in Specific Appropriations 40A through 181 as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced

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quarterly throughout the fiscal year based on projects, grants, contracts and allocation conference documents.

When a public educational institution has been fully funded by an external agency for direct instructional costs of any course or program, the FTE generated shall not be reported for state funding.

OFFICE OF THE COMMISSIONER

38 SALARIES AND BENEFITS POSITIONS 40
FROM GENERAL REVENUE FUND 2,132,093
FROM EDUCATIONAL AIDS TRUST FUND 76,777

From the funds and authorized positions provided in Specific Appropriations 38, 45, 72, 133, and 159, the Commissioner may transfer positions and appropriations consistent with the provisions of Chapter 216, Florida Statutes, from one budget entity to another as required to implement the staff reductions.

39 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,423

40 EXPENSES
FROM GENERAL REVENUE FUND 686,257
FROM EDUCATIONAL AIDS TRUST FUND 3,165

40A AID TO LOCAL GOVERNMENTS
GENDER EQUITY
FROM GENERAL REVENUE FUND 2,000,000

Funds in Specific Appopriation 40A shall be used to address the requirements of Title IX related to equity in athletics. In order to qualify for these funds individual universities and community colleges shall develop a plan for review and approval by the Commissioner of Education, to address operating costs, facilities and equipment needs as identified through a gender equity facility and equipment needs assessment survey. Such plan shall be submitted to the Commissioner of Education on or before November 1, 1996.

40B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HUMAN IMMUNODEFICIENCY
VIRUS/ACQUIRED IMMUNE DEFICIENCY SYNDROME
(HIV/AIDS) AWARENESS EDUCATION
FROM GENERAL REVENUE FUND 800,000

Funds provided in Specific Appropriation 40B shall be used to fund school-based HIV/AIDS awareness education incentive grants. Incentive grants shall be awarded on a competitive basis to public school districts wishing to implement school-based HIV/AIDS awareness education. The incentive grant program shall be administered in accordance with the program description in HB 1241. The funds provided in Specific Appropriation 40B are not contingent upon HB 1241 becoming law.

41 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 31,823

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42 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
FROM GENERAL REVENUE FUND 2,400,000

From the funds in Specific Appropriation 42 $34,000 shall be allocated by the Department of Education to the Postsecondary Education Planning Commission to update the cohort analysis of college reach-out program participants.

43 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION
FROM GENERAL REVENUE FUND 1,714,244

43A SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 28,897

44 SPECIAL CATEGORIES
SCHOOL VOLUNTEERS ADVISORY COUNCIL
FROM EDUCATIONAL AIDS TRUST FUND 46,053

44A SPECIAL CATEGORIES
CUBAN AMERICAN FOUNDATION
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 44A are contingent upon the deposit into General Revenue unallocated of $500,000 appropriated to the Endowment for Cuban American Studies in line item 334A, Chapter 89-253, Laws of Florida.

44B DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 45,459
FROM EDUCATIONAL AIDS TRUST FUND 1,776

OFFICE OF DEPUTY COMMISSIONER FOR PLANNING, BUDGETING AND MANAGEMENT

45 SALARIES AND BENEFITS POSITIONS 212
FROM GENERAL REVENUE FUND 6,605,756
FROM EDUCATIONAL AIDS TRUST FUND 217,563
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 1,466,816
FROM FOOD AND NUTRITION SERVICES TRUST FUND 553,402

46 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 145,277
FROM EDUCATIONAL AIDS TRUST FUND 43,294
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 23,425
FROM FOOD AND NUTRITION SERVICES TRUST FUND 104,555

47 EXPENSES
FROM GENERAL REVENUE FUND 2,917,027
FROM EDUCATIONAL AIDS TRUST FUND 200,940
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 520,131
FROM FOOD AND NUTRITION SERVICES TRUST FUND 534,314

48 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 121,639
FROM EDUCATIONAL AIDS TRUST FUND 298,780

49 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 198,464

50 SPECIAL CATEGORIES
COST-OF-LIVING PRICE SURVEY
FROM GENERAL REVENUE FUND 293,695
FROM EDUCATIONAL AIDS TRUST FUND 54,493

Specific Appropriation 50 provides $75,000 to be used for the following purpose: The Department of Education shall make all necessary arrangements to ensure that funding is provided to Dr. David Denslow to conduct additional research required to implement the recommendations from the Study of the Florida Price level Index conducted as required by Chapter 95-357, Laws of Florida, and published in January, 1996. In planning and carrying out the additional study priority shall be given to completing the work required to implement all of the short term recommendations in time for the results to be incorporated in the 1997-98 FPLI. A report containing the results from the additional study and the implementation of the short term recommendations and the status of all additional study undertaken and planned shall be submitted to the Legislature on or before December 1, 1996.

51 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 2,114,494

Funds in Specific Appropriation 51 shall be allocated to the Multidisciplinary Educational Services Centers as follows: University of Florida, $468,344; University of Miami, $392,381; Florida State University, $401,558; University of South Florida, $465,637; and University of Florida Health Science Center at Jacksonville, $386,574. Each center shall provide a report to the Department of Education by September 1, 1996, for the 1995-96 year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in inservice education activities, 4) the number of districts served, and 5) specific services provided.

52 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION RESOURCE NETWORK
FROM GENERAL REVENUE FUND 6,166,473
FROM EDUCATIONAL AIDS TRUST FUND 3,200,000

The funds provided in Specific Appropriation 52 shall be used to continue the Florida Information Resource Network (FIRN). The goals of the network are the implementation of a statewide interactive network and the reduction of the data burden on teachers and other personnel. A principal emphasis shall continue to be the automation of student,

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staff and financial information systems.

From funds in Specific Appropriation 52 each of the twenty-eight community colleges and from funds in Specific Appropriation 52 each of the nine universities shall have the implementation of the electronic interface of the F.A.S.T.E.R. (Florida Automated Student Transcript and Electronic Records) system completed by December 1, 1996. This includes the capability to send and receive student transcripts electronically over the FIRN (Internet and SNA) network among the thirty-seven institutions as well as receive student transcripts electronically from Florida public schools. All thirty-seven institutions must code student information consistently according to the specifications in the 1996-97 version of the F.A.S.T.E.R. User Manual to enable the automated analysis of student transcripts without manual intervention.

The Florida Community College System and the State University System will study and work towards improving the efficiency and effectiveness of their respective data collections systems. This shall include the development of a strategy for enhancing and/or migrating existing data base and data communication systems to facilitate the establishment of a single Distributed Data Base environment among the community colleges and universities that supports data reporting which these institutions can certify, making use of open data base (ODBC) standards and systems, the Internet, the World Wide Web, optical cards and other emerging Technologies.

Included in the funds in Specific Appropriation 52 is $3,200,000 for the community colleges and the Division of Community Colleges (DCC) to comply with the 1987 proviso requiring the development and integration of student, staff, and financial databases. These databases are to be integrated with the facilities database. The databases and the integration defined in this section are to be operational by July 1, 1996. All colleges shall submit required data to the database beginning with the summer term of 1996 which is due to the Division of Community Colleges by September 27, 1996. Funds shall be distributed based on the November 29, 1995 plan approved by the State Board of Community Colleges.

This appropriation emphasizes and rewards sharing development activities. The Executive Director of the State Community College System and each community college president shall have on their annual evaluation a section reflecting how successful compliance with this effort has been for the year. This shall include the achievement of planned steps by planned deadlines in the development process, a report on the dollars and staff time devoted to this initiative, and the activities devoted to sharing with other colleges in the development initiative. The State Board of Community Colleges shall develop the actual wording

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to be used by each local Board of Trustees.

The Database Implementation Task Force (DITF) and the Peer Technical Committee (PTC) shall continue to serve as appointed in 1994. FIRN will serve as the coordinator of the development initiatives for both the community colleges and the division office. The DITF shall arrive at its decisions on the basis of consensus of all members. The DITF shall have the following responsibilities: directing resources to provide technical assistance to the colleges in their development and execution of their database implementation plans; reviewing and giving final approval to the implementation plans submitted by college consortia or individual colleges not participating in a consortia; reviewing and approving financial allocations based on the needs expressed in these implementation plans; monitoring and providing oversight for each project funded; and reporting back to the Legislature and the Governor on the progress towards implementation by the colleges and the consortia. The Peer Technical Committee shall continue to review the colleges' implementation plans and make funding and other recommendations to the DITF according to criteria established by the DITF. Implementation plans shall describe the changes that must be made locally to meet the goals of this proviso including the implementation of local data bases, list the tasks that must be completed to achieve these goals, provide a project schedule for the completion of these tasks by July 1, 1997, and include any requests for impact funding to assist in performing these tasks. Implementation plans must be directly and clearly related to implementing one or more of the required databases at the consortia or non-consortia college level. The project schedule must also show the college being ready to submit all required data to the database by the summer term of 1996. A financial analysis supporting requests for impact funding for tasks to be performed during the third of the three years of this implementation effort shall be included in the implementation plans.

From Specific Appropriation 52, up to $200,000 may be used to support the DITF support staff, that staff's capital outlay and expense funding and to continue the implementation of the integrated database, with the participation of the Division of Community Colleges Management Information Systems staff. FIRN may contract with a college or a vendor for this work in which the Division of Community Colleges Management Information System staff shall also participate. The implementation of the integrated database shall be completed by December 1, 1996. FIRN shall conduct a certification test to determine that an integrated database responsive to the goals in this proviso has been developed, and deliver its certification report to the Governor and the Legislature by January 15, 1997.

Technical assistance may be provided from the $3,200,000. Each consortium shall designate one

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member college as fiscal agent for the consortium. The DITF shall release the consortium funds to that college as provided in the approved consortium implementation plan. Each consortia and non-consortia college is bound by all provisions stated elsewhere in this proviso for reporting and use of funds.

From Specific Appropriation 52 funds provided to consortia and non-consortia colleges shall be used to develop and implement an automated degree audit system. Plans for the development and implementation of the degree audit system shall be included in the third year revision of the Database Implementation Plans. The degree audit system shall be operational by December 1, 1996.

All consortia and colleges not participating in consortia shall make semi-annual progress reports to the DITF, on December 15, 1996 and June 15, 1997. Progress reports shall detail the status of each task included in the approved implementation plans. The DITF shall submit reports to the Governor and the Legislature detailing all progress towards completion of the goals of this proviso on January 15, 1997 and on July 15, 1997.

54 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 864,618

55 SPECIAL CATEGORIES
EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 200,000

56 SPECIAL CATEGORIES
RETIREMENT ESCROW
FROM EDUCATIONAL AIDS TRUST FUND 291,000

57 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 1,375,000

Funds in Specific Appropriation 57 shall be distributed to the four autism centers as follows: University of South Florida (Florida Mental Health Institute) $368,750; University of Florida (College of Medicine) $245,167; University of Miami (Department of Pediatrics) $300,750; University of Florida (Jacksonville) $215,167; and Florida State University (Multidisciplinary Evaluation Center) $245,167. The Department of Education, in consultation with the autism center boards, shall assure state-wide coverage of services by assigning counties to be served by each regional center. Summaries of achievements for the prior fiscal year shall be submitted to the Department of Education by September 1, 1996.

58 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 1,941,011

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FROM EDUCATIONAL AIDS TRUST FUND 757,910

59 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 674,917
FROM EDUCATIONAL AIDS TRUST FUND 285,670

59A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 13,531
FROM EDUCATIONAL AIDS TRUST FUND 99
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 7,306

The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 60 through 71A shall constitute authorized capital outlay projects within the meaning and as required by s. 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each specific allocation for a project is the maximum sum to be expended for each specified phase from funds accruing under s. 9(a)(2), Article XII of the State Constitution, as amended. The scope of each project shall be planned in such a way as to provide that the amounts specified shall not be exceeded, or any excess in costs shall be funded by funds other than those appropriated herein and each project shall be constructed on the site specified. If existing facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of s. 216.301(3)(a), Florida Statutes, shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal Year 1996-97 appropriation. For the state educational agencies to receive these monies from the Department of Education, the Executive Office of the Governor may establish additional fixed capital outlay appropriations within trust funds of state educational agencies for the purpose of making fixed capital outlay project expenditures appropriated herein.

60 FIXED CAPITAL OUTLAY
VOCATIONAL-TECHNICAL FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 1,336,300

Funds provided in Specific Appropriation 60 shall be allocated as follows for projects which shall comply with s. 235.199, Florida Statutes:

Pasco School Board -
Marchman Vocational Center Expansion
(p,c,e)..... $1,336,300

61 FIXED CAPITAL OUTLAY

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MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 138,900,000

Funds provided in Specific Appropriation 61 shall be allocated in accordance with s. 235.435(1), Florida Statutes, as follows:

Public Schools..... $110,439,390
Community Colleges..... 10,709,190
State University System..... 17,751,420

62 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 160,719,754

Funds provided in Specific Appropriation 62 shall be allocated in accordance with s. 235.435(3), and s. 228.053(9)(e), Florida Statutes.

Funds provided in Specific Appropriation 62 include $7,000,000 to be allocated to the school districts and developmental research schools for the purpose of providing facilities for full service schools to support health clinics and social service functions.

63 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 125,126,174

The following community college projects are included in the funds provided in Specific Appropriation 63:

Brevard - Gen ren/rem, GIS equip - PB, 5 bldgs-Cocoa, roofs - Melb..... $2,440,200
Rem/ren Classroom & Library - Cocoa partial..... 320,000
Instrl/PE/Lib/Aud/Sup Svcs - Palm Bay partial (p)..... 1,115,528
Broward - Gen ren/rem, Chiller, HVAC, engy mgt, comm sys, site improv..... 1,751,260
Rem/ren bldg 70, rm 102 & 2nd flr - S.. 1,266,910
Rem/ren bldg 47/Computer & Reading Labs-North partial..... 231,194
Student Cntr 2nd Floor Add/Rem - Central partial (p,c)..... 544,570
JT/FAU/BCC Twin Towers - Admin, clsrms ctr (p,c,e)..... 11,000,000
Central Florida - Gen rem/ren, handicap access, ADA, site improv..... 641,082
Rem/ren Bldgs 2,7,9 & 19 - Main, partial..... 420,683
Chipola - Gen ren/rem, driving range, site improvements..... 294,000
Pub Svcs Tech Bdlg partial (c)..... 3,612,170
Rem/ren Science Lab Bldg..... 181,563
Daytona - Gen ren/rem, undergrd utilities, Bldgs 8, 25, 27, fields..... 1,037,625
Rem/ren Instructional Bldg 1 South partial..... 187,353
Allied Hlth/Sci Building Add & Parking - Main partial (p)..... 450,000
Edison - Gen ren/rem, energy proj 13 bldgs, fire safety, HVAC, site imprv.. 731,157
Allied Health Inst Fac-Main partial (p)..... 1,321,780
Clsrooms/Dist Lrng/Video Conf FAC - Main partial (p)..... 1,150,000
Florida @ Jacksonville - Nassau County Center, (p,c)..... 600,000
Gen ren/rem, HVAC energy mgt sys, dredging @ pier GMC, ADA..... 1,527,139
Rem/ren LRC & Electronic Clsrms - Kent..... 556,793
Rem/ren Deerwood Center partial..... 2,691,286
Rem/ren Engineer Lab & TV Studio - DTC partial..... 66,545
Land & facilities acquisition - Deerwood Ctr partial (s,p,c)..... 400,000
Parking Garage - Kent Partial (p)..... 452,470

Florida Keys - Building Replacement Phase II complete (c,e)..... 2,200,000
Gen ren/rem, spalling walls, elec/mech sys, drainage, road/paving..... 294,000
Rem/ren EMT Academic Labs Phys Dev Bldg..... 295,000
JT/Monroe Co Schs-Clsrms/Admin Fac - Upper Keys (c,e)..... 2,148,375
Gulf - Gen ren/rem, HVAC, engy mgt sys - collegewide..... 710,500
Rem/ren Fine Arts Bldg partial..... 1,000,000
Land acq, Econ Dev mtch / Criminal Justice labs - Gulf County (s,p,c,e)..... 1,300,000
Public Service CJ/Corr Labs partial (p)..... 180,000
Hillsborough - Clsrms/Science Labs / Office Bldg - Dale Mabry partial (c)..... 9,254,334
Public Service Tech Bldg - Ybor City complete (e)..... 751,800
Gen ren/rem cent HVAC, energy mgt, ext panels, parking, ADA..... 1,574,860
Rem/ren Library, Science, Hum Bldg - Dale Mabry partial..... 281,139
Rem/ren Bus Data Processing Lab - Ybor City..... 1,075,764
Indian River - Allied Health Inst Fac partial (c)..... 10,478,636
Gen ren/rem, roofs, parking, site improv/athl fac const, HVAC..... 1,629,302
Land & facilities acquisition Main partial (s,p,c)..... 1,250,000
West partial..... 902,444
Rem/ren 1 Classrooms, Labs - North partial..... 171,935
Public Service Tech Bldg - Gowers Corner partial (p)..... 382,353
Pensacola - Gen ren/rem, Building 6, roofs - collegewide..... 1,813,000
Land acquis - Main partial (spc)..... 750,000
Polk - Gen ren/rem, HVAC, instr elec sys, ADA, lights, comm sys..... 698,041
St. Johns River - Student Svcs Ctr -

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Orange Park partial (c,e)..... 1,990,000
Gen ren/rem, Maint fac, Admin Bldg, lights, parkg, ADA reqs..... 462,560
St. Petersburg - Clsrms, Labs, Offices Ph II - TS partial (p)..... 400,000
Gen ren/rem 5 Bldgs, HVAC, roofs & Gym..... 2,131,325
Rem/ren Food Svcs, Admin Bldgs & Gym - Sp/G partial..... 944,333

64 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 120,765,736

The following projects in the State University System are included in the funds appropriated in Specific Appropriation 64:

SUS -
FAMU/FSU Coll of Engineering - Phase II (p,c,e)..... $ 7,760,273
FAMU - Util/Infr Imp (p,c)..... 3,702,471
Arch Renv/Rem/Exp (p,c,e) 3,378,000
Pharmacy Bldg - Phase I (p)..... 900,000
FAU - Sea Tech Bldg Ren/Rem (c,e)..... 1,543,985
North Palm Beach Campus (p,c)..... 793,985
Downtown Tower II-Ft. Lauderdale (p,c,e)..... 11,000,000
FGCU - Florida Gulf Coast University - Phase I completion (c,e)..... 970,034
FIU - Property Acq & Rem - Cordis Bldg (a,p,c,e)..... 23,000,000
Util Infrastruc/Site develop (p,c).... 1,412,497
FSU - Campus Stormwater Improvements - Phase II (p,c)..... 800,000
Public Safety Facility (c)..... 3,007,100
Util/Infrastructure Imp (p,c)..... 1,680,575
Building Envelope Improvements (p).... 250,000
Williams Building Remodeling (p)..... 600,000
Sandels Bldg completion (p,c,e)..... 2,037,000
UCF - Communications Bldg (e)..... 1,036,000
Comp Center I, II Rem (e)..... 657,000
Health and Pub Aff Bdlg (c). 11,090,000
Classroom Bldg - Phase I (p)..... 900,000
Roadway Expansion (p,c)..... 232,245
Wastewater Upgrade addntl cap (p,c).. 1,000,000
UF - Physic Bldg - Phase I, II (e).... 2,672,000
Rhines Hall Renovation & Expansion (c) 6,368,000
Util/Infr Imp (p,c)..... 1,117,666
North-South Drive Widening (p,c)..... 719,000
Aquatic Food Products Pilot-Plant Fac-matching (p,c,e)..... 1,500,000
IFAS North FL REC Combined Fac Plan Update (p)..... 500,000
IFAS Central FL REC Combined Fac (p,c,e)..... 5,000,000
UNF - Multi-Purpose Ed Complex (c).... 8,870,221
Land Acquisition (s)..... 3,100,000
USF - Util/Infr Imp (p,c)..... 5,910,727
Old Ed Bldg expansion/rem (e)..... 850,000
Sarasota Campus util expan (p,c)..... 2,500,000
Teaching Enhancement Center Completion (p,c,e)..... 500,000

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UWF - General Purpose Classroom Renovation/Remodeling (p,c)..... 355,000
Science Lecture/Lab Demonstration Classrooms (p)..... 332,203
Commons - Ph III & Academic Conference Facilities (p)..... 275,000
Campus Supp Srvs Complex add..... 1,950,000
Bldg Reroofing/System Replacements (p,c)..... 494,754

Funds appropriated in Specific Appropriation 63 and 64 for the FAU/BCC Tower II project may be expended for the lease/purchase of an educational facility to support Florida Atlantic University and Broward Community College. The facility will consist of development on the approximately two (2) acres of land in Fort Lauderdale between Southeast First Avenue and Southeast Second Avenue, North of Las Olas Boulevard, including, if applicable, any vacated portion of Southeast Second Avenue. The project will be comprised of two (2) comonents:

1. The Educational Facilities consisting of from 135,000 to 253,000 square feet of office space for educational purposes; and
2. The Expansion Facilities consisting of from 200,000 to 300,000 square feet of office space and restaurant or retail facilities be leased for an interim period to one or more third parties.

The facility may be purchased from a private developer under the terms of a joint public/private venture whereby the developer leases land from the Board of Regents, pursuant to s. 243.151, F.S., and constructs the two components of the project. As to the Educational Facilities, the ground lease shall not exceed ninety-nine (99) years.

An operating agreement between Florida Atlantic University and Broward Community College shall be developed to identify facility use arrangements, insurance/liability issues, and proration of costs.

65 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 43,265,237

Funds provided in Specific Appropriation 65 shall be allocated pursuant to s. 235.435(2), Florida Statutes, as follows:

Bradford County
Elementary School (p,c,e)..... $10,323,871
Gilchrist County
Bell Elementary/Bell High School (p,c,e,)..... 11,427,169
Hendry County
Middle School (p,c,e,)..... 12,022,146
Lafayette County
Gymnasium (p,c,e)..... 2,476,622
Union County
Union High School (p,c,e)..... 7,015,429

67 FIXED CAPITAL OUTLAY

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DEBT SERVICE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 469,530,000
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 63,000,000

68 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 40,425,000

69 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 6,246,335

Funds provided in Specific Appropriation 69 are for the following projects:

Campus Safety Related Projects..... $ 396,900
Renovations..... 2,434,000
Capital Asset Management Projects..... 3,410,435
Master Plan Update..... 5,000

70 FIXED CAPITAL OUTLAY
JOINT-USE FACILITIES PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 856,464

Funds provided in Specific Appropriation 70 are for the following project:

Monroe District School Board/Florida Keys Community College Joint Use Classroom Facility (p,c,e)..... $ 856,464

71 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 3,584,000

Funds provided in Specific Appropriation 71 shall be used as follows:

WCEU-TV/Daytona Beach (e)..... $1,750,000
WSFP-TV/Ft. Myers (e)..... 1,834,000

71A FIXED CAPITAL OUTLAY
PROTOTYPE DESIGN
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 600,000

Funds provided in Specific Appropriation 71A to begin implementing the prototype school facility design component of Chapter 95-269, Laws of Florida. The funds may be used to develop a prototype design for an elementary school, middle school or high school facility. In deciding the type of facility to address, the Department should give initial consideration to a prototype elementary school design.

HUMAN RESOURCE DEVELOPMENT, DIVISION OF

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From the funds provided in Specific Appropriations 72, 73, 74, and 76, the Teacher Referral and Recruitment Center is authorized to collect a registration fee for the Great Florida Teach-In, not to exceed $15 per person, and/or a booth fee, not to exceed $200 per school district or other interested participating organization. The revenue from the fees shall be used to promote and hold the Great Florida Teach-In. Funds may be used to purchase promotional items (i.e. mementos, awards, plaques, etc.).

72 SALARIES AND BENEFITS POSITIONS 65
FROM GENERAL REVENUE FUND 1,034,541
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 1,560,108

73 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 370,747
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 189,279

74 EXPENSES
FROM GENERAL REVENUE FUND 627,593
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 713,783
FROM EDUCATIONAL AIDS TRUST FUND 64,918

From funds in Specific Appropriation 74, $150,000 shall be used by the Education Standards Commission for identifying and validating competencies for teacher subject areas to align the current system with expected student performances.

75 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 8,740

76 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 40,391
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 150,911

78 SPECIAL CATEGORIES
FLORIDA ENDOWMENT FOR THE HUMANITIES
FROM GENERAL REVENUE FUND 150,000

79 SPECIAL CATEGORIES
CENTER FOR SPACE EDUCATION
FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND 750,000

79A SPECIAL CATEGORIES
MINORITY TEACHER INCENTIVE
FROM GENERAL REVENUE FUND 200,000

80 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 4,659,323
FROM EDUCATIONAL AIDS TRUST FUND 250,000

Funds in Specific Appropriation 80 shall be used for a coordinated in-service training effort. This shall include training required to successfully implement a student-centered outcome-based accountability system in every school and shall include the training needs of personnel in schools

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and districts, school boards, and members of the School Advisory Councils. The primary objective shall be to enhance the capacity of personnel in each district and each school to effectively perform their responsibilities in implementing Florida's Education Reform and Accountability Act.

Specific Appropriation 80, provides $334,800 to the Florida School Boards Association for school board member in-service training; $363,000 to the Florida Association of School Superintendents for district superintendents and district leader in-service training; $600,000 to the Technological Research and Developmental Authority for in-service training, which includes $250,000 provided to the joint TRDA/FGCU Science Mentor Program: $200,000 to be administered by FGCU and $50,000 to be administered by TRDA; and funds to continue the current level of operation of the five Regional Leadership Networks.

The Department of Education shall review all educational in-service training initiatives including training funded through Specific Appropriation 80, the Florida Education Finance Program, Public School Technology and all other training efforts and recommend any changes needed. This report shall be submitted to the Governor and the Legislature no later than September 30, 1997.

81 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 45,772

Funds in Specific Appropriation 81 may be used for the Teacher of the Year banquet, as well as awards to the honored teachers as established by the Commissioner of Education.

82 SPECIAL CATEGORIES
SCHOOL RELATED PERSONNEL OF THE YEAR
FROM GENERAL REVENUE FUND 15,100

82A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 5,066
FROM EDUCATIONAL CERTIFICATION AND
SERVICE TRUST FUND 6,997

PRIVATE COLLEGES AND UNIVERSITIES

Budget entities administering contracts which have not been reviewed and recommended by the Postsecondary Education Planning Commission shall require annual reports which include quantified fiscal and programmatic data for all such contracts at the independent institutions. Contracts which fail to meet minimum standards of quality should be visited and corrective actions identified. Funds appropriated in Specific Appropriation 83 through 113 shall not be used to provide salary increases for employees at the recipient institutions.

83 SPECIAL CATEGORIES
BARRY UNIVERSITY - BACHELOR OF SCIENCE/
NURSING
FROM GENERAL REVENUE FUND 189,989

Funds provided in Specific Appropriation 83 are for not more than 1047 credit hours or 19.04 FTE students.

84 SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE
CHALLENGER PROGRAM
FROM GENERAL REVENUE FUND 284,333

85 SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE
OF EDUCATION
FROM GENERAL REVENUE FUND 284,333

88 SPECIAL CATEGORIES
FLORIDA SOUTHERN - BACHELOR OF SCIENCE IN
ACCOUNTING
FROM GENERAL REVENUE FUND 52,832

Funds provided in Specific Appropriation 88 are for not more than 569 credit hours or 19 FTE students.

89 SPECIAL CATEGORIES
HISTORICALLY BLACK PRIVATE COLLEGES
FROM GENERAL REVENUE FUND 3,000,000

From the funds in Specific Appropriation 89, $1,000,000 shall be allocated to each of the following: Bethune Cookman, Edward Waters and Florida Memorial College. The funds shall be used for the recruitment and retention of minority students at each of the institutions with priority given to Florida residents.

89A SPECIAL CATEGORIES
LIMITED ACCESS GRANTS
FROM GENERAL REVENUE FUND 1,000,000

90 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - SCIENCE
EDUCATION
FROM GENERAL REVENUE FUND 86,787

Funds provided in Specific Appropriation 90 are for not more than 886 credit hours or 18.14 FTE students.

91 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - INDUSTRIAL
ENGINEERING
FROM GENERAL REVENUE FUND 182,082

Funds provided in Specific Appropriation 91 are for not more than 639 credit hours or 21.3 FTE students.

92 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BACHELOR OF SCIENCE/
ARCHITECTURAL ENGINEERING
FROM GENERAL REVENUE FUND 74,222

Funds provided in Specific Appropriation 92 are for not more than 259 credit hours or 8.67 FTE students.

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93 SPECIAL CATEGORIES
BARRY UNIVERSITY - MASTER OF SOCIAL WORK
PROGRAM - FT. MYERS
FROM GENERAL REVENUE FUND 110,722

Funds provided in Specific Appropriation 93 are for not more than 567 credit hours or 18.9 FTE students.

95 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY -
ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 401,346

Funds provided in Specific Appropriation 95 are for not more than 4,086 credit hours or 85.1 FTE students.

96 SPECIAL CATEGORIES
FLORIDA SOUTHERN COLLEGE - BACHELOR OF
SCIENCE/ARTS- ELEMENTARY/EARLY CHILDHOOD
EDUCATION
FROM GENERAL REVENUE FUND 69,823

Funds provided in Specific Appropriation 96 are for not more than 1,020 credit hours or 34 FTE students.

97 SPECIAL CATEGORIES
GRANTS AND AIDS - EDWARD WATERS UPGRADE
FROM GENERAL REVENUE FUND 210,051

98 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 168,041

Funds provided in Specific Appropriation 98 support the Historically Black College and University Library Improvement Program.

102 SPECIAL CATEGORIES
NURSING CONTRACT - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 331,091

Funds provided in Specific Appropriation 102 are for not more than 1,147 credit hours or 38.3 FTE students.

104 SPECIAL CATEGORIES
SOCIAL WORK CONTRACT - BARRY UNIVERSITY
FROM GENERAL REVENUE FUND 193,734

Funds provided in Specific Appropriation 104 are for not more than 992 credit hours or 33.1 FTE students.

106 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BS/MOTION PICTURES
CONTRACT
FROM GENERAL REVENUE FUND 290,657

Funds provided in Specific Appropriation 106 are for not more than 450 credit hours.

107 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL
ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 89,802

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Funds provided in Specific Appropriation 107 are for not more than 266 credit hours or 8.9 FTE students.

108 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL SCIENCE
DOCTORAL PROGRAMS CONTRACT
FROM GENERAL REVENUE FUND 362,228

Funds provided in Specific Appropriation 108 are for not more than 331 credit hours or 13.8 FTE students.

109 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ROSENSTIEL PHD
MARINE AND ATMOSPHERIC SCIENCE
FROM GENERAL REVENUE FUND 489,430

Funds provided in Specific Appropriation 109 are for not more than 156 credit hours or 6.5 FTE students.

110 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - MASTER OF SCIENCE IN
NURSING CONTRACT
FROM GENERAL REVENUE FUND 299,559

Funds provided in Specific Appropriation 110 are for not more than 880 credit hours or 29.40 FTE students.

111 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY
FROM GENERAL REVENUE FUND 615,788

Funds provided in Specific Appropriation 111 are for not more than 150 FTE Florida students. Eligibility shall be based on the residency requirements stipulated in s. 240.1201, Florida Statutes.

Per student funding shall not exceed the difference between the average cost of state university fees and equivalent fees for students enrolled at Nova. No student funded through Specific Appropriation 111 shall receive a resident access grant pursuant to s. 240.605, Florida Statutes.

112 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY/MASTERS
OF SCIENCE OF SPEECH PATHOLOGY
FROM GENERAL REVENUE FUND 215,280

Funds provided in Specific Appropriation 112 are for not more than 1200 credit hours or 30 FTE students.

113 FINANCIAL ASSISTANCE PAYMENTS
PRIVATE TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 28,852,200

Funds provided in Specific Appropriation 113 shall be used to provide tuition assistance to students. The maximum amount of the access grant for 1996-97 shall be $1,800. If the amount in Specific Appropriation 113 is not sufficient to provide $1,800 to each eligible student, the Department

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shall prorate the amount among all eligible students. Students enrolled in state contracted programs at private institutions whose tuition is equivalent to tuition in the State University System shall not be eligible to receive funds under the Resident Access Grant Fund. The Commissioner shall establish a cut-off date for the submission of vouchers for each registration period. No funds provided in Specific Appropriation 113 for 1996-97 shall be used to pay any voucher submitted for 1995-96 enrollment. Handicapped students who complete a total of 24 semester hours of instruction during a twelve month period that begins at the start of the school year shall be eligible to receive a tuition voucher. No student shall receive voucher funds in excess of the difference between the average cost of state university fees and equivalent fees paid by students enrolled in the eligible independent institution.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

114	SALARIES AND BENEFITS POSITIONS 102		
	FROM GENERAL REVENUE FUND	973,893	
	FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		2,436,636
115	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	13,796	
	FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		28,540
116	EXPENSES		
	FROM GENERAL REVENUE FUND	285,802	
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		210,935
	FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		900,716
117	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	6,665	
118	SPECIAL CATEGORIES		
	CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM		
	FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		66,240,000
119	SPECIAL CATEGORIES		
	FINANCIAL AID CONTRACTUAL SERVICES		
	FROM GENERAL REVENUE FUND	38,924	
	FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		7,925,473
119A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - AFRICAN AND AFRO-CARIBBEAN SCHOLARSHIP PROGRAM		
	FROM GENERAL REVENUE FUND	151,570	
119B	SPECIAL CATEGORIES		
	PREPAID TUITION SCHOLARSHIPS		
	FROM GENERAL REVENUE FUND	1,000,000	
119C	SPECIAL CATEGORIES		
	TRANSFER TO STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		
	FROM GENERAL REVENUE FUND	86,803,428	
120	SPECIAL CATEGORIES		
	GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN BASIN PROGRAM		
	FROM GENERAL REVENUE FUND	72,117	
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		312,000
121	SPECIAL CATEGORIES		
	TRANSFER TO GENERAL REVENUE FUND		
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		15,000,000
127	FINANCIAL ASSISTANCE PAYMENTS		
	MARY MCCLEOD BETHUNE SCHOLARSHIP		
	FROM GENERAL REVENUE FUND	235,328	
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		444,000
127A	FINANCIAL ASSISTANCE PAYMENTS		
	STUDENT FINANCIAL AID		
	FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND		901,000
	FROM EDUCATIONAL AIDS TRUST FUND		2,252,338
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		87,172,325

The funds in Specific Appropriation 127A are provided in the amounts specified for each scholarship and grant program listed below.

Challenger Astronaut Memorial Scholarship Trust Fund:
Florida Academic Scholars..... 201,000
Teacher/Quest Partner Program..... 700,000
Educational Aids Trust Fund:
Public Student Assistance Grant..... 1,607,554
Private Student Assistance Grant..... 549,812
Postsecondary Student Assistance Grant 94,972
State Student Financial Assistance Trust Fund:
Vocational Gold Seal..... 12,994,777
Florida Academic Scholars..... 32,890,671
Public Student Assistance Grant..... 27,153,354
Private Student Assistance Grant..... 6,567,477
Postsecondary Student Assistance Grant 1,750,710
Challanger Astronauts Memorial Scholarship..... 20,000
Children of Deceased/Disabled Veterans. 130,298
Florida Work Experience Program..... 599,243
Critical Teacher Shortage Program.....2,646,795
Florida Scholarship/Forgivable Loan Program.....1,814,800
Exceptional Child Scholarship.....109,212
Student Regent Scholarship.....4,589
State Board of Community Colleges Student Member Scholarship.....4,589
PEPC Student Member Scholarship.....4,589
Nicaraguan/Haitian Scholarships.....8,681
Most Promising Teacher Scholarship.....220,000
Seminole/Miccosukee Indian Scholarships...61,040
Occupational/Physical Therapy Shortage Program.....91,500
Rosewood Family Scholarships.....100,000

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From the funds provided in Specific Appropriation 127A, the maximum grant to any student from the Florida Public, Private, and Postsecondary Assistance Grant Programs shall be for $1,300.

129 FINANCIAL ASSISTANCE PAYMENTS
PAUL DOUGLAS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 865,000

130 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 1,528,500

132 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND 100,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 196,000

132A FINANCIAL ASSISTANCE PAYMENTS
TRANSFER TO THE FLORIDA EDUCATION FUND
FROM GENERAL REVENUE FUND 500,000

132B DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 4,094
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 1,389
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 12,163

PUBLIC SCHOOLS, DIVISION OF

133 SALARIES AND BENEFITS POSITIONS 122
FROM GENERAL REVENUE FUND 4,036,167
FROM EDUCATIONAL AIDS TRUST FUND 1,863,517
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 238,273

134 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 98,887
FROM EDUCATIONAL AIDS TRUST FUND 218,837
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 21,935

135 EXPENSES
FROM GENERAL REVENUE FUND 1,863,220
FROM EDUCATIONAL AIDS TRUST FUND 970,610
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 79,604

From the funds in Specific Appropriation 135, $100,000 may be used for the Coordinating Committee for completion of the common course numbering and designation systems pursuant to Chapter 95-243, Laws of Florida.

136 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GRADES K-8 SUMMER SCHOOL
FROM GENERAL REVENUE FUND 83,000,000

Funds in Specific Appropriation 136 are provided for summer term instruction and to support any other instructional activity designated by the district school board. No district shall be required to use more than 80% of its Grades K-8 Summer School allocation for that purpose. Any district that uses funds provided in Specific Appropriation 136 for a purpose other than summer school instruction shall include in its annual financial report the amount and purpose for each expenditure.

Funds provided in Specific Appropriation 136 may be expended for students in Grades K-8 receiving basic supplemental instruction during the 180-day term.

136A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INNOVATIVE PRACTICES GRANTS
FROM GENERAL REVENUE FUND 15,500,000
FROM EDUCATIONAL AIDS TRUST FUND 1,358,354

The Commissioner of Education shall develop general guidelines by which grant applications will be received from local education agencies or non-profit corporations. Such guidelines shall be approved by the State Board of Education. Approved applications shall include evaluation criteria.

Special consideration shall be given to grant applications which target funds for low performing schools and applications which contain private matching contributions.

From the funds in Specific Appropriation 136A up to $4,956,491 from General Revenue Fund and $1,358,354 from Educational Aids Trust Fund may be expended for programs of emphasis which include: (1) Pre-Kindergarten Handicapped Information System, (2) Network of Centers for Severely Emotionally Disturbed, (3) Florida Diagnostic and Learning Resource Centers, (4) Resource Materials for the Hearing Impaired, (5) Visually Handicapped Resources, (6) Governor's Summer Program for the Gifted, (7) Challenge Grant Program for the Gifted, (8) State Science Fair, (9) Youth Art Symposium, (10) Miccosukee Indian Education Program, (11) Seminole Indian Education Program, (12) Instructional Materials Management, (13) Instructional Materials Inservice Training, (14) MIS Council, (15) Missing Children, (16) Arts in Education, (17) Okeechobee/Dozier Supplement, (18) Harry Anna/All Children's Hospital Supplement, (19) Exceptional Students who are Limited English Proficient, (20) ESOL Teacher Training and Staff Development, (21) Regional or Community-Based Drop-Out Prevention Programs, (22) A School Feeder Pattern Study, (23) Early Grades Intervention Pilot Projects, (24) Public Private Partnerships, (25) Museum of Discovery and Science, (26) Miami Book Fair, and (27) School Safety Hotline, which is contingent upon passage of SB 1312 or similar legislation.

138 AID TO LOCAL GOVERNMENTS
MEDICAID SCHOOL REFINANCING
FROM EDUCATIONAL AIDS TRUST FUND 50,000,000

139 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM EDUCATIONAL AIDS TRUST FUND 461,100,702

140 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM
FROM GENERAL REVENUE FUND 5199,021,869

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FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 70,274,520

Funds provided from the Principal State School Trust Fund in Specific Appropriation 140 include $30,495,785 which is contingent upon HB 843 or similar legislation becoming law.

The department's bimonthly distribution of funds provided in Specific Appropriation 140 shall be made in equal payments on or about the 10th and 26th of each month.

Funds provided in Specific Appropriation 140 shall be allocated using a base student allocation of $2,912.14

Pursuant to Section 236.081(11), Florida Statutes, a minimum guaranteed level of funding shall be calculated to provide each school district a 1.50 percent increase per weighted full-time-equivalent student over the amount per weighted full-time equivalent student funded in the 1995-96 FEFP. The calculation of this minimum funding shall compare total state formula and categorical increase funds and actual discretionary taxes for 1995-1996 with total state formula and categorical increase funds and maximum potential discretionary taxes for 1996-1997.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of s. 236.081(2), Florida Statutes.

From the funds in Specific Appropriation 140, $20,000,000 is provided for a Sparsity Supplement as defined in s. 236.081(6), Florida Statutes, for school districts of 20,000 and fewer FTE in 1996-97.

Total unadjusted required local effort taxes for 1996-97 shall be $3,521,214,060. The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of s. 236.25(1), Florida Statutes, by district school boards in 1996-97 shall be:

1) 0.510 mills, and
2) An additional levy, not to exceed 0.250 mills, that will raise an amount not to exceed $50 per full-time equivalent student (FTE).

District school boards that levy the entire additional 0.250 mills and raise less than $50 per FTE shall receive, from the funds provided in Specific Appropriation 140, an amount that, combined with funds raised by the 0.250 mills, will provide $50 per FTE. To be eligible for state funds provided in this paragraph, a district must levy the full 0.250 mills and the full 0.510 mills.

Support of Lifelong Learning courses and activities remains a permissible use of funds appropriated in Specific Appropriation 140; however, Lifelong Learning FTE student enrollment shall not be included in the calculation of each district's entitlement funds provided in Specific Appropriation

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140. Lifelong Learning courses and activities may be provided at the discretion of each district and may be funded (1) by charging participants a fee sufficient to defray some part or all of the total cost of the activity; (2) by using local funds; (3) by using state funds appropriated in Specific Appropriation 140 provided that the district also satisfies all spending requirements in law and rule for the FEFP, or (4) by using a combination of fees and state and local funds. Lifelong Learning includes making school media centers and school athletic facilities available for public use during after-school hours.

From funds provided in Specific Appropriation 140, a level of funding should be determined by each district which emphasizes programs in HIV/AIDS in accordance with s. 233.067, Florida Statutes.

Funds provided in Specific Appropriation 140 are based upon program cost factors for 1996-97 as follows:

1. Basic Programs	
A. K-3 Basic	1.049
B. 4-8 Basic	1.000
C. 9-12 Basic	1.190
D. K-3 Mainstream	2.098
E. 4-8 Mainstream	2.000
F. 9-12 Mainstream	2.380
2. Special Programs for Exceptional Students	
A. Educable Mentally Handicapped	1.979
B. Trainable Mentally Handicapped	3.111
C. Physically Handicapped	3.111
D. Physical & Occupational Therapy Part-Time	12.690
E. Speech, Language & Hearing Part-Time	5.333
F. Speech, Language & Hearing	2.777
G. Visually Handicapped Part-Time	17.069
H. Visually Handicapped	5.333
I. Emotionally Handicapped Part-Time	4.287
J. Emotionally Handicapped	2.777
K. Specific Learning Disability Part-Time	2.777
L. Specific Learning Disability	1.979
M. Gifted Part-Time	1.710
N. Hospital & Homebound Part-Time	12.690
O. Profoundly Handicapped	4.287
3. Special Programs for At-Risk Students	
A. Dropout Prevention	1.474
B. Teenage Parent	1.474
C. ESOL K-3	1.280
D. ESOL 4-8	1.280
E. ESOL 9-12	1.280
4. Special Programs for Vocational Job Preparatory (7-12)	
A. Agriculture	1.513
B. Office	1.248
C. Distributive	1.174
D. Diversified	1.232
E. Health	1.333

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F. Public Service	1.119
G. Home Economics	1.277
H. Technical, Trade, Industrial	1.743
I. Exploratory (7-12)	1.198
J. Vocational Mainstream (6-12)	1.966

5. Special Programs for Vocational Job Preparatory (Adult)

A. Agriculture	1.477
B. Office	1.373
C. Distributive	1.293
D. Diversified	.948
E. Health	1.488
F. Public Service	1.155
G. Home Economics	1.265
H. Technical, Trade, Industrial	1.473

6. Special Programs for Vocational Adult Supplemental

A. Agriculture	1.477
B. Office	1.373
C. Distributive	1.293
D. Health	1.488
E. Public Service	1.155
F. Home Economics	1.265
G. Technical, Trade, Industrial	1.473

7. Special Programs for Adult General Education

A. Adult Basic	.802
B. Adult Secondary	.802
C. Adult Handicapped	.962

Instruction of state and federal inmates shall not be included in the full-time equivalent student enrollment for FEFP funding. No funds in Specific Appropriation 140 are provided for instruction of state or federal inmates.

A student in cooperative education or other types of programs incorporating on-the-job training, including apprenticeship, shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in s. 236.013, Florida Statutes, for funding under s. 236.081, Florida Statutes.

From the funds appropriated in Specific Appropriation 140, Dade County students enrolled in approved apprenticeship programs, as defined in s. 446.021, Florida Statutes, shall not generate FEFP funding for on-the-job training activities.

The funds in Specific Appropriation 140 shall be used in accordance with applicable statutes and rules for the education of exceptional students. Superintendents, principals, and teachers shall utilize the regular school facilities to the maximum extent appropriate. Segregation of exceptional students shall occur only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

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Funds in Specific Appropriation 140 for grades 9-12 summer school enrollment in basic programs are provided only for academic courses approved in the state Course Code Directory for graduation credit.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

None of the funds provided in the 1996-97 General Appropriations Act for developmental research schools shall be used to pay overhead or indirect costs described in s. 216.346, Florida Statutes.

The resident fee amount for adult job preparatory course enrollment for 1996-97 shall average $0.44 per contact hour; the non-resident fee amount shall average $3.56 per contact hour. The resident fee amount for adult vocational supplemental course enrollment for 1996-97 shall average $0.66 per contact hour; the non-resident fee amount shall average $3.46 per contact hour. The resident fee amount for adult general course enrollment for 1996-97 shall average $0.47 per contact hour; the non-resident fee amount shall average $2.19 per contact hour.

Up to $10,000,000 from Specific Appropriation 140 may be used in conjunction with funding from other sources including, but not limited to Specific Appropriation 152 and Specific Appropriation 1768 for the purposes of economic development and reduction of welfare rolls. The combined funds will be earned by the school districts under a performance based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (Chapter 216.136, F.S.) and for enrolling, training, and placing economically disadvantaged individuals, and shall incorporate Blueprint 2000 accountability goals.

The above $10,000,000 from Specific Appropriation 140 will represent, at most, 40 percent of the combined funds and not more than five percent of an individual school district allocation for adult vocational education programs.

From the funds provided in Specific Appropriation 140, $50,350,000 is provided for Safe Schools activities and shall be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third shall be based on each district's share of the state's total weighted student enrollment. Safe Schools activities include (1) after school programs for middle school students, (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies, and (3) alternative school programs for adjudicated youth. Each district

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shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity. Districts may use funds provided in Specific Appropriation 140 for authorized Safe Schools activities and to support any other instructional activity designated by the district school board.

From the funds appropriated in Specific Appropriation 140 $30,000,000 is provided for remediation reduction incentives, which shall be allocated in two parts. The allocation in Part 1 is based on Placement Test Scores. (Step 1) using the most recent placement test results available, the number of students for the state as a whole and in each district who passed the math subtest of the college entry placement test shall be added to the number of students who passed the writing subtest and to the number of students who passed the reading subtest; (Step 2) the sum calculated in Step 1 above shall be divided by the number of students who took the placement test multiplied by 3; (Step 3) $20,000,000 shall be divided by the factor for the state as a whole calculated in Step 2; (Step 4) the result of the calculation in Step 3 shall be multiplied by the factor calculated in Step 2 to prorate $20,000,000 provided for this purpose among all districts.

The allocation in Part 2 is based on enrollment in higher level mathematics and English courses. $10,000,000 is provided as an incentive for increased student enrollment in higher level mathematics and English courses. These funds shall be used to enhance the quality of each district's math and English curricula. Each district's allocation of math/English enrollment incentive funds shall be calculated as follows: (1) Each district's total Level 1 math enrollment shall be divided by the state total Level 1 math enrollment and that quotient shall be multiplied by $2,500,000 and by -1; (2) the sum of each district's Level 2 and Level 3 math enrollment shall be divided by the state total sum of Level 2 and Level 3 math enrollment and that quotient shall be multiplied by $7,500,000; (3) each district's total math enrollment incentive allocation shall be the sum of the amounts obtained in (1) and (2) above; (4) each dsitrict's total English enrollment incentive allocation shall be calculated using the same procedure defined in (1), (2), and (3) above; each district's total math/English enrollment incentive allocation shall be the sum, either a positive or a negative number, of the math and the English allocations. The definition of Levels 1, 2, and 3 math and English courses shall be the same as the Department of Education's course code directory.

The Department shall prepare a report on the change in teacher salaries over the last 10 years to be presented to the Legislature by October 1, 1996.

Funds in Specific Appropriation 140 incorporates the placement of caps on the level of total general

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fund expenditures school districts may expend in the area of "Adjusted General Support Services". Adjusted General Support Services are defined as Total General Support Services (column 2.75 of the annual profiles report) less Energy Services and Transportation Services excluding the 400 object code of Transportation Services (columns 2.89 and 2.72 of the annual profiles report, respectively). Adjusted Total Instructional, Instructional Support, and General Support expenditures are defined as Total Instructional, Instructional Support and General Support expenditures (column 2.76 of profiles report) less Energy Services and Transportation Services excluding the 400 object code of Transportation Services (columns 2.89 and 2.72 of profiles report).

For Fiscal Year 1996-97 district expenditures for Adjusted General Support Services as a percent of Adjusted Total Instructional, Instructional Support, and General Support expenditures shall not exceed the following percentage caps:

Districts with total Unweighted FTE between 1 and 5,000 are capped at 26.23%;

Districts with total Unweighted FTE between 5,001 and 20,000 are capped at 24.48%;

Districts with total Unweighted FTE between 20,001 and 100,000 are capped at 23.10%;

Districts with total Unweighted FTE of 100,001 and above are capped at 23.38%

In implementing these caps, no district shall be required to reduce a level in excess of 5% of its Fiscal Year 1995-96 expenditures on Adjusted General Support Services.

Any district which exceeds its expenditure cap shall have an adjustment equal to the amount in excess applied to the district's fiscal year 1997-98 FEFP allocation. The calculation of this adjustment will occur as a prior year adjustment to the 1997-98 fiscal year.

Funds provided in Specific Appropriation 140 may be used to conduct the third and final year of the pilot program for schools using a simplified method of funding exceptional student education in the manner as prescribed in Section 24 of Chapter 94-358, Laws of Florida.

The Department of Education and the school districts are requested to implement the new Exceptional Child Funding Program in 1997-98.

The Office of the Auditor General is requested to review apprenticeship and other on-the-job training programs, including cooperative education offered by each school district and community college. The review should include, but not be limited to: hours reported for FTE funding and identification of the actual expenditure of funds generated by FTE students. This review shall identify the number of

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hours of actual instruction provided by each school district or community college and should identify the number of hours of actual instruction provided by employers for each apprenticeship and on-the-job training program.

The Office of the Auditor General is requested to review student attendance in adult education programs to determine if the periodic student count procedure used for K-12 students is adequate to document student attendance in adult education programs to generate FEFP funding.

Instruction of federal military personnel enrolled in federal or state indentured apprenticeship programs shall not be included in any district's full-time equivalent student enrollment for FEFP funding.

A student in cooperative education or other types of programs incorporating on-the-job training, including state indentured apprenticeship shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership for FEFP funding.

District and community college employees may only generate FEFP funds for the actual classroom time an employee is engaged in a state indentured apprenticeship program.

The Department of Education shall review the application and the eligibility of all program weights and program placement criteria to ensure the consistent application of program eligibility criteria in Exceptional Education programs. The department shall audit those districts whose enrollment in exceptional education weighted programs exceeds 150% of the statewide average and shall reduce the FTE for those students who are inappropriately placed in an exceptional education program by the amount generated for the student.

From the funds appropriated in Specific Appropriation 140, $32,995,707 is provided for a Compression Adjustment, which reduces the disparity in total potential funds per full-time equivalent student. The Compression Adjustment shall be computed as follows:

(a) Determine the total potential funds per FTE for each district. Identify the districts with funds per FTE that are below the state average. Calculate the amount that is one standard deviation from the mean. If the funds per FTE for any district are less than the one standard deviation below the mean, the funds shall be increased by an amount necessary to achieve one standard deviation from the mean.

(b) All districts with total potential funds per FTE below the mean shall be increased toward the mean by multiplying the difference below the mean by an equal percentage.

(c)The amount of the increase per student shall be the adjustment to one standard deviation or the

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equal percentage, whichever is greater.

(d) No district shall receive a disparity adjustment that would change the rank order of the district.

140A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM GENERAL REVENUE FUND 100,000,000

Funds in Specific Appropriation 140A are allocated by prorating to each school district the funds provided to reduce class size based on each districts' October, 1995 student membership for Kindergarten and grade one.

Funds in Specific Appropriation 140A, shall be used to achieve the goal, that for each elementary school the class size for Kindergarten and grades one, two and three shall not exceed 20 students, with a ratio of one full-time equivalent teacher per 20 students. For the purpose of this provision, class sizes that exceed 20 students meet the goal if, for every ten students above a base of 20 students, there is at least one full-time equivalent teacher aide in the classroom for the same number of hours as the students. First priority for the use of these funds shall be the reduction of class size for Kindergarten and grade level one, second priority shall be for grade level two, and third priority shall be for grade level three. These funds shall not be used for any purpose other than to reduce class size for students in Kindergarten and grades one, two and three.

When a school district has achieved the class size goal for Kindergarten, and grades one, two and three, and funds allocated for class size reduction remain, the school board, at its discretion, may transfer the unused funds to the Districts' FEFP Program.

By January 1, 1997, the Commissioner of Education shall report to the Legislature, progress made by each district toward the class size reduction goal for Kindergarten, and grades one, two and three.

Funds in Specific Appropriation 140A are provided for class size reduction and to support any other instructional activity designated by the district school board. No district shall be required to use more than 80% of its class size reduction allocation for that purpose. Any district that uses funds provided in Specific Appropriation 140A for a purpose other than class size reduction shall include in its annual financial report the amount and purpose for each expenditure.

140B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 139,985,265

Funds in Specific Appropriation 140B are provided to purchase instructional materials and to support any other instructional activity designated by the district school board. No district shall be

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required to use more than 80% of its Instructional Materials allocation for that purpose. As may otherwise be authorized by law, district school boards may use funds provided in Specific Appropriation 140B for science lab materials and equipment. Any district that uses funds provided in Specific Appropriation 140B for a purpose other than purchase of instructional materials shall include in its annual financial report the amount and purpose for each expenditure.

From the funds provided in Specific Appropriation 140B, school districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in s. 236.081(1)(j), Florida Statutes.

The growth allocation per FTE student is $130.97 in 1996-97. If the funds provided in Specific Appropriation 140B are insufficient to pay in full the allocation for growth and maintenance, as provided in s. 236.122, Florida Statutes, the growth allocation shall be paid in full and the allocation for the maintenance allocation shall be prorated among all eligible FTE. These funds shall be distributed to school districts as follows: 50% on or about July 10, 1996; 35% on or about October 10, 1996; 10% on or about January 10, 1997 and the balance on or about June 10, 1997.

From the funds provided in Specific Appropriation 140B, the Commissioner is authorized to purchase, upon the requisition by the districts, not more than 12,000 copies of the Florida Handbook for distribution to the public schools on an equitable formula based on the number of students in the respective districts.

Funds appropriated in Specific Appropriation 140B shall be used by each district school board to ensure appropriate instructional materials for each of the district's classrooms. Each school shall use its allocation in accordance with local school board guidelines which should include the following: (1) Classroom teachers, other school site staff and the school advisory committee shall have discretion under school board guidelines to determine how the school's instructional materials allocation can best be used to meet the needs, interests and abilities of the students in each classroom. (2) Instructional materials shall include items contained in the instructional materials definition as set forth in s. 233.07(4), Florida Statutes.

From the funds provided in Specific Appropriation 140B, $100,000 shall be used to provide instructional materials for partially sighted pupils as provided in s. 233.49, Florida Statutes.

From the funds appropriated in Specific Appropriation 140B, $9,640,000 is provided for Library Media Materials and $350,000 to purchase copies of the Florida Atlas.

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From the funds in Specific Appropriation 140B, $1,000,000 shall be used for the Uniform Library Database.

140C AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MARINE INSTITUTES
FROM GENERAL REVENUE FUND 141,383

Funds in Specific Appropriation 140C are provided for the Newfound Harbor Marine Institute environmental education program in Monroe County.

140D AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 66,542,728

Funds in Specific Appropriation 140D are provided for public school technology and to support any other instructional activity designated by the district school board. No district shall be required to use more than 80% of its public school technology allocation for that purpose. Any district that uses funds provided in Specific Appropriation 140D for a purpose other than purchase of technology shall include in its financial report the amount and purpose for each expenditure.

None of the funds provided in Specific Appropriation 140D shall be expended for technology by any school district until the school district has submitted a plan for its proposed technology expenditures to the Commissioner of Education and that plan has been approved by the Commissioner. The Commissioner shall not approve any plan that has not been favorably reviewed by the Florida Distance Learning Network. If, by September 1, 1996, any district's technology plan has not been approved, the Commissioner shall withhold a portion of the district's FEFP payment. The total amount shall be calculated by dividing the district's FTE student enrollment by the state total FTE student enrollment and by multiplying that fraction by $65,542,728. A proportionate share of that amount shall be withheld from each of the district's wire transfers of funds provided in Specific Appropriation 140D until such time as the district's technology plan has been approved.

From the funds provided in Specific Appropriation 140D, $1,000,000 shall be used for Library Equipment Automation Grants.

141 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM GENERAL REVENUE FUND 20,161,046
FROM FOOD AND NUTRITION SERVICES TRUST
FUND 413,067,062

142 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 365,320,296

Funds in Specific Appropriation 142 are provided for transportation services and to support any other instructional activity designated by the district school board. No district shall be required to use

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more than 80% of its Student Transportation allocation for that purpose. Any district that uses funds provided in Specific Appropriation 142 for a purpose other than transportation services shall include in its annual financial report the amount and purpose for each expenditure.

Funds provided in Specific Appropriation 142 shall be used to transport students as authorized in Chapter 234, Florida Statutes. Any funds not required to transport students may, at the discretion of the district school board, be transferred to the districts' FEFP program.

143 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CERTIFIED TEACHER AIDE
WELFARE TRANSITION PROGRAM
FROM EDUCATIONAL AIDS TRUST FUND 37,500,000

From the funds provided in Specific Appropriation 143, up to $7,826,090 of federal JOBS funds are to be drawn down by the Department of Health and Rehabilitative Services and transferred to the Department of Education to be distributed, as earned, by community colleges and school districts as performance-based incentives for (1) training and placing AFDC parents as certified teacher aides in at-risk elementary schools and (2) successfully completing AFDC parents in GED preparatory programs.

In areas where the community college is not participating in the performance-based incentive system described in Chapter 239.249, Florida Statutes, first a participating district vocational technical center serving the region and, secondly, an adjacent participating community college or vocational technical center will be given the opportunity to provide the training. Historically black universities and colleges with established programs serving AFDC recipients may also participate under this performance-based incentive program. An independent postsecondary technical school may participate in the performance-based incentive program for successfully training and placing AFDC recipients as certified teacher aides if (1) the school is accredited by SACS, (2) a participating school district recommends the school, and (3) the JOBS and Education Partnership approves.

From the funds appropriated in Specific Appropriation 154A, up to $8,739,130 above the current base of federal Family Support Act funds for subsidized child care is provided through a transfer from the Department of Health and Rehabilitative Services to the Department of Education, and shall be matched by the funds appropriated in Specific Appropriation 23. These funds shall be used, as earned, to provide day care and Pre-K services to the eligible children of AFDC parents, with priority given to those who participate in the Certified Teacher-Aide Welfare Transition Program. Services may be provided directly by community colleges and district vocational technical centers through Family Service Centers and Full-Service Schools, or under contract with providers.

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From the funds appropriated in Specific Appropriation 143A, up to $9,521,740 provided through an AFDC grant diversion program is to be used to partially offset the wages earned by AFDC parents who have been trained and employed by school districts as Certified Teacher Aides. By January 1, 1997, the Commissioner of Education and the Secretary of the Department of Health and Rehabilitative Services shall jointly secure a single determination of eligibility for grant diversion for all Certified Teacher Aides, rather than determining eligibility for each participant individually.

From the funds appropriated in Specific Appropriation 143A, up to $11,413,040 is provided from JTPA Title IIA funds to provide on-the-job training to AFDC parents as Certified Teacher Aides after they successfully complete their pre-practicum instruction. These funds shall be transferred to employing districts after receipt of required documentation.

144 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 198,090
FROM EDUCATIONAL AIDS TRUST FUND 95,384

144A SPECIAL CATEGORIES
GRANTS AND AIDS - CITIES IN SCHOOLS
FROM GENERAL REVENUE FUND 1,500,000

145 SPECIAL CATEGORIES
ASSESSMENT AND EVALUATION
FROM GENERAL REVENUE FUND 13,405,519
FROM SOPHOMORE LEVEL TEST TRUST FUND . . . 358,927
FROM TEACHER CERTIFICATION EXAMINATION
TRUST FUND 3,026,755

Funds in Specific Appropriation 145, shall be used by the State Board of Education in 1996-97 upon the recommendation of the Commissioner of Education, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years.

Funds in Specific Appropriation 145, may be used for research and analyses of existing data available through Florida's education, evaluation and assessment programs.

The Commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services and relating materials developed pursuant to state statutes.

146 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 124,823

Funds in Specific Appropriation 146, may be used to purchase equipment for the Capitol Technical Center's radio and television facilities.

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147A SPECIAL CATEGORIES
FLORIDA SCHOOL IMPROVEMENT AND ACADEMIC ACHIEVEMENT FUND
FROM GENERAL REVENUE FUND 500,000

148 SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM EDUCATIONAL AIDS TRUST FUND 10,000,000

Funds in Specific Appropriations 148 are provided through a transfer from the Department of Health and Rehabilitative Services to the Department of Education, and shall be matched by the funds appropriated in Specific Appropriation 148. These funds shall be used, as earned, to provide day care and Pre-K services to the eligible children of AFDC parents, with priority given to those who participate in the Certified Teacher-Aide Welfare Transition Program. Services may be provided directly by community colleges and district vocational technical center through Family Service Centers and Full-Service, or under contract with providers.

149 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 429,566

150 SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN PUBLIC TELEVISION
FROM GENERAL REVENUE FUND 78,339

151 SPECIAL CATEGORIES
FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION
FROM GENERAL REVENUE FUND 9,200,000

From funds provided in Specific Appropriation 151, $9,200,000 shall be used for the continuation and expansion of Full Service Schools/Interagency Cooperation projects. New projects shall be awarded on a competitive basis with schools applying to the school board in partnership with state and local public and private entities. New and continuation applications shall demonstrate the relationship between Blueprint 2000 and Full Service Schools, particularly in regard to Goals 1, 2, 5 and 7. Projects begun in 1991-92 and subsequent years shall be eligible for continuation funding for a total of five fiscal years with grant support reduced by a specified percentage each year. As funds become available, new projects will be initiated with preference given to districts and schools that have not previously participated.Technical support for new and existing projects shall be provided, at no cost to the projects, through the Department of Education's Shared Services Network project. The Department of Education shall provide to the district's criteria for establishing new Full Service Schools.

Funds in Specific Appropriation 151 are provided for operation of Full Service Schools and to support any other instructional activity designated by the district school board. No district shall be required to use more than 80% if its Full Service School allocation for that purpose. Any district that uses funds provided in Specific Appropriation 151 for a purpose other than the operation of Full Service Schools shall include in its annual financial report the amount and purpose for each expenditure.

Funds in Specific Appropriation 151 shall be allocated by prorating the total on each district's share of the state total K-12 unweighted FTE student enrollment.

152 SPECIAL CATEGORIES
PERFORMANCE BASED INCENTIVE PROGRAM
FROM GENERAL REVENUE FUND 4,000,000

Funds in Specific Appropriation 152 may be used in conjunction with funding from other sources including Specific Appropriation 140 and Specific Appropriation 1768 for the purposes of economic development and reduction of welfare rolls. The combined funds will be earned by the school districts under a performance based funding approach, structured as incentives to vocational programs for producing trained workers and shall incorporate the Blueprint 2000 accountability goals.

153 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 8,891,702

The funds in Specific Appropriation 153 shall be allocated as follows: $634,591 for statewide governmental and cultural affairs programming; $539,323 for public television stations recommended by the Commissioner of Education and $103,826 for public radio stations recommended by the Commissioner of Education and $103,826 for radio station WMNF.

The Department of Education is authorized quarterly to advance the funds provided in Specific Appropriation 153 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

From the funds in Specific Appropriation 153 "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "Today in the Legislature."

154 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES FOR THE BLIND
FROM GENERAL REVENUE FUND 407,914

154A SPECIAL CATEGORIES
SCHOOL DISTRICT OPERATIONAL PERFORMANCE AUDITS
FROM GENERAL REVENUE FUND 750,000

Funds in Specific Appropriation 154A, shall be used to pay the cost of contracting for operational performance reviews of school districts. The Office

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of Program Policy Analysis and Governmental Accountability in the Office of the Auditor General shall select one or more firms using a formal "request for proposal" process. The scope of the performance review and the methodology shall be determined by the Office of Program Policy Analysis and Governmental Accountability consistent with the description in HB 1839. The funds provided in Specific Appropriation 154A are not contingent upon HB 1839 becoming law. For 1996-97, performance reviews shall be conducted for Hillsborough, Lee and a small school district.

154B SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION
CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 750,000

155 SPECIAL CATEGORIES
EDUCATIONAL ENHANCEMENT PROGRAM
FROM GENERAL REVENUE FUND 200,000

156 SPECIAL CATEGORIES
PLANNING - JUVENILE EDUCATION ACADEMIES
FROM GENERAL REVENUE FUND 150,000

Funds in Specific Appropriation 156 are provided for the Alternative Education Institute to carry out its mission as provided in Section 39.085, Florida Statutes. The Alternative Education Institute shall provide a detailed report of its accomplishments towards meeting its statutory mission to the Speaker of the House, President of the Senate, and the Governor by November 30, 1996.

157 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND 24,689,612
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,082,297

The Board of Trustees and administration of the Florida School for the Deaf and Blind shall not authorize fee waivers for out-of-state students.

Funds in Specific Appropriation 157 for outreach services to school districts shall be released based on a written agreement with the Division of Public Schools designating the services as a component of the system of diagnostic and learning resource centers authorized in s. 229.832 - 229.8341, Florida Statutes.

158A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 43,458
FROM EDUCATIONAL AIDS TRUST FUND 16,558
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 3,963

APPLIED TECHNOLOGY AND ADULT EDUCATION, DIVISION OF

159 SALARIES AND BENEFITS POSITIONS 98
FROM GENERAL REVENUE FUND 1,777,389
FROM EDUCATIONAL AIDS TRUST FUND 1,859,524
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 512,104

160 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,807
FROM EDUCATIONAL AIDS TRUST FUND 190,916
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 41,213

161 EXPENSES
FROM GENERAL REVENUE FUND 466,145
FROM EDUCATIONAL AIDS TRUST FUND 1,722,680
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 246,909

162 AID TO LOCAL GOVERNMENTS
CENTERS OF EXCELLENCE
FROM GENERAL REVENUE FUND 755,755

From the funds in Specific Appropriation 162, $400,000 is provided for the purchase of four human patient simulators which shall be used to provide recertification training for the allied health professions. The location of these simulators shall be competitively awarded by the Commissioner of Education. The first $100,000 collected in fee-for-use revenues by each college receiving a simulator shall be returned to the Division of Applied Technology and Adult Education and deposited into the Educational Media and Technology Trust Fund. These revenues shall be used to purchase additional human patient simulators to be used for allied health training programs at other state institutions.

163 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION
FEDERAL FLOW-THROUGH FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 12,530,280

164 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT LITERACY CENTERS
FROM GENERAL REVENUE FUND 200,000

165 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 41,700,640

166 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,926
FROM EDUCATIONAL AIDS TRUST FUND 2,926

167 SPECIAL CATEGORIES
BLUEPRINT FOR CAREER PREPARATION
FROM GENERAL REVENUE FUND 1,540,000

168 SPECIAL CATEGORIES
APPLIED SCIENCE AND TECHNOLOGY
FROM GENERAL REVENUE FUND 2,433,500

168A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 14,222
FROM EDUCATIONAL AIDS TRUST FUND 11,382
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . 2,914

COMMUNITY COLLEGES, DIVISION OF

169 SALARIES AND BENEFITS POSITIONS 48
FROM GENERAL REVENUE FUND 2,636,549
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 117,660

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170 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 207,729

171 EXPENSES
FROM GENERAL REVENUE FUND 679,222
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 14,625

172 AID TO LOCAL GOVERNMENTS
GENDER EQUITY
FROM GENERAL REVENUE FUND 1,823,000

Grant funds in Specific Appropriation 172 shall be awarded by the State Board of Community Colleges to address gender equity facilities and equipment needs. The State Board of Community Colleges shall distribute the funds according to needs identified through a gender equity facility and equipment needs assessment survey.

172A AID TO LOCAL GOVERNMENTS
PERFORMANCE BASED INCENTIVES
FROM GENERAL REVENUE FUND 12,000,000

Funds in Specific Appropriation 172A shall be distributed by the State Board of Community Colleges as follows:

A. The sum of $5,000,000 shall be distributed among the colleges based upon each college's pro-rata share of the total absolute number of Associate of Arts and Associate of Science Degree completers and one half of the total number of certificate completers for the 1995-96 academic year.

B. The sum of $5,000,000 shall be distributed among the colleges based upon each college's pro-rata share of the number of completers counted in A above who: required remediation based on the College Placement Test results (one point for each subject area requiring remediation); each completer who qualified as economically disadvantaged under federal qualifications; was reported as disabled in a federal classification of disabled; tested into ENS or ESL; has passed a state job licensure exam; and/or has been placed in a job as identified through using the state FETPIP data. Students may be counted in more than one category.

C. The sum of $2,000,000 is to be distributed among the colleges based upon each college's pro-rata share of the number of Associate of Arts completers who graduated with fewer than 72 total attempted hours. In calculating hours attempted, the following courses would be included:

1. Any course which a student enrolls in at a Florida public college or university and which is not a remedial level course, would count as attempted credit hours;

2. Any credit hours accepted by the college as transfer credit toward a degree from a Florida private college or university or an out-of-state college or university would be counted as an attempted credit;

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3. Any Advanced Placement, dual enrollment, International Baccalaureate, CLEP, departmental credit, or life experience credit which is counted toward the AA degree;

4. All credit hours over 12 hours of "English for Non-Speakers (ENS)" or any ENS hours counted toward the degree.

173 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INTEGRATED DATA BASE
FROM GENERAL REVENUE FUND 2,304,683

174 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES
PROGRAM FUND
FROM GENERAL REVENUE FUND 558,515,853

The funds in Specific Appropriation 174 shall be used to serve the following assigned FTE enrollments:

	1996-97
Advanced and Professional	100,581
Postsecondary Vocational	39,506
Postsecondary Adult Vocational	15,280
Supplemental Vocational	6,882
College and Vocational Preparatory	14,780
Adult Basic & High School	17,748
Total	194,777

FTE enrollment counts for funding purposes will be based only on fee-paying students, except as provided by law. Furthermore, enrollment projections, the annual cost analysis, and CO&DS instructional unit determinations shall only include such students. Enrollments of non-fee paying students shall be reported and projected separately. Except for dually-enrolled students, students in advanced and professional programs or related college preparatory programs who have acquired a high school certificate of completion or attendance and do not have a high school diploma or general equivalency diploma shall not earn FTE's for funding purposes. All enrollment estimating conference FTE reports shall reflect by college all fee paying FTE for the following programs: advanced and professional, postsecondary vocational, postsecondary adult vocational, supplemental vocational, college and vocational preparatory, adult basic, high school, and lifelong learning. There shall be a direct correlation with the seven programs in reporting actual, assigned, estimated, and projected FTE. All state inmate education provided by community colleges in 1996-97 shall be reported by program, FTE expenditure and revenue source. These enrollments, revenues and expenditures shall be reported and projected separately. Except as provided by law, instruction of state inmates shall not be included in the full-time equivalent student enrollment for Community College Program Fund funding. No funds in Specific Appropriation 174 are provided for instruction of state or federal inmates; funds in

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this appropriation shall not be used to offer college level courses to inmates who do not pay their own fees.

Funds provided in Specific Appropriation 174 contemplate that, except for CO&DS instructional unit calculation, the enrollment projections, estimates, and actual FTE for advanced and professional, and postsecondary vocational programs will be a year-round average based on total student semester hours divided by 40 with the credit hour equivalent being 30. Except for CO&DS instructional unit calculation, a full-time equivalent enrollment in the developmental program, including students enrolled in both the college and vocational preparatory program, postsecondary adult and supplemental disciplines in the vocational program and the lifelong learning program shall be defined as 900 membership hours per year. Furthermore, the annual cost analysis and all data elements required for the allocation process and legislative analysis shall reflect these definitions and be reported in the following order: summer, fall, and spring terms.

From the funds provided in Specific Appropriation 174 community colleges may waive fees for any non-fee exempt student provided that the total number of students for whom fees are waived shall not exceed five percent of the systemwide full-time equivalent enrollment in postsecondary adult vocational, vocational supplemental, and vocational preparatory programs.

The average resident matriculation fees specified in Subsection 240.35(5), Florida Statutes, are hereby established for 1996-97 as follows:

Program	Amount Per Credit Hour
Advanced and Professional	$ 29.47
Postsecondary Vocational	29.47
Adult Vocational	13.23
Supplemental Vocational	26.30
College Preparatory	29.47

The average nonresident matriculation and tuition fees specified in Subsection 240.35(7), Florida Statutes, are hereby established for 1996/97 as follows:

Program	Amount Per Credit Hour
Advanced & Professional	$ 88.40
Postsecondary Vocational	88.40
Adult Vocational	39.68
Supplemental Vocational	78.90
College Preparatory	88.40

No community college shall be required to reduce matriculation and tuition fees in Adult Vocational, Vocational Preparatory, and Adult Education Programs in 1996-97 from the prior year.

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The Division of Community Colleges shall maintain a policy regarding office hours that instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by the local boards of trustees in each community college's regularly assigned audit and make appropriate comments.

Colleges which accept funds from Specific Appropriation 174 shall not act to limit the "open door" access policy for students in any program.

Up to $10,000,000 from Specific Appropriation 174 may be used in conjunction with funding from other sources including Specific Appropriation 28 and Specific Appropriation 1768 for the purposes of economic development and reduction of welfare rolls. The combined funds will be earned by community colleges under a performance based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (Chapter 216.136, Florida Statutes) and for enrolling, training and placing economically disadvantaged individuals. Funds from Specific Appropriation 174 will represent at most 40 percent of the combined funds and not more than seven percent of an individual community college allocation for adult vocational education programs.
Instruction of federal military personnel enrolled in federal or state indentured apprenticeship programs shall not be included in the full-time equivalent student enrollment for the Community College Program Fund.

A student in cooperative education or other types of programs incorporating on-the-job training include state indentured apprenticeship, shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership for the Community College Program Fund.

School district and community college employees may only generate Community College Program Funds for the actual classroom time an employee is engaged in a state indentured apprenticeship program.

Funds provided in Specific Appropriation 174 shall be allocated as follows:

Brevard	24,296,122
Broward	36,511,112
Central Florida	9,925,339
Chipola	5,625,194
Daytona Beach	26,566,686
Edison	13,550,047
FICC @ Jacksonville	48,904,957
Florida Keys	4,276,014
Gulf Coast	9,554,205
Hillsborough	29,114,713
Indian River	21,041,588
Lake City	8,184,031
Lake-Sumter	4,415,382
Manatee	12,094,700

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Miami-Dade	95,187,192
North Florida	3,747,125
Okaloosa-Walton	9,848,662
Palm Beach	22,930,128
Pasco-Hernando	9,287,006
Pensacola	24,741,895
Polk	9,161,587
St. Johns River	6,354,557
St. Petersburg	29,887,101
Santa Fe	21,285,085
Seminole	18,129,887
South Florida	7,862,250
Tallahassee	14,114,583
Valencia	31,918,705

From the funds in Specific Appropriations 28 and 174 there shall be no expenditure of funds for the development of curriculum or other programs for distribution as distance learning, as defined by the Florida Distance Learning Network, until such time as a proposed expenditure plan has been approved by the State Board of Community Colleges. The State Board of Community Colleges shall not approve any plan that has not been reviewed and approved by the Florida Distance Learning Network.

174A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMPENSATION FOR
HURRICANE DAMAGES
FROM GENERAL REVENUE FUND 893,547

Funds in Specific Appropriation 174A include full funding for the budget request approved by the State Board of Community Colleges to address unreimbursed expenses and student enrollment reductions at Gulf Coast Community College, Okaloosa-Walton Community College, Chipola Community College and Pensacola Junior College associated with Hurricanes Erin and Opal.

174B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - REMEDIATION REDUCTION
PILOT PROGRAM
FROM GENERAL REVENUE FUND 67,314

175 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 78,205

175A SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOLARSHIP MATCHING
PROGRAM
FROM GENERAL REVENUE FUND 2,000,000

Funds provided in Specific Appropriation 175A are to be matched at the rate of one private dollar for each state dollar. The private funds must be received by a college's foundation after July 1, 1996. Private funds matched in this specific appropriation may not be counted as match in any other state matching program. The use of these funds shall be limited to student scholarships. Each college shall have $35,000 reserved in its account until December 31, 1996, to raise matching funds. Any funds not matched by that date become available on January 1, 1997 to be matched by any other college.

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176 SPECIAL CATEGORIES
GRANTS AND AIDS - AUXILIARY LEARNING AIDS
FOR POSTSECONDARY HANDICAPPED STUDENTS
FROM GENERAL REVENUE FUND 1,454,550

176A SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY COLLEGE
ENDOWMENT MATCHING FUND
FROM GENERAL REVENUE FUND 3,901,601

Funds provided in Specific Appropriations 29 and 176A are to be matched at the rate of three private dollars for each two state dollars and may only be matched for the purpose of increasing a college's endowment fund. None of the principal created by these private or state matching funds may be spent. Each college choosing to participate in this endowment match shall provide to the Legislature and Governor by November 1, 1996, the following information: 1. The amount of funds previously received from the state and as match from private sources for the Community College Endowment Fund; 2. The amount of those funds deposited in an endowed account and the current amount of that endowment; 3. The amount of those funds not used to create an endowment and how those funds were spent. Funds matched by this appropriation may not be counted as matching funds for any other state matching program.

177 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM GENERAL REVENUE FUND 23,676
FROM EDUCATIONAL AIDS TRUST FUND 1,470,827

Funds in Specific Appropriation 177 shall be used to continue contracts with non profit service providers in effect on June 30, 1996.

179 SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM GENERAL REVENUE FUND 5,139,547

180A SPECIAL CATEGORIES
GRANTS AND AIDS - NURSING EDUCATION
CHALLENGE GRANT FUND
FROM GENERAL REVENUE FUND 800,000

181 SPECIAL CATEGORIES
GRANTS AND AIDS - MARTIN LUTHER KING
CENTER FOR NON-VIOLENCE
FROM GENERAL REVENUE FUND 200,000

Funds in Specific Appropriation 181 are provided subject to the Auditor General conducting a fiscal audit and a performance review of the operation of the center for the period July 1, 1994 to June 30, 1996 or a longer period of time at the discretion of the Auditor General. A report of the findings and recommendations shall be submitted to the Legislature by October 31, 1996.

181A SPECIAL CATEGORIES
TRANSFER TO FIRN
FROM GENERAL REVENUE FUND 3,200,000

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182 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 30,000

183 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 300,000

183A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 4,524
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 202

POSTSECONDARY EDUCATION PLANNING COMMISSION

184 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 579,729

185 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,760

186 EXPENSES
FROM GENERAL REVENUE FUND 111,111

187 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,180

188 SPECIAL CATEGORIES
SPECIAL STUDIES
FROM GENERAL REVENUE FUND 177,351

From the funds in Specific Appropriation 188, the Department of Education and the Postsecondary Education Planning Commission shall conduct a study of financial assistance/tuition programs, evaluating the availability, need, and effectiveness of merit-based and needs-based financial assistance programs. The Department and the Commission shall also develop a plan to implement a merit-based scholarship program in 1997-98 that is funded through lottery revenues and shall make recommendations to the Legislature no later than January 1, 1997 for elimination, retention and coordination of existing financial assistance programs and a plan for administration of the new lottery scholarship program.

From funds in Specific Appropriation 188, the Postsecondary Education Planning Commission shall conduct program reviews on state funded initiatives at the Historically Black Private Colleges in the Private College and Universities budget entity. The results of the reviews shall be submitted to the Executive Office of the Governor on or before September 30, 1996.

The funds in Specific Appropriations 184 through 188 shall support the Postsecondary Education Planning Commission in carrying out its statutory responsibilities, the following specific assignments and other activities designed to improve Florida postsecondary education.

The Postsecondary Education Planning Commission shall continue its review and evaluation of the accountability plans and reports in public and independent postsecondary education. This review should assess the degree to which institutional and system goals relate to state priorities. A report shall be submitted to the Legislature and State Board of Education by November 1, 1996.

The Postsecondary Education Planning Commission shall examine the effectiveness of advanced placement, dual enrollment, and international baccalaureate instruction and address factors such as cost, average number of hours earned, and impact on time to degree. A report and policy recommendations related to these acceleration mechanisms shall be submitted to the Legislature and State Board of Education by February 1, 1997.

The Postsecondary Education Planning Commission shall review the implementation status of Chapter 94-243, Laws of Florida, with emphasis on those policy initiatives requiring cooperation among two or more postsecondary sectors including the articulation agreement, common course numbering, the development of common prerequisites and course levels and the extent to which at least half of the coursework for any baccalaureate degree is offered at the lower division level. A report and recommendations shall be submitted to the Legislature and State Board of Education by February 1, 1997.

In cooperation with the Board of Regents and State Board of Community Colleges, the Postsecondary Education Planning Commission shall develop an enrollment projection model that will take into account recent high school graduates as well as flow through from community college and other transfers, and returning adults. A progress report including project milestones and implementation dates shall be submitted to the Legislature and State Board of Education by December 2, 1996.

To promote the most efficient and timely distribution of state need based financial assistance, the Postsecondary Education Planning Commission in consultation with the Office of Student Financial Assistance and the Council of Student Financial Aid Advisors shall recommend an allocation procedure and formula for all institutions participating in the state student assistance grant programs. The recommended procedure and formula shall be submitted to the Legislature and the State Board of Education by January 1, 1997.

The Postsecondary Education Planning Commission, in consultation with the Florida Distance Learning Network, the Board of Regents and the State Board of Community Colleges, shall conduct studies and prepare reports which address policy issues arising from implementation of expanded educational use of technology and distance learning. Such reports and recommendations shall address but not be limited to the following issues:

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1. examine the awarding of credit for technologically delivered instruction, the feasibility of granting postsecondary degrees when courses or programs of study are offered via technology or through other alternative means and the potential for a virtual degree granting institution.

2. examine the problems associated with implementing the use of technologically delivered instructional programs and potential for utilizing distance learning technologies in such areas as basic literacy, remediation, learning disabilities, at risk students, workforce development prison education and juvenile justice programs.

3. examine issues surrounding the FTE funding methodology of the sectors and the tuition and fee structures for students enrolled in courses and programs using alternative delivery methods and recommend fiscal policies which clearly describe how funding and services will be processed for students enrolled in distance learning courses and programs. Such policies should include provisions for shared funding among the institutions involved in instruction which crosses conventional service areas and basic student support and library services to be provided to remote students.

4. examine the policy and fiscal implications of providing access to information and technological capabilities including an analysis of the impact upon library resources and recommend policies which will ensure a minimal level of universal access to information and technological resources for all citizens.

5. compare existing state technological initiatives with those present in the private sector to determine if unnecessary duplication exists and make recommendations concerning the potential for partnerships with industry that could be economically beneficial for the state. The recommendations and analysis should also include a survey of the high technology and information industry to ascertain which of the newest technologies provides the greatest potential utility for adoption by the state.

Preliminary reports and recommendations shall be submitted no later than February 1, 1997. Additional findings and recommendations shall be submitted no later than April 1, 1997.

188A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,048

UNIVERSITIES, DIVISION OF

Funds in Specific Appropriations 190 through 193, contemplate that the matriculation and tuition fees collected for Summer Term 1997 enrollments shall not be expended during the 1996-97 fiscal year.

From the funds in Specific Appropriations 190, 191, 192, 193, the Board of Regents may allocate any excess student fees collected in fiscal year 1995-96 for the purposes of assuring each university its allocated student fees for fiscal year 1996-97.

From the funds in Specific Appropriations 189 through 193, the salary rate shall be consistent with legislative workpapers that support the General Appropriations Act. Each university shall establish positions consistent with the approved salary rate.

From the funds in Specific Appropriations 189 through 208, no appropriated funds shall be used to promote litigation, for all centers and institutes.

From the funds in Specific Appropriations 189 through 196B, each university shall develop a plan for the implementation of the increased matriculation charge to students for credit hours taken in excess of baccalaureate degree requirements. The plans must be submitted to the Board of Regents for approval no later than July 1, 1996, and must designate the university's credit hour maximum after which students will be charged an increased matriculation fee, and the rate of the excess credit hour fee.

The university plans must provide that first-time-in college students for the Fall 1996 semester and thereafter shall be subject to increased matriculation fees for course work in excess of degree requirements. Transfer students entering a state university in the Fall 1996 semester may be subject to the increased matriculation fees; however, transfer students entering a university in the Fall 1998 semester and thereafter shall be subject to the increased fees. The increased charges per credit hour must be at least 25 percent of the matriculation fee and may be no more than 37.5 percent of the direct cost of instruction.

Plans must also provide that the increased matriculation fees will be imposed on first-time-in-college students for credit hours taken in excess of 115 percent of the hours required for a baccalaureate degree. For transfer students, the increased fees must be imposed for credit hours in excess of 115 percent of the hours remaining to be completed for earning the baccalaureate degree. However, a university may submit a plan imposing an increased matriculation fee at a percentage no lower than 110 percent of the hours needed for earning the baccalaureate degree.

For purposes of calculating excess credit hours, course work in excess of degree requirements shall include college-level credit hours earned at any institution, plus credit hours attempted at the state university awarding the degree. Attempted hours shall mean those hours failed, withdrawn from after paying fees, or repeated for no credit. Hours earned through accelerated mechanisms, such as Advanced Placement and the College Level Examination Program, may be excluded from the calculation. A university may also propose excluding special

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categories of students, such as active military personnel, from the increased matriculation charge.

No later than November 1, 1996, the Board of Regents shall report to the Legislature the results of a study of the options for encouraging universities to reduce the average number of hours taken by students beyond degree requirements. This study shall examine the effects on individual universities of various policies which would reduce state funding to a university that exceeds an identified level of average hours beyond degree requirements. This study shall also examine the possible effects of such policies on different kinds of students.

From the funds in Specific Appropriation 190, Florida Gulf Coast University is authorized to implement programs in physical therapy (BS), nursing (BS), occupational therapy (BS), clinical laboratory science (BS), social work (MSW), and the School of Education to include the Master of Education degree in Counselor of education, as approved by the Board of Regents.

From the funds in Specific Appropriation 190, Florida Atlantic University is authorized to implement programs in architecture and physical therapy, as approved by the Board of Regents.

Funds in Specific Appropriation 190 through 193 are provided to assist with the following:
1) Upon the request from the Governor, President of the Senate, or the Speaker of the House of Representatives, the state university system shall conduct public policy research projects. Each official shall have the ability to request two projects apiece.
2) The Chancellor shall select, in conjunction with the university presidents, faculty to participate in these public policy research projects with every effort to select diverse academic disciplines.
3) Individual universities and the state university system, in general, are not responsible for extraordinary costs associated with these projects and every effort should be made to share costs with private sector organizations. All public agencies are instructed to lend staff, expenses, and other resources, as necessary to further the conduct of these studies.
4) Each research project shall be conducted in an impartial manner with the use of sound research methodologies, including the integration of diverse viewpoints and constituencies.

From the funds in Specific Appropriations 190, 191, and 192, a minimum of $27,648,881 is provided to increase access in the State University System for the 1996-97 fiscal year. The Board of Regents shall allocate these funds among the Educational and General budget, the Institute of Food and Agricultural Sciences budget, and the University of South Florida budget. At a minimum, the Board of Regents shall allocate funds to support an increase of 140 FTE students for the Institute of Food and Agricultural Sciences, an increase of 139 FTE

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students for the University of South Florida Medical Center and 2,840 FTE students for the Educational and General budget. The Board of Regents shall also consider an increase above the 2,840 FTEs as proposed by each president in order to increase access. In determining the allocation of funds to support these enrollment increases, the Board of Regents shall adjust the various cost factors as required to support the increased enrollment. The various student fee trust funds may be adjusted by the Executive Office of the Governor to reflect increased student fee revenues resulting from increases in enrollment for the Educational and General budget which are above the 2,840 FTE students, the 140 FTE students for the Institute of Food and Agricultural Sciences and the 139 FTE students for the University of South Florida Medical Center.

For the purposes of implementing s. 240.271(5)(a), Florida Statutes, the categories of enrollment shall be undergraduate and graduate. The Board of Regents shall continue to provide enrollment detail by level to support the Enrollment Estimating Conference process.

EDUCATIONAL AND GENERAL ACTIVITIES

The funds in Specific Appropriations 190, 191, 192, and 193 include $34,938,334 for fee waivers.

189 LUMP SUM
INSTRUCTIONAL PERFORMANCE INCENTIVE FUND
FROM GENERAL REVENUE FUND 10,055,052

From the funds in Specific Appropriation 189, the Board of Regents shall allocate to each university its proportionate share of $5 million provided for a new performance incentive program. Pursuant to criteria developed and adopted by the Board of Regents, each university shall budget and expend these funds in 1996-1997 to implement its plan for increased performance efficiency. By January 1, 1997, the Board of Regents shall report to the Legislature the performance incentive plan for each university and the amounts budgeted for each component of the plan. No later than September 1, 1997, the Board of Regents shall determine the performance efficiencies realized as a result of the 1996-1997 performance plans. The Board of Regents shall adjust the 1997-1998 instruction and research budget of any institution that did not realize its performance plan. This reduction must be based on the 1996-1997 performance-plan budget and the proportion of the plan not achieved. Any funds reduced from the instruction and research budget shall be transferred to the Challenge Grant Matching Trust Fund.

From the funds in Specific Appropriation 189, $3.0 million shall be used to continue the Instructional Performance Incentive Fund established by the 1995 Legislature. The funds shall be used to recognize the extent to which each university has met or exceeded the teaching-and degree-productivity

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targets established for the 1995-1996 year for the following measures:

a. Course sections per faculty person-year
b. Course sections per faculty headcount
c. Class size
d. Student credit-hour productivity per faculty person-year
e. Baccalaureate degrees per faculty person-year

The Board of Regents shall reserve a proportionate share of the $3.0 million for allocation to each university. Each university shall earn up to the full amount of its share by documenting the extent to which it has achieved the 1995-1996 targets. By November 1, 1996, the Board of Regents shall report to the Legislature on the allocation of these funds. Any funds remaining unearned by any university must be transferred to the Challenge Grant Matching Trust Fund and used to match major gifts for scholarships. In determining the extent to which targets have been achieved for each measure, a point system shall be used. On each measure, a university may earn, for each target achieved, one point, plus or minus 0.1 of a point for each percentage point by which the target is exceeded or not fully met. The points earned for each measure shall be summed. A university earning a total of 5 or more points shall receive the full amount of its reserved incentive funding. If a university earns less than 5 points, it shall be allocated a portion of its reserved amount equal to the percentage of the 5 points that it actually earned.

From the funds in Specific Appropriation 189, $2,055,052 shall be used to establish a Public Service Performance Incentive Fund to encourage faculty involvement in public service activities that meet critical state needs. On July 1, 1996, each university shall receive its proportionate share of these incentive funds. By October 1, 1996, each university shall report to the Board of Regents how these funds were allocated. The reports shall include the following:

a. Specific activities or projects established as university public service priorities.
b. A description of procedures used to allocate funds to specific faculty activities and projects.
c. A description of the process to be used to monitor and evaluate these activities by September 1, 1997.

190 LUMP SUM
EDUCATIONAL AND GENERAL ACTIVITIES

FROM GENERAL REVENUE FUND	929,277,871	
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND		296,606,797
FROM PHOSPHATE RESEARCH TRUST FUND		5,150,732

Funds provided in Specific Appropriation 190 include no more than that amount which the Board of Regents and the City of Gainesville agree represents the cost of service for water provided by the city

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to the University of Florida. The amount charged shall reflect a cost-based rate only and shall be determined through a cost of service study completed annually by the City and reviewed by the University. The costs of any General Fund transfer to the City of Gainesville from Gainesville Regional Utilities or any profit to the City or Utility shall be specifically excluded as costs allocable to the University. The cost-based rate shall include charges for only those water services actually provided by the City to the University and shall not include charges for services furnished by the University.

From the funds in Specific Appropriation 190, Florida Atlantic University shall develop and administer a separate budget for FAU Broward for the purpose of establishing a complete university presence in Broward County. The FAU Broward budget shall include all revenues generated locally by the Broward campuses, all positions associated with specially legislated Broward programs from current and previous years, and all additional faculty, staff, and other resources allocated to the university on the basis of Broward enrollments or facilities. In administering its budget, FAU Broward shall make all assignments of Broward faculty and staff, schedule all Broward classes, and evaluate Broward faculty and staff performance.

A minimum of 71 percent of the funds provided for student financial aid in Appropriation 190 shall be allocated for need-based financial aid.

Funds in Specific Appropriation 190, for Florida International University, may be used to establish a Masters in Architecture program if approved for implementation by the Board of Regents.

From the funds in Specific Appropriation 190 an additional $3,000,000 are provided to continue the State University System Teaching Incentive program, on a competitive basis, in order to recognize, promote and stimulate high quality and productive teaching. Each university shall submit an implementation plan for approval by the Board of Regents prior to being funded. The following elements should be included in the plans. Funding for individual salary incentives provides for a $5,000 increase in the base salary of the recipient.

Individual teaching awards are to be based on productivity, teaching effectiveness and creativity. These awards are a permanent increase in the base salary of the award recipient and shall be retroactive to the date of the beginning of the annual contract in the event the award is made subsequent to this date. Full-time nine-and twelve-month employees who are appointed to ranks which are equivalent to professor (i.e., librarian/curator series, scholar/scientist series, and engineer series), and instructors and lecturers are eligible for these awards. Eligible employees must have a continuing commitment to, and emphasis on, classroom instruction, and have demonstrated

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substantial teaching commitment during the past three academic years (1993-94 to 1995-96). The definition of substantial commitment may vary; however, in general it shall be based on an employee's assignment in classroom and/or laboratory instruction. Directed independent studies, supervised research, and thesis/dissertation research are not included in the definition of substantial commitment. Award recipients must have demonstrated teaching productivity when data are summed over the last six academic semesters (fall/spring) for nine-month employees or last nine semesters (summer/fall/spring) for 12 month employees that equals or exceeds college/school/department medians. Teaching productivity includes one or more of the following measures: The number of instructional contact hours, number of courses, and number of student credit hours generated, while accounting for differences in course delivery and preparation, and providing for a balance between larger and smaller classes. In addition to productivity criteria for eligibility measures of instructional quality must be considered.

From the funds in Specific Appropriation 190, an additional $2,000,000 is provided to initiate the State University System's Professorial Excellence Program, on a competitive basis, in order to recognize and promote excellence and productivity of Full Professors. Each university shall submit an implementation plan for approval by the Board of Regents prior to being funded. Funds will be distributed proportionally to each university based upon the salary rate of professors with ten (10) or more years of SUS service at each university compared to the total salary rate of such professors in the SUS. University plans shall include the following elements: (1) Full-time employees in classifications with the rank of Professor or equivalent ranks who have ten (10) or more years SUS service in that rank are eligible for this program. (2) No employee may receive an award under this program more than once every eight (8) years. (3) Individual awards shall be in the amount of nine percent (9%) of an employee's base salary rate, and shall be retroactive to the date of the beginning of the annual employment contract in the event that the award is made subsequent to that date. (4) Individual awards are to be based on the employee's accomplishments and continuing productivity since promotion to Professor. Evidence of sustained excellence and high merit in scholarship or creative achievement, teaching, service and extension since the last promotion is required for a recommendation for these increases. (5) Recommendations for these awards shall be reviewed consistent with the manner in which recommendations for promotion are made at each university. Criteria and procedures, including the schedule for reviewing applications, shall be communicated to eligible employees.

From the funds provided in Specific Appropriations 190, 191, 192, and 193, each university shall be

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allocated the amount produced by the 7% fee increase in matriculation and out-of-state fees to be expended in accordance with the purposes identified in the tuition utilization plan approved by the Board of Regents in Fall 1995. However, none of those funds are to be expended for faculty effort related to public service or research or for administration. First priority for the use of these funds shall be increased access through financial assistance, an increase in course sections, and improved academic advisement. The Board of Regents shall account and report to the Legislature by January 1, 1997, regarding the use of those funds.

From the funds in Specific Appropriation 190, the Board of Regents may allocate up to $100,000 to trust funds within the Contracts and Grants and auxiliary budget entities for Florida Gulf Coast University for purposes of creating working capital.

From the funds in Specific Appropriation 190, $300,000 from the General Revenue Fund is provided to the Institute of Government for the Local Government Study Commission and is contingent upon HB 1921 or similar language becoming law.

From the funds in Specific Appropriation 190, $540,000 shall be allocated to the University of Florida to be contracted with Santa Fe Community College for the Joint Liberal Arts Program.

Specific Appropriation 190 includes funding for the following issues:
1) $290,000 for the Estero Bay Management Plan
2) $150,000 for the North Palm Beach Honors College
3) $1,500,000 for the Magnetic Lab- Florida State University
4) $80,000 for the Performing Arts Center- University of Florida
5) $250,000 for matching the Study on Aging- University of South Florida
6) $314,358 for the Archaeology Institute- The University of West Florida
7) $475,000 for the International Hurricane Center- Florida International University
8) $362,000 for Marine Sciences- University of South Florida
9) $180,000 for the Washington Internship Program
10) $306,000 for the Juvenile Justice Role Model Development Project- Florida State University and Florida Agricultural and Mechanical University
11) $1,000,000 for academic enhancements at Florida Agricultural and Mechanical University enhancement
12) $5,000,000 Equity funding
13) $1,000,000 for Florida Museum of Natural History
14) $600,000 for Particle Science Center
15) $250,000 for Hands in Action
16) $113,000 for Hurricane-Related damage - the University of West Florida
17) $12,464,770 for Florida Gulf Coast University
18) $6,000,000 for Comprehensive University Plan

From the funds in Specific Appropriation 31 and 190, $15,469,678 are provided to the Florida Distance Learning Network for both administrative purposes

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and for public postsecondary distance learning. In the event SB 2870 or similar legislation becomes law, the network shall allocate $15,000,000 for the Institute on Public Postsecondary Distance Learning for both administrative purposes and for the development and production of public postsecondary curriculum for distance learning that has been approved by the Florida Distance Learning Network. In the event the Florida Distance Learning Network does not respond within 60 days from the receipt of written request, the request shall be deemed approved.

From the funds in Specific Appropriations 30A, 31, and 189 through 208 there shall be no expenditure of funds for the development of curriculum or other programs for distribution by Distance Learning, as defined by the Florida Distance Learning Network, until such time as a proposed expenditure plan has been approved by the Board of Regents. The Board of Regents may not approve any university plan that has not been reviewed and approved by the Florida Distance Learning Network. In the event the Florida Distance Learning Network does not respond within 60 days from the receipt of written request, the request may be deemed approved.

191 LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS
FROM GENERAL REVENUE FUND 106,319,265
FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND 3,267,739
FROM EXPERIMENT STATION INCIDENTAL TRUST FUND 1,072,871
FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND 3,963,685
FROM EXTENSION SERVICE INCIDENTAL TRUST FUND 1,279,666
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES STUDENT FEE TRUST FUND 4,086,438

Specific Appropriation 191 includes $300,000 for aquaculture research and education.

192 LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER OPERATIONS
FROM GENERAL REVENUE FUND 39,437,964
FROM UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER STUDENT FEE TRUST FUND 5,384,425

From the funds in Specific Appropriation 192, $150,000 may be used to establish the Public Health Leadership Program at the College of Public Health.

Specific Appropriation 192 includes $200,000 for the Office of Minority Affairs.

193 LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS
FROM GENERAL REVENUE FUND 87,306,125
FROM INCIDENTAL TRUST FUND 18,902,851
FROM UNIVERSITY OF FLORIDA HEALTH SCIENCES CENTER STUDENT FEE TRUST FUND . 9,960,217
FROM UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS AND MAINTENANCE TRUST FUND . . 4,688,173
FROM OPERATIONS AND MAINTENANCE TRUST FUND 282,461
FROM UNIVERSITY OF FLORIDA HEALTH SCIENCE CENTER/JACKSONVILLE TRUST FUND . 4,564

Specific Appropriation 193 includes funding for the following issues:
1) $1,000,000 for the Brain Institute
2) $400,000 for the Eastside Clinic
3) $200,000 for the Office of Minority Affairs

194 SPECIAL CATEGORIES
GRANTS AND AIDS - CANCER CENTER OPERATION
FROM GENERAL REVENUE FUND 10,135,170

Funds in Specific Appropriation 194 may be disbursed in advance to the contractor on a quarterly basis.

Specific Appropriation 194 includes funding for the following issues:
1) $250,000 for the telemedicine project
2) $250,000 for the pediatric career registry

195 SPECIAL CATEGORIES
GRANTS AND AIDS - SHANDS TEACHING HOSPITAL
FROM GENERAL REVENUE FUND 9,768,979

Funds in Specific Appropriation 195 may be disbursed in advance to the contractor on a quarterly basis.

196 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 33,828,768

196A FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS
FROM GENERAL REVENUE FUND 4,797,487

Specific Appropriation 196A includes funding for the following issues:
1) $4,297,487 for Minority Legal Education
2) $500,000 for Minority Scholarships

196B FINANCIAL ASSISTANCE PAYMENTS
VIRGIL HAWKINS FELLOWSHIP PROGRAM
FROM GENERAL REVENUE FUND 883,920

BOARD OF REGENTS GENERAL OFFICE

197 SALARIES AND BENEFITS POSITIONS 161
FROM GENERAL REVENUE FUND 6,634,002
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 978,015
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,635
FROM OPERATIONS AND MAINTENANCE TRUST FUND 636,777
FROM STATE UNIVERSITY SYSTEM PERSONNEL TRUST FUND 8,869

198 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 340,162
FROM FACILITIES CONSTRUCTION

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ADMINISTRATION TRUST FUND 36,907
FROM OPERATIONS AND MAINTENANCE TRUST FUND 70,500

199 EXPENSES
FROM GENERAL REVENUE FUND 1,561,408
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 11,700
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 158,936
FROM OPERATIONS AND MAINTENANCE TRUST FUND 760,991

200 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 120,775

201 LUMP SUM
PERSONNEL DATABASE - STUDENT ACADEMIC SUPPORT SYSTEM
FROM GENERAL REVENUE FUND 275,540

From the funds provided in Specific Appropriation 201, the Board of Regents is directed to continue the implementation of the computer data base in the SUS SUPERS System for tracking the employment of other personal services (OPS) employees within the State University System.

The data base shall be operational no later than January 1, 1997.

From the funds in Specific Appropriations 197 through 208A, the Board of Regents shall reconvene the task force which developed the new funding allocation model for the State University System for the purpose of continued refinement of the model. Recommendations shall be developed in conjunction with the universities, the Postsecondary Education Planning Commission, staff of the legislative appropriations committees, and staff of the Executive Office of the Governor. The task force shall, at a minimum, consider adjustments to the model which relate to the staffing needs associated with incremental increases in enrollment, as well as differential funding by level of instruction, program costs, and marginal cost approaches. The individual Instruction and Research costs shall be reviewed in relation to each other. Modifications to the model shall be consistent with the Board of Regents goal of providing increased access to undergraduate education. The revised model shall also be modified, as appropriate, to support the performance-based budget developed pursuant to s. 216.0235, F.S. The task force shall submit a report with recommendations to the Governor, the President of the Senate and the Speaker of the House of Representatives on or before January 1, 1997.

202 SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 25,295,146
FROM MAJOR GIFTS TRUST FUND 23,960,000

203 SPECIAL CATEGORIES
COMMUNITY HOSPITAL EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 5,161,600

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From the funds in Specific Appropriation 203, $2.8 million may be used by the Community Hospital Education Council to contract with the Family Practice Recruitment and Retention Advisory Group in the Agency for Health Care Administration to fund family practice residencies.

Funds for all specialties, excluding Family Practice, provided in Specific Appropriation 203 shall be expended to support clinical experiences in underserved urban or rural populations and/or settings. The Community Hospital Education Council shall develop a method of allocation for up to 10% of the funds in Specific Appropriation 203 which provides additional support to those programs which make a comparatively greater contribution than the average participating program to the number of primary care practitioners in Florida. Additional consideration shall be made for those programs whose graduates practice in underserved areas or provide care to underserved populations.

203A SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 1,500,000

Funds in Specific Appropriation 203A may be advance funded on a quarterly basis.

205 SPECIAL CATEGORIES
DISTRIBUTION TO UNIVERSITIES
FROM OPERATIONS AND MAINTENANCE TRUST FUND 75,000

205A SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HEALTH
FROM GENERAL REVENUE FUND 337,483

205B SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 13,645,202

Funds provided in Specific Appropriation 205B provide $27,290.40 for 500 Florida residents attending the University of Miami Medical School. Students admitted during or after Fall 1991 shall meet the residency requirements of s. 240.1201, Florida Statutes. Students admitted prior to Fall 1991 shall be certified as Florida residents based on the criteria stipulated at the time of admission.

205C SPECIAL CATEGORIES
MEDICAL SCHOOLS - RECRUITMENT AND RETENTION OF MINORITY STUDENTS
FROM GENERAL REVENUE FUND 200,000

205D SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OSTEOPATHY
FROM GENERAL REVENUE FUND 2,283,900

Funds in Specific Appropriation 205D are for 331 osteopathic students at $6,900 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters.

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To be considered for state funding of its osteopathic program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

205E SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - PHARMACY
FROM GENERAL REVENUE FUND 588,244

Funds in Specific Appropriation 205E are for 240 pharmacy students at $2,451.02 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its pharmacy program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

205F SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OPTOMETRY
FROM GENERAL REVENUE FUND 969,400

Funds in Specific Appropriation 205F are for 131 optometry students at $7,400 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its optometry program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

205G SPECIAL CATEGORIES
PUBLIC SECTOR URBAN, RURAL AND UNMET NEEDS
FROM GENERAL REVENUE FUND 125,000

Funds in Specific Appropriation 205G are provided to the Southeastern University of Health Sciences to continue the training program dealing with the public sector, rural and unmet medical needs.

205H SPECIAL CATEGORIES
REGIONAL DIABETES CENTERS
FROM GENERAL REVENUE FUND 1,032,828

206 SPECIAL CATEGORIES
REGIONAL EDUCATION
FROM GENERAL REVENUE FUND 145,350

Funds provided in Specific Appropriation 206 may be advance funded entirely in the first quarter.

206A SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD RESEARCH/
UNIVERSITY OF MIAMI
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 500,000

Funds provided in Specific Appropriation 206A support the existing contract for spinal cord research.

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207 SPECIAL CATEGORIES
FLORIDA'S OFFICE FOR CAMPUS VOLUNTEERS
FROM GENERAL REVENUE FUND 135,889

208 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY
SYSTEM
FROM GENERAL REVENUE FUND 348,648
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 1,965
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 3,276

208A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 12,020

208B FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CAPITAL
IMPROVEMENT FEE PROJECTS
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 72,530,203

The following projects for the State University System are included in the funds appropriated in Specific Appropriation 208B:

UF
O'Connell Center Roof Replacement
(P,C,)..... $6,000,195
J. Wayne Reitz Union Renovation
(P,C,E)..... 1,000,000
Southwest Student Recreation
Fields (P,C,E)..... 2,190,000
Security Lighting(P,C)..... 811,000
Student Parking(P,C)..... 1,500,000
Residence Halls Asbestos & Fire
Code Corr & Maintenance(P,C)..... 385,000
Bikeways/Road Improvement(P,C)..... 1,000,000
FSU
Gray House Remodeling - Panama
City (P,C,E)..... 350,000
Student Life Building(P,C,E)..... 8,750,000
Broward and Gilchrist Halls
Remodeling (P,C,E)..... 1,457,151
UNIVERSITIES, DIVISION OF
B.O.R. GENERAL OFFICE

FAMU
Life Safety & Code Corr Projects for
Student Residence & Student Related
Facilities (P,C)..... 754,000
Recreational Center - Phase I (P,C,E). 2,409,815
Roadway/Parking (C) (Includes
Reimbursement to Auxiliary Funds).... 1,400,000
Presidential Residence Entertainment
Center (C)..... 211,222
Repair Commons Area Between
Dormitories (C)..... 120,000
USF
Renovation of Residence Halls (P,C,E). 6,880,445
Golf Course Club House (P,C,E)..... 400,000
Improvement/Expansion Student
Recreational Facilities, Outdoor
Improvements and Child Care
Facility (P,C,E)..... 1,405,000

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UNIVERSITIES, DIVISION OF
B.O.R. GENERAL OFFICE

St. Pete Child Care Facility (P,C,E)... 210,000
St. Pete Recreation/Student Activities Enhancements (P,C,E)..... 954,587
Sarasota Recreation/Student Center Enhancements (P,C,E)..... 647,707
Lakeland SGA Office/Bookstore (P,C).... 315,106

FAU
Dormitories Asbestos Abatement - Boca Raton Campus (P,C) (Includes Reimbursement to Auxiliary Funds..... 200,000
Student Activities Center - Boca Raton Campus (P,C,E)..... 4,881,594
Student Activities Center - Ft. Lauderdale Campus (P,C,E)..... 946,486
Emergency Phone System & Outdoor Quadrangle/Plaza - Davie Campus (P,C) 200,000
Student Activities Center - Treasure Coast Campus (P,C,E)..... 250,000
Student Area Enhancement - North Palm Beach Campus (E)..... 128,020
Health Services Facility - Boca Raton (P,C,E)..... 500,000

UWF
Commons Building Renovation - Phase IV (P,C,E)..... 1,192,545
Reroof Northside Dormitory Buildings (P,C)..... 650,000
Sports Complex Enhancements (P,C,E) (Reimbursement to Auxiliary Funds)... 75,000

UCF
Student Union - Phase IV (P,C,E)..... 7,000,000
Greek Village (P,C,E)..... 1,413,363
Baseball Stadium (P,C,E)..... 2,000,000

FIU
Graham Center Supplement - Univ Park (E) 150,000
Gregory B. Wolfe University Center Supplement - North Miami (P,C,E)..... 2,330,000
Athletics Fitness Center - Univ Park (P,C,E)..... 750,000
Multipurpose Baseball Stadium - Phase II - Univ Park (P,C,E) (Reimbursement to Auxiliary Funds)..... 1,986,775
Recreational Fields - Univ Park (P,C,E) (Reimbursement to Auxiliary Funds)... 700,000
Tennis Courts with Lighting - North Miami (P,C)..... 250,000
Refinish Pool - North Miami (C)..... 120,000
Graham Center Second Floor Expansion (P,C,E) (Reimbursement to Auxiliary Funds)..... 3,474,901

UNF
New 400 Meter Track (P,C)..... 2,857,824
Andrew Robinson Student Life Center Remodeling/Renovation/Addition (P,C,E) 870,000
Fitness Center (E)..... 30,000

FGCU
Phase I Completion (P,C,E)..... 422,467

209A FIXED CAPITAL OUTLAY
TREELINE AVENUE
FROM GENERAL REVENUE FUND 2,000,000

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Funds in Specific Appropriation 209A shall be used for the expansion of Treeline Avenue.

210 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM FACILITY
ENHANCEMENT - CHALLENGE GRANT PROGRAM
FROM CAPITAL FACILITIES MATCHING TRUST FUND 14,183,741

The Board of Regents shall transfer $6,800,000 in interest earnings from the State University System Construction Trust Fund and $2,200,000 from the Major Gifts Trust Fund, to the Capital Facilities Trust Fund, to be combined with $5,200,000 from interest earnings in the Capital Facilities Trust Fund, for the purpose of matching private funds received pursuant to s. 240.2601, Florida Statutes. The following projects are included in Specific Appropriation 210 in accordance with the provisions of s. 240.2601, Florida Statutes:

UF - Brain Institute Molecular & Cognitive Neuroscience Research Facility..... $4,200,000
Dairy Barn (p,c,e)..... 400,000
The Baughman Center (p,c,e)..... 750,000
Vet Medicine BL-2 Level Animal Fac Remodeling (p,c,e)..... 220,216
Camp Timpoochee Marine Center (p,c,e).. 35,000
FSU - Pepper Center (p,c,e)..... 447,275
University Center - Hospitality Management (e)..... 100,000
USF - Sarasota (New College) Marine Biology (p,c,e)..... 900,000
Pediatric Research Building (p,c,e).... 6,000,000
UWF - Archaeological Conservatory & Museum (p,c,e)..... 431,250
FIU - Herbert & Nicole Wertheim Performing Arts Center (c,e)..... 400,000
Roz & Cal Kovens Conference Center (p,c,e)..... 200,000
Biology Reading Pavilion (p,c,e)..... 100,000

211 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 14,000,000

TOTAL OF SECTION 2 POSITIONS 858

FROM GENERAL REVENUE FUND 8128,894,323

FROM TRUST FUNDS 2967,626,714

TOTAL ALL FUNDS 11096,521,037

SECTION 3 - HUMAN SERVICES

The moneys contained herein are appropriated from the named funds to the Agency for Health Care, Department of Elder Affairs, Department of Health and Rehabilitative Services, and the Department of Veterans' Affairs as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT
OF AGENCY FOR HEALTH CARE ADMINISTRATION

HEALTH CARE ADMINISTRATION AND REGULATION

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212 SALARIES AND BENEFITS POSITIONS 303
FROM GENERAL REVENUE FUND 1,833,320
FROM HEALTH CARE TRUST FUND 10,241,336
FROM ADMINISTRATIVE TRUST FUND 462,553
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 566,177

213 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 247,707
FROM HEALTH CARE TRUST FUND 952,844

214 EXPENSES
FROM GENERAL REVENUE FUND 709,144
FROM HEALTH CARE TRUST FUND 3,801,453
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 92,408

From the funds provided in Specific Appropriation 214, the agency is directed to develop recommendations for pediatric providers and standards for health care facilities and services for children.

215 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HEALTH COUNCILS
FROM HEALTH CARE TRUST FUND 1,294,147

216 OPERATING CAPITAL OUTLAY
FROM HEALTH CARE TRUST FUND 64,496

217 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION
FROM GENERAL REVENUE FUND 13,018,852

From the funds provided in Specific Appropriation 217, $7,000,000 shall be used for the expansion of the Healthy Kids Corporation to school aged children and their siblings provided the local county match required by the corporation is available.

218 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY HEALTH PURCHASING ALLIANCES
FROM GENERAL REVENUE FUND 525,000

219 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS
FROM GENERAL REVENUE FUND 300,000
FROM HEALTH CARE TRUST FUND 210,000

219A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM HEALTH CARE TRUST FUND 30,810

MEDICAID SERVICES

Funds from the Grants and Donations Trust Fund from Specific Appropriation 266 for the Regional Perinatal Intensive Care Center disproportionate share program; those portions of Specific Appropriation 240 to continue the adult outpatient hospital reimbursement yearly cap at $1,000 and to maintain the current county outpatient reimbursement ceiling; Specific Appropriation 240 for the regular hospital disproportionate share program; Specific

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Appropriation 233 for the Graduate Medical Education disproportionate share program; are dependent on state match being provided by participating counties in sufficient amounts to cover the amount budgeted. If sufficient funds are not provided by the counties, the department shall first reduce the regular hospital disproportionate share program to balance.

In the event the Health Care Financing Administration increases the disproportionate share allotment above the appropriated level, the Executive Office of the Governor, subject to Chapter 216, F.S., is authorized to increase budget authority in Specific Appropriation 240 to use up to $5,000,000 in federal match pursuant to section 409.9117, Florida Statutes, for the hospital primary care disproportionate share program. These funds are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. If the state is able to certify any additional state match to meet the increased allotment or a portion thereof, the Governor shall submit a budget amendment pursuant to the provisions of Chapter 216, Florida Statutes. In the event the Health Care Financing Administration decreases the disproportionate share allotment, the Governor shall submit a budget amendment pursuant to the provisions of Chapter 216, Florida Statutes, which would reduce the disproportionate share programs to the maximum cap and shall first reduce the primary care hospital disproportionate share program.

220 SALARIES AND BENEFITS POSITIONS 860
FROM GENERAL REVENUE FUND 11,095,444
FROM ADMINISTRATIVE TRUST FUND 19,306,437
FROM GRANTS AND DONATIONS TRUST FUND . . . 36,240

221 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 587,829
FROM ADMINISTRATIVE TRUST FUND 11,305,087

From the funds provided in Specific Appropriation 221, $100,000 from the General Revenue Fund and $100,000 from the Administrative Trust Fund are to continue the Classification and Case Mix Reimbursement Plan.

From the funds provided in Specific Appropriation 221, $75,000 from the General Revenue Fund and $75,000 from the Administrative Trust Fund are to continue the Diagnostic Related Grouping (DRG) Reimbursement Analysis Plan.

Of the funds provided in Specific Appropriation 221, $62,500 from the General Revenue Fund and $187,500 from the Administrative Trust Fund are provided to implement an inpatient hospital prior authorization program.

222 EXPENSES
FROM GENERAL REVENUE FUND 2,812,901
FROM ADMINISTRATIVE TRUST FUND 7,321,235
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,264

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FROM MEDICAL CARE TRUST FUND 4,000,000

223 SPECIAL CATEGORIES
ADULT DENTAL, VISUAL AND HEARING SERVICES
FROM GENERAL REVENUE FUND 10,641,919
FROM MEDICAL CARE TRUST FUND 13,429,375
FROM REFUGEE ASSISTANCE TRUST FUND 1,609,710

From funds in Specific Appropriation 223, the agency shall review the current Medicaid Dental Program and submit to the chairmen of the Senate Ways and Means Committee and the House Appropriations Committee by February 1, 1997, a report on the current client accessibility to service. The report shall identify barriers to service, and recommend alternative approaches for cost-effective, quality care.

223A SPECIAL CATEGORIES
TRANSFER TO GENERAL REVENUE UNALLOCATED
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 29,400,000

224 SPECIAL CATEGORIES
CASE MANAGEMENT
FROM GENERAL REVENUE FUND 9,282,343
FROM MEDICAL CARE TRUST FUND 16,357,816
FROM REFUGEE ASSISTANCE TRUST FUND 8,598

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 224 results in state match requirements exceeding $6,930,899, the Department of Health and Rehabilitative Services shall transfer general revenue to cover the increased state match requirements from Specific Appropriation 381. The agency shall by rule provide that adult mental health targeted case management services are targeted solely to priority clients as specified in Administrative Code 10E-15.

225 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 46,422,802
FROM MEDICAL CARE TRUST FUND 73,445,624
FROM REFUGEE ASSISTANCE TRUST FUND 43,168
FROM SPECIAL GRANTS TRUST FUND 922

From the funds in Specific Appropriation 225, $14,983,526 in Medical Care Trust Fund is provided to target Medicaid eligible children with significant mental health and substance abuse needs who are generally in the care and custody of the state.

226 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 17,731,072
FROM MEDICAL CARE TRUST FUND 22,404,482
FROM REFUGEE ASSISTANCE TRUST FUND 21,308
FROM SPECIAL GRANTS TRUST FUND 545

228 SPECIAL CATEGORIES
CONTRACT NURSING HOME AUDIT PROGRAM
FROM GENERAL REVENUE FUND 656,779
FROM ADMINISTRATIVE TRUST FUND 656,779

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229 SPECIAL CATEGORIES
DEVELOPMENTAL EVALUATION AND INTERVENTION/ PART H
FROM MEDICAL CARE TRUST FUND 9,166,065

Funds in Specific Appropriation 229 shall be contingent on the availability of state match being provided for in Specific Appropriation 473.

230 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN
FROM GENERAL REVENUE FUND 25,313,418
FROM MEDICAL CARE TRUST FUND 31,943,805
FROM REFUGEE ASSISTANCE TRUST FUND 1,206,282

231 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL ASSISTANCE PROGRAM
FROM GENERAL REVENUE FUND 3,720,185
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,279,815
FROM MEDICAL CARE TRUST FUND 5,545,320

Funds in Specific Appropriation 231, shall be used for a Rural Hospital Medicaid disproportionate share program, or a non-Medicaid Rural Hospital Financial Assistance Program for those hospitals not eligible for the disproportionate share program. Such funds shall be distributed pursuant to law and shall conform with federal requirements.

232 SPECIAL CATEGORIES
FAMILY PLANNING
FROM GENERAL REVENUE FUND 1,237,160
FROM MEDICAL CARE TRUST FUND 11,134,447
FROM REFUGEE ASSISTANCE TRUST FUND 94,407

233 SPECIAL CATEGORIES
GRADUATE MEDICAL EDUCATION
FROM GENERAL REVENUE FUND 5,888,862
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,711,139
FROM MEDICAL CARE TRUST FUND 10,852,613

From the funds in Specific Appropriation 233, $2,711,139 from the Grants and Donations Trust Fund and $3,421,272 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to statutory teaching hospitals, as defined in section 407.002(27), F.S., and shall be distributed in accordance with section 409.9113, F.S.

235 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES
FROM GENERAL REVENUE FUND 27,223,743
FROM MEDICAL CARE TRUST FUND 275,646,831

From the funds in Specific Appropriation 235, $117,079,515 from the Medical Care Trust Fund is provided to expand the waiver for the developmentally delayed clients living in facilities that were reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law; and, to provide for emergency situations and unforeseen circumstances as the transition is made

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from funding institutional services for developmentally disabled individuals through the Intermediate Care Facility for the Mentally Retarded program to funding non-institutional services through home and community based funding mechanisms.

236 SPECIAL CATEGORIES
ADULT CONGREGATE LIVING FACILITY RESIDENT WAIVER
FROM MEDICAL CARE TRUST FUND 3,362,754

Funds in Specific Appropriation 236 are to provide waiver services to severely impaired residents of adult congregate living facilities. Each waiver client shall meet the ICP income and asset criteria for Medicaid coverage of nursing home care; have needs that require more care and services than are provided through the Community Care for the Elderly Program; meet ACLF admission and continued residency criteria or qualify for an exemption as provided for in current rule; require extended congregate care services, or limited nursing services, or 24-hour supervision and heavy personal care because of Alzheimer's disease or a related dementia or a severe physical impairment; and, reside in an ACLF that is either licensed to provide extended congregate care or limited nursing services. In order for a facility to participate in the waiver program, it must, at a minimum, hold a standard ACLF license and have no class I or class II violations and no uncorrected class III violations for the previous two years or since initial licensure if the facility has been licensed for less than two years.

238 SPECIAL CATEGORIES
HOME HEALTH SERVICES
FROM GENERAL REVENUE FUND 57,561,773
FROM MEDICAL CARE TRUST FUND 72,639,022
FROM REFUGEE ASSISTANCE TRUST FUND 598,236

Funds in Specific Appropriation 238 reflect a reduction from the estimates of the February, 1996, Social Service Estimating Conference of $2,200,390 from the General Revenue Fund, $2,776,742 from the Medical Care Trust Fund and $22,868 from the Refugee Assistance Trust Fund which was calculated based on the agency implementing provider enrollment strategies to ensure that only qualified and legitimate providers are participating as Medicaid providers.

Funds in Specific Appropriation 238 reflect a reduction from the estimates of the February, 1996, Social Service Estimating Conference of $5,759,403 from the General Revenue Fund, $7,267,973 from the Medical Care Trust Fund and $59,857 from the Refugee Assistance Trust Fund which was calculated based on the Agency developing scope and duration criteria for home health visits and by implementing strategies to ensure that Medicare is the primary payor for dually eligible recipients.

239 SPECIAL CATEGORIES
HOSPICE SERVICES
FROM GENERAL REVENUE FUND 25,582,942

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FROM MEDICAL CARE TRUST FUND 32,283,924
FROM REFUGEE ASSISTANCE TRUST FUND 120,598

240 SPECIAL CATEGORIES
HOSPITAL INPATIENT SERVICES
FROM GENERAL REVENUE FUND 109,379,212
FROM GRANTS AND DONATIONS TRUST FUND . . . 80,065,414
FROM MEDICAL CARE TRUST FUND 764,408,336
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 416,300,000
FROM REFUGEE ASSISTANCE TRUST FUND 8,714,891
FROM SPECIAL GRANTS TRUST FUND 270,080

From the funds in Specific Appropriation 240, $66,703,921 from the Grants and Donations Trust Fund and $84,175,792 from the Medical Care Trust Fund are for a hospital disproportionate share program and are contingent upon receipt of county contributions. If the total amount earned by all hospitals under this section exceeds the amount appropriated, each hospital's share shall be reduced on a pro rata basis so that the total dollars distributed do not exceed the total amount appropriated. One fourth of the total amount shall be distributed at the end of each quarter of Fiscal Year 1996-97.

Funds in Specific Appropriation 240 reflect a reduction from the estimates of the February, 1996, Social Service Estimating Conference of $3,912,684 from the General Revenue Fund, $4,937,546 from the Medical Care Trust Fund and $65,218 from the Refugee Assistance Trust Fund which was calculated based on the agency implementing an inpatient psychiatric hospital prior authorization program.

The hospital psychiatric preauthorization program, however, shall not deny payment for emergency services and care provided by a hospital pursuant to s. 395.1041, COBRA and regulations promulgated pursuant thereto until such time as the patient's emergency medical condition has been treated and the patient is stabilized. Furthermore, the agency shall ensure that any psychiatric hospital preauthorization program shall provide that the patient and hospital be notified 24 hours from admission as to the approved length of stay appropriate for the patient's illness. The agency may provide certain reasonable exceptions from this 24-hour notification standard, but in no case shall the agency deny payment for psychiatric care which is provided 24 hours after admission but prior to the notification by the agency of the approved length of stay.

242 SPECIAL CATEGORIES
HOSPITAL INSURANCE BENEFITS
FROM GENERAL REVENUE FUND 32,921,705
FROM MEDICAL CARE TRUST FUND 41,544,943

243 SPECIAL CATEGORIES
HOSPITAL OUTPATIENT SERVICES
FROM GENERAL REVENUE FUND 158,501,630
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,584,940
FROM MEDICAL CARE TRUST FUND 219,685,361
FROM REFUGEE ASSISTANCE TRUST FUND 3,605,512

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From the funds in Specific Appropriation 243, $15,584,940 from the Grants and Donations Trust Fund and $19,667,130 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Such funds are to continue the adult yearly outpatient cap at $1,000.

Funds in Specific Appropriation 243 reflect a reduction from the estimates of the February, 1996, Social Service Estimating Conference of $4,341,997 from the General Revenue Fund, $5,479,304 from the Medical Care Trust Fund and $98,792 from the Refugee Assistance Trust Fund which was calculated based on limiting the inflation rate increase allowed for hospitals providing outpatient services.

244	SPECIAL CATEGORIES INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - SUNLAND CENTER		
	FROM MEDICAL CARE TRUST FUND		94,822,325
246	SPECIAL CATEGORIES RESPIRATORY THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	288,213	
	FROM MEDICAL CARE TRUST FUND		363,703
247	SPECIAL CATEGORIES MEDICAID FISCAL CONTRACT		
	FROM GENERAL REVENUE FUND	8,824,253	
	FROM ADMINISTRATIVE TRUST FUND		16,322,871
	FROM REFUGEE ASSISTANCE TRUST FUND		353,358
248	SPECIAL CATEGORIES MEDICAID PEER REVIEW		
	FROM ADMINISTRATIVE TRUST FUND		433,268
249	SPECIAL CATEGORIES NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	1,846,822	
	FROM MEDICAL CARE TRUST FUND		2,330,561
	FROM REFUGEE ASSISTANCE TRUST FUND		8,610
250	SPECIAL CATEGORIES NURSING HOME CARE		
	FROM GENERAL REVENUE FUND	602,816,312	
	FROM MEDICAL CARE TRUST FUND		768,629,767

Funds in Specific Appropriation 250 reflect a reduction from the estimates of the February, 1996, Social Services Estimating Conference of $3,500,000 from the General Revenue Fund, and an increase of $3,500,000 from the Medical Care Trust Fund which was calculated based on expanding the Medicaid Estate Recovery Program by contracting for services on a contingency basis.

Funds in Specific Appropriation 250 represent a reduction of $7,500,000 from general revenue and $9,464,488 from the Medical Care Trust Fund. This reduction shall result from reforms which may include but not be limited to: adjustments in the operating component incentive and/or adjustments for the property cost component including reimbursement under the fair rental value system. The reduction plan shall be developed jointly among the agency and the nursing home associations. In the event that no agreement is reached by October 1, 1996, the agency shall implement the above reduction policies in order to realize the savings required. The joint plan shall be attested by all parties.

251	SPECIAL CATEGORIES BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	428,684	
	FROM MEDICAL CARE TRUST FUND		540,971
252	SPECIAL CATEGORIES OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	12,928,020	
	FROM MEDICAL CARE TRUST FUND		16,314,279
	FROM REFUGEE ASSISTANCE TRUST FUND		2,093,205
253	SPECIAL CATEGORIES PATIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	32,574,283	
	FROM MEDICAL CARE TRUST FUND		41,106,517
	FROM REFUGEE ASSISTANCE TRUST FUND		196,776

Funds in Specific Appropriation 253 reflect a reduction from the estimates of the February, 1996, Social Service Estimating Conference of $10,079,444 from the General Revenue Fund, $12,719,570 from the Medical Care Trust Fund and $60,888 from the Refugee Assistance Trust Fund. This reduction shall be applied only to non-emergency transportation and shall be achieved through savings proposed by the Agency for Health Care Administration and the Transportation Council.

Funds in Specific Appropriation reflect a reduction of $1,102,306 from the General Revenue Fund, $1,391,035 from the Medicaid Care Trust Fund and $6,659 from the Refugee Assistance Trust Fund, from the February, 1996 Social Service Estimating Conference which are estimated from implementing provider reforms

From the funds in Specific Appropriation 220 and 222, the Agency for Health Care Administration shall develop standards for the provision of transportation services. Such standards shall include minimum vehicle safety standards, anti-fraud bonding provisions, and the enrollment of qualified transportation operators. Where there are local transportation regulatory requirements, such standards shall be a part of the Agency standards if minimal safety requirements would be maintained and higher costs would not result. The standards shall provide that, to the maximum extent possible within fiscal limitations and local service delivery arrangements, clients have free choice of transportation operators.

254	SPECIAL CATEGORIES PHYSICIAN ASSISTANT SERVICES		
	FROM GENERAL REVENUE FUND	120	
	FROM MEDICAL CARE TRUST FUND		151
255	SPECIAL CATEGORIES PERSONAL CARE SERVICES		
	FROM GENERAL REVENUE FUND	1,753,560	
	FROM MEDICAL CARE TRUST FUND		2,212,872

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256 SPECIAL CATEGORIES
PHYSICAL REHABILITATION THERAPY

FROM GENERAL REVENUE FUND	4,554,679	
FROM MEDICAL CARE TRUST FUND		5,747,694
FROM REFUGEE ASSISTANCE TRUST FUND		4,925

257 SPECIAL CATEGORIES
PHYSICIAN SERVICES

FROM GENERAL REVENUE FUND	194,016,870	
FROM MEDICAL CARE TRUST FUND		244,833,738
FROM REFUGEE ASSISTANCE TRUST FUND		11,682,463

From funds in Specific Appropriation 257, the Agency for Health Care Administration may bundle physician fees for reimbursement of the various physician specialists involved in organ transplantation procedures provided, there is no increase over the total reimbursement for each transplant as currently provided through the Resource Based Relative Value Scale (RBRVS) methodology. These fees should be comparable to the median national comparative fees for services provided to Medicaid patients in other states.

Of the funds provided in Specific Appropriation 257, $750,000 from the General Revenue Fund and $946,449 from the Medical Care Trust Fund are to add emergency room physicians to the Resource Based Relative Value Scale (RBRVS) as primary care physicians beginning January 1, 1997.

Funds in Specific Appropriation 257 reflect a reduction from the estimates of the February, 1996, Social Service Estimating Conference of $1,145,490 from the General Revenue Fund, $1,445,530 from the Medical Care Trust Fund and $69,242 from the Refugee Assistance Trust Fund which was calculated based on the agency implementing provider enrollment strategies to ensure that only qualified and legitimate providers are participating as Medicaid providers.

258 SPECIAL CATEGORIES
PREPAID HEALTH PLANS/HEALTH MAINTENANCE ORGANIZATION

FROM GENERAL REVENUE FUND	316,858,625	
FROM MEDICAL CARE TRUST FUND		399,853,943
FROM REFUGEE ASSISTANCE TRUST FUND		5,978,421
FROM SPECIAL GRANTS TRUST FUND		472,656

Funds in Specific Appropriation 258 reflect a reduction from the estimates of the February, 1996, Social Services Estimating Conference of $2,815,392 from the General Revenue Fund, $8,595,139 from the Medical Care Trust Fund and $122,794 from the Refugee Assistance Trust Fund due to the reduction in the prescribed drugs category upon which the prepaid health plan and the health maintenance organization plan capitation rates are determined.

Funds in Specific Appropriation 258 reflect a reduction from the estimates of the February, 1996, Social Services Estimating Conference of $351,814 the General Revenue Fund, $443,963 from the Medical Care Trust Fund and $7,163 from the Refugee Assistance Trust Fund reflects a reduction due to provider reforms upon which the prepaid health and health maintenance organization plan capitation rates are determined.

Funds in Specific Appropriation 258 reflect a reduction from the estimates of the February, 1996, Social Services Estimating Conference of $1,494,533 from the General Revenue Fund, $1,885,999 from the Medical Care Trust Fund and $30,428 from the Refugee Assistance Trust Fund which was calculated based on Medicaid hospital inpatient psychiatric reimbursement reforms upon which the prepaid health plan and the health maintenance organization plan capitation rates are determined.

Funds in Specific Appropriation 258, reflect a reduction from the estimates of the February 1996, Social Service Estimating Conference of $1,658,003 from the General Revenue Fund, $2,092,287 from the Medical Care Trust Fund and $33,756 the Refugee Assistance Trust Fund due to limiting hospital outpatient rate of increase upon which the prepaid health plan and the health maintenance organization plan capitation rates are determined.

Funds in Specific Appropriation 258, reflect a reduction from the estimates of the February 1996, Social Service Estimating Conference of $10,800,000 from the General Revenue Fund, $13,628,862 from the Medical Care Trust Fund and $219,882 from the Refugee Assistance Trust Fund.

Funds are provided to the Agency to competitively bid contracts to begin October 1, 1996 for prepaid health plans and health maintenance organizations. The Agency is further authorized to implement mandatory assignment of new Medicaid eligibles, subject to implementation plans being approved by the Health Care Financing Administration. For those clients who voluntarily do not choose a plan, they shall be assigned based on a 50/50 split between Medipass and the HMO/Plans.

259 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS

FROM GENERAL REVENUE FUND	224,845,692	
FROM GRANTS AND DONATIONS TRUST FUND . . .		126,317,404
FROM MEDICAL CARE TRUST FUND		283,739,906
FROM REFUGEE ASSISTANCE TRUST FUND		4,028,347

Funds in Specific Appropriation 259 reflect a reduction of $6,497,874 from the General Revenue Fund, $8,199,873 from the Medical Care Trust Fund, and $50,942 from the Refugee Assistance Trust Fund as a result of reforms to prescribed medicine. The agency is authorized to implement such activities as, but not limited to, provider notification of cost effective drugs available.

Funds in Specific Appropriation 259 reflect a reduction of $813,534 from the General Revenue Fund, $1,026,624 from the Medical Care Trust Fund, and $14,575 from the Refugee Assistance Trust Fund as a result of implementing a dispensing policy of

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maintenance drugs for 60 or 90 days.

260	SPECIAL CATEGORIES PRIVATE DUTY NURSING SERVICES		
	FROM GENERAL REVENUE FUND	12,016,342	
	FROM MEDICAL CARE TRUST FUND		15,163,806
261	SPECIAL CATEGORIES RURAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	15,601,040	
	FROM MEDICAL CARE TRUST FUND		19,687,447
	FROM REFUGEE ASSISTANCE TRUST FUND		88,592
262	SPECIAL CATEGORIES SPEECH THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	2,438,996	
	FROM MEDICAL CARE TRUST FUND		3,077,845
263	SPECIAL CATEGORIES STATE MENTAL HEALTH HOSPITAL PROGRAM		
	FROM MEDICAL CARE TRUST FUND		14,893,387
264	SPECIAL CATEGORIES MEDIPASS SERVICES		
	FROM GENERAL REVENUE FUND	12,701,761	
	FROM MEDICAL CARE TRUST FUND		16,028,757
	FROM REFUGEE ASSISTANCE TRUST FUND		540,594
265	SPECIAL CATEGORIES MENTAL HEALTH HOSPITAL DISPROPORTIONATE SHARE		
	FROM MEDICAL CARE TRUST FUND		102,240,375
266	SPECIAL CATEGORIES GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DISPROPORTIONATE SHARE		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000,000
	FROM MEDICAL CARE TRUST FUND		3,785,795

From the funds provided in Specific Appropriation 266, $3,000,000 from the Grants and Donations Trust Fund and $3,785,795 from the Medical Care Trust Fund are contingent upon receipt of county contributions. Funds appropriated herein are for Medicaid disproportionate share payments to those hospitals that participate in the Regional Perinatal Intensive Care Center program established pursuant to Chapter 383, Florida Statutes. Such funds shall be distributed pursuant to section 409.9112, F.S. and shall conform with federal requirements.

267	SPECIAL CATEGORIES SUPPLEMENTAL MEDICAL INSURANCE		
	FROM GENERAL REVENUE FUND	159,909,990	
	FROM MEDICAL CARE TRUST FUND		176,351,158
268	SPECIAL CATEGORIES OCCUPATIONAL THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	1,549,260	
	FROM MEDICAL CARE TRUST FUND		1,955,059
269	SPECIAL CATEGORIES CLINIC SERVICES		
	FROM GENERAL REVENUE FUND	13,314,393	
	FROM MEDICAL CARE TRUST FUND		16,801,851
	FROM REFUGEE ASSISTANCE TRUST FUND		264,989

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Funds in Specific Appropriation 269 provided for county public health unit clinic services shall be reimbursed at a rate per visit based on total reasonable costs of the clinic as provided for in subsection (19) of section 409.908, Florida Statutes.

269A	SPECIAL CATEGORIES COMMUNITY SUPPORTED LIVING WAIVER		
	FROM MEDICAL CARE TRUST FUND		4,150,713
270	SPECIAL CATEGORIES MEDICAID SCHOOL REFINANCING		
	FROM MEDICAL CARE TRUST FUND		50,000,000
270A	SPECIAL CATEGORIES CAPITATED NURSING HOME DIVERSION WAIVER		
	FROM GENERAL REVENUE FUND	4,871,808	
	FROM MEDICAL CARE TRUST FUND		6,132,954

Funds Specific Appropriation 270A are provided to develop a model long-term care program to provide nursing home alternative services at less cost to the state. The Agency for Health Care Administration jointly with the Department of Elder Affairs, is directed to develop a long term care financing and service provision model for elderly persons using a managed care capitated delivery system; the Agency for Health Care Administration shall apply for any waiver(s) of Federal requirements necessary for implementation of the plan.

271	DATA PROCESSING SERVICES HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER		
	FROM GENERAL REVENUE FUND	72,336	
	FROM ADMINISTRATIVE TRUST FUND		72,336
271A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	28,294	
	FROM ADMINISTRATIVE TRUST FUND		28,294

HEALTH CARE REGULATION

272	SALARIES AND BENEFITS POSITIONS 733		
	FROM GENERAL REVENUE FUND	190,514	
	FROM HEALTH CARE TRUST FUND		27,914,086
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		37,759
273	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,280	
	FROM HEALTH CARE TRUST FUND		4,122,245
274	EXPENSES		
	FROM GENERAL REVENUE FUND	64,030	
	FROM HEALTH CARE TRUST FUND		9,793,736
	FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . .		327,948
275	OPERATING CAPITAL OUTLAY		
	FROM HEALTH CARE TRUST FUND		295,947
277	SPECIAL CATEGORIES UNLICENSED ACTIVITIES		
	FROM HEALTH CARE TRUST FUND		244,000

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278 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM HEALTH CARE TRUST FUND 1,642,092

279 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . . 700,000

280 SPECIAL CATEGORIES
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING
FROM HEALTH CARE TRUST FUND 52,600

281 SPECIAL CATEGORIES
EMERGENCY ALTERNATIVE PLACEMENT
FROM RESIDENT PROTECTION TRUST FUND . . . 103,000

282 SPECIAL CATEGORIES
MEDICAID SURVEILLANCE
FROM HEALTH CARE TRUST FUND 252,499

282A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM HEALTH CARE TRUST FUND 14,494

ELDER AFFAIRS, DEPARTMENT OF

Funds provided in Specific Appropriations 287 through 301 reflect an administrative reduction to selected categories. The department may redistribute these reductions pursuant to the applicable provisions of Chapter 216, Florida Statutes, provided that reductions are applied equitably among program areas and providers and that the reductions remain targeted to administrative activities rather than direct client services.

283 SALARIES AND BENEFITS POSITIONS 308
FROM GENERAL REVENUE FUND 3,926,130
FROM ADMINISTRATIVE TRUST FUND 41,711
FROM FEDERAL GRANTS TRUST FUND 3,513,536
FROM GRANTS AND DONATIONS TRUST FUND . . . 68,731
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,665,766

284 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 249,821
FROM FEDERAL GRANTS TRUST FUND 77,992
FROM OPERATIONS AND MAINTENANCE TRUST FUND 473,378

285 EXPENSES
FROM GENERAL REVENUE FUND 683,177
FROM ADMINISTRATIVE TRUST FUND 77,032
FROM FEDERAL GRANTS TRUST FUND 1,191,142
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,009,870

286 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 17,060
FROM OPERATIONS AND MAINTENANCE TRUST FUND 51,160

286A LUMP SUM
MANAGEMENT INFORMATION SYSTEM UPGRADE
POSITIONS 2
FROM OPERATIONS AND MAINTENANCE TRUST FUND 280,000

286B LUMP SUM
MEDICAID MANAGED COMMUNITY DIVERSION PILOT PROGRAM
POSITIONS 6
FROM GENERAL REVENUE FUND 128,192
FROM FEDERAL GRANTS TRUST FUND 128,195

Funds in Specific Appropriation 286B are provided to implement the Medicaid Managed Community Diversion Pilot Program and meets the criteria for repeal of Section 5 of CS/HB 2133 as amended.

287 SPECIAL CATEGORIES
AGING AND ADULT SERVICES TRAINING AND EDUCATION
FROM FEDERAL GRANTS TRUST FUND 119,493

288 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMER'S DISEASE PROJECTS/SERVICES
FROM GENERAL REVENUE FUND 3,078,824

From the funds in Specific Appropriation 288, $189,000 is provided for a new Memory Disorder Clinic at West Florida Regional Medical Center in Pensacola.

From the funds in Specific Appropriation 288, funding shall be continued for the Dan Cantor Senior Center in Broward County.

289 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMERS DISEASE RESPITE SERVICES
FROM GENERAL REVENUE FUND 4,701,939

From the funds in Specific Appropriation 289, $200,000 is provided for the Lauderdale Lakes Alzheimer's Center.

290 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 41,878,085
FROM FEDERAL GRANTS TRUST FUND 249,025
FROM OPERATIONS AND MAINTENANCE TRUST FUND 750,000

From funds in Specific Appropriation 290, a maximum of $35,000 for administrative costs associated with Community Care for the Elderly may be retained by each Area Agency on Aging.

From the funds in Specific Appropriation 290, $4,500,000 is provided to offset Federal Older Americans Act reductions.

291 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 13,458,403

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292 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM FEDERAL GRANTS TRUST FUND 1,786,758

293 SPECIAL CATEGORIES
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM
FROM GENERAL REVENUE FUND 346,998
FROM FEDERAL GRANTS TRUST FUND 60,154,225

294 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 91,750
FROM FEDERAL GRANTS TRUST FUND 9,310,627

From the funds in Specific Appropriations 285 and 294 in the Federal Grants Trust Fund, the Department of Elder Affairs is required to complete a study on the one-year two-county pilot project to increase volunteerism in the elderly population by December 1, 1997.

295 SPECIAL CATEGORIES
ADULT CONGREGATE LIVING FACILITY STAFF TRAINING
FROM ADMINISTRATIVE TRUST FUND 167,030

296 SPECIAL CATEGORIES
GRANTS AND AIDS - ELDERLY MEALS PROGRAMS
FROM GENERAL REVENUE FUND 206,674

297 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 13,824,640
FROM OPERATIONS AND MAINTENANCE TRUST FUND 17,206,810

298 SPECIAL CATEGORIES
ADULT CONGREGATE LIVING FACILITY RESIDENT WAIVER
FROM GENERAL REVENUE FUND 1,500,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,881,022

The funds in Specific Appropriation 298 shall be used for Medicaid 1915(C) waiver services to severely impaired residents of Assisted Living Facilities.

The Department, in consultation with the Agency for Health Care Administration shall maintain standards for evaluating, approving, and monitoring facilities that participate in the waiver program and shall maintain guidelines to ensure adequate care of residents.

299A SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 3,648,210

From the funds in Specific Appropriation 299A, $248,750 is provided to Pinellas, Pasco, and Broward counties.

From the funds in Specific Appropriation 299A, $300,000 is provided for congregate meals for the City of Sweetwater's elderly program.

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300 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE LEGALIZATION IMPACT ASSISTANCE GRANTS
FROM ADMINISTRATIVE TRUST FUND 30

301 SPECIAL CATEGORIES
LONG TERM CARE OMBUDSMAN COUNCIL
FROM GENERAL REVENUE FUND 33,203

302A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 8,688
FROM FEDERAL GRANTS TRUST FUND 14,625
FROM OPERATIONS AND MAINTENANCE TRUST FUND 736

302B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SENIOR CITIZEN CENTERS
FROM GENERAL REVENUE FUND 45,000

From the funds in Specific Appropriation 302B, the Department of Elder Affairs is authorized to spend up to $45,000 as required for renovation of the Palm Bay Senior Center.

302C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MANGONIA ASSISTED LIVING FACILITY - PALM BEACH
FROM GENERAL REVENUE FUND 1,350,000

The funds in Specific Appropriation 302C are provided for the Mangonia Assisted Living Facility in Palm Beach county.

302D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
NEIGHBORLY SENIOR SERVICES CENTRALIZED REFUELING AND VEHICLE OPERATIONS FACILITY
FROM GENERAL REVENUE FUND 700,000

The funds in Specific Appropriation 302D are provided for a centralized refueling and vehicle operations facility for Neighborly Senior Services in Pinellas county.

302E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
NORTHWEST FEDERATED WOMEN'S CLUB FIXED CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 900,000

The funds in Specific Appropriation 302E are provided for the Northwest Federated Women's Club in Broward County.

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

Funds provided in Specific Appropriations 304 through 519 reflect an administrative reduction to selected categories. The department may redistribute these reductions pursuant to the applicable provisions of Chapter 216, Florida Statutes, provided that reductions are applied equitably among program areas and providers and that the reductions remain targeted to administrative

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activities rather than direct client services.

In allocating the funds provided in Specific Appropriations 304 through 519, the department shall continue the allocation methodologies in effect on January 1, 1996, unless otherwise directed in proviso language or other provision of law.
From Specific Appropriations 304 through 519, the department may transfer $14,500,000 in general revenue and $12,627,606in trust funds and 400 FTEs among budget entities as required pursuant to Chapter 216, Florida Statutes, to distribute reductions applied throughout the department. Adjustments related to this distribution shall recognize efficient and effective management, and shall minimize disruption of services to clients.

HEALTH AND REHABILITATIVE SERVICES -
ADMINISTRATION

OFFICE OF THE SECRETARY

304	SALARIES AND BENEFITS POSITIONS 185		
	FROM GENERAL REVENUE FUND	5,293,865	
	FROM ADMINISTRATIVE TRUST FUND		2,693,466
305	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	40,580	
	FROM ADMINISTRATIVE TRUST FUND		52,903
306	EXPENSES		
	FROM GENERAL REVENUE FUND	1,065,620	
	FROM ADMINISTRATIVE TRUST FUND		690,308
307	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	23,916	
307A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	309,000	

Funds in Specific Appropriation 307A are to be used to contract for implementation of a Quality Management Program in the department.

OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION

From the funds provided to the department in the Salaries and Benefits appropriation categories, the department may transfer funds into an appropriation category for overtime payments based on savings from vacant positions. To the extent funds are transferred into the overtime category, the department must place into reserve those vacant positions from which the funds are taken. The department is authorized to make disbursements from the overtime category to the extent funds are transferred into it.

308	SALARIES AND BENEFITS POSITIONS 333		
	FROM GENERAL REVENUE FUND	11,719,384	
	FROM ADMINISTRATIVE TRUST FUND		1,774,540
309	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,092	
	FROM ADMINISTRATIVE TRUST FUND		2,737,176

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310	EXPENSES		
	FROM GENERAL REVENUE FUND	21,534,369	
	FROM ADMINISTRATIVE TRUST FUND		25,177,310
311	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	82,607	
312	LUMP SUM		
	FLORIDA ON-LINE RECIPIENT INTEGRATED DATA ACCESS (FLORIDA) SYSTEM		
	FROM GENERAL REVENUE FUND	4,000,000	
	FROM ADMINISTRATIVE TRUST FUND		4,000,000

Funds in Specific Appropriation 312 are provided for modifications and improvements required to be made to the FLORIDA System. No funds shall be released or expended from Specific Appropriation 312 without the Secretary of the Department of Health and Rehabilitative Services certifying that the use of the funds is in accordance with the Approved Planning Document Update (APDU). Prior to the release of these funds, the Department shall submit a work plan detailing the objectives and expected outcomes to be attained during the fiscal year with anticipated completion dates. The plan shall be submitted to the Information Resource Commission, the Chairmen of the Appropriations Committee in the House of Representatives and the Ways and Means Committee in the Senate, Joint Committee on Information Technology, Joint Legislative Auditing Committee and the Executive Office of the Governor. The Secretary shall submit a quarterly report describing the progress made to date, actual completion dates, anticipated problems and recommended changes to the plan. The report shall be submitted to the Executive Office of the Governor, the Chairmen of the Appropriations Committee in the House of Representatives and the Ways and Means Committee in the Senate, Information Resource Commission, Joint Legislative Auditing Committee and the Joint Committee on Information Technology.

Funds are provided in Specific Appropriation 312 for FLORIDA which is recommended for special monitoring as a critical information resource management project under section 282.322, Florida Statutes. From the funds in Specific Appropriation 312, $80,000 from the General Revenue Fund and $80,000 from the Administrative Trust Fund is provided for the project monitoring contract to be executed by the Information Resource Commission. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

313	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	1,000,000	
314	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	653,018	
	FROM ADMINISTRATIVE TRUST FUND		188,887

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315 SPECIAL CATEGORIES		
STATE INSTITUTIONAL CLAIMS		
FROM GENERAL REVENUE FUND	42,630	
316 DATA PROCESSING SERVICES		
HEALTH AND REHABILITATIVE SERVICES		
TECHNOLOGY CENTER		
FROM GENERAL REVENUE FUND	18,478,580	
FROM ADMINISTRATIVE TRUST FUND		20,644,119
316A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	577,615	
317 FIXED CAPITAL OUTLAY		
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FIXED CAPITAL NEEDS FOR CENTRALLY MANAGED FACILITIES		
FROM ADMINISTRATIVE TRUST FUND		3,000,000

Funds in Specific Appropriation 317 are provided for repairs and renovations to the department's centrally managed facilities.

319 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
RUSKIN COMMUNITY SERVICE CENTER - SOUTH HILLSBOROUGH COUNTY		
FROM GENERAL REVENUE FUND	270,000	
DEPUTY SECRETARY FOR MANAGEMENT SYSTEMS		
320 SALARIES AND BENEFITS POSITIONS 331		
FROM WORKING CAPITAL TRUST FUND		14,558,576
321 OTHER PERSONAL SERVICES		
FROM WORKING CAPITAL TRUST FUND		770,013
322 EXPENSES		
FROM WORKING CAPITAL TRUST FUND		4,778,911
323 OPERATING CAPITAL OUTLAY		
FROM WORKING CAPITAL TRUST FUND		75,701
324 SPECIAL CATEGORIES		
COMPUTER RELATED EXPENSES		
FROM WORKING CAPITAL TRUST FUND		52,061,383
DEPUTY SECRETARY FOR HUMAN SERVICES		
325 SALARIES AND BENEFITS POSITIONS 196		
FROM GENERAL REVENUE FUND	4,978,976	
FROM ADMINISTRATIVE TRUST FUND		2,236,381
FROM FEDERAL GRANTS TRUST FUND		1,418,851
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		27,044
326 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	66,778	
FROM ADMINISTRATIVE TRUST FUND		28,132
FROM FEDERAL GRANTS TRUST FUND		463,436
327 EXPENSES		
FROM GENERAL REVENUE FUND	1,711,032	
FROM ADMINISTRATIVE TRUST FUND		576,498
FROM FEDERAL GRANTS TRUST FUND		1,054,061
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		54,147

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328 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	22,686	
FROM ADMINISTRATIVE TRUST FUND		15,926
329 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM FEDERAL GRANTS TRUST FUND		1,521,286
330 DATA PROCESSING SERVICES		
HEALTH AND REHABILITATIVE SERVICES		
TECHNOLOGY CENTER		
FROM GENERAL REVENUE FUND	11,360,105	
FROM ADMINISTRATIVE TRUST FUND		4,680,181
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		181,501
FROM DIRECT ASSISTANCE TRUST FUND		30,030
330A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	2,529,008	
DEPUTY SECRETARY FOR HEALTH		
331 SALARIES AND BENEFITS POSITIONS 400		
FROM GENERAL REVENUE FUND	5,904,590	
FROM ADMINISTRATIVE TRUST FUND		153,630
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		322,479
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		452
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		230,655
FROM FEDERAL GRANTS TRUST FUND		11,206,826
FROM GRANTS AND DONATIONS TRUST FUND . . .		425,111
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		90,102
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		932,693
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		24,036
332 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	123,988	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		41,585
FROM FEDERAL GRANTS TRUST FUND		1,022,679
FROM GRANTS AND DONATIONS TRUST FUND . . .		17,813
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		65,000
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		114,596
333 EXPENSES		
FROM GENERAL REVENUE FUND	2,676,175	
FROM ADMINISTRATIVE TRUST FUND		214,063
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		248,455
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		8,663
FROM FEDERAL GRANTS TRUST FUND		10,639,045
FROM GRANTS AND DONATIONS TRUST FUND . . .		229,134
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		36,676
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		710,165

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FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 10,411

334 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLUORIDATION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 366,747

335 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,368
FROM FEDERAL GRANTS TRUST FUND 969

336 SPECIAL CATEGORIES
GRANTS AND AIDS - OUNCE OF PREVENTION
FROM GENERAL REVENUE FUND 928,412
FROM FEDERAL GRANTS TRUST FUND 571,588

The funds in Specific Appropriation 336 are provided to match private contributions on a dollar for dollar basis for the Ounce of Prevention.

337 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 298,950
FROM FEDERAL GRANTS TRUST FUND 326,547
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,859

338 SPECIAL CATEGORIES
HOSPITAL REIMBURSEMENT
FROM GENERAL REVENUE FUND 452,801

339 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 161,599

340 DATA PROCESSING SERVICES
HEALTH AND REHABILITATIVE SERVICES
TECHNOLOGY CENTER
FROM GENERAL REVENUE FUND 1,303,837
FROM ADMINISTRATIVE TRUST FUND 7,222,974

340A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,332,823

STATEWIDE SERVICES

STATE AND LOCAL PROGRAMS

341 SALARIES AND BENEFITS POSITIONS 155
FROM GENERAL REVENUE FUND 4,861,767
FROM ADMINISTRATIVE TRUST FUND 880,865

342 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 526,408

343 EXPENSES
FROM GENERAL REVENUE FUND 1,605,651
FROM ADMINISTRATIVE TRUST FUND 388,397

344 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,133
FROM ADMINISTRATIVE TRUST FUND 37,037

345 DATA PROCESSING SERVICES
HEALTH AND REHABILITATIVE SERVICES
TECHNOLOGY CENTER
FROM ADMINISTRATIVE TRUST FUND 2,332,097

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STATEWIDE HEALTH PROGRAMS

The department shall conduct a review and evaluation of Emergency Medical Services transportation activities and financing and recommend efficiency measures for reducing overall state expenditures.

346 SALARIES AND BENEFITS POSITIONS 816
FROM GENERAL REVENUE FUND 8,529,197
FROM ADMINISTRATIVE TRUST FUND 1,800,197
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 805,859
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 3,040,916
FROM FEDERAL GRANTS TRUST FUND 1,730,660
FROM GRANTS AND DONATIONS TRUST FUND . . . 282,090
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 131,993
FROM PLANNING AND EVALUATION TRUST FUND . 7,647,427
FROM RADIATION PROTECTION TRUST FUND . . . 4,207,561

347 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,000
FROM ADMINISTRATIVE TRUST FUND 71,060
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 6,704
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 159,583
FROM FEDERAL GRANTS TRUST FUND 113,797
FROM GRANTS AND DONATIONS TRUST FUND . . . 122,105
FROM PLANNING AND EVALUATION TRUST FUND . 250,388
FROM RADIATION PROTECTION TRUST FUND . . . 33,393

348 EXPENSES
FROM GENERAL REVENUE FUND 2,776,726
FROM ADMINISTRATIVE TRUST FUND 1,701,891
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND 236,557
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 1,726,341
FROM FEDERAL GRANTS TRUST FUND 2,402,547
FROM GRANTS AND DONATIONS TRUST FUND . . . 400,729
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 50,159
FROM PLANNING AND EVALUATION TRUST FUND . 9,020,558
FROM RADIATION PROTECTION TRUST FUND . . . 1,670,802

From the funds in Specific Appropriation 348, $500,000 from nonrecurring General Revenue Fund is for a cesspit evaluation in Monroe county.

From the funds provided in Specific Appropriation 348, the Department shall promote the establishment of a coordinated and comprehensive emergency medical services for children system.

349 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 4,814,639

350 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS
FROM EMERGENCY MEDICAL SERVICES TRUST

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	FUND		4,850,920
351	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	226,779	
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,932
	FROM PLANNING AND EVALUATION TRUST FUND		28,302
	FROM RADIATION PROTECTION TRUST FUND		56,997
352	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM PLANNING AND EVALUATION TRUST FUND		90,285
	FROM RADIATION PROTECTION TRUST FUND		120,571
353	SPECIAL CATEGORIES		
	AREA HEALTH EDUCATION CENTERS		
	FROM GENERAL REVENUE FUND	6,400,255	
354	SPECIAL CATEGORIES		
	GRANTS AND AIDS - TRAUMA CARE		
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		93,747
355	SPECIAL CATEGORIES		
	GRANTS AND AID - NURSING STUDENT LOAN REIMBURSEMENT/ SCHOLARSHIPS		
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		686,656
356	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MEDICAL EDUCATION		
	FROM GENERAL REVENUE FUND	136,840	
357	SPECIAL CATEGORIES		
	STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT		
	FROM ADMINISTRATIVE TRUST FUND		20,000
358	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		5,093

DISTRICT SERVICES

DISTRICT ADMINISTRATION

359	SALARIES AND BENEFITS POSITIONS	1,250	
	FROM GENERAL REVENUE FUND	18,846,866	
	FROM ADMINISTRATIVE TRUST FUND		27,127,207
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		943,072
360	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		531,872
361	EXPENSES		
	FROM GENERAL REVENUE FUND	5,155,998	
	FROM ADMINISTRATIVE TRUST FUND		4,386,598
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		120,004
362	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	71,315	
	FROM ADMINISTRATIVE TRUST FUND		167,171
364	SPECIAL CATEGORIES		

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	CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES		
	FROM GENERAL REVENUE FUND	45,322	
364A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	250,000	

Of the funds in Specific Appropriation 364A, $150,000 is provided for the Healthier Communities Initiative in Broward County and $100,000 is provided for a shared data base for educational and human service program in Broward County.

365	SPECIAL CATEGORIES		
	FINGERPRINTING FOR DAY CARE EMPLOYEES		
	FROM GENERAL REVENUE FUND	135,513	
	FROM ADMINISTRATIVE TRUST FUND		1,131,753

AGING AND ADULT SERVICES

367	SALARIES AND BENEFITS POSITIONS	556	
	FROM GENERAL REVENUE FUND	13,255,806	
	FROM ADMINISTRATIVE TRUST FUND		65,949
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		4,726,751
368	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	6,000	
369	EXPENSES		
	FROM GENERAL REVENUE FUND	3,082,323	
	FROM ADMINISTRATIVE TRUST FUND		2,832
	FROM FEDERAL GRANTS TRUST FUND		45,514
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		530,622
370	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	16,371	
371	SPECIAL CATEGORIES		
	HOME CARE FOR THE ELDERLY		
	FROM GENERAL REVENUE FUND	2,219,860	
372	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS		
	FROM GENERAL REVENUE FUND	3,229,166	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		226,507
373	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	256,685	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		212,569
374	SPECIAL CATEGORIES		
	HOME AND COMMUNITY BASED SERVICES WAIVER		
	FROM GENERAL REVENUE FUND	1,699,581	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,472,196
375	SPECIAL CATEGORIES		
	TEMPORARY EMERGENCY SHELTER SERVICES		
	FROM GENERAL REVENUE FUND	203,527	

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ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES

376	SALARIES AND BENEFITS POSITIONS 118		
	FROM GENERAL REVENUE FUND	4,112,757	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		349,425
	FROM FEDERAL GRANTS TRUST FUND		66,748
	FROM GRANTS AND DONATIONS TRUST FUND . . .		607,923
377	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	136,823	
	FROM FEDERAL GRANTS TRUST FUND		843,819
378	EXPENSES		
	FROM GENERAL REVENUE FUND	951,464	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		145,022
	FROM FEDERAL GRANTS TRUST FUND		290,203
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,725
379	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	10,365	
380A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	21,999,841	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		11,367,122
	FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		9,584,987
	FROM FEDERAL GRANTS TRUST FUND		420,337
380B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	12,875,790	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		4,764,872
	FROM FEDERAL GRANTS TRUST FUND		1,222,200
	FROM GRANTS AND DONATIONS TRUST FUND . . .		650,000

From the funds in Specific Appropriation 380B, $350,000 from general revenue is provided to implement and expand a behavioral health care program for adolescents which is based upon a multi-level, multi-disciplinary adolescent and family intervention approach. The department is authorized to contract for the development and operation of this program in multiple HRS districts which shall include District 2.

380C	SPECIAL CATEGORIES		
	THERAPEUTIC SERVICES FOR CHILDREN		
	FROM GENERAL REVENUE FUND	6,745,372	
	FROM FEDERAL GRANTS TRUST FUND		8,238,154
381	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	95,229,174	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		11,831,328
	FROM FEDERAL GRANTS TRUST FUND		3,054,257

When allocating funds from Specific Appropriation 381 to service districts, the department shall reserve sufficient general revenue to cover the transfer required by the proviso language following Specific Appropriation 224 in the Agency for Health Care Administration. The department shall determine the appropriate amount to reserve in consultation with the Agency for Health Care Administration.

If the Adult Mental Health Targeted Case Management program funded in Specific Appropriation 224 results in state match requirements exceeding $6,930,899, the Department of Health and Rehabilitative Services shall transfer general revenue as necessary from Specific Appropriation 381. The Department of Health and Rehabilitative Services shall cooperate with the Agency for Health Care Administration to ensure that adult mental health targeted case management services are targeted solely to priority clients as described in Florida Administrative Code 10E-15.

From the funds in Specific Appropriation 381, $500,000 is provided for District 7.

From the funds in Specific Appropriations 380A through 385A, the department may not make payment to a private provider for alcohol, drug abuse and mental health services unless standard client demographic and service information required for the department's Interim Data System is submitted to the department by the provider within 90 days after the due date specified in the provider contract. The Interim Data System requirements for client demographic and service information are those data elements that are included in the department's Single Data System software for alcohol, drug abuse and mental health services.

382	SPECIAL CATEGORIES		
	GRANTS AND AIDS - BAKER ACT SERVICES		
	FROM GENERAL REVENUE FUND	48,277,899	

From the funds in Specific Appropriation 382, $110,000 from recurring General Revenue is provided to fund the operations of the detoxification and crisis stabilization unit in Putnam county.

From funds in Specific Appropriation 382, $573,750 is to be used as operational funding for the Crisis Stabilization Unit in HRS District 15.

383	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	28,314,196	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		38,170,196
	FROM FEDERAL GRANTS TRUST FUND		4,463,067
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,385,419
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		20,880

From the funds in Specific Appropriation 383, $620,000 from recurring General Revenue is provided to fund the operations of a detoxification center for the Center for Drug Free Living in District 7.

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From the funds in Specific Appropriation 383, $700,000 is provided for the North Broward Crisis Stabilization Unit.

From the funds in Specific Appropriation 383, $210,000 is provided for the Stewart-Marchman Family Counseling program.

383A SPECIAL CATEGORIES
PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 9,317,814

384 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 4,465,621

In Specific Appropriation 384, the Department of Health and Rehabilitative Services is authorized to spend up to $500,000 in recurring and $380,000 in non-recurring in the Indigent Drug Program, to be used by the institutions to expand current use of atypical antipsychotic medications. The efficiency and savings of the atypical antipsychotic program shall be evaluated over a two-year period. This is not meant to supplant current funding for any and all medications.

384A SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 22,284,763

385 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES - CONTINUITY OF CARE MANAGEMENT SYSTEM
FROM GENERAL REVENUE FUND 945,446
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 61,440

385A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 7,986,583

385B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
ACT/STEWART MARCHMAN JOINT FACILITY
FROM GENERAL REVENUE FUND 550,000

The funds in Specific Appropriation 385B are provided to the ACT/Stewart Marchman Joint Facility in Volusia county.

385C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CRISIS STABILIZATION UNIT FOR PERSONAL ENRICHMENT THROUGH MENTAL HEALTH SERVICES PINELLAS
FROM GENERAL REVENUE FUND 900,000

The funds in Specific Appropriation 385C are provided for a crisis stabilization unit for Personal Enrichment Through Mental Health Services (PEMHS) in Pinellas county.

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385D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MENTAL HEALTH CARE INCORPORATED - CAPITAL IMPROVEMENT PROJECT - HILLSBOROUGH
FROM GENERAL REVENUE FUND 400,000

The funds in Specific Appropriation 385D are provided for Mental Health Care, Inc. of Hillsborough county for its capital improvement project.

386 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PUTNAM COUNTY CRISIS STABILIZATION UNIT
FROM GENERAL REVENUE FUND 400,000

The funds in Specific Appropriation 386 are provided to complete construction of the detoxification and crisis stabilization unit in Putnam county.

386A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CENTRAL HOUSING AND ASSESSMENT CENTER - ORANGE COUNTY COMMUNITY MENTAL HEALTH
FROM GENERAL REVENUE FUND 360,000

386B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
NORTH BROWARD CRISIS STABILIZATION UNIT
FROM GENERAL REVENUE FUND 700,000

Of the funds in Specific Appropriation 386B, $700,000 from the General Revenue Fund shall be provided for the North Broward Hospital District Crisis Stabilization Unit to replace a facility at the South Florida State Hospital.

CHILDREN AND FAMILY SERVICES

Of the funds provided in Specific Appropriation 399, the Department may contract with one or more community based providers of children's services to develop, implement and test a system of coordinated care for the provision of child protective services. These contracts may include designation of a lead agency with responsibility to provide services in a specific geographic area. Each contract may include the development of appropriate quality of care standards and monitoring measures and may be designed to maximize the use of the existing system of community care and services. Each contract may include the provision of one or more of the following services: out of home care; therapeutic services; foster care services; and adoption services.

Further, each contract should provide protocols for coordinating with the Children's Medical Services child protection teams within the geographic areas. Each contract should include an evaluation report. An interim progress report shall be completed by February 15, 1997, and be submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives.

From the funds in Specific Appropriations 387, 388,

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389, and 390, the department is authorized to contract for three pilot projects in which all personnel engaged in providing legal services pursuant to ss. 39.40 - 39.418, ss. 39.45 - 39.456, ss. 39.46 - 39.516, and ss. 39.51 - 39.516, F.S., will be supervised and directed either by the Office of the Attorney General or the Office of the State Attorney in a specific judicial circuit. For the 17th Judicial Circuit, the department shall contract with the Attorney General. For the 16th Judicial Circuit, the department shall contract with the State Attorney. For the 9th Judicial Circuit or for another circuit that is mutually acceptable to the contracting parties, the department shall contract with the State Attorney. The pilot projects shall be established by August 1, 1996. The Office of Program Policy Analysis and Governmental Accountability shall develop criteria for evaluating the pilot projects and shall submit a preliminary evaluative report to the President of the Senate and the Speaker of the House of Representatives by February 1, 1997.

387	SALARIES AND BENEFITS POSITIONS 4,620		
	FROM GENERAL REVENUE FUND	47,561,615	
	FROM FEDERAL GRANTS TRUST FUND		45,606,310
	FROM GRANTS AND DONATIONS TRUST FUND . . .		19,771
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		577,375
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		49,636,673
388	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	76,530	
	FROM CHILD WELFARE TRAINING TRUST FUND . .		5,725
	FROM FEDERAL GRANTS TRUST FUND		20,000
389	EXPENSES		
	FROM GENERAL REVENUE FUND	26,273,662	
	FROM CHILD WELFARE TRAINING TRUST FUND . .		1,154,417
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		250,000
	FROM FEDERAL GRANTS TRUST FUND		3,728,801
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		79,586
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,703,317
389A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - CHILDREN'S SERVICES COUNCIL INCENTIVE GRANTS		
	FROM GENERAL REVENUE FUND	250,000	

Funds in Specific Appropriation 389A are incentive funds to encourage local governments to establish children's services councils in their counties. These funds are contingent on HB 471 or similar legislation becoming law.

390	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	98,753	
392	LUMP SUM		
	FAMILY INFORMATION LINKAGE TO INTEGRATE ENABLING SERVICES (FAMILIES)		

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	POSITIONS 26		
	FROM DIRECT ASSISTANCE TRUST FUND		5,550,194
	FROM FEDERAL GRANTS TRUST FUND		3,750,000

Funds in Specific Appropriation 392 are provided for the Statewide Automated Child Welfare Information System (SACWIS), previously known as FAMILIES. Prior to the release of these funds, the Department shall submit a work plan detailing the objectives and expected outcomes to be attained with anticipated completion dates. The plan shall be submitted for review and approval by the Information Technology Resource Procurement Advisory Council in consultation with the Joint Committee on Information Technology. Upon approval, the Department is authorized to request the Executive Office of the Governor to release these funds. The Department shall submit a quarterly report describing the progress made to date, actual completion dates, anticipated problems and recommended changes to the plan. The report shall be submitted to the Executive Office of the Governor, the Chairmen of the Appropriations Committee in the House of Representatives and the Ways and Means Committee in the Senate, the Information Resource Commission, the Joint Legislative Auditing Committee and the Joint Committee on Information Technology.

From the funds in Specific Appropriation 392, $110,000 from the Direct Assistance Trust Fund is provided for the project monitoring contract to be executed by the Information Resource Commission. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

393	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE PROGRAM		
	FROM GENERAL REVENUE FUND	2,398,158	
394	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD DAY CARE		
	FROM GENERAL REVENUE FUND	63,024,938	
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		46,364,550
	FROM FEDERAL GRANTS TRUST FUND		81,403,957
	FROM GRANTS AND DONATIONS TRUST FUND . . .		491,792
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		41,703,588

Funds in Specific Appropriation 394 shall require an eight percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services from the provision of in-kind match. The match requirement shall not apply to funding which provides federally entitled child care.

From the funds in Specific Appropriation 394, $10,000,000 in the Federal Grants Trust Fund is contingent on funds being recovered from retroactive local school board billings related to the Pre-K program. These resources shall be transferred to the Department of Education as they are earned. $13,400,000 in the Federal Grants Trust Fund is

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unfunded and the approved budget shall be placed in EOG reserve.

Funds in Specific Appropriation 394 reflect a two percent reduction in the General Revenue Fund and Social Services Block Grant Trust Fund. If a child care coordinating agency can demonstrate that no more than ten percent of its budget is spent on administration, and if the agency has a total budget of less than $2.5 million or is in a rural area, the cut may be taken all or in part from direct services.

Funds in Specific Appropriation 394 reflect an increase of $6,000,000 in the General Revenue Fund for increased day care slots for the working poor.

395	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE/DAY CARE TRAINING		
	FROM GENERAL REVENUE FUND	800,369	
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		187,922

The department may use authority provided under budget amendment provisions of Chapter 216, F.S., to allocate the funds reflected in Specific Appropriation 395 among its budget entities as necessary for efficient management.

399	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	27,992,671	
	FROM CHILD WELFARE TRAINING TRUST FUND . .		7,579,323
	FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND		7,362,956
	FROM FEDERAL GRANTS TRUST FUND		20,548,512
	FROM GRANTS AND DONATIONS TRUST FUND . . .		470,052
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,028,706
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		37,688

From funds in Specific Appropriation 399, the $50,000 in General Revenue for the Commission on Fatherhood is contingent on HB 1091 or similar legislation becoming law.

From funds in Specific Appropriation 399, $78,000 is to be used for a contract with the Junior League of Jacksonville for technical assistance and support to community organizations throughout the state that wish to establish Family Visitation Centers where parents whose children are in substitute care can visit with the children under agency supervision.

Funds in Specific Appropriation 399 may be used for family preservation services. The department may contract for the delivery of family preservation services by professionally qualified persons, agencies or local governments when it determines that it is in the family's best interest. Providers of family preservation services should incorporate a systemic approach to meeting the needs of the family and provide services that strengthen families and help keep families together. In awarding contracts, the department shall consider Multi-Systemic Therapy providers.

From funds in Specific Appropriation 399, $106,000 is to be used for the continuation of the Foster Care Citizen Review Board of the Fourth Judicial Circuit and $300,000 is to be used for the Florida Foster Care Review Project, Inc. (Dade County). The department is strongly encouraged to provide support to other voluntary citizen review panels of foster care programs from funds in Specific Appropriation 399.

401	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM		
	FROM DOMESTIC VIOLENCE TRUST FUND		5,610,560
	FROM FEDERAL GRANTS TRUST FUND		1,149,202
402A	SPECIAL CATEGORIES		
	HOUSEKEEPER SERVICES FOR CHILDREN		
	FROM GENERAL REVENUE FUND	137,000	
	FROM FEDERAL GRANTS TRUST FUND		159,243
402B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - INTENSIVE CRISIS COUNSELING		
	FROM GENERAL REVENUE FUND	1,375,035	
	FROM FEDERAL GRANTS TRUST FUND		2,306,467
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		276,986
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		607,057
403	SPECIAL CATEGORIES		
	GRANTS AND AIDS - LOCAL SERVICES PROGRAM		
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		60,706
403A	SPECIAL CATEGORIES		
	MAINTENANCE ADOPTION SUBSIDY		
	FROM GENERAL REVENUE FUND	7,566,468	
	FROM DIRECT ASSISTANCE TRUST FUND		946,449
	FROM FEDERAL GRANTS TRUST FUND		17,896,019
403B	SPECIAL CATEGORIES		
	MEDICAL COST OF SUBSIDIZED ADOPTIONS		
	FROM GENERAL REVENUE FUND	668,285	
404A	SPECIAL CATEGORIES		
	PURCHASE OF ADOPTION SERVICES		
	FROM GENERAL REVENUE FUND	93,239	
	FROM FEDERAL GRANTS TRUST FUND		41,712
	FROM GRANTS AND DONATIONS TRUST FUND . . .		157,524
404B	SPECIAL CATEGORIES		
	OUT OF HOME CARE		
	FROM GENERAL REVENUE FUND	35,701,161	
	FROM DIRECT ASSISTANCE TRUST FUND		6,841,318
	FROM FEDERAL GRANTS TRUST FUND		34,941,325
	FROM GRANTS AND DONATIONS TRUST FUND . . .		103,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,590,620
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		5,059,100

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Funds in Specific Appropriation 404B may be used to meet the needs of children in their own homes or those of relatives if the children can be safely served. The expenditure of funds in this manner is calculated by the department to be a cost savings over shelter placement. The flexible expenditure of funds in this specific appropriation is allowable only if such expenditures do not result in a budget deficit.

405A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BAPTIST CHILDREN'S HOME - JACKSONVILLE
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 405A are for the renovation of Bishop Hall at Baptist Children's Home in Duval County.

DEVELOPMENTAL SERVICES

406 SALARIES AND BENEFITS POSITIONS 495
FROM GENERAL REVENUE FUND 13,849,752
FROM FEDERAL GRANTS TRUST FUND 46,032
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,134,204
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,569,875

407 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 120

408 EXPENSES
FROM GENERAL REVENUE FUND 2,422,543
FROM FEDERAL GRANTS TRUST FUND 202,738
FROM OPERATIONS AND MAINTENANCE TRUST FUND 267,698
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 260,669

409 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 158,906

409A LUMP SUM
CONTINGENCY FUND FOR INTERMEDIATE CARE FACILITY FOR DEVELOPMENTALLY DISABLED CLIENTS
FROM GENERAL REVENUE FUND 10,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 11,357,385

Funds in Specific Appropriation 409A are provided to fund services in the event that emergency situations or other unforeseen circumstances arise that require the provision of additional services to protect the safety and well being of clients due to the transition from institutional to community-based funding of services. Upon determination by the department that the critical phase of the transition is complete and emergency situations or other unforeseen circumstances are not likely to develop due to the transition, the department may distribute these funds to meet critical waiting list needs as provided by law.

409B LUMP SUM

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NON-WAIVER COVERED EXPENSES OF INTERMEDIATE CARE FACILITY FOR DEVELOPMENTALLY DISABLED CLIENTS
FROM GENERAL REVENUE FUND 4,342,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 9,118,200

Funds in Specific Appropriation 409B are to be used to provide necessary services not covered under the Home and Community Based Services Waiver to clients living in facilities that were reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law.

410 SPECIAL CATEGORIES
GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS
FROM GENERAL REVENUE FUND 29,020,812
FROM OPERATIONS AND MAINTENANCE TRUST FUND 7,510
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 13,351,111

Funds from Specific Appropriation 410 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

411 SPECIAL CATEGORIES
GRANT AND AID ROOM AND BOARD PAYMENTS
FROM GENERAL REVENUE FUND 9,872,805
FROM OPERATIONS AND MAINTENANCE TRUST FUND 6,037,290

412 SPECIAL CATEGORIES
CONTRACTED CASEWORK SERVICES
FROM GENERAL REVENUE FUND 403,038

413 SPECIAL CATEGORIES
GRANT AND AID COMMUNITY DEVELOPMENT SERVICES
FROM GENERAL REVENUE FUND 339,519
FROM FEDERAL GRANTS TRUST FUND 18,472
FROM OPERATIONS AND MAINTENANCE TRUST FUND 35,799

From the funds in Specific Appropriation 413, $50,000 from recurring General Revenue is provided to the Independent Living for Retarded Adults non-profit organization in Marion county.

414 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 81,799,148
FROM OPERATIONS AND MAINTENANCE TRUST FUND 104,268,509

Funds from Specific Appropriation 414 expended for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

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From the funds in Specific Appropriation 414, $84,878,065 is provided to continue services for clients living in facilities that were reimbursed through the Intermediate Care Facility for the Mentally Retarded optional Medicaid program as of June 30, 1996, and as further provided by law.

415	SPECIAL CATEGORIES PURCHASED CLIENT SERVICES-SPINA BIFIDA FROM GENERAL REVENUE FUND	403,674	

Funds in Specific Appropriation 415 are provided for incidental, non-medical expenditures incurred by persons with spina bifida.

419	SPECIAL CATEGORIES START-UP FUNDS/GROUP HOMES FROM GENERAL REVENUE FUND	72,960	
	FROM COMMUNITY RESOURCES DEVELOPMENT TRUST FUND		72,960
419A	SPECIAL CATEGORIES COMMUNITY SUPPORTED LIVING WAIVER FROM GENERAL REVENUE FUND	1,811,435	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,375,515
419B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS RENOVATE RESIDENT ROOMS - HOPE CENTER OF MIAMI FROM GENERAL REVENUE FUND	150,000	

HEALTH SERVICES

420	SALARIES AND BENEFITS POSITIONS 200 FROM GENERAL REVENUE FUND	4,126,159	
	FROM COUNTY HEALTH UNIT TRUST FUND		308,430,337
	FROM FEDERAL GRANTS TRUST FUND		2,994,709
	FROM GRANTS AND DONATIONS TRUST FUND . . .		419,685
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		16,485
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		102,012
421	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	10,081	
	FROM COUNTY HEALTH UNIT TRUST FUND		27,938,342
	FROM FEDERAL GRANTS TRUST FUND		37,258
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		37,074
422	EXPENSES FROM GENERAL REVENUE FUND	4,747,790	
	FROM COUNTY HEALTH UNIT TRUST FUND		78,194,158
	FROM FEDERAL GRANTS TRUST FUND		1,883,983
	FROM GRANTS AND DONATIONS TRUST FUND . . .		151,022
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		1,224,760
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		77,364
423	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FAMILY PLANNING SERVICES FROM GENERAL REVENUE FUND	5,819,168	
	FROM COUNTY HEALTH UNIT TRUST FUND		800,000

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	FROM FEDERAL GRANTS TRUST FUND		5,438,261
424	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - AIDS PATIENT CARE FROM GENERAL REVENUE FUND	6,393,792	
	FROM COUNTY HEALTH UNIT TRUST FUND		3,073,996
425	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - RYAN WHITE CONSORTIA FROM FEDERAL GRANTS TRUST FUND		11,104,358
426	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - STATEWIDE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS FROM GENERAL REVENUE FUND	10,745,449	
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		500,000

From the funds in Specific Appropriation 426 Monroe County's allocation from the funds provided to District 11 shall be no less than the allocation provided in the 1995-96 General Appropriations Act.

The Public Health Trust, Jackson Memorial Hospital, shall continue to be the administrative agency for the South Florida AIDS Network.

From the funds in Specific Appropriation 426, the department shall contract with the Northeast Florida AIDS Network, Inc. which shall continue to be the planning and administrative agent for the network funding in Northeast Florida.

427	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES FROM COUNTY HEALTH UNIT TRUST FUND		14,533,960
428	AID TO LOCAL GOVERNMENTS CONTRIBUTION TO COUNTY HEALTH UNITS FROM GENERAL REVENUE FUND	108,894,482	
	FROM FEDERAL GRANTS TRUST FUND		12,011,048
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,341,391
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		68,537
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		750,000

The funds in Specific Appropriation 428 reflect a reduction of $2,000,000 in the General Revenue Fund and an increase in the Grants and Donations Trust Fund of $2,000,000. This fund shift anticipates a fee increase for swimming pool inspections.

From the funds in Specific Appropriation 428, $31,107 is for increased funding to the Pasco County Dental Health Program.

From the funds in Specific Appropriation 428, $200,000 is for an indigent dental clinic in District 5.

429	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMMUNITY HEALTH CENTERS FROM FEDERAL GRANTS TRUST FUND		1,204,010

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430 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM GENERAL REVENUE FUND 20,527,692
FROM COUNTY HEALTH UNIT TRUST FUND 6,548,687

431 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - DADE COUNTY HOSPICE
FROM GENERAL REVENUE FUND 1,218,729

432 AID TO LOCAL GOVERNMENTS
IMPACT AID
FROM FEDERAL GRANTS TRUST FUND 12,015,587

433 AID TO LOCAL GOVERNMENTS
IMPROVED PREGNANCY OUTCOME PROGRAM
FROM GENERAL REVENUE FUND 24,477,230
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 3,556,753

434 AID TO LOCAL GOVERNMENTS
MATERNAL AND CHILD HEALTH SERVICES
FROM GENERAL REVENUE FUND 901,969
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 6,587,597

435 AID TO LOCAL GOVERNMENTS
SCHOOL HEALTH SERVICES
FROM GENERAL REVENUE FUND 16,521,881

436 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,830
FROM COUNTY HEALTH UNIT TRUST FUND 7,365,504

437 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,522,944
FROM COUNTY HEALTH UNIT TRUST FUND 27,500
FROM FEDERAL GRANTS TRUST FUND 4,429,350
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 50,000

From funds in Specific Appropriation 437, $30,000 in non-recurring general revenue is for medical training equipment in Orange County.

From funds in Specific Appropriation 437, $300,000 in general revenue is designated for the Isabel Collier Read Health Park in Immokalee.

Of the funds in Specific Appropriation 437, $1 million from general revenue is provided to continue funding the League Against Cancer (La Liga Contra el Cancer).

438 SPECIAL CATEGORIES
GRANTS AND AIDS - EPILEPSY SERVICES
FROM GENERAL REVENUE FUND 1,738,870

439 SPECIAL CATEGORIES
GRANTS AND AIDS - HEALTHY START COALITIONS
FROM GENERAL REVENUE FUND 2,764,217
FROM FEDERAL GRANTS TRUST FUND 2,388,004

440 SPECIAL CATEGORIES
GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE COVERAGE DEMONSTRATION
FROM GENERAL REVENUE FUND 1,303,422
FROM FEDERAL GRANTS TRUST FUND 2,064,120

441 SPECIAL CATEGORIES
DRUGS, VACCINES AND OTHER BIOLOGICALS
FROM GENERAL REVENUE FUND 15,529,719
FROM FEDERAL GRANTS TRUST FUND 8,212,016

443 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 576,183

444 SPECIAL CATEGORIES
KIDNEY DISEASE PROGRAM
FROM GENERAL REVENUE FUND 1,021,941

From funds provided in Specific Appropriation 444, $500,000 in additional money is provided to expand dialysis services provided through the kidney disease program.

445 SPECIAL CATEGORIES
GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES
FROM EPILEPSY SERVICES TRUST FUND 1,340,000

448 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM FEDERAL GRANTS TRUST FUND 1,000,000

449 SPECIAL CATEGORIES
WOMEN, INFANTS AND CHILDREN (WIC)
FROM FEDERAL GRANTS TRUST FUND 196,322,692

450 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL EDUCATION
FROM GENERAL REVENUE FUND 105,054

451 SPECIAL CATEGORIES
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT
FROM FEDERAL GRANTS TRUST FUND 414,775

451A FIXED CAPITAL OUTLAY
COUNTY HEALTH UNITS CONSTRUCTION AND RENOVATION
FROM GENERAL REVENUE FUND 7,560,000

From the funds appropriated in Specific Appropriation 451A for county health unit construction, $50,000 is for the facility in Hamilton County; $360,000 is for the facility in Hardee County; $450,000 is for the facility in Hendry County; $320,000 is for the facility in Marion County/Belleview Area; $320,000 is for the facility in Marion County/Reddick Area; $1,350,000 is for the facility in Monroe County; $640,000 is for the facility in Nassau County; $1,440,000 is for the facility in Palm Beach County; $1,170,000 is for the facility in Port St. Lucie; $350,000 is for the Southside/District 2 facility and $250,000 is for the West Jacksonville facility; $360,000 for Project WARM in Volusia County; $200,000 for Miami Community

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Health Center; and $300,000 for Bay County Health Unit.

451B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HEALTH FACILITIES
FROM GENERAL REVENUE FUND 1,095,000

Of the funds in Specific Appropriation 451B, $270,000 is designated for the Northshore Hospital Maternal Outreach - Dewey W. Knight Jr. Family Medical Center in District 11, and $150,000 is for the Caridad Health Clinic in Delray Beach. The remainder of funds shall be distributed as grants to federally qualified community health centers who are members of a federally funded urban integrated service network and who participate in common quality assurance, purchasing, and information system development, and have demonstrated a need for physical plant improvements.

CHILDREN'S MEDICAL SERVICES

452 SALARIES AND BENEFITS POSITIONS 671
FROM GENERAL REVENUE FUND 13,699,141
FROM DONATIONS TRUST FUND 6,412,482
FROM FEDERAL GRANTS TRUST FUND 1,341,244
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 802,142
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,123,126

453 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 428,136
FROM DONATIONS TRUST FUND 71,250
FROM FEDERAL GRANTS TRUST FUND 213,750

454 EXPENSES
FROM GENERAL REVENUE FUND 1,820,571
FROM DONATIONS TRUST FUND 2,014,647
FROM FEDERAL GRANTS TRUST FUND 1,179,750
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 164,747
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 798,520

From funds in Specific Appropriation 454, $250,000 is to be used to relocate the Children's Medical Services offices in Jacksonville.

455 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 56,970

456 SPECIAL CATEGORIES
CATASTROPHIC MEDICAL SERVICES
FROM DONATIONS TRUST FUND 2,000,000

Funds in Specific Appropriation 456 are to be used for catastrophic services to CMS-sponsored children whose medical expenses exceed $25,000.

457 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE PROGRAM
FROM GENERAL REVENUE FUND 190,168

458 SPECIAL CATEGORIES
CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM
FROM GENERAL REVENUE FUND 185,153

459 SPECIAL CATEGORIES
REGIONAL GENETICS PROGRAM
FROM GENERAL REVENUE FUND 1,057,084
FROM DONATIONS TRUST FUND 194,926

460 SPECIAL CATEGORIES
SICKLE CELL EDUCATION AND SCREENING
FROM GENERAL REVENUE FUND 549,856

461 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN
FROM GENERAL REVENUE FUND 5,680,733
FROM FEDERAL GRANTS TRUST FUND 2,800,000

462 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM GENERAL REVENUE FUND 3,592,599
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 1,890,861

The funds appropriated in Specific Appropriation 462 shall be first disbursed to programs in operation on December 31, 1995, which shall receive no less than the per capita amount received during fiscal year 1995-1996.

463 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 4,529,491
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 901,638
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 93,539

464 SPECIAL CATEGORIES
MASTER CONTRACTS
FROM GENERAL REVENUE FUND 6,015,581

465 SPECIAL CATEGORIES
GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN
FROM GENERAL REVENUE FUND 602,673

466 SPECIAL CATEGORIES
KIDNEY DISEASE PROGRAM FOR CHILDREN
FROM GENERAL REVENUE FUND 813,077

467 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES - IMPACT AID
FROM FEDERAL GRANTS TRUST FUND 35,626

468 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS
FROM GENERAL REVENUE FUND 7,540,570
FROM DONATIONS TRUST FUND 2,215,009
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 5,075,593
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,519,724

469 SPECIAL CATEGORIES
POISON CONTROL CENTER

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FROM GENERAL REVENUE FUND 3,408,378

Of the funds in Specific Appropriation 469, $430,000 is provided to complete the Poison Control Center Network Statewide.

470 SPECIAL CATEGORIES
RHEUMATIC FEVER
FROM GENERAL REVENUE FUND 87,421

471 SPECIAL CATEGORIES
PEDIATRIC LIVER TRANSPLANT PROGRAM
FROM GENERAL REVENUE FUND 400,441

472 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL,
EVALUATION AND INTERVENTION SERVICES
FROM GENERAL REVENUE FUND 14,048,271
FROM DONATIONS TRUST FUND 334,159
FROM FEDERAL GRANTS TRUST FUND 1,150,071

From funds in Specific Appropriation 472, $450,000 is to be used to fund the Children's Developmental Evaluation Center at Mt. Sinai Hospital in Miami.

473 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL EVALUATION
AND INTERVENTION SERVICES/PART H
FROM GENERAL REVENUE FUND 1,641,322
FROM FEDERAL GRANTS TRUST FUND 15,502,607

From the funds in Specific Appropriation 473, the Department of Health and Rehabilitative Services, jointly with the Department of Education, is authorized to prepare a ninth year grant application to USDOE for Subchapter VIII of the Individuals with Disabilities Education Act (I.D.E.A.) funding for early intervention services for children with disabilities age birth through 36 months and their families. The application shall commit the state to meeting only the minimum service and eligibility requirements of the federal law and shall be implemented only if the federal grant is awarded. The application may be submitted to USDOE by the Governor only upon determination that required state funds can be made available from those portions of the current year's appropriation being spent on I.D.E.A. services and following consultation with the Senate Ways and Means and House Appropriations Committees pursuant to Section 216.177, F.S.

In addition, $1,713,333 in general revenue is provided for the state matching funds for Medicaid reimbursable early intervention services in Specific Appropriation 229. If the state match for the Medicaid early intervention services is either too much or insufficient to cover the cost of the entitlement, the Department of Health and Rehabilitative Services is authorized to transfer the necessary amount in general revenue between this Specific Appropriation and Specific Appropriation 472.

The Department of Health and Rehabilitative Services shall not redirect funds from other populations and programs other than those specified previously to

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pay for the entitlement.

Of the funds in Specific Appropriation 473 up to $50,000 from the Federal Grants Trust Fund for the Part H Grant Award may be used to contract for an independent study to identify the needs of infants and toddlers who require special services and their families within the emerging managed care systems. The scope of such study should include recommendations on how a managed service delivery system shall recognize and provide for the developmental needs of children 0 to 36 months; what services should be available if delivered through a managed care plan; how the expertise and services of currently funded community based organizations and early intervention providers shall be utilized; how to identify and ensure the appropriate linkages to education and health care; and, how to provide for cost efficiencies while maintaining quality services. The study should also provide options for how to deliver and finance such services within a managed care system as well as any cost savings strategies which could be utilized. The results of such study should be submitted to the Legislature within a timeframe that allows for potential legislation to be developed.

474 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL
INTENSIVE CARE CENTER/ PERINATAL SUPPORT
SERVICES
FROM GENERAL REVENUE FUND 1,462,183
FROM MATERNAL AND CHILD HEALTH BLOCK
GRANT TRUST FUND 411,375

475 SPECIAL CATEGORIES
CHILDREN'S CARDIAC PROGRAM
FROM GENERAL REVENUE FUND 337,163

475A SPECIAL CATEGORIES
MEDICALLY FRAGILE ENHANCEMENT PAYMENT
FROM GENERAL REVENUE FUND 610,020

From the funds provided in Specific Appropriation 475A, $274,509 from the General Revenue Fund and $335,511 from the Medical Care Trust Fund are provided to continue the enhanced reimbursement rate for medically fragile young adults who have reached the age of 21 and are no longer eligible for Medicaid "OBRA" services and are deemed to be technology dependent and cognitively intact.

476 SPECIAL CATEGORIES
GRANTS AND AIDS - PEDIATRIC ACQUIRED
IMMUNE DEFICIENCY SYNDROME NETWORK
FROM GENERAL REVENUE FUND 300,000
FROM MATERNAL AND CHILD HEALTH BLOCK
GRANT TRUST FUND 600,000

From funds in Specific Appropriation 476, $300,000 is to be used to establish a Pediatric AIDS Network through the Orlando Regional Healthcare System.

Of the funds in Specifc Appropriation 476 , $350,000 from the Maternal and Child Health Block Grant Trust Fund shall be used to establish a

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Pediatric AIDS Network Program encompassing St. Petersburg, Tampa, Sarasota, and the Ft. Myers areas.

476A FIXED CAPITAL OUTLAY
CHILDREN'S MEDICAL SERVICES CLINIC
FROM GENERAL REVENUE FUND 360,000

Funds provided in Specific Appropriation 476A are for an expansion of the Children's Medical Services Clinic in Gainesville.

476B FIXED CAPITAL OUTLAY
JACKSONVILLE CHILDREN'S MEDICAL SERVICES CLINIC
FROM GENERAL REVENUE FUND 200,000

From funds in Specific Appropriation 476B, $200,000 is to be used to relocate the Children's Medical Services offices in Jacksonville.

476C FIXED CAPITAL OUTLAY
ST. LUCIE CHILDREN'S MEDICAL SERVICES CLINIC
FROM GENERAL REVENUE FUND 700,000

04

ENTITLEMENT BENEFITS AND SERVICES

ECONOMIC SERVICES

477	SALARIES AND BENEFITS POSITIONS 7,332		
	FROM GENERAL REVENUE FUND	87,889,578	
	FROM ADMINISTRATIVE TRUST FUND		85,214,331
	FROM REFUGEE ASSISTANCE TRUST FUND		132,276
478	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	459,539	
	FROM ADMINISTRATIVE TRUST FUND		459,539
479	EXPENSES		
	FROM GENERAL REVENUE FUND	26,386,347	
	FROM ADMINISTRATIVE TRUST FUND		27,384,128
	FROM REFUGEE ASSISTANCE TRUST FUND		36,852
479A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,341	
480	LUMP SUM		
	WELFARE REFORM		
	FROM GENERAL REVENUE FUND	2,000,000	
	FROM ADMINISTRATIVE TRUST FUND		2,517,732
481	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FEDERAL EMERGENCY SHELTER GRANT PROGRAM		
	FROM GENERAL REVENUE FUND	988,322	
	FROM ADMINISTRATIVE TRUST FUND		2,811,856
	FROM REFUGEE ASSISTANCE TRUST FUND		893,000
482	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	13,756,562	
	FROM ADMINISTRATIVE TRUST FUND		48,653,827
483	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE FRAUD CONTRACT		
	FROM GENERAL REVENUE FUND	47,752	
	FROM ADMINISTRATIVE TRUST FUND		4,450,000
484	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE MAILING COSTS		
	FROM GENERAL REVENUE FUND	1,689,360	
	FROM ADMINISTRATIVE TRUST FUND		1,689,360
485	SPECIAL CATEGORIES		
	SERVICES TO REPATRIATED AMERICANS		
	FROM FEDERAL GRANTS TRUST FUND		40,380
486	SPECIAL CATEGORIES		
	ECONOMIC SERVICES PRE-ENTRY TRAINING PROGRAM		
	FROM GENERAL REVENUE FUND	1,836,420	
	FROM ADMINISTRATIVE TRUST FUND		1,836,420
487	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PROJECT INDEPENDENCE SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	831,242	
	FROM ADMINISTRATIVE TRUST FUND		903,832
488	FINANCIAL ASSISTANCE PAYMENTS		
	AID TO FAMILIES WITH DEPENDENT CHILDREN		
	FROM GENERAL REVENUE FUND	258,507,739	
	FROM DIRECT ASSISTANCE TRUST FUND		398,736,279

Funds in Specific Appropriation 488 reflect a reduction of $6,750,000 in General Revenue and $8,250,000 in Direct Assistance Trust Fund savings due to fraud and error rate reductions.

489	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT ENFORCEMENT - PAYMENT TO PUBLIC ASSISTANCE FAMILIES		
	FROM DIRECT ASSISTANCE TRUST FUND		14,388,178
490	FINANCIAL ASSISTANCE PAYMENTS		
	REFUGEE/ENTRANT ASSISTANCE		
	FROM SPECIAL GRANTS TRUST FUND		3,040,996

ADULT PAYMENT SERVICES

492	SALARIES AND BENEFITS POSITIONS 966		
	FROM GENERAL REVENUE FUND	14,088,283	
	FROM ADMINISTRATIVE TRUST FUND		13,636,942
493	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	308,696	
	FROM ADMINISTRATIVE TRUST FUND		306,463
494	EXPENSES		
	FROM GENERAL REVENUE FUND	2,530,989	
	FROM ADMINISTRATIVE TRUST FUND		2,662,167
495	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,162	
	FROM ADMINISTRATIVE TRUST FUND		5,163
496	FINANCIAL ASSISTANCE PAYMENTS		
	ADULT CONGREGATE LIVING FACILITY CARE SUPPLEMENT		
	FROM GENERAL REVENUE FUND	17,825,838	

Funds are provided in Specific Appropriations 496 and 497 to continue the current payment and

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eligibility standard for the Optional State Supplementation program. However, the department may establish a revised monthly payment and eligibility standard to become effective January, 1997, at the rate of $598 per month plus an amount not to exceed the cost of living adjustment to the Federal Benefits Rate provided that the average state Optional Supplementation contribution does not increase as a result. Nothing in this paragraph shall be construed as legislative approval for similar Optional State Supplementation payment and eligibility standard adjustments for future years.

497 FINANCIAL ASSISTANCE PAYMENTS
FOSTER HOME CARE SUPPLEMENT
FROM GENERAL REVENUE FUND 1,817,142

498 FINANCIAL ASSISTANCE PAYMENTS
PERSONAL CARE ALLOWANCE
FROM GENERAL REVENUE FUND 314,456

MULTI-DISTRICT SERVICES

MENTAL HEALTH - INSTITUTIONS

499 SALARIES AND BENEFITS POSITIONS 6,503
FROM GENERAL REVENUE FUND 73,175,955
FROM GRANTS AND DONATIONS TRUST FUND . . . 138,481
FROM OPERATIONS AND MAINTENANCE TRUST FUND 131,755,282

From the funds in Specific Appropriations 499 through 506, the department may begin implementation of a plan to replace the facilities at South Florida State Hospital with a private psychiatric facility provided the following conditions are met: (1) the department determines that neither client welfare or public safety will be diminished, (2) that the department determines that sufficient community resources will be available to serve individuals who would otherwise be served in the hospital, (3) that the plan of implementation will provide that, to the maximum extent possible, clients will not be seperated from family and other supports in the community, and (4) that employees of South Florida State Hospital be given reasonable opportunity to continue employment with the state of Florida.

500 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 898,219

501 EXPENSES
FROM GENERAL REVENUE FUND 27,527,217
FROM FEDERAL GRANTS TRUST FUND 17,411
FROM GRANTS AND DONATIONS TRUST FUND . . . 482,347
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,412,207

502 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 980,093

503 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 4,011,425
FROM GRANTS AND DONATIONS TRUST FUND . . . 324,330
FROM OPERATIONS AND MAINTENANCE TRUST FUND 308,559

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505 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 8,639,227

506 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 67,131

DEVELOPMENTAL SERVICES - INSTITUTIONS

508 SALARIES AND BENEFITS POSITIONS 3,753
FROM GENERAL REVENUE FUND 50,371,309
FROM OPERATIONS AND MAINTENANCE TRUST FUND 52,904,527

509 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,407,840
FROM OPERATIONS AND MAINTENANCE TRUST FUND 198,003

The department may use authority provided under budget amendment provisions of Chapter 216, Florida Statutes, to allocate the reduction amount reflected in Specific Appropriation 509 among its budget entities as necessary for efficient management.

510 EXPENSES
FROM GENERAL REVENUE FUND 10,214,777
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,370
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,674,047

511 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 436,794
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,500

512 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,162,016
FROM OPERATIONS AND MAINTENANCE TRUST FUND 302,356

513 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 2,918,629
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,272,904

513A FIXED CAPITAL OUTLAY
MARIANNA SUNLAND RENOVATION
FROM GENERAL REVENUE FUND 300,000

HEALTH - TUBERCULOSIS HOSPITAL

514 SALARIES AND BENEFITS POSITIONS 179
FROM GENERAL REVENUE FUND 4,492,684
FROM OPERATIONS AND MAINTENANCE TRUST FUND 859,936

515 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,119
FROM OPERATIONS AND MAINTENANCE TRUST FUND 57,211

516 EXPENSES
FROM GENERAL REVENUE FUND 1,546,627

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	FROM OPERATIONS AND MAINTENANCE TRUST FUND		828,806
517	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	38,295	
518	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	92,548	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		431,313
519	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
	FROM GENERAL REVENUE FUND	259,540	

VETERANS' AFFAIRS, DEPARTMENT OF

520	SALARIES AND BENEFITS POSITIONS	268	
	FROM GENERAL REVENUE FUND	3,528,168	
	FROM FEDERAL GRANTS TRUST FUND		297,280
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,621,570
521	OTHER PERSONAL SERVICES		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		157,448
522	EXPENSES		
	FROM GENERAL REVENUE FUND	443,826	
	FROM FEDERAL GRANTS TRUST FUND		46,413
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,138,733
523	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	35,800	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		33,295
524	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	135,947	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		370,452
525	SPECIAL CATEGORIES		
	RECREATIONAL EQUIPMENT AND SUPPLIES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		21,000
525A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	4,145	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,632
526	FIXED CAPITAL OUTLAY		
	STATE NURSING HOME FOR VETERANS - NUMBER TWO - DMS MGD		
	FROM STATE HOMES FOR VETERANS TRUST FUND .		1,900,205
	FROM VETERANS' AFFAIRS DESIGN AND CONSTRUCTION TRUST FUND		3,528,952
528	FIXED CAPITAL OUTLAY		
	MAINTENANCE AND REPAIR OF STATE OWNED RESIDENTIAL FACILITIES FOR VETERANS - DMS MGD		
	FROM ADMINISTRATIVE TRUST FUND		100,000

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	TOTAL OF SECTION 3 POSITIONS	31,565	
	FROM GENERAL REVENUE FUND	4019,560,822	
	FROM TRUST FUNDS		7356,991,321
	TOTAL ALL FUNDS		11376,552,143

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The moneys contained herein are appropriated from the named funds to the Department of Corrections, Florida Department of Law Enforcement, Department of Juvenile Justice, Parole Commission, Department of Legal Affairs/Attorney General and the Justice Administration as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

CORRECTIONS, DEPARTMENT OF

OFFICE OF THE SECRETARY AND OFFICE OF MANAGEMENT AND BUDGET

529	SALARIES AND BENEFITS POSITIONS	237	
	FROM GENERAL REVENUE FUND	9,977,502	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		65,914
	FROM GRANTS AND DONATIONS TRUST FUND . . .		305,229

Of the positions and General Revenue Funds provided in Specific Appropriation 529, $305,611 and 5 positions are provided for the Florida Corrections Commission.

530	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	220,551	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
531	EXPENSES		
	FROM GENERAL REVENUE FUND	1,609,766	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		953,212
	FROM GRANTS AND DONATIONS TRUST FUND . . .		109,635
532	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	26,622	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,500
533	SPECIAL CATEGORIES		
	FLORIDA CORRECTIONS COMMISSION		
	FROM GENERAL REVENUE FUND	104,112	
534	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	16,291	
535	SPECIAL CATEGORIES		
	OFFICE OF MANAGEMENT AND BUDGET LAW LIBRARY		
	FROM GENERAL REVENUE FUND	9,649	
536	DATA PROCESSING SERVICES		
	JUSTICE DATA CENTER		
	FROM GENERAL REVENUE FUND	4,077,323	

The funds in Specific Appropriation 536, are provided for the operation and enhancement of the Justice Data Center. Any funds not expended through

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journal transfer for these purposes shall revert at the close of fiscal year 1996-97, and may not be transferred for any other purposes.

537 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 226,334

538 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,037,065

538A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 21,939

OFFICE OF THE ASSISTANT SECRETARY FOR PROGRAMS

540 SALARIES AND BENEFITS POSITIONS 113
FROM GENERAL REVENUE FUND 3,747,134

541 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 118,688

542 EXPENSES
FROM GENERAL REVENUE FUND 844,828

543 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,397

544 LUMP SUM
FEDERAL CRIME BILL ALTERNATIVES TO INCARCERATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 400,000

545 SPECIAL CATEGORIES
GRANTS AND AIDS - ON-THE-JOB TRAINING PROGRAM
FROM GENERAL REVENUE FUND 150,000

Funds in Specific Appropriation 545 are to be used to contract for on-the-job training services for offenders after release.

545A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 6,114

ASSISTANT SECRETARY FOR HEALTH SERVICES

From the funds provided in Specific Appropriations 546 through 554, the department may negotiate a shared risk, guaranteed cost reduction agreement for the provision of health care and services.

546 SALARIES AND BENEFITS POSITIONS 3,076
FROM GENERAL REVENUE FUND 131,320,659
FROM GRANTS AND DONATIONS TRUST FUND . . . 452,431

547 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,946,743
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,523

548 EXPENSES
FROM GENERAL REVENUE FUND 37,392,276
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,403

Funds are provided in Specific Appropriation 548 for contractual medical services for inmates. In awarding contracts, the department shall emphasize economy, cost-effectiveness, and continuity of services.

549 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 406,018
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,790

550 SPECIAL CATEGORIES
COMMUNITY HOSPITAL COSTS
FROM GENERAL REVENUE FUND 23,991,074

551 SPECIAL CATEGORIES
CONTRACT FOR HEALTH SERVICES - SOUTH FLORIDA RECEPTION CENTER
FROM GENERAL REVENUE FUND 10,681,650

552 SPECIAL CATEGORIES
TREATMENT OF INMATES WITH ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
FROM GENERAL REVENUE FUND 6,300,000

552A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 221,098

554 FIXED CAPITAL OUTLAY
CHRONIC CARE AND EXTENDED TREATMENT FACILITY
FROM GENERAL REVENUE FUND 989,600

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

OFFICE OF ASSISTANT SECRETARY FOR OPERATIONS AND REGIONAL ADMINISTRATION

555 SALARIES AND BENEFITS POSITIONS 79
FROM GENERAL REVENUE FUND 3,434,210
FROM GRANTS AND DONATIONS TRUST FUND . . . 162,160

556 EXPENSES
FROM GENERAL REVENUE FUND 1,073,990
FROM GRANTS AND DONATIONS TRUST FUND . . . 25,522

557 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 15,701

558 SPECIAL CATEGORIES
STATE INSTITUTIONAL CLAIMS
FROM GENERAL REVENUE FUND 2,000

559 SPECIAL CATEGORIES
TUITION PAYMENTS
FROM GENERAL REVENUE FUND 355,360

559A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 5,299

MAJOR INSTITUTIONS

560 SALARIES AND BENEFITS POSITIONS 19,955
FROM GENERAL REVENUE FUND 611,035,554
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,108,555
FROM OPERATING TRUST FUND 8,591,009

561 OTHER PERSONAL SERVICES

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FROM GRANTS AND DONATIONS TRUST FUND . . . 786,637

From the funds in Specific Appropriation 561, $256,686 is provided for prison legal services from the Grants and Donations Trust Fund. Additionally, any award of attorney fees and costs made pursuant to 42 U.S.C. 1988 shall result in a reduction in an amount identical to such fee award and the costs and fees expended by the Division of Risk Management of the Department of Insurance in defending or litigating over the award of such fees.

562 EXPENSES
FROM GENERAL REVENUE FUND 141,361,345
FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND 87,962
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,193,300
FROM OPERATING TRUST FUND 1,193,793

From the Grants and Donations funds provided in Specific Appropriation 562, $1,000,000 is provided for the Life Skills Foundation program.

563 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 650,692
FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND 22,200
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,069,491
FROM OPERATING TRUST FUND 10,000

564 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 48,475,646
FROM GRANTS AND DONATIONS TRUST FUND . . . 421,782
FROM OPERATING TRUST FUND 543,729

565 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 447,879
FROM OPERATING TRUST FUND 122,500

566 SPECIAL CATEGORIES
CONTRACT CORRECTIONAL INSTITUTION
FROM GENERAL REVENUE FUND 16,987,944

567 SPECIAL CATEGORIES
CONTRACT DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 5,095,673
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,270,728

568 SPECIAL CATEGORIES
RETURN OF PAROLE VIOLATORS
FROM GENERAL REVENUE FUND 131,313

569 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 5,349,791

570 SPECIAL CATEGORIES
STATE EMPLOYEES' CHILD CARE CENTER OPERATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 810,000

571 SPECIAL CATEGORIES
PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION
FROM GENERAL REVENUE FUND 40,343,405

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Funds provided in Specific Appropriation 571 shall be applied to the obligations of the Correctional Privatization Commission pursuant to the requirements of the Operation and Management Services Contract and Lease-Purchase Agreement for two 750 bed medium/minimum custody secure facilities located in Bay and Glades Counties, Florida, and an additional 1,318 bed medium/close custody secure correctional facility located in Palm Beach County, Florida.

The Department of Corrections shall have no authority to utilize the appropriated funds except as provided above.

572 FINANCIAL ASSISTANCE PAYMENTS
DISCHARGE AND TRAVEL PAY
FROM GENERAL REVENUE FUND 1,187,637

573 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 925,000

573A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,024,134
FROM OPERATING TRUST FUND 10,063

573B FIXED CAPITAL OUTLAY
BRIDGE AND ROAD CONSTRUCTION - TAYLOR CORRECTIONAL INSTITUTION
FROM GENERAL REVENUE FUND 1,100,000

574 FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS
FROM GENERAL REVENUE FUND 14,419,447

575 FIXED CAPITAL OUTLAY
IMPROVEMENTS TO SECURITY SYSTEMS
FROM GENERAL REVENUE FUND 5,698,239

Funds provided in Specific Appropriation 575 are to enhance security in the major institutions pursuant to the Statewide Security Assessment conducted by the Department of Corrections.

577 FIXED CAPITAL OUTLAY
SUPPLEMENTAL FUNDING TO COMPLETE FACILITY CONSTRUCTION
FROM GENERAL REVENUE FUND 2,444,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,955,500

Funds provided in Specific Appropriation 577 are to be used to complete construction of Everglades and Wakulla Correctional Institutions. Proceeds in the amount of $800,000 from the sale of state property in Hillsborough County, known as the Little Manatee site, are to be directed to the Department of Corrections to fund this appropriation.

PROBATION AND PAROLE SERVICES

Funds provided in Specific Appropriations 578 through 588A for the probation and restitution centers shall only be used for supervision of felony probationers.

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578 SALARIES AND BENEFITS POSITIONS 4,190
FROM GENERAL REVENUE FUND 138,191,244
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,924,321

579 EXPENSES
FROM GENERAL REVENUE FUND 26,277,869
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,158,988

580 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 99,405
FROM GRANTS AND DONATIONS TRUST FUND . . . 540,000

581 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 374,399
FROM GRANTS AND DONATIONS TRUST FUND . . . 79,132

582 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE ALTERNATIVES TO INCARCERATION PROGRAMS
FROM GENERAL REVENUE FUND 500,000

The funds in Specific Appropriation 582 shall be used to contract for alternatives to incarceration services in the Eleventh Judicial Circuit.

583 SPECIAL CATEGORIES
DIVERSION CENTERS OPERATIONS
FROM GENERAL REVENUE FUND 5,840,000

584 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 401,011

585 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 111,840

586 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND 12,476,909
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,807,261

587 SPECIAL CATEGORIES
GRANTS AND AIDS - OPERATION OF COUNTY WORK CAMPS
FROM GENERAL REVENUE FUND 1,690,080
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,300,000

Funds in Specific Appropriation 587 are provided to operate the Tri-County Work Camp for a sufficient period of time to phase out the work camp and convert it to a Juvenile Justice facility. The phase-out shall be completed pursuant to a plan developed jointly by the Department of Juvenile Justice, the Department of Corrections and the Marion County Sheriff. Upon completion of the conversion, funds remaining in Specific Appropriation 587 shall be transferred to the Department of Juvenile Justice in accordance with the budget amendment and legislative consultation provisions of Chapter 216, Florida Statutes.

588 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 261,568

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588A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 207,098

COMMUNITY FACILITIES AND ROAD PRISONS

589 SALARIES AND BENEFITS POSITIONS 593
FROM GENERAL REVENUE FUND 20,179,854
FROM GRANTS AND DONATIONS TRUST FUND . . . 130,022
FROM OPERATING TRUST FUND 1,200,000

590 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 49,138

591 EXPENSES
FROM GENERAL REVENUE FUND 6,201,748
FROM GRANTS AND DONATIONS TRUST FUND . . . 14,108

From the funds in Specific Appropriation 591, $381,000 from the General Revenue Fund is provided for the Life Skills Foundation program.

592 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 113,907

593 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,230,668

594 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND 1,183,125

594A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 34,205

OFFICE OF THE ASSISTANT SECRETARY FOR YOUTHFUL OFFENDERS

OFFICE OF THE ASSISTANT SECRETARY FOR YOUTHFUL OFFENDERS OPERATIONS

594B DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 567

YOUTHFUL OFFENDER INSTITUTIONS

595 SALARIES AND BENEFITS POSITIONS 1,033
FROM GENERAL REVENUE FUND 33,560,141
FROM GRANTS AND DONATIONS TRUST FUND . . . 500,901

596 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 18,000

597 EXPENSES
FROM GENERAL REVENUE FUND 6,924,097
FROM GRANTS AND DONATIONS TRUST FUND . . . 191,046

598 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 23,414
FROM GRANTS AND DONATIONS TRUST FUND . . . 164,727

599 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,357,845
FROM GRANTS AND DONATIONS TRUST FUND . . . 193,596

600 SPECIAL CATEGORIES

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CONTRACT DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 212,936

601 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 14,760

602 SPECIAL CATEGORIES
PRIVATE INSTITUTIONS - CORRECTIONAL
PRIVATIZATION COMMISSION
FROM GENERAL REVENUE FUND 4,729,937

Funds provided in Specific Appropriation 602 shall be applied to the obligations of the Correctional Privatization Commission pursuant to the requirements of the Operation and Management Services Contract for one 350 bed youthful offender facility which may be utilized for the housing of youthful offenders 14 to 24 years of age.

The Department of Corrections shall have no authority to utilize the appropriated funds except as provided above.

603 FINANCIAL ASSISTANCE PAYMENTS
DISCHARGE AND TRAVEL PAY
FROM GENERAL REVENUE FUND 220,068

603A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 41,920

EDUCATION AND JOB TRAINING

604 SALARIES AND BENEFITS POSITIONS 477
FROM GENERAL REVENUE FUND 11,679,670
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,183,689

605 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,149,015

606 EXPENSES
FROM GENERAL REVENUE FUND 370,927
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,139,508

607 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 28,158
FROM GRANTS AND DONATIONS TRUST FUND . . . 604,177

607A LUMP SUM
TRANSITIONAL EDUCATION OPPORTUNITIES FOR
RELEASEES
FROM GENERAL REVENUE FUND 400,000

From the funds in Specific Appropriation 607A, the department shall provide minority education assistance in conjunction with the transition assistance program, for those offenders nearing release who have been enrolled in education programs, to complete their education in community schools.

608 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 12,003

609 SPECIAL CATEGORIES
MAJOR INSTITUTIONS LAW LIBRARY

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FROM GENERAL REVENUE FUND 258,635

609A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GRANTS AND DONATIONS TRUST FUND . . . 14,996

JUSTICE ADMINISTRATION

JUSTICE ADMINISTRATIVE COMMISSION

610 SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 1,030,043
FROM GRANTS AND DONATIONS TRUST FUND . . . 27,077

611 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,094

612 EXPENSES
FROM GENERAL REVENUE FUND 161,811
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,825

613 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 13,322

613A LUMP SUM
CHILD WELFARE LEGAL SERVICES
POSITIONS 28
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,251,468

Funds in Specific Appropriation 613A may be used to implement 1 pilot project contracted with the Department of Health and Rehabilitative Services in which all personnel engaged in providing legal services pursuant to ss. 39.40 - 39.418, 39.45-39.456, 39.46 - 39.516 will be supervised and directed by the Office of the State Attorney in a judicial circuit to be selected by the Department of Health and Rehabilitative Services and the Office of the Attorney General. The pilot project shall be established by August 1, 1996. The Office of Program Policy Analysis and Governmental Accountability shall develop criteria for evaluating the pilot projects and shall submit a preliminary evaluation report to the President of the Senate and the Speaker of the House of Representatives by February 1, 1997.

613B LUMP SUM
PUBLIC DEFENDER WORKLOAD
FROM GENERAL REVENUE FUND 350,000

613C LUMP SUM
PROSECUTION WORKLOAD
FROM GENERAL REVENUE FUND 650,000

614 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF MANAGEMENT
SERVICES FOR COPES
FROM GENERAL REVENUE FUND 90,125

615 SPECIAL CATEGORIES
STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT
FROM GENERAL REVENUE FUND 134,620

616 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER
TRAINING

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FROM GRANTS AND DONATIONS TRUST FUND . . . 75,000

616A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 13,200

616B DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,886

OFFICE OF CAPITAL COLLATERAL REPRESENTATIVE

From the funds provided in Specific Appropriations 617 through 621A, 4 FTE and $236,084 from the General Revenue Fund are provided to operate a separate and distinct unit to handle conflict cases and shall be used solely for that purpose.

617 SALARIES AND BENEFITS POSITIONS 77
FROM GENERAL REVENUE FUND 2,959,622
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 76,554

618 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 170,068
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 70,013

619 EXPENSES
FROM GENERAL REVENUE FUND 822,670
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 81,622

620 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 85,465

621 LUMP SUM
APPELLATE DEFENSE WORKLOAD
POSITIONS 9
FROM GENERAL REVENUE FUND 200,000
FROM CAPITAL COLLATERAL REPRESENTATIVE
TRUST FUND 500,000

From the funds in Specific Appropriation 621, nine positions and $500,000 shall be contingent on the Capital Collateral Representative receiving federal funds to replace the services provided by the Volunteer Lawyers Resource Center.

621A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 4,506

STATE ATTORNEYS

The Prosecution Coordination Office's budgetary, training, and education needs may be shared by each State Attorney's office within the funds provided in Specific Appropriations 622 through 759A. Funding for this office shall not exceed $200,000.

From the funds in Specific Appropriations 622 through 759A for the State Attorneys, no expenditures shall be made for the purchase of computers and computer related equipment unless such purchase is addressed in the IRC approved agency strategic plan or unless such purchase is recommended by the Information Resource Commission. No expenditures shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.

From the funds in Specific Appropriation 622 through 759A, 119 positions and $5,000,000 from the General Revenue Fund are provided for State Attorney workload. New Assistant State Attorney positions shall be established at a rate not to exceed $29,237 and funded for 12 months.

Funds provided in Specific Appropriations 622 through 759A in the "Acquisition/Motor Vehicle" appropriation category shall be used to replace state cars previously purchased with state funds.

From the funds in Specific Appropriations 622 to 759A, each State Attorney may transfer general revenue not to exceed $250,000 for the express purpose of purchasing computers or computer related equipment that conforms with the agency's approved Strategic Plan for Information Resource Management.

FIRST JUDICIAL CIRCUIT

622 SALARIES AND BENEFITS POSITIONS 174
FROM GENERAL REVENUE FUND 7,183,279
FROM GRANTS AND DONATIONS TRUST FUND . . . 304,204

623 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 17,213

624 EXPENSES
FROM GENERAL REVENUE FUND 426,410
FROM GRANTS AND DONATIONS TRUST FUND . . . 55,000

625 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 55,861

626 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,998

627 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 56,693

628 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 59,500

628A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 2,207

SECOND JUDICIAL CIRCUIT

From the funds appropriated in Specific Appropriations 629 through 635A the Office of the State Attorney in the Second Circuit may purchase five motor vehicles in addition to any other authorization contained herein to purchase motor vehicles.

629 SALARIES AND BENEFITS POSITIONS 99

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FROM GENERAL REVENUE FUND	4,320,117	
FROM GRANTS AND DONATIONS TRUST FUND . . .		213,144
630 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	18,386	
FROM GRANTS AND DONATIONS TRUST FUND . . .		97,846
631 EXPENSES		
FROM GENERAL REVENUE FUND	324,640	
FROM GRANTS AND DONATIONS TRUST FUND . . .		65,765
632 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	73,151	
FROM GRANTS AND DONATIONS TRUST FUND . . .		59,000
633 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		130,000
634 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	8,195	
635 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	21,988	
635A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,507	

THIRD JUDICIAL CIRCUIT

636 SALARIES AND BENEFITS POSITIONS	55	
FROM GENERAL REVENUE FUND	2,537,893	
FROM GRANTS AND DONATIONS TRUST FUND . . .		92,731
637 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,311	
638 EXPENSES		
FROM GENERAL REVENUE FUND	254,918	
FROM GRANTS AND DONATIONS TRUST FUND . . .		24,634
639 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	9,696	
640 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		72,500
641 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	6,110	
642 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	2,813	
FROM CIVIL RICO TRUST FUND		11,946
642A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,303	

FOURTH JUDICIAL CIRCUIT

643 SALARIES AND BENEFITS POSITIONS	298	
FROM GENERAL REVENUE FUND	12,466,293	
FROM GRANTS AND DONATIONS TRUST FUND . . .		267,991

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644 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	147,500	
FROM CONSUMER FRAUDS TRUST FUND		21,272
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		76,928
FROM GRANTS AND DONATIONS TRUST FUND . . .		303,761
645 EXPENSES		
FROM GENERAL REVENUE FUND	768,842	
FROM GRANTS AND DONATIONS TRUST FUND . . .		450,989
646 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	103,869	
FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
647 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		39,000
648 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	11,547	
649 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	48,129	
649A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	2,360	

FIFTH JUDICIAL CIRCUIT

650 SALARIES AND BENEFITS POSITIONS	170	
FROM GENERAL REVENUE FUND	7,022,717	
FROM GRANTS AND DONATIONS TRUST FUND . . .		74,513
651 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,732	
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,600
652 EXPENSES		
FROM GENERAL REVENUE FUND	336,166	
FROM CIVIL RICO TRUST FUND		1,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		17,188
653 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	45,990	
FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000
654 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	15,938	
655 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	35,857	
655A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,476	

SIXTH JUDICIAL CIRCUIT

656 SALARIES AND BENEFITS POSITIONS	370	
FROM GENERAL REVENUE FUND	15,568,032	
657 OTHER PERSONAL SERVICES		

SECTION 4
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	44,768	
FROM GRANTS AND DONATIONS TRUST FUND . . .		23,208
658 EXPENSES		
FROM GENERAL REVENUE FUND	649,247	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,286
659 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	202,368	
FROM CIVIL RICO TRUST FUND		1,474
FROM CONSUMER FRAUDS TRUST FUND		600
FROM GRANTS AND DONATIONS TRUST FUND . . .		92,500
660 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		59,500
661 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	23,009	
662 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	48,561	
662A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	2,557	

SEVENTH JUDICIAL CIRCUIT

663 SALARIES AND BENEFITS POSITIONS	208	
FROM GENERAL REVENUE FUND	7,054,542	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,422,221
664 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	25,264	
FROM GRANTS AND DONATIONS TRUST FUND . . .		537,891
665 EXPENSES		
FROM GENERAL REVENUE FUND	485,347	
FROM GRANTS AND DONATIONS TRUST FUND . . .		130,072
666 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	48,625	
FROM GRANTS AND DONATIONS TRUST FUND . . .		16,235
667 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		87,500
668 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	6,171	
669 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	15,495	
669A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	3,254	

EIGHTH JUDICIAL CIRCUIT

670 SALARIES AND BENEFITS POSITIONS	112	
FROM GENERAL REVENUE FUND	4,438,931	
FROM GRANTS AND DONATIONS TRUST FUND . . .		256,857

SECTION 4
SPECIFIC
APPROPRIATION

671 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	8,640	
FROM GRANTS AND DONATIONS TRUST FUND . . .		27,955
672 EXPENSES		
FROM GENERAL REVENUE FUND	246,777	
FROM GRANTS AND DONATIONS TRUST FUND . . .		31,181
673 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	55,928	
FROM GRANTS AND DONATIONS TRUST FUND . . .		19,000
674 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		45,000
675 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	13,676	
676 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	27,365	
676A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,272	

NINTH JUDICIAL CIRCUIT

677 SALARIES AND BENEFITS POSITIONS	254	
FROM GENERAL REVENUE FUND	10,817,171	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		36,336
FROM GRANTS AND DONATIONS TRUST FUND . . .		99,746
678 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	25,281	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		93,000
679 EXPENSES		
FROM GENERAL REVENUE FUND	389,294	
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		13,511
FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
680 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	70,061	
FROM GRANTS AND DONATIONS TRUST FUND . . .		23,157
681 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		15,150
682 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	27,936	
683 SPECIAL CATEGORIES		
STATE ATTORNEYS - LAW LIBRARY		
FROM GENERAL REVENUE FUND	59,744	
FROM GRANTS AND DONATIONS TRUST FUND . . .		6,000
683A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,199	

SECTION 4
SPECIFIC
APPROPRIATION
TENTH JUDICIAL CIRCUIT

684	SALARIES AND BENEFITS POSITIONS 161		
	FROM GENERAL REVENUE FUND	6,672,706	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		87,027
685	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	17,871	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,945
686	EXPENSES		
	FROM GENERAL REVENUE FUND	522,930	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000
687	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	21,016	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,000
688	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,622
689	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	14,545	
690	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	9,813	
690A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,149	

ELEVENTH JUDICIAL CIRCUIT

691	SALARIES AND BENEFITS POSITIONS 1,041		
	FROM GENERAL REVENUE FUND	29,206,711	
	FROM CHILD SUPPORT TRUST FUND		10,608,655
	FROM GRANTS AND DONATIONS TRUST FUND . . .		872,812
692	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	148,301	
	FROM CHILD SUPPORT TRUST FUND		394,951
	FROM GRANTS AND DONATIONS TRUST FUND . . .		72,500
693	EXPENSES		
	FROM GENERAL REVENUE FUND	1,155,220	
	FROM CHILD SUPPORT TRUST FUND		2,046,439
	FROM CIVIL RICO TRUST FUND		7,000
	FROM CONSUMER FRAUDS TRUST FUND		10,939
	FROM GRANTS AND DONATIONS TRUST FUND . . .		238,205
694	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	403,878	
	FROM CHILD SUPPORT TRUST FUND		355,452
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,354

Funds in Specific Appropriation 694 are provided for the implementation of a pilot project which improves the finalization of child support orders in Dade County consistent with the findings and recommendations of the Dade County Grand Jury report dated July 20, 1995.

695	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CIVIL RICO TRUST FUND		30,000

SECTION 4
SPECIFIC
APPROPRIATION

	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		75,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
696	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	22,500	
697	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	65,325	
697A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	4,927	

TWELFTH JUDICIAL CIRCUIT

698	SALARIES AND BENEFITS POSITIONS 159		
	FROM GENERAL REVENUE FUND	6,704,542	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		48,728
699	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,375	
700	EXPENSES		
	FROM GENERAL REVENUE FUND	392,387	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,589
701	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	43,736	
702	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		12,500
703	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,580	
704	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	39,134	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,500
704A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,757	

THIRTEENTH JUDICIAL CIRCUIT

705	SALARIES AND BENEFITS POSITIONS 285		
	FROM GENERAL REVENUE FUND	12,191,586	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		36,893
706	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	81,934	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		22,725
707	EXPENSES		
	FROM GENERAL REVENUE FUND	315,622	
708	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	118,979	
709	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,913	

SECTION 4
SPECIFIC
APPROPRIATION

710 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 34,404

710A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 999

FOURTEENTH JUDICIAL CIRCUIT

711 SALARIES AND BENEFITS POSITIONS 82
FROM GENERAL REVENUE FUND 3,575,137
FROM GRANTS AND DONATIONS TRUST FUND . . . 140,660

712 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,721
FROM GRANTS AND DONATIONS TRUST FUND . . . 17,500

713 EXPENSES
FROM GENERAL REVENUE FUND 248,050
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000

714 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 11,075

715 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 25,000

716 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,794

717 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 7,058

718 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 56,496

718A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,559

FIFTEENTH JUDICIAL CIRCUIT

719 SALARIES AND BENEFITS POSITIONS 276
FROM GENERAL REVENUE FUND 11,592,317
FROM GRANTS AND DONATIONS TRUST FUND . . . 278,706

720 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 56,629

721 EXPENSES
FROM GENERAL REVENUE FUND 701,087
FROM GRANTS AND DONATIONS TRUST FUND . . . 93,267

722 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 70,120

723 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 78,000

724 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 10,702
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000

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SPECIFIC
APPROPRIATION

725 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 25,923
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,500

725A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,397

SIXTEENTH JUDICIAL CIRCUIT

726 SALARIES AND BENEFITS POSITIONS 60
FROM GENERAL REVENUE FUND 2,338,337
FROM GRANTS AND DONATIONS TRUST FUND . . . 372,839

727 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,684
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,075

728 EXPENSES
FROM GENERAL REVENUE FUND 186,768
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,075

729 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,375
FROM GRANTS AND DONATIONS TRUST FUND . . . 125,000

729A SPECIAL CATEGORIES
CHILD WELFARE LEGAL SERVICES
POSITIONS 4
FROM GRANTS AND DONATIONS TRUST FUND . . . 202,406

Funds in Specific Appropriation 729A may be used to implement a pilot project in which all personnel engaged in providing legal services pursuant to ss. 39.40 - 39.418, 39.45 - 39.456, 39.46 - 39.516 will be supervised and directed by the Office of the State Attorney in the 16th Judicial Circuit, Monroe County. The pilot project shall be established by August 1, 1996. The Office of Program Policy Analysis and Governmental Accountability shall develop criteria for evaluating the pilot projects and shall submit a preliminary evaluation report to the President of the Senate and the Speaker of the House of Representatives by February 1, 1997.

730 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,129

731 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 1,285

731A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,279

SEVENTEENTH JUDICIAL CIRCUIT

732 SALARIES AND BENEFITS POSITIONS 390
FROM GENERAL REVENUE FUND 16,743,064
FROM GRANTS AND DONATIONS TRUST FUND . . . 98,362

733 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 29,945
FROM GRANTS AND DONATIONS TRUST FUND . . . 64,056

SECTION 4
SPECIFIC
APPROPRIATION

734	EXPENSES		
	FROM GENERAL REVENUE FUND	827,619	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
735	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	192,315	
736	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	22,092	
737	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	35,372	
737A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,279	

EIGHTEENTH JUDICIAL CIRCUIT

738	SALARIES AND BENEFITS POSITIONS	231	
	FROM GENERAL REVENUE FUND	8,942,362	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		632,165
739	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	19,868	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		21,530
740	EXPENSES		
	FROM GENERAL REVENUE FUND	446,121	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		35,136
741	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	54,256	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		61,539
742	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,000
743	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,707	
744	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	44,694	
745	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	142,245	
745A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	2,552	

NINETEENTH JUDICIAL CIRCUIT

746	SALARIES AND BENEFITS POSITIONS	130	
	FROM GENERAL REVENUE FUND	4,859,577	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		477,793
747	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	19,658	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,000
748	EXPENSES		
	FROM GENERAL REVENUE FUND	290,350	

SECTION 4
SPECIFIC
APPROPRIATION

	FROM GRANTS AND DONATIONS TRUST FUND . . .		105,254
749	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	33,098	
750	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	8,874	
751	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	19,794	
752	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	117,800	
752A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,540	

TWENTIETH JUDICIAL CIRCUIT

753	SALARIES AND BENEFITS POSITIONS	204	
	FROM GENERAL REVENUE FUND	8,258,808	
	FROM CIVIL RICO TRUST FUND		173,480
	FROM GRANTS AND DONATIONS TRUST FUND . . .		181,596
754	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	14,574	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		43,086
755	EXPENSES		
	FROM GENERAL REVENUE FUND	404,194	
	FROM CIVIL RICO TRUST FUND		36,044
	FROM GRANTS AND DONATIONS TRUST FUND . . .		154,992
756	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	40,650	
	FROM CIVIL RICO TRUST FUND		6,334
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,247
757	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CIVIL RICO TRUST FUND		39,000
758	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	21,288	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		480
759	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	8,928	
	FROM CIVIL RICO TRUST FUND		600
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,000
759A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	1,402	

PUBLIC DEFENDERS

The Public Defenders' Coordination Office's budgetary needs may be shared by each public defender's office within the funds provided in Specific Appropriations 760 through 898A. The total funding for this office shall not exceed $251,000.

SECTION 4
SPECIFIC
APPROPRIATION

From the funds in Specific Appropriations 760 through 898A for the Public Defenders, no expenditures shall be made for the purchase of computers and computer related equipment unless such purchase is addressed in the IRC approved agency strategic plan or unless such purchase is recommended by the Information Resource Commission. No expenditures shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.

Within the funds in Specific Appropriations 760 through 898A, the Public Defenders' Coordination Office shall report quarterly to the Executive Office of the Governor and chairs of the House Appropriations Committee and the Senate Ways and Means Committee the number of appellate and trial level conflict cases in each judicial circuit. Conflict cases are defined in section 27.54(2)(b), F.S., section 27.53(3), F.S., and include court appointed outside counsel as a result of that office's inability to provide adequate representation due to a stated lack of resources.

From the funds in Specific Appropriation 760 through 871A, 57 positions and $2,500,000 from the General Revenue Fund are provided for Public Defender workload. New Assistant Public Defender positions shall be established at a rate not to exceed $29,237 and funded for 12 months.

From the funds in Specific Appropriations 760 to 898A, each Public Defender may transfer General Revenue not to exceed $250,000 for the express purpose of purchasing computers or computer related equipment that conforms with the agency's approved Strategic Plan for Information Resource Management.

FIRST JUDICIAL CIRCUIT

760 SALARIES AND BENEFITS POSITIONS 100
FROM GENERAL REVENUE FUND 4,292,757

761 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,888

762 EXPENSES
FROM GENERAL REVENUE FUND 186,455

763 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 42,706

764 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 14,000

765 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 18,639

765A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 28,600

765B DATA PROCESSING SERVICES

SECTION 4
SPECIFIC
APPROPRIATION

SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 546

SECOND JUDICIAL CIRCUIT

766 SALARIES AND BENEFITS POSITIONS 74
FROM GENERAL REVENUE FUND 3,015,661
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,000

767 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,744

768 EXPENSES
FROM GENERAL REVENUE FUND 152,442
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,150

769 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,308
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,500

770 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 14,325

771 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 115,900

771A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,075

THIRD JUDICIAL CIRCUIT

772 SALARIES AND BENEFITS POSITIONS 25
FROM GENERAL REVENUE FUND 1,312,112

773 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,887

774 EXPENSES
FROM GENERAL REVENUE FUND 125,325

775 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,301

776 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 38,000

777 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,468

777A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 596

FOURTH JUDICIAL CIRCUIT

778 SALARIES AND BENEFITS POSITIONS 136
FROM GENERAL REVENUE FUND 5,957,587

779 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,277

780 EXPENSES
FROM GENERAL REVENUE FUND 250,041

SECTION 4
SPECIFIC
APPROPRIATION

781 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 67,152

782 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 42,000

783 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 30,153

783A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 921

FIFTH JUDICIAL CIRCUIT

784 SALARIES AND BENEFITS POSITIONS 68
FROM GENERAL REVENUE FUND 2,847,557
FROM GRANTS AND DONATIONS TRUST FUND . . . 53,623

785 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,000

786 EXPENSES
FROM GENERAL REVENUE FUND 175,459

787 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,312

788 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 28,000

789 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,097

789A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 648

SIXTH JUDICIAL CIRCUIT

790 SALARIES AND BENEFITS POSITIONS 185
FROM GENERAL REVENUE FUND 8,006,512

791 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 82,867

792 EXPENSES
FROM GENERAL REVENUE FUND 447,615

793 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 68,459

794 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 56,000

795 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 43,357

795A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 30,000

795B DATA PROCESSING SERVICES

SECTION 4
SPECIFIC
APPROPRIATION

SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,658

SEVENTH JUDICIAL CIRCUIT

796 SALARIES AND BENEFITS POSITIONS 102
FROM GENERAL REVENUE FUND 4,277,166

797 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 34

798 EXPENSES
FROM GENERAL REVENUE FUND 132,421

799 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,731

800 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 39,546

800A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 653

EIGHTH JUDICIAL CIRCUIT

801 SALARIES AND BENEFITS POSITIONS 62
FROM GENERAL REVENUE FUND 2,682,455

802 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,919

803 EXPENSES
FROM GENERAL REVENUE FUND 120,998

804 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,217

805 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,940

805A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 499

NINTH JUDICIAL CIRCUIT

806 SALARIES AND BENEFITS POSITIONS 113
FROM GENERAL REVENUE FUND 4,788,906

807 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,000

808 EXPENSES
FROM GENERAL REVENUE FUND 287,473

809 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 42,204

810 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 28,000

811 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 23,677

811A DATA PROCESSING SERVICES

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OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 8,938

811B DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 587

TENTH JUDICIAL CIRCUIT

812 SALARIES AND BENEFITS POSITIONS 93
FROM GENERAL REVENUE FUND 3,945,505

813 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,580

814 EXPENSES
FROM GENERAL REVENUE FUND 318,966

815 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 101,619

816 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 13,000

817 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 8,793

817A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 746

ELEVENTH JUDICIAL CIRCUIT

818 SALARIES AND BENEFITS POSITIONS 342
FROM GENERAL REVENUE FUND 13,711,102
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,714,220

819 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 95,217

820 EXPENSES
FROM GENERAL REVENUE FUND 639,531

821 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 68,651

822 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 83,043

822A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,467

TWELFTH JUDICIAL CIRCUIT

823 SALARIES AND BENEFITS POSITIONS 82
FROM GENERAL REVENUE FUND 3,493,653

824 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,699

825 EXPENSES
FROM GENERAL REVENUE FUND 258,381

826 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 44,072

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827 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 49,781

827A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,304

THIRTEENTH JUDICIAL CIRCUIT

828 SALARIES AND BENEFITS POSITIONS 172
FROM GENERAL REVENUE FUND 7,298,689

829 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 78,954

830 EXPENSES
FROM GENERAL REVENUE FUND 603,990

831 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 152,070

832 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 25,630

832A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,414

FOURTEENTH JUDICIAL CIRCUIT

833 SALARIES AND BENEFITS POSITIONS 38
FROM GENERAL REVENUE FUND 2,017,707

834 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,101

835 EXPENSES
FROM GENERAL REVENUE FUND 138,821

836 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 9,606

837 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 26,065

838 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 46,428

838A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 566

FIFTEENTH JUDICIAL CIRCUIT

839 SALARIES AND BENEFITS POSITIONS 175
FROM GENERAL REVENUE FUND 6,974,167

840 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 248,199

841 EXPENSES
FROM GENERAL REVENUE FUND 286,130

842 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 45,474

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843 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 14,000

844 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,983

844A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 640

SIXTEENTH JUDICIAL CIRCUIT

845 SALARIES AND BENEFITS POSITIONS 34
FROM GENERAL REVENUE FUND 1,461,299

846 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,468

847 EXPENSES
FROM GENERAL REVENUE FUND 108,179

848 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 68,734

849 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 20,786

849A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 503

SEVENTEENTH JUDICIAL CIRCUIT

850 SALARIES AND BENEFITS POSITIONS 183
FROM GENERAL REVENUE FUND 8,353,911

851 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 86,757

852 EXPENSES
FROM GENERAL REVENUE FUND 485,833

853 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 95,132

854 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 51,976

854A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 565

EIGHTEENTH JUDICIAL CIRCUIT

855 SALARIES AND BENEFITS POSITIONS 78
FROM GENERAL REVENUE FUND 3,280,960

856 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,953

857 EXPENSES
FROM GENERAL REVENUE FUND 244,491

858 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 17,801

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859 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 70,000

860 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 29,138

860A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 470

NINETEENTH JUDICIAL CIRCUIT

861 SALARIES AND BENEFITS POSITIONS 56
FROM GENERAL REVENUE FUND 2,342,859

862 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 10,893

863 EXPENSES
FROM GENERAL REVENUE FUND 160,620

864 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,119

865 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 42,294

866 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 23,230

866A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 1,144

TWENTIETH JUDICIAL CIRCUIT

867 SALARIES AND BENEFITS POSITIONS 70
FROM GENERAL REVENUE FUND 2,738,403
FROM GRANTS AND DONATIONS TRUST FUND . . . 167,328

868 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,287

869 EXPENSES
FROM GENERAL REVENUE FUND 164,323

870 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 61,981

871 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 15,941

871A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 587

PUBLIC DEFENDERS APPELLATE DIVISION

From the funds in Specific Appropriation 872 through 898A, 7.5 FTE's and $396,000 from the General Revenue Fund are provided for Public Defender Capital Appeals workload. New Assistant Capital Appeals Public Defender positions shall be established at a rate not to exceed $34,452 and are

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funded for 12 months.

SECOND JUDICIAL CIRCUIT

872 SALARIES AND BENEFITS POSITIONS 28
FROM GENERAL REVENUE FUND 1,423,493

873 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,500

874 EXPENSES
FROM GENERAL REVENUE FUND 119,868

875 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 29,131

876 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 14,526

877 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 52,915

877A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 170

SEVENTH JUDICIAL CIRCUIT

878 SALARIES AND BENEFITS POSITIONS 28
FROM GENERAL REVENUE FUND 1,354,405

879 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,400

880 EXPENSES
FROM GENERAL REVENUE FUND 145,211

881 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,383

882 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 13,016

882A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 218

TENTH JUDICIAL CIRCUIT

883 SALARIES AND BENEFITS POSITIONS 42
FROM GENERAL REVENUE FUND 1,967,559

884 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,744

885 EXPENSES
FROM GENERAL REVENUE FUND 141,781

886 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,304

887 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 13,588

887A DATA PROCESSING SERVICES
SAMAS USER CHARGE

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FROM GENERAL REVENUE FUND 405

ELEVENTH JUDICIAL CIRCUIT

888 SALARIES AND BENEFITS POSITIONS 20
FROM GENERAL REVENUE FUND 1,341,535

889 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,165

890 EXPENSES
FROM GENERAL REVENUE FUND 99,008

891 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,629

892 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 7,767

892A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 146

FIFTEENTH JUDICIAL CIRCUIT

893 SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 2,119,184

894 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,837

895 EXPENSES
FROM GENERAL REVENUE FUND 95,828

896 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,000

897 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 14,000

898 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 20,248

898A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 87

JUVENILE JUSTICE, DEPARTMENT OF

OFFICE OF SECRETARY AND MANAGEMENT AND BUDGET

899 SALARIES AND BENEFITS POSITIONS 362
FROM GENERAL REVENUE FUND 13,038,528
FROM ADMINISTRATIVE TRUST FUND 950,207
FROM GRANTS AND DONATIONS TRUST FUND . . . 173,462

900 OTHER PERSONAL SERVICES
FROM JUVENILE JUSTICE TRAINING TRUST
FUND 11,712

901 EXPENSES
FROM GENERAL REVENUE FUND 5,916,915
FROM ADMINISTRATIVE TRUST FUND 1,513,783
FROM GRANTS AND DONATIONS TRUST FUND . . . 61,113
FROM JUVENILE JUSTICE TRAINING TRUST
FUND 685,913

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902 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 22,244

903 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 450,000

904 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 600,000
FROM JUVENILE JUSTICE TRAINING TRUST FUND 2,190,645

904A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 3,036,010

Funds in Specific Appropriations 899, 901, and 904A are provided for the Juvenile Justice Information System (JJIS). The Department shall submit a work plan detailing the objectives and expected outcomes to be attained with anticipated completion dates to the Information Technology Resource Procurement Advisory Council in consultation with the Joint Committee on Information Technology for review and approval. The department shall combine on a quarterly and an annual basis, the program information, demographic, program utilization rate, and statistical data of the youth served into a descriptive report and shall disseminate the quarterly and annual reports to the Senate Committee on Ways and Means, the House Appropriations Committee, to the Governor's Office of Planning and Budgeting and to the Joint Information Technology Resources Committee for review.

Funds are provided in Specific Appropriations 899, 901, and 904A for the Juvenile Justice Information System (JJIS) which is recommended for special monitoring as a critical information resource management project under section 282.322, Florida Statutes. From the funds in Specific Appropriation 904A, $60,000 from the General Revenue Fund is provided for the project monitoring contract to be executed by the Information Resource Commission. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

904B DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 295,954

ASSISTANT SECRETARY FOR PROGRAM PLANNING

905 SALARIES AND BENEFITS POSITIONS 53
FROM GENERAL REVENUE FUND 1,782,622
FROM GRANTS AND DONATIONS TRUST FUND . . . 668,273

906 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,690

907 EXPENSES
FROM GENERAL REVENUE FUND 725,343
FROM GRANTS AND DONATIONS TRUST FUND . . . 236,684

908 SPECIAL CATEGORIES

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GRANTS AND AIDS - MOTOR VEHICLE THEFT PREVENTION
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,480,000

DISTRICT OPERATIONS

909 SALARIES AND BENEFITS POSITIONS 4,147
FROM GENERAL REVENUE FUND 112,034,738
FROM GRANTS AND DONATIONS TRUST FUND . . . 642,219
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 11,306,413

910 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 789,583
FROM GRANTS AND DONATIONS TRUST FUND . . . 106,204

911 EXPENSES
FROM GENERAL REVENUE FUND 21,332,590
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,311,090
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,696,919

912 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 290,757

913 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,377,459
FROM GRANTS AND DONATIONS TRUST FUND . . . 678,331

915 SPECIAL CATEGORIES
CLIENT TRANSPORTATION
FROM GENERAL REVENUE FUND 374,309

916 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 211,172,163
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,856,771
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 243,331

From the funds in Specific Appropriation 916, $3,375,520 is provided for continuation of the contract with the Glen Mills Academy for 94 beds.

Funds in Specific Appropriation 916 may be used for operational and start-up costs for the Alternative Education Institute Academy in the event the facility becomes operational in fiscal year 1996-97.

The department shall use funds from Specific Appropriation 916 to continue the operation of a sexual offender program on the grounds of the South Florida State Hospital, to accomplish necessary renovations, and to transfer lease of those state owned facilities to the Department of Juvenile Justice, specifically buildings #31, #32, #33, and #38. In addition, the department shall continue the operation of residential and non-residential juvenile justice programs on the grounds of the "Old" Orlando Sunland Training Center, to accomplish necessary renovations, and to transfer the lease of those state owned lands, in their entirety to the Department of Juvenile Justice. The Department of Juvenile Justice shall provide for the continued existing use of the property by the Department of Health and Rehabilitative Services and previously approved community activities.

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From the funds provided in Specific Appropriation 916, the department is authorized to transfer up to one half of one percent of the total funds provided to establish positions in excess of those authorized by this act, for administrative support and contract management, pursuant to the budget amendment provisions of Chapter 216, Florida Statutes.

From the funds in Specific Appropriation 916, $270,000 of non-recurring General Revenue is provided for operations of the Dade County Juvenile Assessment Center; $400,000 of non-recurring General Revenue is provided for mental health day treatment and afterschool programs provided by Northwest Dade Center; $150,000 of non-recurring General Revenue is provided for operations of the Leon County Juvenile Assessment Center; $100,000 of recurring General Revenue is provided for secure detention contracted medical services; $823,500 of recurring General Revenue is provided for increased intensive aftercare services; $900,000 of recurring General Revenue is provided for increased non-residential treatment slots; $560,200 of recurring General Revenue is provided for additional Practical and Cultural Education programs; $775,000 of recurring General Revenue is provided for additional Disproportionate Minority Over-Representation in Confinement projects; $75,000 of non-recurring General Revenue is provided for a Police Athletic League diversion program; $1,500,000 of recurring General Revenue and $533,500 of non-recurring General Revenue is provided for local prevention/diversion initiatives; $275,000 of recurring General Revenue and $97,278 of non-recurring General Revenue is provided for a high crime neighborhood mentoring program; $219,000 of recurring General Revenue is provided for transitional supported living for juveniles released from commitment programs; $1,823,280 of recurring General Revenue and $1,717,647 of non-recurring General Revenue is provided for afterschool diversion programs; $500,000 of recurring General Revenue is provided for staffing and expenses of district juvenile justice boards; $4,527,000 of recurring General Revenue is provided for partial year operations of 345 level 6 and level 8 commitment beds to be phased-in during the last three to six months of the 1996-97 fiscal year; and $300,000 of non-recurring General Revenue is provided for the Secrets of Success Prevention Program.

917 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN NEED OF SERVICES
FROM GENERAL REVENUE FUND 23,372,147

918 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL PROGRAMS FOR STATUS OFFENDERS
FROM GENERAL REVENUE FUND 400,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 383,858

The General Revenue funds provided in Specific Appropriation 918 are provided for the Hurricane Island Outward Bound Status Offender Program in Dade and Monroe counties.

919 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 5,681,279

921 FIXED CAPITAL OUTLAY
COMMITMENT BEDS - STATEWIDE
FROM GENERAL REVENUE FUND 10,900,000

Funds in Specific Appropriation 921 are provided for the Department of Juvenile Justice to construct three 100 bed commitment facilities.

Funds in Specific Appropriation 921 may be used to acquire existing ICF/MR-DD facilities for use by the department.

922 FIXED CAPITAL OUTLAY
DETENTION BEDS - STATEWIDE
FROM GENERAL REVENUE FUND 12,106,000

From the funds provided in Specific Appropriation 922 $12,000,000 is for construction of 200 secure detention beds for the Department of Juvenile Justice.

From the funds provided in Specific Appropriation 922 $106,000 shall be used to construct a wall at the site of the new Orange County Detention Center.

923 FIXED CAPITAL OUTLAY
ASSESSMENT CENTERS - RENOVATIONS/ CONSTRUCTION
FROM GENERAL REVENUE FUND 2,355,000

Funds provided in Specific Appropriation 923 are allocated to: Hillsborough County Assessment Center $750,000; Pasco County Assessment Center $230,000; and Dade County Assessment Center $1,375,000.

923A FIXED CAPITAL OUTLAY
MCDONALD COMMUNITY CENTER EXPANSION - NORTH MIAMI BEACH
FROM GENERAL REVENUE FUND 250,000

923B FIXED CAPITAL OUTLAY
JUVENILE FACILITIY - MIAMI SHORES
FROM GENERAL REVENUE FUND 150,000

924 FIXED CAPITAL OUTLAY
CAPITAL NEEDS / CENTRAL MANAGED FACILITIES
FROM GENERAL REVENUE FUND 1,000,000

924A FIXED CAPITAL OUTLAY
PLANNING FOR NEW INSTITUTIONS
FROM GENERAL REVENUE FUND 1,100,000

924B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CONSTRUCTION - ORANGE COUNTY JUVENILE FACILITY
FROM GENERAL REVENUE FUND 350,000

Funds are provided in Specific Appropriation 924B

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for construction of juvenile residential treatment facilities in Orange County in partnership with the Orange County Corrections Division.

924C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS PINELLAS MARINE INSTITUTE		
	FROM GENERAL REVENUE FUND	260,000	

JUVENILE JUSTICE INSTITUTIONS

925	SALARIES AND BENEFITS POSITIONS	220	
	FROM GENERAL REVENUE FUND	4,460,417	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		78,791
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,938,614
926	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	27,739	
927	EXPENSES		
	FROM GENERAL REVENUE FUND	1,163,846	
928	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	33,861	
929	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	78,361	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		90,053
930	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTUAL SERVICES- DOZIER TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND	355,625	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		105,187
931	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTUAL SERVICES- OKEECHOBEE TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND	5,563,730	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,088
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,546,273

LAW ENFORCEMENT, DEPARTMENT OF

STAFF SERVICES, DIVISION OF

932	SALARIES AND BENEFITS POSITIONS	121	
	FROM GENERAL REVENUE FUND	5,018,999	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		73,987
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,512
	FROM OPERATING TRUST FUND		134,749
933	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	38,190	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		85,000
	FROM OPERATING TRUST FUND		85,000
934	EXPENSES		
	FROM GENERAL REVENUE FUND	1,077,849	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		239,165
	FROM GRANTS AND DONATIONS TRUST FUND . . .		138,415
	FROM OPERATING TRUST FUND		195,479

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	FROM REVOLVING TRUST FUND		1,000,000
935	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	27,020	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,000
936	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	10,052	
938	SPECIAL CATEGORIES OVERTIME		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		748
939	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	19,667	
940	SPECIAL CATEGORIES VIOLENT CRIME INVESTIGATIVE EMERGENCIES		
	FROM GENERAL REVENUE FUND	500,000	
	FROM OPERATING TRUST FUND		500,000
941A	DATA PROCESSING SERVICES SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	12,779	
	FROM OPERATING TRUST FUND		1,910

CRIMINAL JUSTICE INVESTIGATIONS AND PROTECTION

942	LUMP SUM LUMP SUM-PERFORMANCE BASED PROGRAM BUDGET (PBPB) FOR CRIMINAL JUSTICE (CJ) INVESTIGATIONS AND PROTECTION		
	POSITIONS	938	
	FROM GENERAL REVENUE FUND	58,109,624	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		4,780,499
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,225,683
	FROM OPERATING TRUST FUND		3,054,234

From the funds provided in Specific Appropriation 942 from the Forfeiture and Investigative Support Trust Fund, up to $25,000 may be expended for rewards leading to the capture of fugitives, if such funds are available.

From the funds in Specific Appropriation 942, the Division of Criminal Justice Investigations and Protection will meet the following standards as required by the Government Performance and Accountability Act of 1994, in providing investigative, forensic, and protection services that are responsive to Florida's current and future criminal justice needs.

Performance Measures	Standards
OUTPUTS:	
Number of FLDE-initiated cases worked	295
Number of non-FDLE cases worked	652

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Number of intelligence issues or requests handled	3,298
Number of laboratory cases processed	51,727
Number of analysis requests completed	66,944
Number of individuals protected	52
Number of emergency responses	6
Number of background investigations performed	3,500
OUTCOMES:	
Number/percent of local law enforcement cases assisted by FDLE closed	321/39%
Number/percent of FDLE-initiated cases closed	68/23%
Number/percent of major FDLE-initiated cases resulting in an arrest	78/26%
Number/percent of physical evidence analysis requests completed by FDLE	66,944/91%
Average number of days to complete physical evidence analysis requests	50

942A FIXED CAPITAL OUTLAY
LAW ENFORCEMENT REGIONAL OPERATING FACILITY - MIAMI - DMS MGD
FROM GENERAL REVENUE FUND 250,000

943 FIXED CAPITAL OUTLAY
MINOR REPAIRS AND RENOVATIONS AT REGIONAL OPERATING FACILITIES
FROM GENERAL REVENUE FUND 100,000

CRIMINAL JUSTICE INFORMATION

944 LUMP SUM
LUMP SUM-PERFORMANCE BASED PROGRAM BUDGET (PBPB) FOR CRIMINAL JUSTICE (CJ) INFORMATION

POSITIONS	362	
FROM GENERAL REVENUE FUND	7,279,609	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,637,322
FROM OPERATING TRUST FUND		20,734,069

Funds in Specific Appropriation 944 from the Operating Trust Fund are derived from fees for criminal history checks. Such fees charged to the Department of Health and Rehabilitative Services', Department of Juvenile Justice and the Department of Elder Affairs' vendors shall not exceed $8.

From the funds in Specific Appropriation 944, the Division of Criminal Justice Information will meet the following standards as required by the Government Performance and Accountability Act of 1994, in providing criminal justice information needed to prevent crime, solve cases, recover property, and identify and apprehend criminals; providing statistical and analytical information about crime to policy makers and the public.

SECTION 4
SPECIFIC
APPROPRIATION

Performance Measures	Standards
OUTPUTS:	
Number of agencies/workstations networked	700/11,500
Number of data transactions	300,000,000
Number of records maintained	5,756,765
Number of responses to requests for crime stats and analysis	3,030
Number of responses to requests for record checks	1,238,690
OUTCOMES:	
Percent response to customer within defined timeframe	98%
Percent of time computer systems are running and accessible	99%
Percent of times crime data from FDLE were deemed accurate	95%
Number/percent criminals identified during record checks for sensitive employment, licensing or gun purchase	168,189/13%

CRIMINAL JUSTICE PROFESSIONALISM

945 LUMP SUM
LUMP SUM-PERFORMANCE BASED PROGRAM BUDGET (PBPB) FOR CRIMINAL JUSTICE (CJ) PROFESSIONALISM

POSITIONS	98	
FROM GENERAL REVENUE FUND	633,069	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		9,487,740

From the funds in Specific Appropriation 945, the Division of Criminal Justice Professionalism will meet the following standards as required by the Government Performance and Accountability Act of 1994, in ensuring that the citizens of the state of Florida are served by the most qualified, well trained, competent and ethical criminal justice community.

Performance Measures	Standards
OUTPUTS:	
Number of individuals trained	35,535
Number of certifications processed	24,828
Number of course curricula and examinations developed, administered or revised	12,500
Number of discipline cases processed	1,283
Number of compliance visits	8,572

SECTION 4
SPECIFIC
APPROPRIATION

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|OUTCOMES:                                        |
|--------                                         |
|Number/percent of criminal justice applicants    |
|passing their professional certification         |
|examination.........................10,500/84%  |
|                                                 |
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945A SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 75,410

946 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CRIMINAL JUSTICE TRAINING SCHOOLS
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 93,548

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

The Department of Legal Affairs shall submit a report to the Executive Office of the Governor, House Appropriations Committee, and Senate Ways and Means Committee itemizing attorney hours and expenditures for all state agency representation for the previous fiscal year, by September 1 of each year.

OFFICE OF ATTORNEY GENERAL

947 SALARIES AND BENEFITS POSITIONS 834
FROM GENERAL REVENUE FUND 18,497,585
FROM ADMINISTRATIVE TRUST FUND 580,055
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND 254,828
FROM CONSUMER FRAUDS TRUST FUND 58,361
FROM CRIMES COMPENSATION TRUST FUND . . . 2,697,945
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 93,778
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,283,434
FROM LEGAL SERVICES TRUST FUND 6,854,378
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 2,280,988
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 1,021,567

948 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 109,118
FROM ADMINISTRATIVE TRUST FUND 91,430
FROM CRIMES COMPENSATION TRUST FUND . . . 20,851
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 130,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,625
FROM LEGAL SERVICES TRUST FUND 800,000
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 150,000

949 EXPENSES
FROM GENERAL REVENUE FUND 3,645,662
FROM ADMINISTRATIVE TRUST FUND 16,691
FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND 35,085
FROM CRIMES COMPENSATION TRUST FUND . . . 415,519
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 122,349
FROM GRANTS AND DONATIONS TRUST FUND . . . 705,561
FROM LEGAL SERVICES TRUST FUND 1,860,125

SECTION 4
SPECIFIC
APPROPRIATION

FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 8,913
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 430,462

Of the funds in Specific Appropriation 949, $370,000 from the General Revenue Fund, shall be used to continue the program provided in Section 20, page 608 of the 1995 Supplemental Appropriations Act, for the development of crime prevention strategies at the Center for the Administration of Justice at Florida International University.

950 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 34,085
FROM GRANTS AND DONATIONS TRUST FUND . . . 175,005
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 40,970

950A LUMP SUM
CHILD WELFARE LEGAL SERVICES
POSITIONS 22
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,029

Funds in Specific Appropriation 950A may be used to implement a pilot project contracted with the Department of Health and Rehabilitative Services in which all personnel engaged in providing legal services pursuant to ss. 39.40 - 39.418, 39.45 - 39.456, 39.46 - 39.516 will be supervised and directed by the Office of the Attorney General in the 17th Judicial Circuit, Broward County. The pilot project shall be established by August 1, 1996. The Office of Program Policy Analysis and Governmental Accountability shall develop criteria for evaluating the pilot projects and shall submit a preliminary evaluation report to the President of the Senate and the Speaker of the House of Representatives by February 1, 1997.

951 SPECIAL CATEGORIES
ATTORNEY GENERAL'S LAW LIBRARY
FROM GENERAL REVENUE FUND 211,010

953 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE FOR CRIME PREVENTION IN THE BLACK COMMUNITY
FROM GENERAL REVENUE FUND 679,163

954 SPECIAL CATEGORIES
ANTITRUST INVESTIGATIONS
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 1,470,011

955 SPECIAL CATEGORIES
CONSUMER FRAUD INVESTIGATIONS
FROM CONSUMER FRAUDS TRUST FUND 528,290
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 134,126

956 SPECIAL CATEGORIES
AWARDS TO CLAIMANTS
FROM CRIMES COMPENSATION TRUST FUND . . . 20,000,000

From the funds in Specific Appropriation 956, the Attorney General is directed to give priority to the payment of claims for the forensic examinations for victims of sexual assault.

957 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS

SECTION 4
SPECIFIC
APPROPRIATION

	FROM ADMINISTRATIVE TRUST FUND		5,394
958	SPECIAL CATEGORIES LITIGATION EXPENSES FROM GENERAL REVENUE FUND	46,500	
959	SPECIAL CATEGORIES GRANTS AND AIDS - MOTOR VEHICLE THEFT PREVENTION FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		1,920,000
960	SPECIAL CATEGORIES URBAN LEAGUE/JUVENILE JUSTICE FROM GENERAL REVENUE FUND	1,000,000	

The Auditor General shall annually produce a financial and performance audit on those entities which receive funds from Specific Appropriations 953 and 960. The audit results shall be reported to the Executive Office of the Governor and the chairs of the House Appropriations Committee and the Senate Ways and Means Committee.

960A	SPECIAL CATEGORIES TRANSFER TO GENERAL REVENUE FUND FROM FLORIDA MOTOR VEHICLE THEFT PREVENTION TRUST FUND		100,000
	FROM CONSUMER FRAUDS TRUST FUND		250,000
961	SPECIAL CATEGORIES RICO INVESTIGATIONS FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		737,055
962	SPECIAL CATEGORIES GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES FROM CRIMES COMPENSATION TRUST FUND . . .		3,030,000
963	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		7,448
964	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	504,536	
	FROM ADMINISTRATIVE TRUST FUND		250,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		118,500
	FROM LEGAL SERVICES TRUST FUND		250,000
964A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	56,781	

OFFICE OF STATEWIDE PROSECUTION

965	SALARIES AND BENEFITS POSITIONS 43 FROM GENERAL REVENUE FUND	2,316,600	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		261,358
966	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	16,291	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,000
967	EXPENSES FROM GENERAL REVENUE FUND	325,530	

SECTION 4
SPECIFIC
APPROPRIATION

	FROM GRANTS AND DONATIONS TRUST FUND . . .		69,072
968	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	3,126	

From funds in Specific Appropriation 965 through 968A from General Revenue, $159,734 and 4 positions is provided for the Health Care Fraud Special Prosecution Unit. If the agency is able to procure federal funds for the Health Care Fraud Special Prosecution Unit, the Executive Office of the Governor shall place these funds in reserve and provide budget authority in the Grants and Donations Trust Fund.

968A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	2,719	

PAROLE COMMISSION

969	SALARIES AND BENEFITS POSITIONS 164 FROM GENERAL REVENUE FUND	6,532,286	
970	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	110,751	
971	EXPENSES FROM GENERAL REVENUE FUND	1,290,557	

Funds in Specific Appropriation 971 are provided for an efficiency study of the Parole Commission to be conducted by a contractor selected and supervised by the Joint Legislative Management Division of Economic and Demographic Research. The scope of the study shall include workload calculations per program, area workload calculations for administration, unit costs for parole related functions, a review of F.S. chapter 947 and other chapters related to the Parole Commission. The results of the study shall be provided to the President of the Senate, the Speaker of the House of Representatives, and the Chairman of the Senate Ways and Means Committee and the Chairman of the House of Representatives Committee on Appropriations by February 15, 1997.

From the funds provided in Specific Appropriations 969 through 974A, the Parole Commission shall report quarterly to the Chairmen of the House Appropriations Committee and Senate Ways and Means Committee. The report shall state the number of hearings, investigations, interviews, and other significant work functions conducted during the quarter broken down by type of workload.

972	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	25,631	
973	DATA PROCESSING SERVICES LAW ENFORCEMENT DATA CENTER FROM GENERAL REVENUE FUND	1,932	
974	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	167,924	

SECTION 4
SPECIFIC
APPROPRIATION

974A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 10,545

Specific Appropriations 969 through 974A reflect a reduction of $2,405,880 due to statutory changes to discontinue functions of control release, reducing the number of commissioners and agency reorganization.

TOTAL OF SECTION 4 POSITIONS 44,360

FROM GENERAL REVENUE FUND 2,274,899,710

FROM TRUST FUNDS 227,523,263

TOTAL ALL FUNDS 2,502,422,973

SECTION 5 - NATURAL RESOURCES, ENVIRONMENT, GROWTH MANAGEMENT, AND TRANSPORTATION

The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Florida Game and Fresh Water Fish Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE

Funds appropriated to the department for grants and aids may be released at the beginning of the fiscal year and may be advanced in part or in total.

OFFICE OF THE COMMISSIONER AND DIVISION OF
ADMINISTRATION

975 SALARIES AND BENEFITS POSITIONS 471
FROM GENERAL REVENUE FUND 16,441,292
FROM ADMINISTRATIVE TRUST FUND 2,797,108
FROM CITRUS INSPECTION TRUST FUND 227,954
FROM GENERAL INSPECTION TRUST FUND 969,068

976 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 62,115
FROM ADMINISTRATIVE TRUST FUND 71,452

977 EXPENSES
FROM GENERAL REVENUE FUND 1,578,635
FROM ADMINISTRATIVE TRUST FUND 1,113,242
FROM CITRUS INSPECTION TRUST FUND 26,691
FROM GENERAL INSPECTION TRUST FUND 48,272

977A AID TO LOCAL GOVERNMENTS
AGRICULTURAL EMERGENCY
FROM GENERAL REVENUE FUND 500,000

978 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 106,979

979 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 39,773
FROM ADMINISTRATIVE TRUST FUND 36,839

980 SPECIAL CATEGORIES

SECTION 5
SPECIFIC
APPROPRIATION

SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 114,947
FROM GENERAL INSPECTION TRUST FUND 881

980A SPECIAL CATEGORIES
NORTH AMERICAN FREE TRADE AGREEMENT IMPACT
FROM GENERAL REVENUE FUND 2,250,000

981 DATA PROCESSING SERVICES
AGRICULTURE MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 464,819
FROM ADMINISTRATIVE TRUST FUND 425,190
FROM GENERAL INSPECTION TRUST FUND 1,082,467

982 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 9,900

982A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 16,194

983A FIXED CAPITAL OUTLAY
DRIVEWAY AND PARKING LOT RESURFACING, LABORATORY COMPLEX AND MAYO BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 160,644

983B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CONTAMINATION ASSESSMENT AND REMEDIATION OF MOSQUITO CONTROL FACILITY IN DUVAL COUNTY
FROM GENERAL REVENUE FUND 250,000

STANDARDS, DIVISION OF

984 SALARIES AND BENEFITS POSITIONS 190
FROM GENERAL REVENUE FUND 1,460,919
FROM GENERAL INSPECTION TRUST FUND 5,032,769

985 OTHER PERSONAL SERVICES
FROM GENERAL INSPECTION TRUST FUND 59,572

986 EXPENSES
FROM GENERAL REVENUE FUND 361,640
FROM GENERAL INSPECTION TRUST FUND 1,371,335

987 OPERATING CAPITAL OUTLAY
FROM GENERAL INSPECTION TRUST FUND 14,000

988 DATA PROCESSING SERVICES
AGRICULTURE MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 59,505
FROM GENERAL INSPECTION TRUST FUND 372,931

988A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 7,432
FROM GENERAL INSPECTION TRUST FUND 4,000

DAIRY INDUSTRY, DIVISION OF

989 SALARIES AND BENEFITS POSITIONS 38
FROM GENERAL REVENUE FUND 1,470,387

990 EXPENSES

SECTION 5
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	237,941	
992 DATA PROCESSING SERVICES		
AGRICULTURE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	125,010	
992A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	1,830	

MARKETING AND DEVELOPMENT, DIVISION OF

993 SALARIES AND BENEFITS POSITIONS	221	
FROM GENERAL REVENUE FUND	2,861,978	
FROM CITRUS INSPECTION TRUST FUND		926,296
FROM CONTRACTS AND GRANTS TRUST FUND . . .		251,064
FROM GENERAL INSPECTION TRUST FUND		1,043,492
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		1,671,931
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		675,845
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		29,528
994 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	40,000	
FROM CITRUS INSPECTION TRUST FUND		233,597
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		27,500
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		19,682
995 EXPENSES		
FROM GENERAL REVENUE FUND	827,078	
FROM CITRUS INSPECTION TRUST FUND		362,572
FROM CONTRACTS AND GRANTS TRUST FUND . . .		998,459
FROM GENERAL INSPECTION TRUST FUND		671,841
FROM MARKET TRADE SHOW TRUST FUND		267,625
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		819,342
FROM QUARTER HORSE RACING PROMOTION TRUST FUND		6,750
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		314,622
FROM VITICULTURE TRUST FUND		7,800
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		170,625
996 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	96,334	
FROM CITRUS INSPECTION TRUST FUND		32,000
FROM MARKET TRADE SHOW TRUST FUND		10,000
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		14,042

From funds in Specific Appropriations 993 through 996, two positions and $58,512 from salaries, $35,154 from expenses, and $6,334 from operating capital outlay from General Revenue are contingent on House Bill 605 or similar legislation becoming law.

997 SPECIAL CATEGORIES		
GRANTS AND AIDS - VITICULTURE PROGRAM		
FROM VITICULTURE TRUST FUND		108,000

SECTION 5
SPECIFIC
APPROPRIATION

998 SPECIAL CATEGORIES		
FLORIDA AGRICULTURE PROMOTION CAMPAIGN		
FROM GENERAL REVENUE FUND	150,000	
1000 SPECIAL CATEGORIES		
GRANTS AND AIDS - MARKETING ORDERS		
FROM CITRUS INSPECTION TRUST FUND		1,500,000
FROM GENERAL INSPECTION TRUST FUND		475,000
1001 SPECIAL CATEGORIES		
FOOD RECOVERY PROGRAM		
FROM GENERAL REVENUE FUND	400,000	
1002 SPECIAL CATEGORIES		
GRANTS AND AIDS - PROMOTIONAL AWARDS		
FROM GENERAL REVENUE FUND	100,000	
FROM QUARTER HORSE RACING PROMOTION TRUST FUND		68,250
1002A SPECIAL CATEGORIES		
SOUTH FLORIDA FOOD RECOVERY		
FROM GENERAL REVENUE FUND	50,000	
1003 SPECIAL CATEGORIES		
GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,830,261
1003A SPECIAL CATEGORIES		
TROPICAL FRUIT		
FROM GENERAL REVENUE FUND	300,000	
1003B SPECIAL CATEGORIES		
GRANTS AND AIDS - FLORIDA STATE FAIR		
FROM INCIDENTAL TRUST FUND		3,500,000

Funds in Specific Appropriation 1003B may be advanced in part or in total.

1003C SPECIAL CATEGORIES		
HORSE INDUSTRY PROMOTIONS		
FROM GENERAL REVENUE FUND	15,000	
1004 DATA PROCESSING SERVICES		
AGRICULTURE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	233,688	
FROM CITRUS INSPECTION TRUST FUND		6,755
FROM CONTRACTS AND GRANTS TRUST FUND . . .		8,123
FROM GENERAL INSPECTION TRUST FUND		155,479
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		64,463
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		4,790
1004A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	9,997	
FROM GENERAL INSPECTION TRUST FUND		5,000
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		5,000
1005 FIXED CAPITAL OUTLAY		
CODE AND LIFE SAFETY - STATE FARMERS' MARKETS - STATEWIDE - DMS MGD		
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		171,000

SECTION 5
SPECIFIC
APPROPRIATION

1006 FIXED CAPITAL OUTLAY
MAINTENANCE AND REPAIR, STATE FARMERS' MARKET FACILITIES STATEWIDE - DMS MGD
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 329,000

1006A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ADDITIONS/RENOVATIONS/ NEW CONSTRUCTION - POLK COUNTY LIVESTOCK PAVILION - DMS MGD
FROM GENERAL REVENUE FUND 100,000

1006B FIXED CAPITAL OUTLAY
ADDITIONS, TRENTON STATE FARMERS' MARKET - DMS MGD
FROM GENERAL REVENUE FUND 156,930

1006C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - CONSTRUCTION/RENOVATION - JACKSON COUNTY AGRICULTURE CENTER
FROM GENERAL REVENUE FUND 150,000

1006D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CONSTRUCTION - BAKER COUNTY FAIR
FROM GENERAL REVENUE FUND 90,000

1006E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
RENOVATIONS, REPAIR AND CONSTRUCTION - SUWANEE COUNTY FAIR AND LIVESTOCK SHOW
FROM GENERAL REVENUE FUND 110,000

1006F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
RENOVATIONS, REPAIRS AND CONSTRUCTION - MADISON AGRICULTURAL CENTER
FROM GENERAL REVENUE FUND 123,625

1006G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRI-COUNTY AGRICULTURAL COMPLEX
FROM GENERAL REVENUE FUND 75,000

1006H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LAND PURCHASE AND FAIR RELOCATION - ST. LUCIE COUNTY
FROM GENERAL REVENUE FUND 25,000

1006I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
ROOF REPAIRS AT OKALOOSA COUNTY FAIR FACILITY
FROM GENERAL REVENUE FUND 25,000

1006J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
EXPANSION OF AQUACULTURE DEVELOPMENT PARK
FROM GENERAL REVENUE FUND 100,000

1006K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
WAKULLA EXPOSITION CENTER - WAKULLA COUNTY
FROM GENERAL REVENUE FUND 150,000

SECTION 5
SPECIFIC
APPROPRIATION

1006L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PURCHASE NATIONAL WEATHER SERVICE FACILITY - HILLSBOROUGH COUNTY
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 1006L are provided to establish a Tropical Aquaculture Laboratory at Ruskin, Florida, as a part of the University of Florida Institute of Food and Agricultural Sciences Department of Fisheries and Aquatic Sciences. This laboratory is to be operated jointly by UF/IFAS and Hillsborough County. These funds shall be advanced in total to the Institute of Food and Agricultural Sciences.

1006M GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
WAREHOUSE FOR SECOND HARVEST FOOD BANK
FROM GENERAL REVENUE FUND 75,000

1006N GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MANATEE FAIRGROUNDS AUDITORIUM
FROM GENERAL REVENUE FUND 75,000

FRUIT AND VEGETABLES, DIVISION OF

1007 SALARIES AND BENEFITS POSITIONS 391
FROM CITRUS INSPECTION TRUST FUND 9,454,542
FROM GENERAL INSPECTION TRUST FUND 3,024,483

1008 OTHER PERSONAL SERVICES
FROM CITRUS INSPECTION TRUST FUND 500,000
FROM GENERAL INSPECTION TRUST FUND 310,000

1009 EXPENSES
FROM CITRUS INSPECTION TRUST FUND 1,478,239
FROM GENERAL INSPECTION TRUST FUND 409,756

1010 SPECIAL CATEGORIES
AUTOMATED TESTING EQUIPMENT
FROM CITRUS INSPECTION TRUST FUND 454,756

1011 DATA PROCESSING SERVICES
AGRICULTURE MANAGEMENT INFORMATION CENTER
FROM CITRUS INSPECTION TRUST FUND 322,422
FROM GENERAL INSPECTION TRUST FUND 137,285

1011A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL INSPECTION TRUST FUND 7,073

PLANT INDUSTRY, DIVISION OF

1012 SALARIES AND BENEFITS POSITIONS 286
FROM GENERAL REVENUE FUND 8,091,390
FROM CITRUS INSPECTION TRUST FUND 202,705
FROM PLANT INDUSTRY TRUST FUND 1,321,533

1013 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 74,817
FROM CONTRACTS AND GRANTS TRUST FUND . . . 147,486
FROM PLANT INDUSTRY TRUST FUND 759,550

1014 EXPENSES
FROM GENERAL REVENUE FUND 1,360,878

SECTION 5
SPECIFIC
APPROPRIATION

FROM CITRUS INSPECTION TRUST FUND		7,789
FROM CONTRACTS AND GRANTS TRUST FUND . . .		44,444
FROM PLANT INDUSTRY TRUST FUND		784,904
1015 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,934	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		10,000
FROM PLANT INDUSTRY TRUST FUND		200,000
1016 SPECIAL CATEGORIES		
GRANTS AND AIDS - BOLL WEEVIL ERADICATION		
FROM PLANT INDUSTRY TRUST FUND		560,000
1017 SPECIAL CATEGORIES		
APIARIAN INDEMNITIES		
FROM GENERAL REVENUE FUND	36,000	
1018 SPECIAL CATEGORIES		
PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM		
FROM PLANT INDUSTRY TRUST FUND		300,000
1019 SPECIAL CATEGORIES		
CARIBBEAN FRUIT FLY MANAGEMENT		
FROM CONTRACTS AND GRANTS TRUST FUND . . .		125,000
1019A SPECIAL CATEGORIES		
CITRUS CANKER ERADICATION		
FROM GENERAL REVENUE FUND	2,900,000	
1019B SPECIAL CATEGORIES		
ANTHRACNOSE ERADICATION		
FROM GENERAL REVENUE FUND	50,000	
1020 DATA PROCESSING SERVICES		
AGRICULTURE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	103,834	
FROM PLANT INDUSTRY TRUST FUND		98,447
1020A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	11,909	
1020B FIXED CAPITAL OUTLAY		
REPLACE MCQUAY CHILLER, BIO-CONTROL UNIT - DOYLE CONNER BUILDING - DMS MGD		
FROM GENERAL REVENUE FUND	79,500	
1020C FIXED CAPITAL OUTLAY		
PLANT PATHOLOGY CITRUS GREENHOUSE - DOYLE CONNER COMPLEX - GAINESVILLE - DMS MGD		
FROM CITRUS INSPECTION TRUST FUND		195,690
ANIMAL INDUSTRY, DIVISION OF		
1021 SALARIES AND BENEFITS POSITIONS	192	
FROM GENERAL REVENUE FUND	5,203,612	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,467,888
FROM GENERAL INSPECTION TRUST FUND		87,359
1022 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	216,866	
1023 EXPENSES		
FROM GENERAL REVENUE FUND	496,821	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		339,484
FROM GENERAL INSPECTION TRUST FUND		286,033

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1024 SPECIAL CATEGORIES		
PAYMENT OF INDEMNITIES		
FROM GENERAL REVENUE FUND	25,000	
1025 DATA PROCESSING SERVICES		
AGRICULTURE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	103,765	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		26,256
FROM GENERAL INSPECTION TRUST FUND		83,591
1025A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	7,026	
1025B FIXED CAPITAL OUTLAY		
REPAIRS, RENOVATIONS, REPLACEMENT - DIAGNOSTIC LABORATORIES		
FROM GENERAL REVENUE FUND	168,000	
CONSUMER SERVICES, DIVISION OF		
1026 SALARIES AND BENEFITS POSITIONS	88	
FROM GENERAL REVENUE FUND	819,005	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		578
FROM GENERAL INSPECTION TRUST FUND		1,806,797
1027 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	12,216	
FROM GENERAL INSPECTION TRUST FUND		38,513
1028 EXPENSES		
FROM GENERAL REVENUE FUND	137,303	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		8,771
FROM GENERAL INSPECTION TRUST FUND		485,758
1029 OPERATING CAPITAL OUTLAY		
FROM GENERAL INSPECTION TRUST FUND		6,414
1030 DATA PROCESSING SERVICES		
AGRICULTURE MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	229,112	
FROM GENERAL INSPECTION TRUST FUND		99,611
1030A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	6,419	
FORESTRY, DIVISION OF		
1031 SALARIES AND BENEFITS POSITIONS	1,088	
FROM GENERAL REVENUE FUND	29,343,805	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		994,605
FROM INCIDENTAL TRUST FUND		5,128,722
1032 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	208,742	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		71,000
FROM INCIDENTAL TRUST FUND		280,580
1033 EXPENSES		
FROM GENERAL REVENUE FUND	4,336,668	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		792,778
FROM INCIDENTAL TRUST FUND		3,657,253

From the funds provided in Specific Appropriations 1031, 1032 and 1033, five time limited positions and $140,549 in salaries, $9,451 from other personal services and $10,000 from expenses from the

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Incidental Trust Fund, respectively are contingent on the transfer of funds from the Board of County Commissioners of Levy County to the Incidental Trust Fund for the Youthful Offender Program.

1034	AID TO LOCAL GOVERNMENTS AMERICA THE BEAUTIFUL PROGRAM FROM CONTRACTS AND GRANTS TRUST FUND . . .		200,000
1035	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - REGIONAL PLANNING COUNCILS - STANDARDS DEVELOPMENT FROM CONTRACTS AND GRANTS TRUST FUND . . .		5,890
1036	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION FROM CONTRACTS AND GRANTS TRUST FUND . . .		72,589
1037	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PLANT A TREE PROGRAM FROM CONTRACTS AND GRANTS TRUST FUND . . .		200,000
1038	AID TO LOCAL GOVERNMENTS STATE FOREST RECEIPT DISTRIBUTION FROM INCIDENTAL TRUST FUND		700,050
1039	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	175,499	
	FROM INCIDENTAL TRUST FUND		1,735,253
1040	SPECIAL CATEGORIES ON-CALL FEES FROM GENERAL REVENUE FUND	333,296	
	FROM INCIDENTAL TRUST FUND		10,000
1041	SPECIAL CATEGORIES GRANTS AND AIDS - UNITED STATES SMALL BUSINESS ADMINISTRATION TREE PLANTING PROGRAM FROM CONTRACTS AND GRANTS TRUST FUND . . .		754,110
1042	SPECIAL CATEGORIES AMERICA THE BEAUTIFUL GRANT FROM CONTRACTS AND GRANTS TRUST FUND . . .		150,000
1043	DATA PROCESSING SERVICES AGRICULTURE MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND	682,687	
	FROM INCIDENTAL TRUST FUND		370,491
1044	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM INCIDENTAL TRUST FUND		1,632
1044A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	52,662	
1045	FIXED CAPITAL OUTLAY LAND ACQUISITION FROM FLORIDA PRESERVATION 2000 TRUST FUND		8,700,000
1046	FIXED CAPITAL OUTLAY RELOCATE DISTRICT HEADQUARTERS, WACCASSASSA DISTRICT FROM RELOCATION AND CONSTRUCTION TRUST FUND		1,300,166
1046A	FIXED CAPITAL OUTLAY RELOCATE STUART WORK CENTER FROM GENERAL REVENUE FUND	225,000	
1046B	FIXED CAPITAL OUTLAY RELOCATE SAINT CLOUD FORESTRY STATION - OSCEOLA COUNTY - DMS MGD FROM GENERAL REVENUE FUND	208,000	
1046C	FIXED CAPITAL OUTLAY REPLACE FORESTRY STATIONS - MULTIPLE LOCATIONS - DMS MGD FROM GENERAL REVENUE FUND	80,000	
1046D	FIXED CAPITAL OUTLAY RELOCATE COCOA WORK CENTER FROM GENERAL REVENUE FUND	125,000	

AGRICULTURE MANAGEMENT INFORMATION CENTER

1047	SALARIES AND BENEFITS POSITIONS 52 FROM WORKING CAPITAL TRUST FUND		2,372,644
1047A	OTHER PERSONAL SERVICES FROM WORKING CAPITAL TRUST FUND		175,000
1048	EXPENSES FROM WORKING CAPITAL TRUST FUND		1,989,171
1049	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND		2,158,922
1049A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM WORKING CAPITAL TRUST FUND		1,349

AGRICULTURAL ENVIRONMENTAL SERVICES, DIVISION OF

1050	SALARIES AND BENEFITS POSITIONS 221 FROM GENERAL REVENUE FUND	2,450,687	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		503,189
	FROM GENERAL INSPECTION TRUST FUND		4,011,043
	FROM PEST CONTROL TRUST FUND		1,181,371
1051	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	3,500	
	FROM PEST CONTROL TRUST FUND		10,765
1052	EXPENSES FROM GENERAL REVENUE FUND	716,335	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		170,299
	FROM GENERAL INSPECTION TRUST FUND		529,452
	FROM PEST CONTROL TRUST FUND		399,767
1053	AID TO LOCAL GOVERNMENTS MOSQUITO CONTROL PROGRAM FROM GENERAL INSPECTION TRUST FUND		2,278,598

From the funds provided in Specific Appropriation 1053, $250,000 shall be used for research into practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the IFAS/Florida Medical Entomology Laboratory and the FAMU/Mulrennan Research

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Laboratory. The research shall be guided by a seven member research advisory committee, appointed by the Commissioner of Agriculture and Consumer Services which shall include three representatives of local mosquito control programs, and one representative each from the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

1054	OPERATING CAPITAL OUTLAY		
	FROM GENERAL INSPECTION TRUST FUND		171,135
	FROM PEST CONTROL TRUST FUND		35,076
1055	SPECIAL CATEGORIES		
	NITRATE RESEARCH AND REMEDIATION		
	FROM GENERAL INSPECTION TRUST FUND		930,000
1056	DATA PROCESSING SERVICES		
	AGRICULTURE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	111,867	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		5,637
	FROM GENERAL INSPECTION TRUST FUND		370,660
	FROM PEST CONTROL TRUST FUND		11,332
1056A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	11,630	
	FROM GENERAL INSPECTION TRUST FUND		4,000

FOOD SAFETY, DIVISION OF

1057	SALARIES AND BENEFITS POSITIONS	324	
	FROM GENERAL REVENUE FUND	3,087,072	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		3,042,975
	FROM GENERAL INSPECTION TRUST FUND		5,260,421
1058	OTHER PERSONAL SERVICES		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		90,413
1059	EXPENSES		
	FROM GENERAL REVENUE FUND	1,050,578	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,009,087
	FROM GENERAL INSPECTION TRUST FUND		541,362
1060	OPERATING CAPITAL OUTLAY		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		118,500
1061	DATA PROCESSING SERVICES		
	AGRICULTURE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	240,448	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		11,278
	FROM GENERAL INSPECTION TRUST FUND		507,143
1062	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		9,206
1062A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	9,294	
	FROM GENERAL INSPECTION TRUST FUND		3,994

COMMUNITY AFFAIRS, DEPARTMENT OF

OFFICE OF THE SECRETARY

1063	SALARIES AND BENEFITS POSITIONS	130	
	FROM GENERAL REVENUE FUND	2,795,399	
	FROM ADMINISTRATIVE TRUST FUND		1,796,278
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		338,478
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		72,495
	FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND		33,476
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		440,969
	FROM GRANTS AND DONATIONS TRUST FUND . . .		190,732
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		30,508
1064	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		328,596
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		296,000
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		50,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		37,541
1065	EXPENSES		
	FROM GENERAL REVENUE FUND	566,368	
	FROM ADMINISTRATIVE TRUST FUND		926,536
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		312,782
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		7,100
	FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND		4,860
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		158,013
	FROM GRANTS AND DONATIONS TRUST FUND . . .		54,024
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		5,627
1066	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS		
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		150,000
1067	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		8,018
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		2,064
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		544
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		6,718
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		284
1068	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	424,722	
1069	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CRITICAL STATE CONCERN REQUIREMENTS		
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		20,000
1070	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COASTAL MANAGEMENT REQUIREMENTS		
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		1,629,543
1070A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	40,795	
	FROM ADMINISTRATIVE TRUST FUND		40,795
1071	FIXED CAPITAL OUTLAY		
	LAND ACQUISITION		
	FROM FLORIDA PRESERVATION 2000 TRUST FUND		30,000,000

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1071A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
OLYMPIC SPORTS IN FLORIDA BUILDING - KISSIMMEE
FROM GENERAL REVENUE FUND 300,000

RESOURCE PLANNING AND MANAGEMENT, DIVISION OF

1072 SALARIES AND BENEFITS POSITIONS 81
FROM GENERAL REVENUE FUND 3,153,223
FROM GRANTS AND DONATIONS TRUST FUND . . . 222,650

1073 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,650
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,000

1074 EXPENSES
FROM GENERAL REVENUE FUND 641,492
FROM GRANTS AND DONATIONS TRUST FUND . . . 51,698

1075 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL GOVERNMENT COMPREHENSIVE PLANNING GRANTS
FROM GENERAL REVENUE FUND 1,041,106

1076 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,116

1077 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PLANNING COUNCILS
FROM GENERAL REVENUE FUND 2,236,250

From funds appropriated to the regional planning councils in Specific Appropriation 1077, 70% is to be divided equally and 30% shall be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments to address problems of greater-than-local significance.

EMERGENCY MANAGEMENT, DIVISION OF

1078 SALARIES AND BENEFITS POSITIONS 116
FROM GENERAL REVENUE FUND 1,023,734
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 770,562
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 634,883
FROM GRANTS AND DONATIONS TRUST FUND . . . 308,447
FROM OPERATING TRUST FUND 591,433
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 600,131
FROM U.S. CONTRIBUTIONS TRUST FUND 601,582

1079 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 282,104
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 490,904
FROM GRANTS AND DONATIONS TRUST FUND . . . 450,000
FROM OPERATING TRUST FUND 1,280,000
FROM U.S. CONTRIBUTIONS TRUST FUND 161,281

1080 EXPENSES
FROM GENERAL REVENUE FUND 228,025

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FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 338,131
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 209,525
FROM GRANTS AND DONATIONS TRUST FUND . . . 251,631
FROM OPERATING TRUST FUND 243,028
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 118,010
FROM U.S. CONTRIBUTIONS TRUST FUND 329,496

1081 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 2,020,051

1082 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISASTER RELIEF PAYMENTS
FROM U.S. CONTRIBUTIONS TRUST FUND 1,000,000

1082A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM U.S. CONTRIBUTIONS TRUST FUND 4,600,000

1083 AID TO LOCAL GOVERNMENTS
LOCAL SUPPORT MATERIALS
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

1083A AID TO LOCAL GOVERNMENTS
HURRICANE OPAL
FROM GENERAL REVENUE FUND 5,000,000

Funds are provided in Specific Appropriation 1083A for assistance to local governments and special taxing districts in the recovery and rebuilding resulting from Hurricane Opal. These funds may be used to assist with documented revenue losses, the provision of match for Federal funds, and documented costs directly associated with relief, recovery and rebuilding resulting from Hurricane Opal. The department shall establish and implement a procedure for notifying affected entities of the availability of these funds, accepting applications for funds, and awarding funds. In order to accomplish these procedures the department is authorized to use up to 5% of Specific Appropriation 1083A for its administrative costs. If requests exceed the amounts of funds in Specific Appropriation 1083A adjusted for the administrative costs, the department shall establish a means of distributing the funds on a competitive basis.

1084 OPERATING CAPITAL OUTLAY
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 30,103
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 7,202
FROM GRANTS AND DONATIONS TRUST FUND . . . 12,619
FROM OPERATING TRUST FUND 1,916
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 7,626
FROM U.S. CONTRIBUTIONS TRUST FUND 3,243

1085 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL

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FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 55,000

Funds in Specific Appropriation 1085 are contingent upon legislation becoming law which changes the funding source for the Civil Air Patrol.

1086 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 7,702,564
FROM U.S. CONTRIBUTIONS TRUST FUND 83,438

1087 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY MANAGEMENT RELIEF ASSISTANCE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 3,209,402

1088 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE, LOCAL AND PRIVATE PROJECTS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 3,209,402

1090 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 590,026
FROM U.S. CONTRIBUTIONS TRUST FUND 1,032,758

1091 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,185,671
FROM U.S. CONTRIBUTIONS TRUST FUND 39,889,952

1095 SPECIAL CATEGORIES
GRANTS AND AIDS - HURRICANE ANDREW RELIEF - ADMINISTRATIVE ACTIVITIES
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 1,200,000

1096 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - HURRICANE ANDREW
FROM HURRICANE ANDREW DISASTER RELIEF TRUST FUND 178,698,214

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

1097 SALARIES AND BENEFITS POSITIONS 95
FROM GENERAL REVENUE FUND 583,875
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 300,782
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 303,436
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 906,856
FROM STATE HOUSING TRUST FUND 37,634
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 304,719
FROM GRANTS AND DONATIONS TRUST FUND . . . 142,812

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FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 154,014
FROM OPERATING TRUST FUND 1,223,394

1098 OTHER PERSONAL SERVICES
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 375,628
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 24,000
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 561,499
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 300,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 375,000
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 37,904
FROM OPERATING TRUST FUND 950,000

1099 EXPENSES
FROM GENERAL REVENUE FUND 91,547
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 266,454
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 92,526
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 554,868
FROM STATE HOUSING TRUST FUND 29,979
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 92,933
FROM GRANTS AND DONATIONS TRUST FUND . . . 105,847
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 298,648
FROM OPERATING TRUST FUND 555,645

1100 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 19,118,106

1101 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE AGENCIES
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 9,035,240

1102 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 2,683,102

1103 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 1,529,434

1104 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 33,998,837

Funds in Specific Appropriation 1104 shall be divided and distributed among the statutorily

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established program categories as follows: Housing 40%; Economic Development 10%; Neighborhood Revitalization 40%; and Commercial Revitalization 10%. Funds not distributed due to an insufficient number of eligible applications in the Housing, Neighborhood Revitalization, or Commercial Revitalization program categories shall be transferred to the program category receiving the greatest dollar value of request for grants. In the event that all eligible applications are funded in the three grant categories, other than Economic Development, and funds remain available, then these remaining funds shall be transferred to the Economic Development category for allocation.

1105 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 9
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 2,017
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 223
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 1,197
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 1,866
FROM GRANTS AND DONATIONS TRUST FUND . . . 88
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 10
FROM OPERATING TRUST FUND 11,152

1106 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES
FROM OPERATING TRUST FUND 588,828

1107 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY DEVELOPMENT CORPORATION GRANTS
FROM OPERATING TRUST FUND 800,000

1108 SPECIAL CATEGORIES
COMMUNITY DEVELOPMENT CORPORATION LOANS
FROM OPERATING TRUST FUND 1,500,000

1109 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 12,291,783

1110 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES HOMELESS GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,194,125

1111 SPECIAL CATEGORIES
GRANTS AND AIDS - FARMWORKER EMERGENCY GRANT
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 100,000

1112 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 21,900,000

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1113 SPECIAL CATEGORIES
GRANTS AND AIDS - WEATHERIZATION GRANTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 1,897,037
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 2,760,591

1114 SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND
FROM OPERATING TRUST FUND 300,000

1115 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS OPERATING TRUST FUND
FROM GENERAL REVENUE FUND 800,000
FROM STATE HOUSING TRUST FUND 1,500,000

1116 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS HOUSING AND COMMUNITY DEVELOPMENT GRANTS AND DONATIONS TRUST FUND
FROM STATE HOUSING TRUST FUND 662,431
FROM OPERATING TRUST FUND 150,000

1117 SPECIAL CATEGORIES
TRANSFER TO OFFICE OF THE SECRETARY
FROM OPERATING TRUST FUND 60,161

1117A FIXED CAPITAL OUTLAY
UNIVERSITY COMMUNITY CENTER
FROM GENERAL REVENUE FUND 1,000,000

1118 FIXED CAPITAL OUTLAY
INSTITUTIONAL ENERGY CONSERVATION PROJECTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 1,000,000

1119 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ENERGY EFFICIENCY PROJECTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 5,000,000

1120 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRANSFER TO ECONOMIC OPPORTUNITY TRUST FUND
FROM STATE HOUSING TRUST FUND 2,000,000

1121 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - LOW INCOME EMERGENCY HOME REPAIR
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 2,775,957

1121A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - METRO MIAMI ACTION PLAN TRUST
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 1121A shall be allocated by the Department of Community Affairs to Metro-Miami Action Plan Trust to provide Housing, Economic Development, Neighborhood Revitalization and Commercial Revitalization for the Black Communities of Dade County.

HOUSING FINANCE AGENCY

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1122 SALARIES AND BENEFITS POSITIONS 65
FROM STATE HOUSING TRUST FUND 880,992
FROM HOME PARTNERSHIP TRUST FUND 48,078
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 143,199
FROM HOUSING FINANCE AGENCY TRUST FUND . . 1,671,528

1123 OTHER PERSONAL SERVICES
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 75,000
FROM HOUSING FINANCE AGENCY TRUST FUND . . 1,211,000

1124 EXPENSES
FROM STATE HOUSING TRUST FUND 346,500
FROM HOME PARTNERSHIP TRUST FUND 10,345
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 36,147
FROM HOUSING FINANCE AGENCY TRUST FUND . . 704,939

1125 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL HOUSING PROGRAMS
FROM HOME PARTNERSHIP TRUST FUND 16,000,000

From funds in Specific Appropriation 1125, up to 10% may be used for program administration including but not limited to the following: credit underwriting services, appraisal reports, plan and cost review services, environmental surveys, federal labor standards compliance, federal environmental assessments, servicing fees, monitoring projects for compliance, and administrative costs (including salaries, expenses, accounting services). In the event that the full 10% is not expended for program administration, the remaining balance may be expended for HOME projects, in accordance with Chapter 216, Florida Statutes.

1126 OPERATING CAPITAL OUTLAY
FROM HOUSING FINANCE AGENCY TRUST FUND . . 82,355

1127 SPECIAL CATEGORIES
ACCOUNTING SERVICES
FROM STATE HOUSING TRUST FUND 200,000
FROM HOUSING FINANCE AGENCY TRUST FUND . . 643,400

1128 SPECIAL CATEGORIES
CREDIT UNDERWRITING AND MONITORING
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 15,000
FROM HOUSING FINANCE AGENCY TRUST FUND . . 2,308,835

1129 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING ASSISTANCE
PAYMENTS
FROM HOUSING FINANCE AGENCY TRUST FUND . . 10,992,388

1130 SPECIAL CATEGORIES
SERVICING AND TRUSTEE FEES
FROM HOUSING FINANCE AGENCY TRUST FUND . . 410,550

1132 FIXED CAPITAL OUTLAY
DEBT SERVICE - LOAN GUARANTEE PROGRAM
FROM STATE HOUSING TRUST FUND 2,000,000

Funds in Specific Appropriation 1132 include Fiscal Year 1996-97 debt service on all Florida Affordable Housing Guarantee Program bonds. If the Debt Service varies due to a change in the revenue sources or other circumstances, there is hereby appropriated from the State Housing Trust Fund an amount sufficient to pay such debt service as required by the Florida Affordable Housing Guarantee Program. Furthermore, in the event the full amount of $2,000,000 in Specific Appropriation 1132 is not utilized to pay debt service, the remaining balance may be transferred to the SAIL Program, in accordance with Chapter 216, Florida Statutes.

1133 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOUSING PREDEVELOPMENT
ASSISTANCE
FROM STATE HOUSING TRUST FUND 2,000,000
FROM HOUSING FINANCE AGENCY TRUST FUND . . 265,000

In the event the full amount of $2,265,000 in Specific Appropriation 1133 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be transferred to the SAIL Program, in accordance with Chapter 216, Florida Statutes.

1134 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
STATE HOUSING INITIATIVE PARTNERSHIP
PROGRAM DISTRIBUTION TO LOCAL GOVERNMENTS
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 88,331,488

From the funds in Specific Appropriation 1134, $1,750,000 shall be transferred from the Local Government Housing Trust Fund to the Florida Housing Agency Home Investment Partnership Program. The 1996 disaster relief for the Hurricane Opal application cycle to be used for hurricane relief housing projects was approved and prioritized by the Florida Housing Finance Agency on March 22, 1996.

1135 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOME OWNERSHIP
ASSISTANCE PROGRAM
FROM STATE HOUSING TRUST FUND 4,000,000
FROM FLORIDA HOMEOWNERSHIP ASSISTANCE
TRUST FUND 550,000

In the event the full amount of $4,550,000 in Specific Appropriation 1135 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be transferred to the SAIL Program, in accordance with Chapter 216, Florida Statutes.

1136 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOME PROGRAM MATCHING
FUNDS
FROM STATE HOUSING TRUST FUND 2,000,000

In the event the full amount of $2,000,000 in Specific Appropriation 1136 is not utilized for administration of programs funded with documentary stamp tax revenues, the remaining balance may be transferred to the SAIL Program, in accordance with Chapter 216, Florida Statutes.

1137 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS

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GRANTS AND AIDS - STATE APARTMENT INCENTIVE LOAN PROGRAM
FROM STATE HOUSING TRUST FUND 26,600,000
FROM STATE APARTMENT INCENTIVE LOAN TRUST FUND 5,000,000

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

ADMINISTRATIVE AND TECHNICAL SERVICES, DIVISION OF

1138 SALARIES AND BENEFITS POSITIONS 605
FROM GENERAL REVENUE FUND 7,378,924
FROM ADMINISTRATIVE TRUST FUND 10,036,610
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 3,047,746
FROM GRANTS AND DONATIONS TRUST FUND . . . 263,072
FROM LAND ACQUISITION TRUST FUND 1,055,294
FROM MINERALS TRUST FUND 1,002,291
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 317,563
FROM WATER QUALITY ASSURANCE TRUST FUND . 854
FROM WORKING CAPITAL TRUST FUND 2,198,163

1139 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 79,500
FROM ADMINISTRATIVE TRUST FUND 491,659
FROM AIR POLLUTION CONTROL TRUST FUND . . 7,200
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 771,340
FROM COASTAL PROTECTION TRUST FUND 9,000
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 520,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 505,238
FROM LAND ACQUISITION TRUST FUND 625,600
FROM MINERALS TRUST FUND 14,326
FROM WATER QUALITY ASSURANCE TRUST FUND . 46,800
FROM WORKING CAPITAL TRUST FUND 376,000

1140 EXPENSES
FROM GENERAL REVENUE FUND 2,081,094
FROM ADMINISTRATIVE TRUST FUND 3,790,615
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,009,791
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,713
FROM GRANTS AND DONATIONS TRUST FUND . . . 229,120
FROM LAND ACQUISITION TRUST FUND 441,064
FROM MINERALS TRUST FUND 151,364
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 68,250
FROM WORKING CAPITAL TRUST FUND 1,669,840
FROM CROSS FLORIDA BARGE CANAL TRUST FUND 54

From funds provided in Specific Appropriations 1138 through 1140, the Department of Environmental Protection shall develop and submit to the Governor, Speaker of the House of Representatives and the President of the Senate by January 1, 1997, a report on activities accomplished and future plans for reorganization, which will include draft legislation, using the Department of Transportation as a benchmark organizational structure, that will provide for the financial reorganization of the department and consolidate, where practical, budget entities and program oriented divisions. The department shall also consider broad improvements to public service responsiveness through the decentralization of programs such as transferring the Environmental Resources Division's permitting functions to the various department districts. The actions contemplated in the plan and its legislation must be accomplished within existing resources.

1141 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 817,219

1141A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PAYMENTS TO COUNTIES FOR CROSS FLORIDA BARGE CANAL LANDS
FROM GENERAL REVENUE FUND 9,394,580
FROM CROSS FLORIDA BARGE CANAL TRUST FUND 1,500,000

Funds provided in Specific Appropriation 1141A, are to be used to payback those moneys owed by the state to counties for lands impacted by the Cross Florida Barge Canal, $5 million from the General Revenue Fund shall be used to pay Duval County, and the balance of the remaining General Revenue Fund appropriation along with the $1.5 million in the Cross Florida Barge Canal Trust Fund shall be used to pay in full Marion, Putnam, Citrus, Clay and Levy Counties.

It is the intent of the legislature that the $5 million payment contemplated in this appropriation to Duval County is the first payment in a three year schedule of payments until the full Duval County balance is paid.

1142 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 1,099,922

1143 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ENVIRONMENTAL EQUITY COMMISSION
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 100,000

1144 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION
FROM GENERAL REVENUE FUND 547,000

1145 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 450,630
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 350,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,167
FROM MINERALS TRUST FUND 25,222
FROM WORKING CAPITAL TRUST FUND 764,045

1146 LUMP SUM
ENVIRONMENTAL EDUCATION
FROM SAVE THE MANATEE TRUST FUND 500,000

1146A LUMP SUM
COORDINATE WITH UNIVERSITY AND COMMUNITY COLLEGE SYSTEM ON ENVIRONMENTAL ISSUES
POSITIONS 5

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FROM GENERAL REVENUE FUND	350,000	
FROM ADMINISTRATIVE TRUST FUND		150,000

1146B LUMP SUM
BONE VALLEY ECOSYSTEM PROJECT

POSITIONS	1	
FROM GENERAL REVENUE FUND	60,000	

1147 SPECIAL CATEGORIES
GROUND WATER QUALITY MONITORING NETWORK

FROM WATER QUALITY ASSURANCE TRUST FUND .		125,000

1148 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT

FROM ENVIRONMENTAL LABORATORY TRUST FUND .		901,526

1149 SPECIAL CATEGORIES
EVERGLADES LAB SUPPORT

FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		494,180

1149A SPECIAL CATEGORIES
TRANSFER TO FLORIDA GAME AND FRESH WATER FISH COMMISSION/ ENVIRONMENTAL EDUCATION GRANT ADMINISTRATION

FROM SAVE THE MANATEE TRUST FUND		2,141,540

Funds provided in Specific Appropriation 1149A contemplate legislation becoming law which transfers environmental education grant administration to the Florida Game and Fresh Water Fish Commission. Should such legislation not become law, the Executive Office of the Governor may approve a reallocation of funds in Specific Appropriation 1149A to the appropriate appropriation categories.

1150 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS

FROM GENERAL REVENUE FUND	57,745	
FROM ADMINISTRATIVE TRUST FUND		584,265

1150A SPECIAL CATEGORIES
UPDATE OF WETLANDS IDENTIFICATION MANUAL

FROM ADMINISTRATIVE TRUST FUND		75,000

1151 SPECIAL CATEGORIES
GULF STATES MARINE FISHERIES

FROM GENERAL REVENUE FUND	22,500	

1152 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP

FROM WATER QUALITY ASSURANCE TRUST FUND .		597,000

1155 SPECIAL CATEGORIES
MANAGEMENT OF WATER CONTROL STRUCTURES

FROM CROSS FLORIDA BARGE CANAL TRUST FUND		200,000

1156 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS

FROM GENERAL REVENUE FUND	5,435	

1157 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP

FROM INLAND PROTECTION TRUST FUND		107,407

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1158 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES

FROM WORKING CAPITAL TRUST FUND		1,035,799

1159 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER

FROM GENERAL REVENUE FUND	112,877	
FROM ADMINISTRATIVE TRUST FUND		3,902

1160 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES

FROM WORKING CAPITAL TRUST FUND		811,700

1161 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM

FROM WORKING CAPITAL TRUST FUND		55,000

1161A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	30,282	
FROM ADMINISTRATIVE TRUST FUND		90,843

1162 FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY

FROM FLORIDA PRESERVATION 2000 TRUST FUND		3,900,000

1163 FIXED CAPITAL OUTLAY
SURFACE WATER IMPROVEMENT PROJECT

FROM GENERAL REVENUE FUND	3,500,000	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		6,000,000

Funds provided in Specific Appropriation 1163 from the Ecosystem Management and Restoration Trust Fund are contingent on HB 715 or similar legislation becoming law which will provide for the transfer of State Transportation Trust Fund moneys to the department for the purposes contained in the Surface Water Improvement Program.

Funds in Specific Appropriation 1163 shall be disbursed in a manner that is consistent with the Surface Water Improvement and Management Act of 1987.

From the funds in Specific Appropriation 1163, from the General Revenue Fund, $1,500,000 is provided for Lake Apopka, and $2,000,000 is provided to be divided equally between the Northwest Florida Water Management District and Suwannee River Water Management District.

From funds in Specific Appropriation 1163, $2,000,000 from the Ecosystem Management and Restoration Trust Fund which are to be allocated to the South Florida Water Management District, is provided to Metropolitan Dade County for the restoration and enhancement of Biscayne Bay and the Miami River.

1164 FIXED CAPITAL OUTLAY
GREENWAY RECREATIONAL IMPROVEMENTS - INTERMODAL SURFACE TRANSPORTATION

SECTION 5
SPECIFIC
APPROPRIATION

EFFICIENCY ACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,375,000

1164A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LITTLE WEKIVA RIVER EROSION CONTROL
FROM GENERAL REVENUE FUND 1,000,000

Funds in Specific Appropriation 1164A are provided to the St. Johns River Water Management District for fiscal year 1996/97 the sum of $1,000,000 for designing and implementing a basin-wide management plan, including projects to restore, protect and preserve the ecological integrity of the Little Wekiva River in Seminole and Orange Counties, to include projects for erosion control and stormwater retrofits where erosion or stormwater is causing, or is likely to lead to adverse environmental impacts including sedimentation; and projects for restoration of areas where sedimentation is causing, or is likely to lead to, adverse environmental impacts. This management plan shall give first priority to implementing the potential projects identified by the Little Wekiva Technical Working Group. The implementation schedule shall incorporate the design and implementation of the erosion control and stormwater retrofitting projects including any projects that may require sediment removal.

1164B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CITY OF MIAMI RIVERWALK
FROM GENERAL REVENUE FUND 200,000

1164C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
ENVIRONMENTAL LEARNING CENTER
FROM LAND ACQUISITION TRUST FUND 103,000

1164D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
NORTH FORK OF THE NEW RIVER
FROM LAND ACQUISITION TRUST FUND 50,000

1164E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CHILDREN'S ENVIRONMENTAL MUSEUM
FROM GENERAL REVENUE FUND 500,000

STATE LANDS, DIVISION OF

1165 SALARIES AND BENEFITS POSITIONS 145
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,366,041
FROM FORFEITED PROPERTY TRUST FUND 106,538
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 4,400,253
FROM WATER MANAGEMENT LANDS TRUST FUND . . 42,324

1166 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 389,000
FROM FORFEITED PROPERTY TRUST FUND 91,030
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 652,519

1167 EXPENSES

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FROM CONSERVATION AND RECREATION LANDS TRUST FUND 616,511
FROM FORFEITED PROPERTY TRUST FUND 325,191
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 1,111,914
FROM WATER MANAGEMENT LANDS TRUST FUND . . 6,960

1167A AID TO LOCAL GOVERNMENTS
PAYMENTS TO COUNTIES FOR STATE LANDS
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 37,694

1168 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 67,952
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 147,759

1169 SPECIAL CATEGORIES
NATIONAL OCEAN SURVEY
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 56,000

1170 SPECIAL CATEGORIES
NATURAL AREAS INVENTORY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 445,895

1171 SPECIAL CATEGORIES
RICO ACT- DISTRIBUTION OF PROCEEDS FROM PROPERTY SALES
FROM FORFEITED PROPERTY TRUST FUND 757,586

1172 SPECIAL CATEGORIES
TOPOGRAPHIC MAPPING
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 200,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 200,000

1173 SPECIAL CATEGORIES
PAYMENT IN LIEU OF TAXES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 2,111,250

1174 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 3,462,946

1175 SPECIAL CATEGORIES
TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 2,891,592

1176 SPECIAL CATEGORIES
TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR MANAGEMENT OF CARL LANDS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,257,016

1177 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,357,454

1178 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICT PROPERTY TAXES
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 50,000

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1179 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 125,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 436,652

1179A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 8,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 7,650

1180 FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS - LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 90,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND . . 40,000,000

1181 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 31,500,000
FROM FLORIDA PRESERVATION 2000 TRUST FUND 150,000,000

Funds in Specific Appropriations 1180 and 1181, $8,000,000 from the Water Management Lands Trust Fund and $12,000,000 from the Conservation and Recreation Lands Trust Fund, shall be allocated to the St. Johns River Water Management District to purchase lands necessary to restore Lake Apopka.

From funds in Specific Appropriation 1181, up to $100,000 from the Conservation and Recreation Lands Trust Fund which is allocated for the Green Swamp Land Authority, may be used to fund the operations of the Green Swamp Land Authority.

From funds provided in Specific Appropriation 1181, $225,000, from the Conservation and Recreational Lands Trust Fund, shall be allocated to Natural Areas Inventory for the purposes of land management planning.

1182 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 158,288,475

Funds in Specific Appropriation 1182 from the Land Acquisition Trust Fund are for Fiscal Year 1996-97 debt service on outstanding "Preservation 2000" bonds sold prior to July 1, 1996, and for Fiscal Year 1996-97 debt service on outstanding "Save Our Coast" and Conservation and Recreational Land bonds. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

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1183 FIXED CAPITAL OUTLAY
DEBT SERVICE - PRESERVATION 2000 BONDS - NEW SERIES
FROM LAND ACQUISITION TRUST FUND 5,000,000

Funds in Specific Appropriation 1183 are for the first year of debt service for the seventh series of Preservation 2000 bonds.

DISTRICT OFFICES

1184 SALARIES AND BENEFITS POSITIONS 783
FROM GENERAL REVENUE FUND 9,570,781
FROM ADMINISTRATIVE TRUST FUND 247,426
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,938,443
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 3,809,213
FROM INLAND PROTECTION TRUST FUND 1,994,321
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,483,787
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 985,422
FROM PERMIT FEE TRUST FUND 4,429,246
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,152,476
FROM WATER QUALITY ASSURANCE TRUST FUND . 4,211,957

1185 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 128,564
FROM AIR POLLUTION CONTROL TRUST FUND . . 197,346
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 35,000
FROM INLAND PROTECTION TRUST FUND 110,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,965
FROM WATER QUALITY ASSURANCE TRUST FUND . 20,459

1186 EXPENSES
FROM GENERAL REVENUE FUND 1,581,139
FROM ADMINISTRATIVE TRUST FUND 578,385
FROM AIR POLLUTION CONTROL TRUST FUND . . 588,921
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 542,741
FROM INLAND PROTECTION TRUST FUND 255,806
FROM GRANTS AND DONATIONS TRUST FUND . . . 203,881
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 200,897
FROM PERMIT FEE TRUST FUND 356,518
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 127,410
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,281,200

1186A AID TO LOCAL GOVERNMENTS
TRANSFER TO ST. LUCIE COUNTY
FROM GRANTS AND DONATIONS TRUST FUND . . . 600,000

1187 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 29,295
FROM AIR POLLUTION CONTROL TRUST FUND . . 7,425
FROM INLAND PROTECTION TRUST FUND 50,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 3,000
FROM PERMIT FEE TRUST FUND 7,425
FROM WATER QUALITY ASSURANCE TRUST FUND . 44,542

1188 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 34,257
FROM INLAND PROTECTION TRUST FUND 100,000

1189 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 121,094

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1190 SPECIAL CATEGORIES
RESEARCH, DEVELOPMENT AND TECHNICAL ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 14,000

1191 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 373,317

1191A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 25,292
FROM AIR POLLUTION CONTROL TRUST FUND . . 19,391
FROM INLAND PROTECTION TRUST FUND 11,803
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 8,431
FROM WATER QUALITY ASSURANCE TRUST FUND . 19,390

1193 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
POLLUTION RESTORATION PROJECTS/GRANT & AID
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 5,105,940

From funds provided in Specific Appropriation 1193, $87,500 is to be provided for the Nassau Soil and Water Conservation Program consistent with the pollution restoration grant program.

From funds provided in Specific Appropriation 1193, $420,000 is to be provided for assistance in the cleanup of Lake Jessup in Seminole County.

MARINE RESOURCES, DIVISION OF

1194 SALARIES AND BENEFITS POSITIONS 370
FROM GENERAL REVENUE FUND 4,736,671
FROM COASTAL PROTECTION TRUST FUND 143,935
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 545,189
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 41,833
FROM MARINE RESOURCES CONSERVATION TRUST FUND 7,698,747
FROM SAVE THE MANATEE TRUST FUND 1,247,181

1195 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 110,553
FROM COASTAL PROTECTION TRUST FUND 410,000
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 537,937
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 570,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 152,322
FROM MARINE RESOURCES CONSERVATION TRUST FUND 5,063,411
FROM SAVE THE MANATEE TRUST FUND 1,312,183

1196 EXPENSES
FROM GENERAL REVENUE FUND 902,940
FROM COASTAL PROTECTION TRUST FUND 252,146
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 299,117
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 259,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 4,751,916

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FROM SAVE THE MANATEE TRUST FUND 699,994

From funds provided in Specific Appropriations 1194 through 1196, the department is directed to participate in a task force chaired by the Executive Director of the Department of Revenue, including the Secretary of the Department of Environmental Protection, the Executive Director of the Department of Highway Safety and Motor Vehicles, and the Executive Director of the Game and Fresh Water Fish Commission, or their designees, along with a representative of the Florida Tax Collectors Association, for the purpose of developing a report for the Chairs of the Appropriations and Ways and Means Committees on an equitable cost accounting process for tax collector transactions when the tax collectors are acting as agents of the state. This report is to be submitted by January 1, 1997.

1197 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 367,608
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 12,478
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 75,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 216,561
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 28,339
FROM MARINE RESOURCES CONSERVATION TRUST FUND 515,465
FROM SAVE THE MANATEE TRUST FUND 75,000

From funds appropriated in Specific Appropriations 1194 and 1197 from the General Revenue Fund, $125,000 shall be provided to establish two positions and $250,000 shall be made available for grants for the purpose of furthering aquaculture activities in the state, contingent on HB 605 or similar legislation becoming law.

1198 LUMP SUM
IMPLEMENTATION OF NATURAL RESOURCE RESTORATION/ MITIGATION PLAN FROM MAVRO VETRANIC SETTLEMENT FUNDS
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 80,000

1199 SPECIAL CATEGORIES
INTERIM MANAGEMENT OF PROPERTIES ACQUIRED UNDER THE CONSERVATION AND RECREATION LANDS (C.A.R.L.) PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 19,926

1200 SPECIAL CATEGORIES
OYSTER PLANTING
FROM MARINE RESOURCES CONSERVATION TRUST FUND 104,400

1201 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,248

1202 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER

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FROM GENERAL REVENUE FUND	522,977	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		573,487

1202A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM MARINE RESOURCES CONSERVATION TRUST FUND		24,917
FROM SAVE THE MANATEE TRUST FUND		16,267

1202B FIXED CAPITAL OUTLAY
LAND ACQUISITION

FROM MARINE RESOURCES CONSERVATION TRUST FUND		7,000,000

1203 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND		600,000

1203A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LOWRY PARK ZOO DISCOVERY CENTER

FROM SAVE THE MANATEE TRUST FUND		100,000

WATER FACILITIES, DIVISION OF

1204 SALARIES AND BENEFITS POSITIONS 183

FROM GENERAL REVENUE FUND	1,280,487	
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		125,361
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,896,931
FROM PERMIT FEE TRUST FUND		468,689
FROM WATER QUALITY ASSURANCE TRUST FUND .		2,786,543

1205 OTHER PERSONAL SERVICES

FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		250,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,117,110
FROM WATER QUALITY ASSURANCE TRUST FUND .		835,971

1206 EXPENSES

FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		28,837
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,962,524
FROM PERMIT FEE TRUST FUND		419,843
FROM WATER QUALITY ASSURANCE TRUST FUND .		559,655

1207 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE

FROM PERMIT FEE TRUST FUND		250,000

1208 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LAKEWATCH

FROM WATER QUALITY ASSURANCE TRUST FUND .		215,040

1209 OPERATING CAPITAL OUTLAY

FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		9,581
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,113,873
FROM PERMIT FEE TRUST FUND		239,000

1210 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES

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FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000

1211 SPECIAL CATEGORIES
GROUND WATER QUALITY MONITORING NETWORK

FROM WATER QUALITY ASSURANCE TRUST FUND .		1,299,027

1213 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP

FROM WATER QUALITY ASSURANCE TRUST FUND .		2,550,000

1214 SPECIAL CATEGORIES
TRANSFER TO HEALTH AND REHABILITATIVE SERVICES FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT

FROM INLAND PROTECTION TRUST FUND		1,285,197

1215 SPECIAL CATEGORIES
U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT

FROM GRANTS AND DONATIONS TRUST FUND . . .		78,500
FROM WATER QUALITY ASSURANCE TRUST FUND .		214,897

1216 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP

FROM INLAND PROTECTION TRUST FUND		700,000

1217 SPECIAL CATEGORIES
WATER WELL CLEANUP

FROM WATER QUALITY ASSURANCE TRUST FUND .		1,889,202

The Department of Environmental Protection or other administrative agency shall, prior to the distribution of funds in Specific Appropriation 1217, require the recipient to release the state and its agencies absolutely from liability as to damage to real and personal property caused by past application or use by the state or its agencies of EDB or the installation, maintenance, and disposal by the state or its agencies of filter systems.

1218 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER

FROM GENERAL REVENUE FUND	1,592	
FROM GRANTS AND DONATIONS TRUST FUND . . .		112,665
FROM WATER QUALITY ASSURANCE TRUST FUND .		1,531,541

1218A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM WATER QUALITY ASSURANCE TRUST FUND .		20,616

1219 FIXED CAPITAL OUTLAY
WASTEWATER TREATMENT FACILITY CONSTRUCTION

FROM GENERAL REVENUE FUND	5,000,000	
FROM WASTEWATER TREATMENT AND STORMWATER MANAGEMENT REVOLVING LOAN TRUST FUND . .		80,000,000

1219A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AID - NON-POINT SOURCE (NPS) MANAGEMENT PLANNING GRANTS

FROM GRANTS AND DONATIONS TRUST FUND . . .		13,396,000

1219B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SMALL COUNTY WASTEWATER TREATMENT GRANTS

FROM GENERAL REVENUE FUND	3,714,600	

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Funds in Specific Appropriation 1219B are provided for water systems and wastewater treatment grants to the following municipalities:

City of Gretna.....1,000,000
City of Ft. White..... 714,600
City of Zolfo Springs.....1,000,000
City of East Palatka.....1,000,000

ENVIRONMENTAL RESOURCE PERMITTING, DIVISION OF

1220	SALARIES AND BENEFITS POSITIONS 188		
	FROM GENERAL REVENUE FUND	2,133,799	
	FROM AQUATIC PLANT CONTROL TRUST FUND . .		1,415,506
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		490,665
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		1,736,045
	FROM PERMIT FEE TRUST FUND		2,062,060
1221	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	639,373	
	FROM AQUATIC PLANT CONTROL TRUST FUND . .		667,080
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		40,000
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		145,479
	FROM PERMIT FEE TRUST FUND		21,080
1222	EXPENSES		
	FROM GENERAL REVENUE FUND	547,723	
	FROM AQUATIC PLANT CONTROL TRUST FUND . .		1,206,266
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		18,484
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		37,284
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		548,280
	FROM PERMIT FEE TRUST FUND		973,690
1223	AID TO LOCAL GOVERNMENTS		
	AQUATIC PLANT CONTROL MATCHING GRANTS		
	FROM AQUATIC PLANT CONTROL TRUST FUND . .		9,053,000
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		6,000,000

From the funds in Specific Appropriation 1223, an amount shall be reserved for the purpose of paying claims or judgments which shall not exceed $1,000,000 or that amount allowed under s.768.28(5), Florida Statutes. Such payments shall be awarded by a court of competent jurisdiction if it is determined that pursuant to the department's approval of the work plan, an improper application of herbicides was administered by either the department or a government entity with which the department has contracted for the control of plants in waters of state responsibility.

From funds in Specific Appropriation 1223, $6 million from the Ecosystem Management and Restoration Trust Fund are contingent upon HB 715, or similar legislation, becoming law, which will provide for the transfer of State Transportation Trust Fund moneys to the department for the purpose of aquatic and exotic plant control.

1224	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		453,000
1225	OPERATING CAPITAL OUTLAY		
	FROM AQUATIC PLANT CONTROL TRUST FUND . .		8,000
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		26,636
	FROM PERMIT FEE TRUST FUND		85,204

From funds provided in Specific Appropriations 1220 through 1225, the departments shall coordinate with all appropriate state agencies and the appropriate Water Management Districts for the purpose of preparing a report to be submitted to the Chairs of the House Appropriations and Senate Ways and Means Committee along with their Legislative Budget Request for fiscal year 1997/1998, that details recommendations on an improved statewide approach to the control and eradication of upland invasive exotic plants.

1227	SPECIAL CATEGORIES		
	TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR ADMINISTRATIVE OVERHEAD		
	FROM AQUATIC PLANT CONTROL TRUST FUND . .		880,000
1228	SPECIAL CATEGORIES		
	TRANSFER TO THE UNIVERSITY OF FLORIDA - COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM		
	FROM AQUATIC PLANT CONTROL TRUST FUND . .		25,000
1229	SPECIAL CATEGORIES		
	WETLANDS PROTECTION		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		534,582
1230	DATA PROCESSING SERVICES		
	ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	78,730	
	FROM AQUATIC PLANT CONTROL TRUST FUND . .		39,674
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		14,651
1230A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	5,046	
	FROM AQUATIC PLANT CONTROL TRUST FUND . .		4,470
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		4,901
1231	FIXED CAPITAL OUTLAY		
	NON-MANDATORY LAND RECLAMATION PROJECTS		
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		10,000,000
1232	FIXED CAPITAL OUTLAY		
	MITIGATION - POLK COUNTY PARKWAY		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		5,500,000
1232A	FIXED CAPITAL OUTLAY		
	INLET SAND TRANSFER PROJECTS - STATEWIDE		
	FROM GENERAL REVENUE FUND	2,956,125	

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Funds in Specific Appropriation 1232A are provided to match federal and local funds for the following inlet feeder beach and inlet management projects. The state's contribution for each project is calculated at 50% of the non-federal share of the projects.

Lake Worth Inlet Mgt Plan Implement..... 507,375
Statewide Inlet Feeder Beach/Inlet Mgt....1,250,000
St. Lucie Mgt Plan Implementation.....1,198,750

1232B FIXED CAPITAL OUTLAY
HURRICANE OPAL - DUNE AND BEACH RECOVERY
FROM GENERAL REVENUE FUND 31,800,000

Funds in Specific Appropriation 1232B, shall be distributed by the Department of Environmental Protection according to the project descriptions and cost estimates contained in its Hurricane Opal Report, entitled "Post-Storm Beach and Dune Recovery Strategic Management Plan (February, 1996)." Beach and dune restoration activities with federal and/or local matching dollars shall be given priority in the allocation of these funds.

1234A FIXED CAPITAL OUTLAY
BEACH RESTORATION STATEWIDE
FROM GENERAL REVENUE FUND 357,626

Funds in Specific Appropriation 1234A are provided to match federal and local funds for the following beach restoration project. The state's contribution is calculated at 50% of the non-federal share of the project.

Venice Beach Restoration.....357,626

1234B FIXED CAPITAL OUTLAY
BEACH RENOURISHMENT/MAINTENANCE STATEWIDE
FROM GENERAL REVENUE FUND 11,364,701

Funds in Specific Appropriation 1234B are provided to match federal and local funds for the following beach nourishment and beach restoration projects.

Boca Raton Beach Nourishment.....2,714,025
Sand Key Beach Nourishment/Phase IV.....5,329,042
Captiva Island Beach Nourishment.....2,669,817
Longboat Key Beach Nourishment..... 651,817

1234C FIXED CAPITAL OUTLAY
ENVIRONMENTAL/SAND SOURCE STUDIES
STATEWIDE
FROM GENERAL REVENUE FUND 448,621

Funds in Specific Appropriation 1234C are provided to match federal and local funds for the following project feasibility studies. The state's contribution is calculated at 50% of the non-federal share of the project.

Broward Co Bch Nourishment Proj Studies....448,621

WASTE MANAGEMENT, DIVISION OF

1235 SALARIES AND BENEFITS POSITIONS 259
FROM INLAND PROTECTION TRUST FUND 3,838,346

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FROM GRANTS AND DONATIONS TRUST FUND . . . 808,587
FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,170
FROM PERMIT FEE TRUST FUND 58,370
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,889,321
FROM WATER QUALITY ASSURANCE TRUST FUND . 4,064,917

1236 OTHER PERSONAL SERVICES
FROM INLAND PROTECTION TRUST FUND 40,780
FROM GRANTS AND DONATIONS TRUST FUND . . . 533,242
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 75,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,000

1237 EXPENSES
FROM INLAND PROTECTION TRUST FUND 644,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 342,454
FROM PERMIT FEE TRUST FUND 199,657
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 353,930
FROM WATER QUALITY ASSURANCE TRUST FUND . 395,130

1238 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,000,000

1239 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND 36,444
FROM GRANTS AND DONATIONS TRUST FUND . . . 167,774
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 61,292
FROM WATER QUALITY ASSURANCE TRUST FUND . 61,292

1240 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,011

1241 SPECIAL CATEGORIES
STORAGE TANK COMPLIANCE VERIFICATION
FROM INLAND PROTECTION TRUST FUND 8,000,000

1242 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION FOR ADOPT-A-HIGHWAY PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

1243 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR BIOMEDICAL WASTE REGULATION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 880,000

1244 SPECIAL CATEGORIES
GRANTS AND AIDS - KEEP FLORIDA BEAUTIFUL INCORPORATED
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

1245 SPECIAL CATEGORIES
DEMONSTRATION PROJECT FOR RECYCLING MERCURY-CONTAINING DEVICES
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

1246 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 9,827,514

1247 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,000,000

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1248 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION/
RESEARCH AND DEMONSTRATION PROJECTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

1249 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 200,000

1250 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES - MOSQUITO CONTROL
PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,278,598

1250A SPECIAL CATEGORIES
DRYCLEANING CONTAMINATION CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 11,385,000

Funds provided in Specific Appropriation 1250A may be used for cleanup of dry cleaning contaminated sites from a priority list established using a Risk-Based Corrective Action Analysis (RBCA). Cleanups undertaken pursuant to this provision shall be accomplished using RBCA site management. No funds shall be expended prior to the initiation of rule-making, relating to RBCA.

1251 SPECIAL CATEGORIES
TRANSFER TO OTHER AGENCIES FOR
IMPLEMENTATION OF HOUSE BILL 1671
FROM WATER QUALITY ASSURANCE TRUST FUND . 231,092

1252 SPECIAL CATEGORIES
TRANSFER TO BOARD OF REGENTS - RESEARCH
AND TESTING
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

1253 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - RECYCLABLE MATERIALS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 596,537

1254 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE - SOLID
WASTE TAX COLLECTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 110,000

1255 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF EDUCATION SOLID
WASTE PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 117,743

1256 SPECIAL CATEGORIES
BASELINE LITTER SURVEY/CENTER FOR SOLID
AND HAZARDOUS WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 200,000

1257 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 141,930,266

1257A SPECIAL CATEGORIES
POLLUTION PREVENTION EDUCATION
FROM POLLUTION RECOVERY TRUST FUND 646,000

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1258 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT
INFORMATION CENTER
FROM INLAND PROTECTION TRUST FUND 1,638,117

1258A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INLAND PROTECTION TRUST FUND 22,325
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 5,582

1258B FIXED CAPITAL OUTLAY
WASTE TIRE ABATEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,350,000

From funds in Specific Appropriation 1258B, $233,000 shall be used by the department, on a one-time only basis, to fund a project or projects by a private company to convert an existing facility to use tire derived fuel in the generation of electricity cogeneration plants. The department shall issue a request for proposal and shall give preference to projects that increase the overall net consumption of tire derived fuel made from waste tires generated in the state.

From the funds provided in Specific Appropriation 1258B the department may allocate $500,000 on a one-time only basis, for a competitive supplemental grant to a county for a pilot project to promote a demonstration of commercial scale processes for waste tire management and recycling. This supplemental grant shall be allocated separately from the provisions of Section 403.719(2), F.S. To be selected and eligible for these funds, a county must be prepared to enter into an agreement with a contractor for a five year pilot project, during which period the contractor shall process and recycle the county's waste tires at no charge. In designating a county to receive the supplemental grant, the department shall give priority consideration to new technologies, such as the devulcanization of rubber in waste tire, which may result in an appreciable economic benefit for Florida, in addition to increasing waste tire recycling.

1259 FIXED CAPITAL OUTLAY
SOLID WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 35,000,000

1260 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
KEEP FLORIDA BEAUTIFUL - LITTER PREVENTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 450,000

1261 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
CONTAMINATED SITE CLEANUP-HILLSBOROUGH
COUNTY SCHOOL SYSTEM
FROM WATER QUALITY ASSURANCE TRUST FUND . 300,000

RECREATION AND PARKS, DIVISION OF

1262 SALARIES AND BENEFITS POSITIONS 988
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 1,621,486

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APPROPRIATION

FROM GRANTS AND DONATIONS TRUST FUND . . . 29,887
FROM STATE PARK TRUST FUND 27,359,498

1263 OTHER PERSONAL SERVICES
FROM STATE PARK TRUST FUND 2,044,012

1264 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 745,269
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,960
FROM STATE PARK TRUST FUND 9,881,808

1265 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 141,650
FROM STATE PARK TRUST FUND 1,280,124

1266 SPECIAL CATEGORIES
DISTRIBUTION OF SURCHARGE FEES
FROM STATE PARK TRUST FUND 650,000

1267 SPECIAL CATEGORIES
DISBURSE DONATIONS
FROM STATE PARK TRUST FUND 660,000

1268 SPECIAL CATEGORIES
PURCHASES FOR RESALE
FROM STATE PARK TRUST FUND 1,186,420

1269 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE PARK TRUST FUND 58,560

1270 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM STATE PARK TRUST FUND 547,663

1270A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM STATE PARK TRUST FUND 107,347

1271 FIXED CAPITAL OUTLAY
PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 1,000,000

1273 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,700,000

1274 FIXED CAPITAL OUTLAY
RAINBOW SPRINGS STATE RECREATION AREA - PLANNING AND DESIGN
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 135,000

1274A FIXED CAPITAL OUTLAY
TOMAKA STATE PARK - RENOVATION/RESTORATION OF MUSEUM
FROM LAND ACQUISITION TRUST FUND 100,000

1275 FIXED CAPITAL OUTLAY
DEVELOPMENT OF STATE PARKS - STATEWIDE - BASIC AMENITIES
FROM LAND ACQUISITION TRUST FUND 400,000

1276 FIXED CAPITAL OUTLAY

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PREVENTATIVE MAINTENANCE AND REPAIRS - STATE PARKS
FROM LAND ACQUISITION TRUST FUND 500,000

1277 FIXED CAPITAL OUTLAY
WINDLEY KEY INTERPRETIVE CENTER
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 350,000

1278 FIXED CAPITAL OUTLAY
TOPSAIL HILL REPAIRS AND SECURITY MEASURES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 175,000

1279 FIXED CAPITAL OUTLAY
WAKULLA SPRINGS RENOVATE HISTORIC LODGE
FROM LAND ACQUISITION TRUST FUND 500,000

1280 FIXED CAPITAL OUTLAY
RENOVATE STATE PARK CABINS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 225,000

1280A FIXED CAPITAL OUTLAY
CURRY HAMMOCK - PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 290,000

1281 FIXED CAPITAL OUTLAY
SILVER RIVER PARK DEVELOPMENT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 75,000

1282 FIXED CAPITAL OUTLAY
FORT ZACHARY TAYLOR PARK DEVELOPMENT/FORT RESTORATION
FROM LAND ACQUISITION TRUST FUND 600,000

1282A FIXED CAPITAL OUTLAY
LITTLE JETTIES STATE PARK
FROM LAND ACQUISITION TRUST FUND 100,000

1283 FIXED CAPITAL OUTLAY
REMOVE ACCESSIBILITY BARRIERS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 500,000

1284 FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000,000

1285 FIXED CAPITAL OUTLAY
FACILITY REPAIR NEEDS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 2,085,000

From the funds in Specific Appropriation 1285, $85,000 from the Land Acquisition Trust Fund is provided for repairs to the Carillon Tower at Stephen Foster State Park.

1286 FIXED CAPITAL OUTLAY
RENOVATIONS/REPLACEMENT - SEWAGE SYSTEM - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 1,717,000

1287 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 28,309,399

1289 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND

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NONPROFIT ORGANIZATIONS
FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 3,293,643
FROM LAND ACQUISITION TRUST FUND 3,630,000

1290A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PENSACOLA BEACH SHORELINE PARKS
FROM LAND ACQUISITION TRUST FUND 100,000

1290B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CITY OF MIAMI PARKS
FROM LAND ACQUISITION TRUST FUND 237,500

Funds in Specific Appropriation 1290B shall be allocated for the following Miami area parks and projects:

Shenandoah Park.....$125,000
Coral Gate Park..... 25,000
Kinloch Park..... 37,500
Downtown Coral Gables Redevelopment..... 25,000
City of Miami-Comm Revitalization Prog..... 25,000

AIR RESOURCES MANAGEMENT, DIVISION OF

1291 SALARIES AND BENEFITS POSITIONS 93
FROM AIR POLLUTION CONTROL TRUST FUND . . 4,233,862

1292 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 4,929,914
FROM GRANTS AND DONATIONS TRUST FUND . . . 670,000

1293 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 674,904
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 9,251
FROM GRANTS AND DONATIONS TRUST FUND . . . 550,000

1294 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 5,495,936

1295 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 183,574
FROM GRANTS AND DONATIONS TRUST FUND . . . 250,000

1296 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,000

1297 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER
FROM AIR POLLUTION CONTROL TRUST FUND . . 639,273

1297A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM AIR POLLUTION CONTROL TRUST FUND . . 10,340

LAW ENFORCEMENT, DIVISION OF

1298 SALARIES AND BENEFITS POSITIONS 622
FROM GENERAL REVENUE FUND 17,187,284

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FROM COASTAL PROTECTION TRUST FUND 1,233,351
FROM INLAND PROTECTION TRUST FUND 357,857
FROM GRANTS AND DONATIONS TRUST FUND . . . 703,363
FROM MARINE RESOURCES CONSERVATION TRUST FUND 7,934,206
FROM WATER QUALITY ASSURANCE TRUST FUND . 280,999

1299 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 88,759
FROM COASTAL PROTECTION TRUST FUND 573,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 265,500
FROM MARINE RESOURCES CONSERVATION TRUST FUND 100,000

1300 EXPENSES
FROM GENERAL REVENUE FUND 1,964,308
FROM COASTAL PROTECTION TRUST FUND 432,714
FROM INLAND PROTECTION TRUST FUND 60,350
FROM GRANTS AND DONATIONS TRUST FUND . . . 440,843
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,023,218
FROM WATER QUALITY ASSURANCE TRUST FUND . 47,324

1301 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS
FROM COASTAL PROTECTION TRUST FUND 250,000

1302 OPERATING CAPITAL OUTLAY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 499,514

1303 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 471,796
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,848,760

1304 SPECIAL CATEGORIES
BOATING RELATED ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,750,000

1305 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,471,105

1306 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 1,282,134
FROM COASTAL PROTECTION TRUST FUND 355,412
FROM GRANTS AND DONATIONS TRUST FUND . . . 575,293
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,785,559

1307 SPECIAL CATEGORIES
PAYMENTS FOR RESTORATION AND DAMAGE
FROM COASTAL PROTECTION TRUST FUND 50,000

1308 SPECIAL CATEGORIES
ABANDONED DRUM REMOVAL AND DISPOSAL
FROM COASTAL PROTECTION TRUST FUND 150,000

1309 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS

SECTION 5
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND	174,107	
FROM GRANTS AND DONATIONS TRUST FUND . . .		7,142
FROM MARINE RESOURCES CONSERVATION TRUST FUND		204,358

1310 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP

FROM INLAND PROTECTION TRUST FUND		300,000

1311 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER

FROM GENERAL REVENUE FUND	63,565	

1311A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	20,480	
FROM MARINE RESOURCES CONSERVATION TRUST FUND		20,803

MARINE FISHERIES COMMISSION

1312 SALARIES AND BENEFITS POSITIONS 11

FROM MARINE RESOURCES CONSERVATION TRUST FUND		531,491

1313 OTHER PERSONAL SERVICES

FROM MARINE RESOURCES CONSERVATION TRUST FUND		31,562

1314 EXPENSES

FROM MARINE RESOURCES CONSERVATION TRUST FUND		186,901

1315 OPERATING CAPITAL OUTLAY

FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,246

1316 DATA PROCESSING SERVICES
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER

FROM MARINE RESOURCES CONSERVATION TRUST FUND		3,867

1316A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM MARINE RESOURCES CONSERVATION TRUST FUND		705

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1317 SALARIES AND BENEFITS POSITIONS 138

FROM GENERAL REVENUE FUND	65,274	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		219,637
FROM LAND ACQUISITION TRUST FUND		41,565
FROM NON-GAME WILDLIFE TRUST FUND		1,263,126
FROM STATE GAME TRUST FUND		4,036,850

1318 OTHER PERSONAL SERVICES

FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,500
FROM LAND ACQUISITION TRUST FUND		53,000
FROM STATE GAME TRUST FUND		286,379

SECTION 5
SPECIFIC
APPROPRIATION

1319 EXPENSES

FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		2,108
FROM LAND ACQUISITION TRUST FUND		33,266
FROM NON-GAME WILDLIFE TRUST FUND		510,402
FROM STATE GAME TRUST FUND		1,911,101

From funds provided in Specific Appropriations 1317 through 1319, the department is directed to participate in a task force chaired by the Executive Director of the Department of Revenue, including the Secretary of the Department of Environmental Protection, the Executive Director of the Department of Highway Safety and Motor Vehicles, and the Executive Director of the Game and Fresh Water Fish Commission, or their designees, along with a representative of the Florida Tax Collectors Association, for the purpose of developing a report for the Chairs of the Appropriations and Ways and Means Committees on an equitable cost accounting process for tax collector transactions when the tax collectors are acting as agents of the state. This report is to be submitted January 1, 1997.

1320 OPERATING CAPITAL OUTLAY

FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		3,774
FROM LAND ACQUISITION TRUST FUND		14,000
FROM NON-GAME WILDLIFE TRUST FUND		35,001
FROM STATE GAME TRUST FUND		34,218

1320A LUMP SUM
ENVIRONMENTAL EDUCATION GRANT ADMINISTRATION

POSITIONS 3

FROM SAVE THE MANATEE TRUST FUND		2,346,740

Funds provided in Specific Appropriation 1320A are contingent upon legislation becoming law which transfers Environmental education grant administration from the Department of Environmental Protection to the Florida Game and Fresh Water Fish Commission.

1321 SPECIAL CATEGORIES
PAYMENT OF REWARDS

FROM NON-GAME WILDLIFE TRUST FUND		5,000

1324 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF MARINE RESOURCES/ MARINE TURTLES

FROM NON-GAME WILDLIFE TRUST FUND		300,000

1325 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES

FROM STATE GAME TRUST FUND		45,898

1325A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	33,614	
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,352
FROM NON-GAME WILDLIFE TRUST FUND		7,213
FROM STATE GAME TRUST FUND		51,048

SECTION 5
SPECIFIC
APPROPRIATION

1325B FIXED CAPITAL OUTLAY
MITIGATION PARK LAND ACQUISITION
FROM LAND ACQUISITION TRUST FUND 2,000,000

1326 FIXED CAPITAL OUTLAY
LAND ACQUISITION - 7TH SERIES PRESERVATION 2000
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,700,000

LAW ENFORCEMENT, DIVISION OF

1327 SALARIES AND BENEFITS POSITIONS 432
FROM GENERAL REVENUE FUND 18,975,331
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 288,829
FROM STATE GAME TRUST FUND 634,639

1328 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,451
FROM STATE GAME TRUST FUND 25,000

1329 EXPENSES
FROM GENERAL REVENUE FUND 441,186
FROM STATE GAME TRUST FUND 1,165,592

1330 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,628

1331 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 45,510
FROM STATE GAME TRUST FUND 1,114,838

1332 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 6,525
FROM STATE GAME TRUST FUND 1,433,158

1333 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 241,866
FROM STATE GAME TRUST FUND 54,420

1333A FIXED CAPITAL OUTLAY
CONSTRUCT SHOOTING RANGES - STATEWIDE
FROM STATE GAME TRUST FUND 750,000

WILDLIFE, DIVISION OF

1334 SALARIES AND BENEFITS POSITIONS 201
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 771,773
FROM NON-GAME WILDLIFE TRUST FUND 1,323,627
FROM STATE GAME TRUST FUND 5,609,482

1335 OTHER PERSONAL SERVICES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 182,740
FROM NON-GAME WILDLIFE TRUST FUND 781,805
FROM STATE GAME TRUST FUND 570,556

1336 EXPENSES
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 202,895
FROM NON-GAME WILDLIFE TRUST FUND 679,460
FROM STATE GAME TRUST FUND 2,444,601

1337 OPERATING CAPITAL OUTLAY
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 40,000
FROM NON-GAME WILDLIFE TRUST FUND 133,738
FROM STATE GAME TRUST FUND 287,519

1338 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 343,049

1339 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL ENDANGERED SPECIES - SECTION 6
FROM NON-GAME WILDLIFE TRUST FUND 236,793

1340 SPECIAL CATEGORIES
MANAGEMENT AREA LEASE PAYMENTS
FROM LAND ACQUISITION TRUST FUND 900,000

1341 SPECIAL CATEGORIES
DUCKS UNLIMITED MARSH PROJECT
FROM STATE GAME TRUST FUND 106,272

1342 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM STATE GAME TRUST FUND 22,583

FISHERIES, DIVISION OF

1343 SALARIES AND BENEFITS POSITIONS 161
FROM STATE GAME TRUST FUND 6,281,711

1344 OTHER PERSONAL SERVICES
FROM STATE GAME TRUST FUND 155,922

1345 EXPENSES
FROM STATE GAME TRUST FUND 1,941,943

1346 OPERATING CAPITAL OUTLAY
FROM STATE GAME TRUST FUND 202,581

1347 SPECIAL CATEGORIES
LAKE RESTORATION
FROM STATE GAME TRUST FUND 1,533,454

1348 SPECIAL CATEGORIES
BOAT RAMP MAINTENANCE CATEGORY
FROM STATE GAME TRUST FUND 175,000

1349 FIXED CAPITAL OUTLAY
RESTORATION - LAKE MICCOSUKEE - DMS MGD
FROM GENERAL REVENUE FUND 300,000

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1365 through 1369A, 1387 through 1400, 1410 through 1416B, and 1447 through 1471, are provided from the named funds to the department to fund the 5-year work program developed pursuant to the provisions of ss. 339.135 and 339.155, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

SECTION 5
SPECIFIC
APPROPRIATION

From funds provided in Specific Appropriations 1350, 1370, 1401, 1417, and 1426, up to 1/2 of 1% may be used for lump sum salary bonuses for qualified departmental employees pursuant to the Department's Personnel Pilot Program.

FINANCE AND ADMINISTRATION

1350 SALARIES AND BENEFITS POSITIONS 1,805
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 56,079,851
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 632,095

1351 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,395,993
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 10,000

1352 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 30,766,426
FROM TRANSPORTATION DISADVANTAGED TRUST
FUND 146,907

From funds in Specific Appropriations 1350 $61,313, and 1352 $86,108, respectively, from the State Transportation (Primary) Trust Fund for the Mayport Ferry shall be funded from toll revenues and the share of the State Comprehensive Enhanced Transportation System Tax allocated to District 2 that would otherwise be available for Duval County.

1353 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,088,652

Specific Appropriation 1353 includes $800,000 for a mainframe computer upgrade. These funds are contingent upon the Department reverting $1,600,000 of operating capital outlay budget in the Finance and Administration budget entity as of June 30, 1996.

1354 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 177,550

1355 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,131,095

From funds in Specific Appropriation 1355, $2,608,905 or 75% of the consultant fees for the Business Information Systems Plan (BISP) shall be placed in unbudgeted reserve until the Department provides to the Executive Office of the Governor an updated Agency Strategic Plan for Information Resource Management. This plan update shall document at a minimum the following information for each BISP component: identify the number and location of the users; provide a schedule delineating the date of completion; and provide a cost estimate for implementation.

Specific Appropriation 1355 includes $500,644 for geographic information systems. These funds are contingent upon the Department reverting $138,800 in operating capital outlay, $41,700 in expenses and $362,144 in consultant fees in the Finance and Administration budget entity as of June 30, 1996.

1356 SPECIAL CATEGORIES
TOLL OPERATION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 24,261,497

From funds in Specific Appropriation 1356, the Department shall rebid all contracts for toll services during fiscal year 1996-97. The amounts of the successful bids shall be compared to the estimated amount to provide toll collection services using state forces. No later than December 1, 1996, the Department shall present to the Executive Office of the Governor, and the Chairs of the Senate Ways and Means and House Appropriations Committee, a cost-benefit analysis of tolls conversion. This analysis shall include a recommendation and implementation plan which either continues the conversion to contracted services, or returns to utilization of state forces.

1357 SPECIAL CATEGORIES
PAYMENT TO EXPRESSWAY AUTHORITIES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,186,041

1358 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 179,455

1359 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 306,500

1360 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 11,900,654

1361 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS - CONSISTENCY REVIEW OF STATE TRANSPORTATION PLAN
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 278,296

1362 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE FOR HIGHWAY TAX COMPLIANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 100,000

1362A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM STATE TRANSPORTATION (PRIMARY)

SECTION 5
SPECIFIC
APPROPRIATION

TRUST FUND 1,846,811

1363 FIXED CAPITAL OUTLAY
RENOVATIONS - HEATING, VENTILATION AND AIR CONDITIONING - BURNS BUILDING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,120,000

1364 FIXED CAPITAL OUTLAY
OFFICE BUILDING REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 250,000

1365 FIXED CAPITAL OUTLAY
BOND GUARANTEE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1366 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 100,000

1367 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION DISADVANTAGED
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 25,221,420

1368 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 300,000

1369 FIXED CAPITAL OUTLAY
TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,433,551

1369A FIXED CAPITAL OUTLAY
FLORIDA EXPRESSWAY AUTHORITY LOANS
FROM TOLL FACILITIES REVOLVING TRUST FUND 500,000

PLANNING AND ENGINEERING

1370 SALARIES AND BENEFITS POSITIONS 1,209
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 54,090,587

1371 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 899,482

1372 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,189,998

Two positions and $72,000 in Specific Appropriation 1370 and $4,000 in Specific Appropriation 1372 are contingent upon legislation becoming law restoring the LOGO sign program. One position and $27,200 in Specific appropriation 1370 and $2,000 in Specific Appropriation 1372 shall be placed in Governor's Reserve until a determination is made as to whether the LOGO program shall be administered through contracts or with in-house resources. If the program is to be administered with in-house resources, the position and budget shall be released pursuant to the provisions of Chapter 216, F.S. If the program is to be administered through contracts, the department may request release of additional expense budget based upon need pursuant to the provisions of Chapter 216, F.S. Budget may be redistributed within the agency pursuant to the budget amendment provisions of Chapter 216, F.S.

1373 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,529,610

1374 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 399,000

1375 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 969,597

1376 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,743,877

1377 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 310,295

1378 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 149,400

1379 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,816,730

1381 FIXED CAPITAL OUTLAY
CODE AND SAFETY CORRECTIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 90,000

1382 FIXED CAPITAL OUTLAY
HEATING VENTILATING AND AIR CONDITIONING REPLACEMENT - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,000

1383 FIXED CAPITAL OUTLAY
ROOF REPLACEMENT AND REPAIRS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 400,000

1384 FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 140,000

SECTION 5
SPECIFIC
APPROPRIATION

1385 FIXED CAPITAL OUTLAY
RENOVATION - CENTRAL WAREHOUSE, GAINESVILLE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 180,000

1386 FIXED CAPITAL OUTLAY
RADIO COMMUNICATIONS PROGRAM (TOWERS/ ANTENNAES) - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 230,000

1387 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 4,502,000

1388 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 320,000

1389 FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,900,000

1390 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 590,000

1391 FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,450,000

1392 FIXED CAPITAL OUTLAY
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 508,175

1393 FIXED CAPITAL OUTLAY
CONSTRUCTION - ACCELERATED PAVEMENT TESTING FACILITY - GAINESVILLE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 700,000

1394 FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,581,294

1395 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 500,000

1396 FIXED CAPITAL OUTLAY
INTERMODAL/RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,800,000

1397 FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 8,550,000

SECTION 5
SPECIFIC
APPROPRIATION

1398 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 850,000

1399 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 260,000

1400 FIXED CAPITAL OUTLAY
MATERIALS AND RESEARCH
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 6,782,236

TURNPIKE OPERATIONS

1401 SALARIES AND BENEFITS POSITIONS 174
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 8,762,680

1402 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 155,752

1403 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,393,623

1404 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 188,900

1405 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 9,912,556

1406 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 76,095

1407 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,093,036

1408 FIXED CAPITAL OUTLAY
REPAIR/RENOVATION/ADDITION - STATEWIDE TURNPIKE SERVICE PLAZAS
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 1,277,572

1409 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 13,706,000

1410 FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 4,538,794
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 63,982,546
FROM TURNPIKE BOND CONSTRUCTION TRUST

SECTION 5
SPECIFIC
APPROPRIATION
FUND 48,305,122

1411 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 2,615,819
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 12,603,459
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 5,850,378

1412 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 32,249,933
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 6,991,088
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 20,753,190

1413 FIXED CAPITAL OUTLAY
RESURFACING
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 4,209,600

1414 FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 1,580,876

1415 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 511,200
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 28,943,991
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 144,096

1416 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 11,406,073
FROM TURNPIKE BOND CONSTRUCTION TRUST
FUND 2,249,700
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 5,687,000

1416A FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 620,088

1416B FIXED CAPITAL OUTLAY
TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 19,400,000

DISTRICT ADMINISTRATION

1417 SALARIES AND BENEFITS POSITIONS 466
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,053,690

1418 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 715,746

1419 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,090,104

SECTION 5
SPECIFIC
APPROPRIATION

1420 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 132,948

1421 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 118,000

1422 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 23,800

1423 FIXED CAPITAL OUTLAY
ADDITION AND RENOVATION - CHIPLEY DISTRICT
OFFICE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 650,000

1424 FIXED CAPITAL OUTLAY
OFFICE BUILDING REPAIRS, RENOVATIONS,
ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 427,000

1425 FIXED CAPITAL OUTLAY
ANNEX - BARTOW DISTRICT OFFICE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,800,000

DISTRICT OPERATIONS

1426 SALARIES AND BENEFITS POSITIONS 6,896
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 250,472,930

1427 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,039,979

1428 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 30,031,887

Seven positions and $252,000 in Specific Appropriation 1426 and $14,000 in Specific Appropriation 1428 are contingent upon legislation becoming law restoring the LOGO sign program. The seven positions and $252,000 in Specific Appropriation 1426 and $14,000 in Specific Appropriation 1428 shall be placed in Governor's Reserve until a determination is made as to whether the LOGO program shall be administered through contracts or with in-house resources. If the program is to be administered with in-house resources, the positions and budget shall be released pursuant to the provisions of Chapter 216, F.S. If the program is to be administered through contracts, the department may request release of additional expense budget based upon need pursuant to the provisions of Chapter 216, F.S. Budget may be redistributed within the agency pursuant to the budget amendment provisions of Chapter 216, F.S.

1429 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)

SECTION 5
SPECIFIC
APPROPRIATION

TRUST FUND 1,839,859

1430 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,500,000

1431 SPECIAL CATEGORIES
ACQUISITION OF MAINTENANCE AND HEAVY EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,500,000

1432 SPECIAL CATEGORIES
FAIRBANKS HAZARDOUS WASTE SITE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,736,000

1433 SPECIAL CATEGORIES
CONTRACT MAINTENANCE WITH DEPARTMENT OF CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 11,700,000

Funds in Specific Appropriation 1433 are provided for contracts with the Department of Corrections for the provision of inmate labor in the Highway Maintenance Program. The Executive Office of the Governor shall not release these funds until contracts have been signed pursuant to s. 339.08(3), Florida Statutes.

1434A SPECIAL CATEGORIES
CONTRACT MAINTENANCE WITH YOUTH CONSERVATION CORPS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,200,000

Specific Appropriation 1434A is provided to contract for highway maintenance activities using the Florida Youth Conservation Corps.

1435 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 692,318

1436 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,503,889

1437 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,175,176

From funds in Specific Appropriations 1426, 1428, 1436 and 1437, 27 positions and $783,951 in salaries and benefits, $366,867 in expenses, $12,000 in overtime, and $15,000 in transportation materials and equipment, respectively, provided for the Mayport Ferry shall be funded from toll revenues and the share of the State Comprehensive Enhanced Transportation System Tax allocated to District 2 that would otherwise be available for Duval County.

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1438 FIXED CAPITAL OUTLAY
CODE AND SAFETY CORRECTIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 150,000

1439 FIXED CAPITAL OUTLAY
ROOF REPLACEMENT AND REPAIRS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 150,000

1439A FIXED CAPITAL OUTLAY
CONSTRUCTION - SUB-MAINTENANCE YARD - LECANTO
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 280,000

1440 FIXED CAPITAL OUTLAY
FIELD FACILITIES REPAIRS, RENOVATIONS, ADDITIONS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,636,005

1441 FIXED CAPITAL OUTLAY
JACKSONVILLE URBAN OFFICE REPAIRS, RENOVATIONS, ADDITIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 460,000

1442 FIXED CAPITAL OUTLAY
CONSOLIDATION - PENSACOLA AND MILTON MAINTENANCE YARDS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

1442A FIXED CAPITAL OUTLAY
CONSOLIDATION - LEESBURG AND OCALA MAINTENANCE YARDS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 250,000

1444 FIXED CAPITAL OUTLAY
RENOVATION - MAINTENANCE YARD - NORTH DADE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,950,000

1445 FIXED CAPITAL OUTLAY
UNDERGROUND STORAGE TANK PROGRAM - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,002,500

1446 FIXED CAPITAL OUTLAY
MAINTENANCE COMPLEX - LAKE CITY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,567,000

1447 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 11,171,000

1448 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 86,136,696

SECTION 5
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From the funds provided in Specific Appropriation 1448 for contracts for security services at Interstate Rest Areas and Welcome Stations, the department shall require the contractor to ensure that all security guards meet the contract qualifications, including, but not limited to proper licensure under Chapter 493, Florida Statutes. The contract documents shall provide for termination in the event the contractor fails to meet these requirements. Bidders are encouraged to seek services of security guards licensed pursuant to Chapter 493, F.S., who are former members of the armed forces of the United States and have been affected by military downsizing or base closures, and shall be further encouraged to contact community colleges or other educational institutions which provide training for security guards for candidates meeting these qualifications.

1449 FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 264,072,697

From funds in Specific Appropriation 1449, $596,240 is provided for dredging, additional navigation equipment, and operating purposes related to the Physical Oceanographic Real Time System to improve maritime vessel safety for the Sunshine Skyway Bridge in Tampa Bay.

From funds provided in Specific Appropriation 1449 for transportation enhancement projects from the 10% set aside requirement for Surface Transportation funds pursuant to the 1991 Federal Transportation Act (ISTEA), first priority shall be given to funding projects identified in the Statewide Comprehensive Plan for Greenways and Trails prepared under a cooperative funding agreement between the Departments of Transportation and Environmental Protection.

From funds in Specific Appropriation 1449, the department may process the necessary work program and budget amendments pursuant to Chapter 339, F.S., in the event a Congressional authorization or appropriation is received for U.S. 192 or State Road 70 for road widening in Brevard, Osceola and Okeechobee Counties. The department is further authorized to provide up to twenty percent matching funds for authorized or appropriated federal funds.

1450 FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 285,217,643

1451 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 112,359,543
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 6,819,274

1452 FIXED CAPITAL OUTLAY

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APPROPRIATION

AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 73,710,002

1453 FIXED CAPITAL OUTLAY
RENOVATION - MAINTENANCE YARD -
BROOKSVILLE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 420,000

1454 FIXED CAPITAL OUTLAY
RENOVATION - MAINTENANCE YARD - TAMPA
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 217,000

1455 FIXED CAPITAL OUTLAY
ENVIRONMENTAL SITE RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,744,000

1456 FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 93,506,281

1457 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 217,272,493
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 73,140,280
FROM TOLL FACILITIES REVOLVING TRUST
FUND 4,000,000

From funds provided in Specific Appropriation 1457 from the Toll Facilities Revolving Trust Fund, $4 million shall be used for the Midpoint Bridge Corridor Project in Lee County. The advance of such funds shall be contingent on approval of a finance plan submitted to the Department of Transportation that includes the sale of revenue bonds or issuance of other debt.

1458 FIXED CAPITAL OUTLAY
INTERMODAL/RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 80,960,390

1459 FIXED CAPITAL OUTLAY
SEAPORT GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

Funds in Specific Appropriation 1459, for the Florida Seaport Transportation and Economic Development Program are provided to enhance the competitiveness of the Florida ports system, and the use of Florida Seaport Transportation and Economic Development funds are limited to such eligible projects listed in s. 311.07(3), F.S. Income derived from a project completed with the use of program funds, beyond operating costs and debt service, shall be restricted to further port capital improvements consistent with maritime purposes and for no other purpose. Use of such income for non-maritime purposes is prohibited.

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1460 FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,543,876

1461 FIXED CAPITAL OUTLAY
RESURFACING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 272,501,319

1462 FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 147,505,690
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 71,883,632

1463 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 158,833,783
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 10,863,134

Funds provided in Specific Appropriation 1463 are to include, upon HB 379 or similar legislation becoming law, the necessary funds for preliminary engineering for project number 3118043 in the department's Tentative Five Year Work Program dated March 15, 1996.

1464 FIXED CAPITAL OUTLAY
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,500,000

Funds in Specific Appropriation 1464 require an equal match from non-state funds by the program participants. The grant program shall be administered by the Florida Highway Beautification Council in accordance with s. 339.2405, Florida Statutes.

1465 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 54,235,217
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 12,569,866

1466 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 11,086,998

1467 FIXED CAPITAL OUTLAY
TRANSFER TO DEPARTMENT OF COMMERCE FOR
ECONOMIC DEVELOPMENT TRANSPORTATION
PROJECTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

Funds in Specific Appropriation 1467 shall be transferred to the Office of Tourism, Trade and Economic Development within the Executive Office of the Governor on a quarterly basis during the fiscal year. This transfer of funds is contingent upon legislation becoming law which transfers the Department of Commerce to a public-private partnership. Otherwise such transfer will be made to the Department of Commerce.

1468 FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,251,000

1469 FIXED CAPITAL OUTLAY
TRAFFIC ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,350,000

1470 FIXED CAPITAL OUTLAY
LOCAL GOVERNMENT REIMBURSEMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,618,257

1471 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 37,000,000

TOTAL OF SECTION 5 POSITIONS 19,787

FROM GENERAL REVENUE FUND 263,262,612

FROM TRUST FUNDS 5,056,723,833

TOTAL ALL FUNDS 5,319,986,445

SECTION 6 - GENERAL GOVERNMENT

The moneys contained herein are appropriated from the named funds to Administered Funds, Department of Banking and Finance, Department of Business and Professional Regulation, Department of Citrus, Department of Commerce, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Department of Insurance/Treasurer, Department of Labor and Employment Security, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, National Conference of Commissioners on Uniform State Laws, Public Service Commission, Department of Revenue and the Department of State/Secretary of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

ADMINISTERED FUNDS

1472 LUMP SUM
FEDERAL DOMESTIC VIOLENCE PROGRAM
FROM TRUST FUNDS 5,800,000

Funds are provided in Specific Appropriation 1472 to implement the Federal 1994 STOP Violence Against Women Grant program which is designed to develop and strengthen law enforcement and prosecutorial strategies to prevent violent crimes against women, and develop and strengthen victims' services.

Funds shall be allocated in the following manner: 1) 25 percent to enhance law enforcement efforts, 2) 25 percent to assist in prosecuting crimes, 3) 25 percent to aid victims of domestic and sexual violence, and 4) 25 percent to meet other goals

SECTION 6
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APPROPRIATION

under the approved state plan.

The Executive Office of the Governor (EOG) shall administer the funds.

1474 LUMP SUM
SALARY INCREASES
FROM GENERAL REVENUE FUND 68,620,124
FROM TRUST FUNDS 37,517,354

1475 LUMP SUM
CASUALTY INSURANCE PREMIUM DEFICIT
FROM GENERAL REVENUE FUND 8,020,000
FROM TRUST FUNDS 2,880,000

1476 LUMP SUM
STATEWIDE INNOVATION FUND
FROM GENERAL REVENUE FUND 2,000,000
FROM TRUST FUNDS 2,000,000

Funds from Specific Appropriation 1476 will be allocated based on a competitive evaluation process designed to award funds to agencies for demonstrating, in a proposal, innovative changes to their operations which will show quantifiable savings, cost avoidance, or increased productivity; address deficiencies in meeting standards established in performance-based program budgeting; or for the development of a quality management system.

Proposals shall be evaluated by the Department of Management Services. Proposals shall be approved by a State Innovation Committee pursuant to Chapter 94-249, Laws of Florida. Criteria shall be used by the Committee and be based on the merit of the innovative idea as it relates to achieving the following results: 1) cutting the cost of government, 2) meeting standards established in performance-based program budgeting, 3) increasing the quality of public service, and 4) achieving privatization.

Evaluation criteria shall include giving preference for proposals that demonstrate methods an agency will employ to meet or exceed the standards established in performance-based program budgeting.

Priority for funding the development of a quality management system shall be given to agencies that have conducted a quality self-assessment. Funds may be used to: 1) conduct studies for potential private sector delivery or for the use of technology in program reengineering and process redesign that result in savings; and 2) develop Requests for Proposals to determine more cost effective alternatives for service delivery.

The Department of Management Services shall submit its recommendations to the State Innovation Committee. The State Innovation Committee shall approve proposals for funding. The Office of Planning and Budgeting shall release the funds through budget amendments which shall be subject to legislative consultation as set forth in Chapter 216, Florida Statutes.

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1477 LUMP SUM
PARTNERSHIP OF AMERICAS
FROM GENERAL REVENUE FUND 250,000

1477A LUMP SUM
NATIONAL COMMUNITY SERVICES ACT GRANT
FROM GENERAL REVENUE FUND 275,000

1478A LUMP SUM
REDUCE FLORIDA RETIREMENT SYSTEM
CONTRIBUTIONS DUE TO ACTUARIAL RATE
REDUCTIONS
FROM GENERAL REVENUE FUND . . . . . -7,306,200
FROM TRUST FUNDS . . . . . -4,870,800

1478B LUMP SUM
CONSTITUTION REVISION STEERING COMMITTEE
FROM GENERAL REVENUE FUND 100,000

1481A LUMP SUM
IMPLEMENT ECONOMIC DEVELOPMENT LEGISLATION
POSITIONS 286
FROM GENERAL REVENUE FUND 5,985,987
FROM TRUST FUNDS 11,065,722

Funds in Specific Appropriation 1481A are transferred from the Department of Commerce to implement House Bill 1177 and House Bill 707, or similar legislation. Funds and positions shall be distributed based on the transition plans contemplated in the legislation to phase-out the Department of Commerce, establish the Office of Tourism, Trade and Economic Development, and provide additional funds for Enterprise Florida and the Tourism Marketing Corporation to assume the required economic development and tourism activities of the state. Funds and positions provided in Specific Appropriation 1481A for implementation of the Office of Tourism, Trade and Economic Development shall only be transferred from the Lump Sum appropriation category to disbursement categories after approval by the Chairman of the Ways and Means Committee and the Chairman of the House Appropriations Committee.

Funds in Specific Appropriation 1481A also include $333,212 from the Florida International Trade and Promotion Trust Fund to FAVA/CA.

From the funds in Specific Appropriation 1481A, $350,000 from the Florida International Trade and Promotion Trust Fund is provided for the Department of State for international relations responsibilities transferred to the department in HB 1177.

Funds from Specific Appropriation 1481A may be used by the Office of Tourism, Trade and Economic Development to maximize grant and loan opportunities for rural economic development under Title VII of the federal Agriculture Improvement and Reform Act of 1996. The Office or its designee may prepare grant or loan applications when required under Title VII of the Act to be submitted by the state in order to qualify for funds. State participation in such grant and loan programs shall be overseen by the Office or its designee. The Office shall seek to

SECTION 6
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ensure that the five-year rural development strategy developed by Enterprise Florida, Inc. pursuant to CS/HB 1177 or similar legislation, is consistent to the extent possible with plans required of grant and loan applicants under the Title VII of the Act. The Office may process the necessary budget amendments pursuant to Chapter 216, F.S., to obtain budget authority for such federal grant funds.

1482 SPECIAL CATEGORIES
ASSOCIATION DUES
FROM GENERAL REVENUE FUND 170,600

1483 SPECIAL CATEGORIES
COUNCIL OF STATE GOVERNMENTS
FROM GENERAL REVENUE FUND 249,540

1484 SPECIAL CATEGORIES
SOUTHERN GROWTH POLICY BOARD
FROM GENERAL REVENUE FUND 50,784

1485 SPECIAL CATEGORIES
DEFICIENCY
FROM GENERAL REVENUE FUND 400,000

1486 SPECIAL CATEGORIES
EMERGENCY
FROM GENERAL REVENUE FUND 250,000

1487 SPECIAL CATEGORIES
FLORIDA LAND AND WATER ADJUDICATORY
COMMISSION - ADMINISTRATIVE APPEALS
FROM GENERAL REVENUE FUND 4,756

1488 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM
TRUST FUND
FROM GENERAL REVENUE FUND 4,725,379

Funds in Specific Appropriation 1488 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting for the development and implementation of the LAS/PBS Appropriations System.

BANKING AND FINANCE, DEPARTMENT OF, AND
COMPTROLLER

OFFICE OF THE COMPTROLLER AND DIVISION OF
ADMINISTRATION

1500 SALARIES AND BENEFITS POSITIONS 103
FROM GENERAL REVENUE FUND 2,301,042
FROM ADMINISTRATIVE TRUST FUND 2,613,703

From the funds in Specific Appropriation 1500, the Comptroller may enter into a contract, pursuant to a request for proposals, for a compliance management program. The program shall perform cross agency data matching for the purpose of determining fraud or error in selected state agencies, and shall be funded from funds recovered or saved through fraud and error rate reduction resulting from the program. Any state agency participating in the program shall be a party to the contract and shall specify in the contract how payments will be made.

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1501 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,550

1502 EXPENSES
FROM GENERAL REVENUE FUND 467,529
FROM ADMINISTRATIVE TRUST FUND 672,562

1503 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 75,900
FROM ADMINISTRATIVE TRUST FUND 105,889

1504 LUMP SUM
RELOCATING OF AGENCY TO FLETCHER BUILDING
FROM GENERAL REVENUE FUND 50,000
FROM ADMINISTRATIVE TRUST FUND 177,362

1505 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM ADMINISTRATIVE TRUST FUND 139,905

1506 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM ADMINISTRATIVE TRUST FUND 480,598

1506A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 7,526
FROM ADMINISTRATIVE TRUST FUND 4,062

ACCOUNTING AND AUDITING, DIVISION OF

1507 SALARIES AND BENEFITS POSITIONS 162
FROM GENERAL REVENUE FUND 5,769,344
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 163,987

1508 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 95,060

1509 EXPENSES
FROM GENERAL REVENUE FUND 1,146,792
FROM CONSOLIDATED PAYMENT TRUST FUND . . . 12,159

1510 AID TO LOCAL GOVERNMENTS
FLOOD CONTROL
FROM FLOOD CONTROL TRUST FUND 12,000

1511 AID TO LOCAL GOVERNMENTS
NATIONAL FOREST MONIES TO COUNTIES
FROM FLORIDA NATIONAL FOREST TRUST FUND . 2,700,000

1512 AID TO LOCAL GOVERNMENTS
PROCEEDS FROM SALE OF TIMBER PRODUCTS
FROM U.S. MILITARY INSTALLATIONS TIMBER
PRODUCTS TRUST FUND 335,000

1513 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 31,639

1514 SPECIAL CATEGORIES
GRANTS AND AIDS - SMALL COUNTY TECHNICAL
ASSISTANCE
FROM GENERAL REVENUE FUND 250,000

1515 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES

SECTION 6
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APPROPRIATION
FROM GENERAL REVENUE FUND 26,967

1515A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 12,604

INFORMATION SYSTEMS, DIVISION OF

1516 SALARIES AND BENEFITS POSITIONS 173
FROM WORKING CAPITAL TRUST FUND 7,242,723

1517 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 875,000

1518 EXPENSES
FROM WORKING CAPITAL TRUST FUND 7,675,838

1519 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 4,558,578

BANKING, DIVISION OF

1523 SALARIES AND BENEFITS POSITIONS 181
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 8,359,170

1524 OTHER PERSONAL SERVICES
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 21,396

1525 EXPENSES
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 1,787,912

1526 OPERATING CAPITAL OUTLAY
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 61,750

1527 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 250,418

1527A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 6,059

FINANCE, DIVISION OF

1528 SALARIES AND BENEFITS POSITIONS 127
FROM REGULATORY TRUST FUND 4,951,770

1529 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 2,413,738

1530 EXPENSES
FROM REGULATORY TRUST FUND 1,553,169

1531 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 214,399

1532 SPECIAL CATEGORIES
TRANSFER TO MORTGAGE BROKERAGE GUARANTY
TRUST FUND
FROM REGULATORY TRUST FUND 2,200,000

1533 DATA PROCESSING SERVICES

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STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM REGULATORY TRUST FUND 388,145

1533A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM REGULATORY TRUST FUND 28,062

SECURITIES AND INVESTOR PROTECTION, DIVISION OF

1534 SALARIES AND BENEFITS POSITIONS 75
FROM GENERAL REVENUE FUND 2,858,975
FROM ANTI-FRAUD TRUST FUND 139,221

1535 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 11,400
FROM ANTI-FRAUD TRUST FUND 157,161

1536 EXPENSES
FROM GENERAL REVENUE FUND 496,410
FROM ANTI-FRAUD TRUST FUND 92,839

1537 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,000

1538 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM GENERAL REVENUE FUND 125,367

1539 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 49,056

1539A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 8,682

FINANCIAL INVESTIGATIONS, DIVISION OF

1540 SALARIES AND BENEFITS POSITIONS 60
FROM GENERAL REVENUE FUND 1,169,905
FROM ADMINISTRATIVE TRUST FUND 1,319,254

1541 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,000

1542 EXPENSES
FROM GENERAL REVENUE FUND 210,325
FROM ADMINISTRATIVE TRUST FUND 287,175

1543 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 2,504

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT
OF

OFFICE OF THE SECRETARY AND DIVISION OF
ADMINISTRATION

1544 SALARIES AND BENEFITS POSITIONS 209
FROM ADMINISTRATIVE TRUST FUND 8,256,410
FROM PROFESSIONAL REGULATION TRUST FUND . 164,682

1545 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 672,833
FROM PROFESSIONAL REGULATION TRUST FUND . 36,581

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1546 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 3,805,563
FROM PROFESSIONAL REGULATION TRUST FUND . 89,054

1547 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 1,604,634

1548 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 92,707

1549 SPECIAL CATEGORIES
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING
FROM ADMINISTRATIVE TRUST FUND 249,339

1550 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ADMINISTRATIVE TRUST FUND 3,800

1551 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 2,240

1552 SPECIAL CATEGORIES
STATE EMPLOYEES' CHILD CARE CENTER OPERATION
FROM ADMINISTRATIVE TRUST FUND 64,000

1553 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 684,752

1554 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 5,714

1554A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM ADMINISTRATIVE TRUST FUND 223,255

PROFESSIONAL REGULATION, DIVISION OF

1555 SALARIES AND BENEFITS POSITIONS 505
FROM PROFESSIONAL REGULATION TRUST FUND . 17,239,058

1556 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 4,827,546

1557 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 7,293,358

From funds in Specific Appropriation 1557, the Department of Business and Professional Regulation is authorized to spend up to $75,000 as required for advertising, minor repairs, appraisal, and costs and fees associated with the sale of the Regional Service Center located in Orlando.

1558 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 292,828

1559 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND . 279,000

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1560 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM PROFESSIONAL REGULATION TRUST FUND . 5,213,059

1561 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,644,000

Funds provided in Specific Appropriation 1561 for Unlicensed Activities shall be released upon approval of a plan to be submitted to the Office of Planning and Budgeting in the Executive Office of the Governor. The plan shall include the allocation for each board and the programmatic functions to be used by each board to regulate unlicensed activities.

1562 SPECIAL CATEGORIES
CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 1,200,000

1563 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM PROFESSIONAL REGULATION TRUST FUND . 402,518

1564 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 20,500

1564A SPECIAL CATEGORIES
BOARD OF PROFESSIONAL ENGINEERS MANAGEMENT CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 800,000

Funds in Specific Appropriation 1564A are contingent on HB 1199 or similar legislation becoming law, which allows the support activities of the Board of Professional Engineers to be contracted with a private nonprofit corporation.

1565 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 620,000

1566 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 829,245

PARI-MUTUEL WAGERING, DIVISION OF

1567 SALARIES AND BENEFITS POSITIONS 100
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 3,751,529

1568 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,780,163

Funds in Specific Appropriation 1568 include $247,164 to convert to serum testing for phenylbutazone in horses.

1569 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,479,500

1570 AID TO LOCAL GOVERNMENTS

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RACING TAX TO COUNTIES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 29,915,500

1571 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 193,536

1572 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 24,802

1573 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE UNIVERSITY SYSTEM (INDUSTRY RESEARCH)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 250,000

1574 SPECIAL CATEGORIES
REGULATION OF PARI-MUTUEL INDUSTRIES (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 167,959

1575 SPECIAL CATEGORIES
TAX COLLECTION (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 60,725

1576 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 296,476

HOTELS AND RESTAURANTS, DIVISION OF

1577 SALARIES AND BENEFITS POSITIONS 327
FROM HOTEL AND RESTAURANT TRUST FUND . . . 11,756,398

1578 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 54,080

1579 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 2,349,958

1580 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST FUND . . . 215,843

1581 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 47,940

1582 SPECIAL CATEGORIES
TRANSFERS TO DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR EPIDEMIOLOGICAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 498,416

1583 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL-TO-CAREER
FROM HOTEL AND RESTAURANT TRUST FUND . . . 100,000

1584 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 550,109

ALCOHOLIC BEVERAGES AND TOBACCO, DIVISION OF

1585 SALARIES AND BENEFITS POSITIONS 418
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . 16,975,031

1586 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . 45,658

1587 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . 3,985,672

1588 AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . 9,700,000

1589 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . 246,758

1590 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . 529,200

1591 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . 55,000

1592 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . 328,172

1593 SPECIAL CATEGORIES
CIGARETTE TAX STAMPS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . 851,262

1594 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . 220,744

1595 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . 235,422

FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, DIVISION OF

1596 SALARIES AND BENEFITS POSITIONS 172
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND . . . 5,831,115

1597 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND . . . 153,950

1598 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND . . . 1,662,669

1599 OPERATING CAPITAL OUTLAY

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FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 34,524

1600 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 150,567

CITRUS, DEPARTMENT OF

1601 SALARIES AND BENEFITS POSITIONS 160
FROM CITRUS ADVERTISING TRUST FUND 7,591,292

1602 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 268,000

1603 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 5,612,886

From the funds provided in Specific Appropriation 1603, the Department of Citrus may contract to reimburse Tourism Florida for an amount not to exceed $240,000 of the cost of citrus juice purchased from funds in Specific Appropriation 1614I and dispensed at the Florida Welcome Stations.

1604 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 745,300

1605 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 65,502,028

1606 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM CITRUS ADVERTISING TRUST FUND 20,000

1607 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM CITRUS ADVERTISING TRUST FUND 15,000

1607A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CITRUS ADVERTISING TRUST FUND 17,005

GOVERNOR, EXECUTIVE OFFICE OF THE

GENERAL OFFICE

1608 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION
POSITIONS 118
FROM GENERAL REVENUE FUND 7,795,541
FROM GRANTS AND DONATIONS TRUST FUND . . . 574,392

1609 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF PLANNING AND BUDGETING
POSITIONS 94
FROM GENERAL REVENUE FUND 5,602,388
FROM GRANTS AND DONATIONS TRUST FUND . . . 284,683

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1610 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - WASHINGTON OFFICE
POSITIONS 5
FROM GENERAL REVENUE FUND 388,566

1610A LUMP SUM
LEGISLATIVE APPROPRIATION SYSTEM/PLANNING AND BUDGETING SUBSYSTEM
POSITIONS 45
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 4,573,514

1610B LUMP SUM
HIGH SKILL/HIGH WAGE INITIATIVE
POSITIONS 7
FROM GRANTS AND DONATIONS TRUST FUND . . . 19,107,952

Funds provided in Specific Appropriation 1610B must be expended in accordance with the plan, approved by the Jobs and Education Partnership no later than June 25, 1996. The plan shall include goals, incentives and performance benchmarks for High-Skill/High-Wage activities and shall include funding for dislocated workers Rapid Response Assistance ($4 million from Trust Funds), training farm workers dislocated by Lake Apopka area farm land acquisition and restoration ($200,000 from Trust Funds), Performance Based Incentive Program ($10 million plus fiscal year 1995-96 carry over from Trust Funds), dislocated military personnel placement - Soldiers to Scholars ($450,000 from Trust Funds), and teacher education for dislocated military personnel, dislocated defense contractor employees and minority groups under-represented in the teaching workforce ($3,000,000 from Trust Funds shall be deposited in the Florida Fund for Minority Teachers and made available for scholarships and incentives. $200,000 of these funds shall be transferred to the University of Florida College of Education July 1, 1996 for the purpose of developing and implementing initiatives set forth in CS/SB 2822 or similar legislation for the Minority Teacher Education Scholars Program). The plan should include provisions to ensure that allowable federal carry-forward provisions are not exceeded and funds are not reverted. The plan should also include provisions for the operation of the Jobs and Education Partnership as the state's Human Resources Investment Commission and for the administration of Performance-Based Funding and Quick Response Training Programs. From the funds in Specific Appropriation 1610B, $100,000 is appropriated to the St. Augustine Technical Center to be used to establish an apprenticeship program to train workers with skills which relate to historical preservation maintenance and repair in cooperation with the Department of State. The course shall be organized according to the guidelines governing state apprenticeship programs and the Job Training Partnership Act.

1611 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM

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APPROPRIATION

FROM GRANTS AND DONATIONS TRUST FUND . . . 4,498,832

1611A SPECIAL CATEGORIES
GRANTS AND AIDS - BLACK BUSINESS INVESTMENT BOARD
FROM GENERAL REVENUE FUND 444,625

1612 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 91,087

1613 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT DARE
FROM GRANTS AND DONATIONS TRUST FUND . . . 508,302

1614 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 30,000

1614A SPECIAL CATEGORIES
GRANTS AND AIDS - DEFENSE REINVESTMENT
FROM GENERAL REVENUE FUND 1,100,000

1614B SPECIAL CATEGORIES
GRANTS AND AIDS - ECONOMIC DEVELOPMENT - TRANSPORTATION PROJECTS
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 10,000,000

Funds in Specific Appropriation 1614B are contingent upon legislation becoming law which transfers the programs and responsibilities of the Department of Commerce to public-private partnerships. Funds in Specific Appropriation 1614B include $780,000 from the Economic Development Transportation Trust Fund for the Spaceport Florida Authority. In conducting its operations, the Spaceport Florida Authority shall promote the diversity of the state's labor force and encourage opportunities for traditionally economically disadvantaged groups through such activities as employment practices, contracting opportunities, supply and commodity purchases, and community service.

From the funds in Specific Appropriation 1614B $500,000 may be designated for road and access improvements for State Road 52 outlet mall in Pasco County.

1614C SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ISRAEL INSTITUTE
FROM GENERAL REVENUE FUND 87,500

1614D SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SPORTS FOUNDATION
FROM PROFESSIONAL SPORTS DEVELOPMENT TRUST FUND 2,500,000

1614E SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA PROGRAM
FROM GENERAL REVENUE FUND 10,800,000

Funds in Specific Appropriation 1614E are contingent upon legislation becoming law which transfers the programs and responsibilities of the Department of Commerce to public-private partnerships. Funds in Specific Appropriation 1614E include $250,000 for the Florida Export Finance Corporation.

From funds provided in Specific Appropriation 1614E, the Executive Office of the Governor shall place in reserve $1,400,000 until such time as Enterprise Florida receives a National Institute of Standards and Testing (NIST) grant which matches state funding at the ratio of 1 state dollar to 1 grant dollar. The Executive Office of the Governor may release these funds to Enterprise Florida as necessary to meet the required match ratio.

1614F SPECIAL CATEGORIES
PORTS PROGRAM
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 209,475

1614G SPECIAL CATEGORIES
GRANTS AND AIDS - SOUTH BAY PARK OF COMMERCE
FROM GENERAL REVENUE FUND 418,000

1614H SPECIAL CATEGORIES
GRANTS AND AIDS - TARGETED INCENTIVE PROGRAM
FROM GENERAL REVENUE FUND 1,100,000

1614I SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COMMISSION ON TOURISM
FROM TOURISM PROMOTION TRUST FUND 18,000,000

1614J SPECIAL CATEGORIES
ENTERPRISE FLORIDA - JOBS AND EDUCATION SERVICES
FROM GENERAL REVENUE FUND 283,446
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,000,000

Up to $30 million will be transferred to the Grants and Donations Trust Fund from Specific Appropriation 29A ($2 million), Specific Appropriation 152 ($4 million), Specific Appropriation 482 ($6 million from the Administrative Trust Fund) and Specific Appropriation 1610B ($18 million from Trust Funds) for the purpose of operating the performance-based incentive program (Chapter 139.249, F.S.). The fund will be earned by school districts and community colleges under a performance-based funding approach, structured as incentives to vocational programs for producing trained workers in occupations identified in the Occupational Forecasting Conference (Section 216.136, F.S.).

1614K SPECIAL CATEGORIES
ENTERPRISE FLORIDA - MICROCHIP FABRICATION PLANT AT&T
FROM GENERAL REVENUE FUND 925,000

Funds provided in Specific Appropriation 1614K shall be designated for the UCF/USF/AT&T consortium for the purpose of creating a model to maintain, enhance, and recruit targeted high technology industries in the Interstate 4 High Technology

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APPROPRIATION
Corridor of Central Florida.

1614L SPECIAL CATEGORIES
ENTERTAINMENT FLORIDA
FROM TOURISM PROMOTION TRUST FUND 200,411

Funds in Specific Appropriation 1614L are contingent upon legislation becoming law which transfers the programs and responsibilities of the Department of Commerce to public-private partnerships, a direct-support organization, or a designated Florida non-profit corporation, whose board members have had prior experience promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording and entertainment industries. These funds shall be matched through direct or in-kind contributions from the private sector.

1614M SPECIAL CATEGORIES
ECONOMIC DEVELOPMENT TOURISM PARTNERSHIP
FROM GENERAL REVENUE FUND 2,500,000

Funds in Specific Appropriation 1614M are provided for matching grants to governmental entities and not-for-profit organizations for programs designed to foster local economic development through increased tourism. These funds shall be used for nonrecurring capital development costs and shall be matched on at least a $4 to $1 basis. Qualifying grant recipients shall be limited to programs which demonstrate the ability to attract or sustain visitation at a level which contributes significantly to local tourism.

1614N SPECIAL CATEGORIES
ECONOMIC DEVELOPMENT FESTIVALS
FROM GENERAL REVENUE FUND 972,500

Funds in Specific Appropriation 1614N are provided for the following economic development initiatives and festivals:

Broward Blvd. Economic Development..... 100,000
Remember the Maine Centennial Celebration.. 37,500
Ybor City Historic Landmark District -
Italian Club..... 75,000
Miami/Bahamas Goombay Festival..... 125,000
Delta Sorority - Orlando..... 25,000
Carnival - Orlando..... 25,000
Wellsbilt Celebration..... 50,000
Virgil Hawkins Library Designation..... 25,000
Zora Neale Hurston Festival..... 25,000
Eatonville Multi-cultural Performing Arts
Center..... 25,000
Harriet V. & Harry T. Moore Justice Center. 10,000
Florida Sports Hall of Fame..... 50,000
Black Enterprise Entrepreneurs Conference... 25,000
Black Enterprise Challenge..... 25,000
Florida Africa Trade Symposium.....300,000
Shores Performing Arts Theatre..... 50,000

1615 DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER -
DEPARTMENT OF BANKING AND FINANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST

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FUND 44,550

1616 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM PLANNING AND BUDGETING SYSTEM TRUST
FUND 24,000

1616A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 10,732

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF
ADMINISTRATIVE SERVICES

1617 SALARIES AND BENEFITS POSITIONS 422
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 11,937,544
FROM GRANTS AND DONATIONS TRUST FUND . . . 92,870
FROM LAW ENFORCEMENT TRUST FUND 91,957

1618 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 91,785
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,064

1619 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,689,600
FROM GRANTS AND DONATIONS TRUST FUND . . . 205,400
FROM LAW ENFORCEMENT TRUST FUND 7,460

1620 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 87,365
FROM GRANTS AND DONATIONS TRUST FUND . . . 12,000

1620A LUMP SUM
REFUND FOR $295 IMPACT FEE COLLECTED IN
FISCAL YEAR 1990-91
FROM GENERAL REVENUE FUND 24,800,000

Funds in Specific Appropriation 1620A are provided solely for the purpose of settling all claims in Nemeth v. Florida Department of Revenue (19th Circuit #94-1144 CA-17). Such funds shall not be expended until the Attorney General approves the settlement and the court approves the settlement on behalf of the class. No such settlement shall be approved by the Attorney General if it exceeds, including all attorney's fees and costs, the amount appropriated in Specific Appropriation 1620A or if it does not have the effect of dismissing the case with prejudice on behalf of the entire class.

1621 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM GENERAL REVENUE FUND 25,406
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 29,576

1621A SPECIAL CATEGORIES
CUSTOMER SERVICE CENTERS
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 250,000

Funds in Specific Appropriation 1621A will be used to develop customer service kiosks around the state to provide drivers license and motor vehicle information to the public.

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1622 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 501

1623 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 365,955
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 579,677
FROM LAW ENFORCEMENT TRUST FUND 3,437

1623A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 49,312
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 107,543

FLORIDA HIGHWAY PATROL, DIVISION OF

1624 SALARIES AND BENEFITS POSITIONS 2,207
FROM GENERAL REVENUE FUND 82,070,274
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 13,525,842
FROM GAS TAX COLLECTION TRUST FUND 176,080
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,777,840
FROM LAW ENFORCEMENT TRUST FUND 792,076

1625 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 57,500
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 207,992
FROM GRANTS AND DONATIONS TRUST FUND . . . 650,000
FROM LAW ENFORCEMENT TRUST FUND 200,000

1626 EXPENSES
FROM GENERAL REVENUE FUND 3,366,818
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 4,267,783
FROM GRANTS AND DONATIONS TRUST FUND . . . 566,732
FROM LAW ENFORCEMENT TRUST FUND 813,603

1627 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 441,331
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 45,008
FROM GRANTS AND DONATIONS TRUST FUND . . . 317,540

From funds in Specific Appropriation 1627, $200,000 from the General Revenue Fund is provided for the purchase of Florida Highway Patrol vehicle cages.

1627A LUMP SUM
DISPATCH AUTOMATION - FLORIDA CRIME
INFORMATION CENTER (FCIC) 2000
FROM GENERAL REVENUE FUND 400,000

1628 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 5,161,616
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,145,029
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,000

1629 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 3,003,090
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 3,065,258
FROM GRANTS AND DONATIONS TRUST FUND . . . 139,621

1630 SPECIAL CATEGORIES
OVERTIME
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,485,600

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1631 SPECIAL CATEGORIES
PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS
FROM HIGHWAY PATROL INSURANCE TRUST FUND . 152,000

1632 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 1,143,769
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 232,080
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,600

1633 SPECIAL CATEGORIES
TRANSFER TO HIGHWAY PATROL INSURANCE TRUST
FUND
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 152,000

1634 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 227,334

DRIVER LICENSES, DIVISION OF

1635 SALARIES AND BENEFITS POSITIONS 1,492
FROM GENERAL REVENUE FUND 77,321
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 39,651,281
FROM DRIVING UNDER THE INFLUENCE (DUI)
SCHOOL COORDINATION TRUST FUND 278,943

1636 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 967,016
FROM DRIVING UNDER THE INFLUENCE (DUI)
SCHOOL COORDINATION TRUST FUND 143,467
FROM GRANTS AND DONATIONS TRUST FUND . . . 159,064

1637 EXPENSES
FROM GENERAL REVENUE FUND 89,761
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 9,993,100
FROM DRIVING UNDER THE INFLUENCE (DUI)
SCHOOL COORDINATION TRUST FUND 87,327
FROM GRANTS AND DONATIONS TRUST FUND . . . 191,228

From funds in Specific Appropriation 1637, $40,000 from the Driving Under the Influence School Coordination Trust Fund, is provided to State Attorneys as matching funds for a federal grant which will provide Driving Under the Influence (DUI) training.

1638 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 56,000
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 80,323
FROM DRIVING UNDER THE INFLUENCE (DUI)
SCHOOL COORDINATION TRUST FUND 7,769
FROM GRANTS AND DONATIONS TRUST FUND . . . 176,132

1639 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 500,000

1640 SPECIAL CATEGORIES
PURCHASE OF DRIVER LICENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,225,149

1641 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 21,884

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FROM HIGHWAY SAFETY OPERATING TRUST FUND .		9,447,174

MOTOR VEHICLES, DIVISION OF

1643 SALARIES AND BENEFITS POSITIONS 622		
FROM GENERAL REVENUE FUND	56,981	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		15,037,426
FROM GAS TAX COLLECTION TRUST FUND		2,293,128
1644 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	448,803	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		109,516
FROM GAS TAX COLLECTION TRUST FUND		11,438
1645 EXPENSES		
FROM GENERAL REVENUE FUND	460,476	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		4,375,104
FROM GAS TAX COLLECTION TRUST FUND		536,258
FROM GRANTS AND DONATIONS TRUST FUND . . .		360,626

Funding provided in Specific Appropriations 1644 and 1645, $448,803 in Other Personal Services and $448,804 in Expenses from the General Revenue Fund shall be used for the administration of the impact fee refund appropriated in Specific Appropriation 1620A. Funds within these appropriations for consulting services related to the monitoring of the impact of the refund process are limited to $150,000 as originally contracted by the department.

From funds provided in Specific Appropriation 1643 through 1645, the department is directed to participate in a task force chaired by the Executive Director of the Department of Revenue, including the Secretary of the Department of Environmental Protection, the Executive Director of the Department of Highway Safety and Motor Vehicles, and the Executive Director of the Game and Fresh Water Fish Commission, or their designees, along with a representative of the Florida Tax Collectors Association, for the purpose of developing a report for the Chairs of the Appropriations and Ways and Means Committees on an equitable cost accounting process for tax collector transactions when the tax collectors are acting as agents of the state. This report is to be submitted January 1, 1997.

1646 AID TO LOCAL GOVERNMENTS		
DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE		
FROM LICENSE TAX COLLECTION TRUST FUND . .		10,500,000
1647 AID TO LOCAL GOVERNMENTS		
DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE		
FROM LICENSE TAX COLLECTION TRUST FUND . .		7,632,000
1648 AID TO LOCAL GOVERNMENTS		
DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE		
FROM LICENSE TAX COLLECTION TRUST FUND . .		3,368,000
1649 OPERATING CAPITAL OUTLAY		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		160,165
FROM GAS TAX COLLECTION TRUST FUND		5,001
FROM GRANTS AND DONATIONS TRUST FUND . . .		145,656

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1650 SPECIAL CATEGORIES		
GRANTS AND AIDS - PURCHASE OF LICENSE PLATES		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		7,531,999
1651 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF ENVIRONMENTAL PROTECTION EMISSIONS PROGRAM		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		250,000
1652 DATA PROCESSING SERVICES		
ENVIRONMENTAL PROTECTION MANAGEMENT INFORMATION CENTER		
FROM GENERAL REVENUE FUND	153,672	
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		144,696
1653 DATA PROCESSING SERVICES		
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
FROM HIGHWAY SAFETY OPERATING TRUST FUND .		8,033,412
FROM GAS TAX COLLECTION TRUST FUND		542,368

KIRKMAN DATA CENTER

1654 SALARIES AND BENEFITS POSITIONS 226		
FROM WORKING CAPITAL TRUST FUND		7,800,232
1655 OTHER PERSONAL SERVICES		
FROM WORKING CAPITAL TRUST FUND		10,208
1656 EXPENSES		
FROM WORKING CAPITAL TRUST FUND		6,617,159
1657 OPERATING CAPITAL OUTLAY		
FROM WORKING CAPITAL TRUST FUND		2,389,409
1658 SPECIAL CATEGORIES		
TAX COLLECTOR NETWORK - COUNTY SYSTEMS		
FROM WORKING CAPITAL TRUST FUND		2,316,934

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

1659 SALARIES AND BENEFITS POSITIONS 142		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		5,749,221
1660 OTHER PERSONAL SERVICES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		304,121
1661 EXPENSES		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		1,694,406
1662 OPERATING CAPITAL OUTLAY		
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		44,200
1664 SPECIAL CATEGORIES		
TRANSFER TO HURRICANE CATASTROPHE FUND		
FROM GENERAL REVENUE FUND	12,500,000	
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		12,500,000
1665 SPECIAL CATEGORIES		

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SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 2,400

1667 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 7,783

1667A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 10,683

TREASURY, DIVISION OF

1668 SALARIES AND BENEFITS POSITIONS 76
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 2,863,265

1669 OTHER PERSONAL SERVICES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 9,000

1670 EXPENSES
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 2,227,043

1671A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM TREASURER'S ADMINISTRATIVE AND
INVESTMENT TRUST FUND 4,014

AGENTS AND AGENCIES SERVICES, DIVISION OF

1672 SALARIES AND BENEFITS POSITIONS 133
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 4,236,657

1673 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 2,773,585

From the funds provided in Specific Appropriation 1673, $1,258,000 is contingent on legislation becoming law which authorizes the partial privatization of the continuing education program.

1674 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,248,796

1675 AID TO LOCAL GOVERNMENTS
INSURANCE LICENSE TAX TO COUNTIES
FROM AGENTS AND SOLICITORS COUNTY
LICENSE TAX TRUST FUND 3,000,000

1676 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 6,200

1677 SPECIAL CATEGORIES
FINGERPRINTING OF APPLICANTS
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,100,000

1678A DATA PROCESSING SERVICES

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APPROPRIATION
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,965

INSURER SERVICES, DIVISION OF

1679 SALARIES AND BENEFITS POSITIONS 303
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 12,382,975

1680 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 635,000

1681 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,156,971

1682 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 65,990

1682A LUMP SUM
IMPLEMENT PROPERTY INSURANCE LEGISLATION
POSITIONS 6
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 350,000

Funds provided in Specific Appropriation 1682A are contingent on HB 2693 or similar legislation becoming law.

1683 SPECIAL CATEGORIES
FINGERPRINTING OF APPLICANTS
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 64,524

1684A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 8,638

REHABILITATION AND LIQUIDATION, DIVISION OF

1685 SALARIES AND BENEFITS POSITIONS 14
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 763,027

1686 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 300,000

1687 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 542,092

1688A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 332

INSURANCE CONSUMER SERVICES, DIVISION OF

1689 SALARIES AND BENEFITS POSITIONS 149
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 4,886,512

1690 OTHER PERSONAL SERVICES

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APPROPRIATION
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 175,000

1691 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,456,048

1692 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,200

1693A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 4,109

STATE FIRE MARSHAL, DIVISION OF

1694 SALARIES AND BENEFITS POSITIONS 213
FROM FIRE COLLEGE TRUST FUND 1,132,219
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 7,259,718

1695 OTHER PERSONAL SERVICES
FROM FIRE COLLEGE TRUST FUND 87,750
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 48,750

1696 EXPENSES
FROM FIRE COLLEGE TRUST FUND 562,756
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,696,216

1697 OPERATING CAPITAL OUTLAY
FROM FIRE COLLEGE TRUST FUND 141,828
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 344,330

1698 SPECIAL CATEGORIES
FINGERPRINTING OF APPLICANTS
FROM FIRE COLLEGE TRUST FUND 150,000

1699 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 121,509

1700 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 56,670

1701A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM FIRE COLLEGE TRUST FUND 3,446
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,170

1701B FIXED CAPITAL OUTLAY
FLORIDA'S FIRE/RESCUE TRAINING AND EDUCATION SYSTEM UPGRADE - DMS MGD
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 999,800

RISK MANAGEMENT, DIVISION OF

1702 SALARIES AND BENEFITS POSITIONS 104
FROM CASUALTY INSURANCE TRUST FUND 3,340,275

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APPROPRIATION
FROM FIRE INSURANCE TRUST FUND 231,386

1703 OTHER PERSONAL SERVICES
FROM CASUALTY INSURANCE TRUST FUND 5,000
FROM FIRE INSURANCE TRUST FUND 250,000

1704 EXPENSES
FROM CASUALTY INSURANCE TRUST FUND 884,053
FROM FIRE INSURANCE TRUST FUND 35,545

1705 OPERATING CAPITAL OUTLAY
FROM CASUALTY INSURANCE TRUST FUND 5,000

1706 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM CASUALTY INSURANCE TRUST FUND 11,130,000
FROM FIRE INSURANCE TRUST FUND 6,750,000

1707A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CASUALTY INSURANCE TRUST FUND 3,264
FROM FIRE INSURANCE TRUST FUND 363

INSURANCE FRAUD, DIVISION OF

1708 SALARIES AND BENEFITS POSITIONS 121
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,065,233

1709 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 120,000

1710 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,242,980

1711 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 379,563

1712 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 81,680

1713A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,558

TREASURER'S MANAGEMENT INFORMATION CENTER

1714 SALARIES AND BENEFITS POSITIONS 65
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,834,386

1715 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 644,000

1716 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,991,712

1717 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,272,105

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1718 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 200,000

1718A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,852

LEGAL SERVICES, DIVISION OF

1719 SALARIES AND BENEFITS POSITIONS 74
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,255,448

1720 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 148,235

1721 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 741,313

1722 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 19,500

1723 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 341,341

1724A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,454

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

1725 SALARIES AND BENEFITS POSITIONS 380
FROM GENERAL REVENUE FUND 1,248,739
FROM ADMINISTRATIVE TRUST FUND 11,702,988
FROM REVOLVING TRUST FUND 722,737

1726 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 116,000
FROM ADMINISTRATIVE TRUST FUND 504,659
FROM REVOLVING TRUST FUND 487,946

1727 EXPENSES
FROM GENERAL REVENUE FUND 228,265
FROM ADMINISTRATIVE TRUST FUND 3,451,787
FROM REVOLVING TRUST FUND 3,568,915
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 45,880

1728 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 595,079
FROM REVOLVING TRUST FUND 66,866

1729 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 30,000

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1730 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 90,041

1730A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 600,000

Funds in Specific Appropriation 1730A shall be awarded through a formal request for proposal process to fund the study and statistical analysis required by section 287.0945, F.S. Submissions shall document successful completion of a similar statewide statistical analysis and any judicial review of similar studies.

1731 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM ADMINISTRATIVE TRUST FUND 539,829

1731A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 636
FROM ADMINISTRATIVE TRUST FUND 33,878

1732 FIXED CAPITAL OUTLAY
REED ACT BUILDINGS PROJECTS - STATEWIDE
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 1,348,500

1733 FIXED CAPITAL OUTLAY
MAJOR RENOVATIONS - CALDWELL BUILDING
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 2,500,000

1734 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM ADMINISTRATIVE TRUST FUND 93,777

PUBLIC EMPLOYEES RELATIONS COMMISSION

1735 SALARIES AND BENEFITS POSITIONS 42
FROM GENERAL REVENUE FUND 2,114,172

1736 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 134,640
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 5,000

1737 EXPENSES
FROM GENERAL REVENUE FUND 558,268
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 48,648

1738 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 40,600

1739 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 30,448

1739A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 2,389

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APPROPRIATION
OFFICE OF THE JUDGES OF COMPENSATION CLAIMS

1740 SALARIES AND BENEFITS POSITIONS 160
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 8,361,209

1741 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 907,962

1742 EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,274,551

1743 OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 333,548

1743A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 8,934

WORKERS' COMPENSATION, DIVISION OF

1744 SALARIES AND BENEFITS POSITIONS 619
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 20,405,939
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 981,258

1745 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 3,591,097
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 380,000

From the funds in Specific Appropriation 1745, $150,000 from the Workers' Compensation Administration Trust Fund may be used for a study to evaluate Florida's mandatory managed care worker's compensation initiative. The study will be conducted by the College of Public Health, University of South Florida to provide information to improve the state's managed care worker's compensation program to best meet the needs of injured workers, employers, carriers and participating health care providers.

1746 EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 5,161,072
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 319,327

1747 OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 859,988

1748 SPECIAL CATEGORIES
REIMBURSEMENT OF EMPLOYERS
FROM WORKERS' COMPENSATION SPECIAL
DISABILITY TRUST FUND 125,609,261

1749 SPECIAL CATEGORIES
TRANSFER TO HEALTH CARE AGENCY
FROM WORKERS' COMPENSATION

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ADMINISTRATION TRUST FUND 645,408

1750 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF INSURANCE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 4,353,607

1751 FINANCIAL ASSISTANCE PAYMENTS
PAYMENTS TO CLAIMANTS
FROM SELF INSURANCE ASSESSMENT TRUST
FUND 500,000

1752 FINANCIAL ASSISTANCE PAYMENTS
SUPPLEMENTAL WORKERS' COMPENSATION
BENEFITS
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 23,920,026

1753 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 1,499,230

1753A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 33,005

DIVISION OF SAFETY

1754 SALARIES AND BENEFITS POSITIONS 176
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 6,830,410

1755 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 52,000

1756 EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,647,093

1757 OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 407,702

1758 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT
OF LABOR AND EMPLOYMENT SECURITY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 149,799

1758A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 14,674

JOBS AND BENEFITS, DIVISION OF

1759 SALARIES AND BENEFITS POSITIONS 2,736
FROM GENERAL REVENUE FUND 1,283,300
FROM CREW CHIEF REGISTRATION TRUST FUND . 831,540
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 47,454,611

1760 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION

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TRUST FUND		3,302,403
1761 EXPENSES		
FROM GENERAL REVENUE FUND	243,053	
FROM CREW CHIEF REGISTRATION TRUST FUND .		165,657
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		9,314,465
1762 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - GOVERNMENTAL UNITS		
SPECIAL EMPLOYMENT PLACEMENT SERVICES		
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		235,297
1763 OPERATING CAPITAL OUTLAY		
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		38,215
1764 LUMP SUM		
ONE-STOP CENTERS INITIATIVE		
FROM GENERAL REVENUE FUND	100,000	
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		48,726,127

From the funds provided in Specific Appropriation 1764, $100,000 is to be allocated from the Wagner-Peyser federal appropriations and $100,000 from General Revenue for the Commission for Individuals with Disabilities contingent on HB 2029 or similar legislation becoming law.

1764A LUMP SUM		
HIGH SKILL/HIGH WAGE INITIATIVE		
POSITIONS	24	
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		42,570,896
1765 LUMP SUM		
SCHOOL-TO-WORK INITIATIVE		
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		38,866,574
1766 LUMP SUM		
WELFARE-TO-WORK INITIATIVE		
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		48,735,449
1767 LUMP SUM		
WELFARE-TO-WORK OPERATIONAL STAFF		
POSITIONS	51	
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		1,245,391
1768 SPECIAL CATEGORIES		
GRANTS AND AIDS - JOB TRAINING PARTNERSHIP ACT SERVICE DELIVERY AREA ALLOTMENTS		
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		8,361,268

Funds from Specific Appropriations 482, 1769, and 1764 through 1767 must be expended in accordance with a single, comprehensive workforce development plan approved by the Jobs and Education Partnership. The plan shall include goals, performance benchmarks and incentives for One-Stop Career Centers, School-to-Work, Welfare-to-Work, and High-Skill/High-Wage activities. The plan for the expenditure of these funds must be submitted to the Jobs and Education Partnership by the Department of Labor and Employment Security by June 1, 1996 and approved no later than June 25, 1996.

The expenditure of funds in Specific Appropriations 1764A through 1766 must demonstrate the following:

1. No less than 90 percent of the funds used for direct client services;

2. Maximum resource utilization, using both state and local funds to increase services to customers;

3. At least 20 percent of locally controlled funds will only be paid to providers based on achieving their performance outcomes specified by Jobs and Education Regional Boards.

4. At least 20 percent of state controlled funds will be utilized to promote local performance based initiatives, based on performance outcomes specified by the Jobs and Education Partnership.

Contingent upon approval in the workforce development plan and final federal appropriations, funding levels and performance outcomes shall be established for the following initiatives:

From Specific Appropriations 1764A through 1766, up to $5 million will be used to establish a scholarship program and financial aid to enhance placement of dislocated and disadvantaged individuals into colleges and increase their job placement in the private sector. These funds will be available to students enrolling in the fall term of 1996.

From Specific Appropriations 482, 1769, and 1765, up to $1 million will be used to establish a mentoring program with the National Guard for economically disadvantaged youths in concert with neighborhood revitalization efforts.

From Specific Appropriations 1765, up to $2 million will be used by the Department of Labor and Employment Security in collaboration with the Trusts for Public Lands to develop a program to train and involve inner city and urban youth in the preservation and restoration of Florida natural areas and landscapes in the following counties: Pinellas, Alachua, Dade, Broward, Duval, Palm Beach, Leon, Hillsborough, Orange and St. Johns.

From Specific Appropriation 1766, the chartered Jobs and Education Partnership Boards may utilize up to $3.2 million in Title IIA funds to provide on-the-job training for AFDC parents participating in the Certified Teacher-Aide Welfare Transition Program.

From Specific Appropriation 1764 and 1764A, $500,000 will be used to promote the linkage of educational institutions and their student financial assistance offices to the One-Stop Center network.

The plan shall include provisions to ensure that allowable federal carry-forward provisions are not exceeded and funds are not reverted.

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1769 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT INDEPENDENCE SUPPORT SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 15,553,132

From the funds in Specific Appropriation 1769, $200,000 shall be used for the Step Up Building maintenance repair apprenticeship program. The department shall also determine the feasibility of expanding this program to other areas of the state.

1770 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 3,438,741

1771 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 150,000

1771A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 177,653

UNEMPLOYMENT COMPENSATION, DIVISION OF

Funds are provided in Specific Appropriations 1773 through 1775 and 1777 for the Unemployment Compensation Tax System, which is recommended for special monitoring as a critical information resource management project under section 282.322, F.S. From the funds in Specific Appropriation 1777, $74,750 is provided for the project monitoring contract to be executed by the Information Resource Commission. These funds shall be transferred by the Executive Office of the Governor pursuant to the provisions in Chapter 216, Florida Statutes.

1772 SALARIES AND BENEFITS POSITIONS 993
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 32,418,915

1773 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,781,527
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 7,314,818

1774 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 8,090,982
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 12,000

1775 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,535,330
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 28,000

1776 FINANCIAL ASSISTANCE PAYMENTS
UNEMPLOYMENT COMPENSATION BENEFITS

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FROM UNEMPLOYMENT COMPENSATION BENEFIT TRUST FUND 1604,608,909

1777 DATA PROCESSING SERVICES
INFORMATION MANAGEMENT CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 5,145,698
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 120,000

1777A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 62,117

INFORMATION MANAGEMENT CENTER

1778 SALARIES AND BENEFITS POSITIONS 143
FROM WORKING CAPITAL TRUST FUND 5,913,394

1779 EXPENSES
FROM WORKING CAPITAL TRUST FUND 5,140,899

1780 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 113,520

1780A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM WORKING CAPITAL TRUST FUND 6,780

VOCATIONAL REHABILITATION, DIVISION OF

1781 LUMP SUM
VOCATIONAL REHABILITATION PROGRAM
POSITIONS 1,124
FROM GENERAL REVENUE FUND 22,007,496
FROM FEDERAL REHABILITATION TRUST FUND . . 96,614,893
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 19,353,254

From the funds provided in Specific Appropriation 1781, the Division of Vocational Rehabilitation (VR) will meet the following standards as required by the Government Performance and Accountability Act. The purposes of meeting these standards is to empower individuals with disabilities to maximize their employment, economic self-sufficiency and independence; and to ensure the referral of persons with moderate to severe brain or spinal cord injuries to a coordinated rehabilitation program for services that will enable them to return to an appropriate level of functioning in their communities.

Performance Measures	Standards Based on Conference Recommendation
OUTPUTS:	
No. of customers reviewed for eligibility	31,630
No. of individualized written	

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|plans for services.......................17,620 |
|                                                |
|No. of customers served..................76,426 |
|                                                |
|Percentage of VR eligibility                    |
|determinations made within                      |
|60 days of application......................60% |
|                                                |
|Average time lapse (in days) between            |
| a. application and eligibility                 |
|    determination for VR customers.............73 |
| b. referral and eligibility                    |
|    determination for brain and                 |
|    spinal cord injured customers..............52 |
|                                                |
|Average time lapse (in days) between            |
|eligibility determination for the               |
|VR Program and the beginning of                 |
|planned services...........................73.9 |
|                                                |
|Customer caseload per counseling/               |
|case management team member................139.5 |
|                                                |
|OUTCOMES:                                       |
|--------                                        |
|Rate (and no.) of customers                     |
|gainfully employed (rehab-                      |
|ilitated) at least 60 days............53% (7,957) |
|  a. of VR severely disabled..........45% (1,710) |
|  b. of VR most severely disabled...55.9% (4,735) |
|  c. of BSCI customers                          |
|     referred to VR...................33.4% (74) |
|  d. of all other VR disabled.......58.6% (1,512) |
|                                                |
|Rate (and no.) of VR customers                  |
|placed in competitive                           |
|employment...........................97% (7,718) |
|                                                |
|Rate (and no.) of VR customers                  |
|retained in employment after                    |
|one year............................65% (5,183) |
|                                                |
|Projected average annual earnings               |
|of VR customers at placement.............$12,800 |
|                                                |
|Average annual earnings of VR                   |
|customers after one year.................$12,950 |
|                                                |
|Rate (and no.) of BSCI customers                |
|returned (reintegrated) to their                |
|communities at an appropriate                   |
|level of functioning for their                  |
|injuries............................79.2% (501) |
|                                                |
|Rate (and no.) receiving temporary              |
|family assistance at VR closure                 |
|  a. of gainfully employed............1.5% (119) |
|  b. of other VR closures.............2.4% (191) |
|                                                |
|Rate (and no.) receiving temporary              |
|family assistance after one year                |
|  a. of gainfully employed................N/A   |
|  b. of other VR closures.................N/A   |
```

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|                                                |
|Percentage reduction in temporary               |
|family assistance for gainfully                 |
|employed VR customers at closure.............75% |
|                                                |
|Percentage reduction in temporary               |
|family assistance for gainfully                 |
|employed VR customers after one year..........N/A |
|                                                |
|Percentage of case costs                        |
|covered by third-party payers...............31.6% |
|                                                |
|Average cost of case life (to Division)         |
|  a. for severely disabled                      |
|     VR customers........................$3,846 |
|  b. for most severely                          |
|     disabled VR customers................$3,468 |
|  c. for all other disabled                     |
|     VR customers........................$1,201 |
|  d. for brain injured BSCI customers......$2,474 |
|  e. for spinal cord injured                    |
|     BSCI customers......................$6,185 |
|                                                |
==================================================
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Funds in Specific Appropriations 1781 from the General Revenue Fund that are for matching federal funds are contingent upon the receipt of those federal funds. In the event federal funds are not received, the state funds provided for matching federal funds shall be placed in reserve by the Executive Office of the Governor.

From the funds provided in Specific Appropriation 1781, $1,165,633 is provided to the thirteen Florida centers for Independent Living. Each will receive a $50,000 base from the total appropriation. The balance of the appropriation will be divided among those CILs based on: the number of consumers to whom each CIL provided direct services, the number of hours each CIL dedicated to the provision of the four core services, (advocacy, peer counseling, independent living skills training, and information and referral), and the number of persons with significant disabilities in the general population of each CILs catchment area. No CIL may experience a decline in funding of more than 11% from its previous years allocation due to the application of this formula. Funds received by CILS shall be used to provide the four core services or other independent living services, as defined in the State Plan for Independent Living to persons on a cross-disability basis.

1781A DATA PROCESSING SERVICES
SAMAS USER CHARGE

FROM GENERAL REVENUE FUND	3,629	
FROM ADMINISTRATIVE TRUST FUND		1,372
FROM FEDERAL REHABILITATION TRUST FUND . .		1,019,248
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND		41,627
FROM U.S. TRUST FUND		134,186

OFFICE OF DISABILITY DETERMINATIONS

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1782 LUMP SUM
DISABILITY DETERMINATION PROGRAM

POSITIONS	822	
FROM GENERAL REVENUE FUND	677,878	
FROM ADMINISTRATIVE TRUST FUND		713,143
FROM U.S. TRUST FUND		57,373,702

From the funds provided in Specific Appropriation 1782, the Office of Disability Determination will meet the following standards as required by the Government and Performance Accountability Act. The purposes of meeting these standards is to make timely and accurate disability determinations under the Medically Needy Program and Titles II (20 CFR 404.1610) and XVI (20 CFR 416.1010) of the Social Security Act. The Office of Disability Determination has a contract with the Department of Health and Rehabilitative Services to make disability decisions for Floridians applying for Medicaid benefits under the Medically Needy Program. Title II, the Social Security Disability Insurance Program, provides cash benefits for disabled workers and their dependents who have contributed to the Social Security Trust Fund through the FICA tax on their earnings. Title XVI, the Supplemental Security Income (SSI) Program, provides benefits because of financial need, as defined in the law.

Performance Measures	Standards Based on Conference Recommendation
OUTPUTS:	
No. of disability decisions completed	210,900
No. of Titles II and XVI claims processed per FTE	300
No. of Medically Needy decisions completed	6,600
No. of Medically Needy claims processed per FTE	300
OUTCOMES:	
Ave. no. of days required to complete initial disability determinations under Title II	70
under Title XVI	80
Ave. no. of days required to complete initial Medically Needy decisions	120
Percentage of disability decisions completed accurately as measured by the Social Security Administration	90.6%
Percentage of Medically Needy decisions completed accurately, as measured by the internal ODD quality assurance section	90.6%
Cost per case (Titles II and XVI)	$260
Cost per case (Medically Needy)	$213

BLIND SERVICES, DIVISION OF

1783	SALARIES AND BENEFITS POSITIONS 310		
	FROM GENERAL REVENUE FUND	2,864,028	
	FROM FEDERAL REHABILITATION TRUST FUND . .		6,404,299
1784	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,591	
	FROM ADMINISTRATIVE TRUST FUND		29,000
	FROM FEDERAL REHABILITATION TRUST FUND . .		86,446
1785	EXPENSES		
	FROM GENERAL REVENUE FUND	650,419	
	FROM ADMINISTRATIVE TRUST FUND		95,047
	FROM FEDERAL REHABILITATION TRUST FUND . .		1,827,033
1786	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES		
	FROM ADMINISTRATIVE TRUST FUND		1,259,121
	FROM FEDERAL REHABILITATION TRUST FUND . .		3,536,053
1787	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	16,347	
	FROM ADMINISTRATIVE TRUST FUND		123,536
	FROM FEDERAL REHABILITATION TRUST FUND . .		150,519
1788	FOOD PRODUCTS		
	FROM FEDERAL REHABILITATION TRUST FUND . .		59,462
1790	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CLIENT SERVICES		
	FROM GENERAL REVENUE FUND	738,050	
	FROM ADMINISTRATIVE TRUST FUND		563,277
1791	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VOCATIONAL REHABILITATION		
	FROM GENERAL REVENUE FUND	3,451,911	
	FROM FEDERAL REHABILITATION TRUST FUND . .		2,043,414
1791A	SPECIAL CATEGORIES		
	VENDING STANDS		
	FROM GENERAL REVENUE FUND	376,621	
1792	SPECIAL CATEGORIES		
	VENDING STANDS - EQUIPMENT AND SUPPLIES		
	FROM ADMINISTRATIVE TRUST FUND		1,108,000
	FROM FEDERAL REHABILITATION TRUST FUND . .		1,789,707
1793	DATA PROCESSING SERVICES		
	KNOTT DATA CENTER - DEPARTMENT OF EDUCATION		
	FROM GENERAL REVENUE FUND	19,216	
	FROM FEDERAL REHABILITATION TRUST FUND . .		410,576
1794	DATA PROCESSING SERVICES		

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OTHER DATA PROCESSING SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 123,280

1795 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 4,162
FROM FEDERAL REHABILITATION TRUST FUND . . 115,838

UNEMPLOYMENT APPEALS COMMISSION

1796 SALARIES AND BENEFITS POSITIONS 34
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,549,257

1797 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 48,400

1798 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 322,389

1799 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 31,899

1799A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,591

LEGISLATIVE BRANCH

The amount of $40,000 per day is hereby appropriated from the General Revenue Fund to supplement the amounts provided in Specific Appropriations 1800 and 1801 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.

From the amounts provided in Specific Appropriations 1800 and 1801, $1,500 shall be paid to each member of the Florida Legislature each month during Fiscal Year 1996-97 as the intradistrict expense allowance and, in addition to the funds contained in any other proviso, $250 shall be paid to the President of the Florida Senate and the Speaker of the House of Representatives each month during Fiscal Year 1996-97 as an additional supplemental intradistrict expense allowance. This expense allowance and additional supplement was approved by the Joint Legislative Management Committee pursuant to s. 11.13(4), Florida Statutes.

If the Speaker of the House of Representatives and the President of the Senate agree, they may shift funds between the budget entities of the Legislative Branch contained in Specific Appropriations 1800 through 1815.

SENATE

1800 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 26,775,726

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From the amount provided in Specific Appropriation 1800, $250 shall be paid each month during Fiscal Year 1996-97 as a supplemental intradistrict expense allowance to each member of the Florida Senate who, in addition to two full time district staff employees, has a third district staff employee on 16 or more calendar days in any such month. An additional $250 shall be paid each month during Fiscal Year 1996-97 as an additional supplemental intradistrict expense allowance to each member of the Florida Senate who, in addition to three full time district staff employees, has a fourth district staff employee on 16 or more calendar days in any such month. These supplements were approved by the Joint Legislative Management Committee pursuant to s. 11.13(4), Florida Statutes.

HOUSE OF REPRESENTATIVES

1801 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 49,123,353

JOINT MANAGEMENT

1802 LUMP SUM
LOBBY REGISTRATION
FROM LEGISLATIVE LOBBYIST REGISTRATION TRUST FUND 186,500

1802A LUMP SUM
JLMC
FROM GENERAL REVENUE FUND 738,470

1803 LUMP SUM
JOINT LEGISLATIVE MANAGEMENT COMMITTEE
FROM GENERAL REVENUE FUND 23,345,193

1803A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 41,800

ADMINISTRATIVE PROCEDURES COMMITTEE

1804 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND 1,177,176

LEGISLATIVE INFORMATION TECHNOLOGY RESOURCE COMMITTEE

1805 LUMP SUM
INFORMATION TECHNOLOGY RESOURCE
FROM GENERAL REVENUE FUND 505,274

ENVIRONMENTAL EDUCATION, ADVISORY COUNCIL ON

1806 LUMP SUM
ENVIRONMENTAL EDUCATION
FROM SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND 320,033

INTERGOVERNMENTAL RELATIONS, ADVISORY COUNCIL ON

1807 LUMP SUM
ADVISORY COUNCIL ON INTERGOVERNMENTAL RELATIONS
FROM GENERAL REVENUE FUND 680,194

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OFFICE OF PUBLIC COUNSEL

1808 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,671,472

ETHICS, COMMISSION ON

1809 LUMP SUM
LOBBY REGISTRATION
FROM EXECUTIVE BRANCH LOBBY REGISTRATION TRUST FUND 114,935

1810 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 1,425,567

1811 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 42,488

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

1812 EXPENSES
FROM GENERAL REVENUE FUND 57,435

PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF

1813 LUMP SUM
PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY
FROM GENERAL REVENUE FUND 5,864,820

With the funds provided in Specific Appropriation 1813 the Office of Program Policy Analysis and Government Accountability is directed to review the Transportation Disadvantaged Program. This study should determine if transportation services are being managed in the most cost effective manner and to provide maximum service. This study should examine the systems used to provide services at the local level (including the use of public sector buses to meet ADA standards) and the systems used to ensure accountability of services and funding. The Office shall publish its report detailing its findings and recommendations by February 1, 1997.

From resources provided in Specific Appropriation 1813, the President of the Senate and the Speaker of the House of Representatives may temporarily assign up to five FTE to the Commission on Governmental Accountability to the People (GAP) to assist the commission and the Business and Higher Education Partnership of the Council of 100 in reviewing performances and accountability measures for state programs.

AUDITOR GENERAL

1814 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 36,221,030
FROM FEDERAL REIMBURSEMENT TRUST FUND . . 3,427,520

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1814A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 45,002

AUDITING COMMITTEE

1814B LUMP SUM
JUVENILE JUSTICE ADVISORY BOARD
FROM GENERAL REVENUE FUND 727,499

1815 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 284,359

LOTTERY, DEPARTMENT OF THE

1816 SALARIES AND BENEFITS POSITIONS 738
FROM ADMINISTRATIVE TRUST FUND 27,680,973

1817 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,230,863

1818 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 15,388,731

1819 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 3,190,267

From funds provided in Specific Appropriations 1818 and 1819, the Department of the Lottery is authorized to institute a pilot program to test instant ticket vending machines. The department is provided $50,000 in Expenses and $1,050,000 in Operating Capital Outlay to lease up to 500 instant ticket vending machines, contingent upon legislation becoming law to permit the use of instant ticket vending machines.

1820 SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM ADMINISTRATIVE TRUST FUND 10,793,100

1821 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM ADMINISTRATIVE TRUST FUND 31,992,961

1822 SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM ADMINISTRATIVE TRUST FUND 33,518,100

1823 SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM ADMINISTRATIVE TRUST FUND 2,500,000

1824 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 19,583

1825 SPECIAL CATEGORIES
TRANSFER TO EDUCATIONAL ENHANCEMENT TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 19,440,382

Funds in Specific Appropriation 1825 represent estimated administrative funds unallocated for department operations. The department shall transfer these funds to the Educational Enhancement Trust Fund. However, if lottery sales fall below official

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estimates for fiscal year 1996-97, the department may proportionately reduce said transfer to a level necessary to meet its appropriated operating requirements.

1826 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 6,498

1826A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM ADMINISTRATIVE TRUST FUND 77,256

MANAGEMENT SERVICES, DEPARTMENT OF

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATION

1827 SALARIES AND BENEFITS POSITIONS 122
FROM GENERAL REVENUE FUND 200,921
FROM ADMINISTRATIVE TRUST FUND 4,737,751
FROM GRANTS AND DONATIONS TRUST FUND . . . 223,042

1828 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 8,700

1829 EXPENSES
FROM GENERAL REVENUE FUND 350,559
FROM ADMINISTRATIVE TRUST FUND 785,235

1830 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 178,403

1831 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 64,941

1832 SPECIAL CATEGORIES
CORRECTIONAL PRIVATIZATION COMMISSION
FROM GENERAL REVENUE FUND 208,313
FROM GRANTS AND DONATIONS TRUST FUND . . . 90,054

1833 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 49,930

1833A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 285
FROM ADMINISTRATIVE TRUST FUND 4,444
FROM GRANTS AND DONATIONS TRUST FUND . . . 68

INFORMATION RESOURCE COMMISSION

1834 SALARIES AND BENEFITS POSITIONS 14
FROM GENERAL REVENUE FUND 926,167

1835 EXPENSES
FROM GENERAL REVENUE FUND 138,108

1836 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,470

1837 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 550,000

Funds in Specific Appropriations 1834 through 1837 shall be used by the Information Resource Commission staff to require a cost-benefit analysis for each agency information resource management legislative budget request that exceeds $500,000 in total cost. The cost-benefit analysis shall include the projected costs of the total system over the proposed life of the system, including hardware and software. The cost-benefit analysis should identify any savings generated by the system. It should also identify any other tangible benefits such as greater timeliness, improved accuracy, better control and security, and savings in applications development. Savings should be expressed in dollars where possible. The Commission staff shall give priority consideration to the results of its evaluation of these cost-benefit analyses in the determination of its budget recommendations to the Executive Office of the Governor and to the Legislature by November 1, 1996.

1837A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 855

STATE EMPLOYEES' INSURANCE, DIVISION OF

1838 LUMP SUM
WORKFORCE PROGRAM
POSITIONS 143
FROM GENERAL REVENUE FUND 21,618
FROM PRETAX BENEFITS TRUST FUND 1,766,531
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 90,275
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 3,550,985
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 75,551
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 4,457,501

From funds in Specific Appropriation 1838, the department will meet the following standards as required by the Government Performance and Accountability Act to contribute to a productive workforce, representative of the labor market, by providing cost-effective personnel services, employee insurance and flexible benefits.

Performance Measures	Standards Based on Conference Recommendation
OUTPUTS:	
Technical Assistance Requests Filled.....	30,133
Program Reviews/Approvals Completed.....	7,830
Surveys, Tracking and Reporting Actions..	386,802
Number of Contracts Served - Health.....	160,060
OUTCOMES:	

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Administrative Cost per FTE	
- Personnel Management Service (PMS)	
COPES Cost	$49.41
Admin Cost Net of COPES	$38.92
Total Admin Cost per FTE	$88.33
-Southeastern States	$97.12
Customer Feedback Ranking (PMS) - 10 Point Scale	
- Improve Employee Knowledge, Skills and Abilities through Training	7.75
- Maintain Fair/Equitable Employment Practices	8.50
- Attract and Retain Employees	8.25
- Provide Quality Child Care	9.79
- Motivate Employees Through the Meritorious Service Awards Program	7.20
- Personnel Staff Technical Assistance	7.90
Customer Feedback Ranking (DSEI) - Out of a Possible 10 Points	8.25
Turnover Rate	
- State of Florida	12.50%
- Southeastern States	12.82%
Average Annual Cost Per Contract to Administer Insurance Programs - Division of State Employees Insurance (DSEI)	$12.67
Percentage of Agencies at or Above EEO Parity with the Available Labor Market	54.17%

Funds in Specific Appropriation 1838 from the State Personnel System Trust Fund are based upon a personnel assessment of $59 per person.

From the funds provided in Specific Appropriations 1838 through 1843A, the Division of State Employee's Insurance is directed to hold an open enrollment for state employees in the state health insurance plan.

1838A SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 37,715

1840 SPECIAL CATEGORIES
ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 10,922,172

1841 SPECIAL CATEGORIES
PRESCRIPTION DRUG CLAIMS ADMINISTRATION
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 942,903

1843 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 1,276,276
FROM PRETAX BENEFITS TRUST FUND 305,520

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FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 28,215
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 681,685
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 52,272
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 3,723,741

1843A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM PRETAX BENEFITS TRUST FUND 1,437
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 82
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 11,752
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 89
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 5,298

FACILITIES MANAGEMENT, DIVISION OF

1844 LUMP SUM
FACILITIES PROGRAM
POSITIONS 747
FROM GENERAL REVENUE FUND 319,822
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 3,098,928
FROM SUPERVISION TRUST FUND 40,274,910

From funds in Specific Appropriation 1844, the department will meet the following standards as required by the Government Performance and Accountability Act in providing the best value office facilities considering the total cost of constructing, managing and maintaining office facilities, and compared to comparable industry standards.

Performance Measures	Standards Based on Conference Recommendation
OUTPUTS:	

Gross square feet completed--office facilities	209,146
Net square feet of office space occupied by state agencies	
State Owned (includes non-DMS owned facilities)	6,985,325
Private	9,116,471
Number of square feet maintained	
DMS	5,274,644
Private Contracts	1,267,562
Gross square feet monitored for security purposes	7,005,786
Number of investigations	210
OUTCOMES:	

Construction cost of office facilities -	

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cost per gross square foot:	
DMS	$70.55
Private-industry average	$83.73
Full service rent - cost per net square foot;	
DMS (actual / adjusted)	$14.59 / $12.75
Private-industry average	$15.59
Operations and maintenance cost - cost per maintained square foot;	
DMS	$4.78
Private-industry average	$6.31
Criminal Incidents--number per 100,000 gross square feet;	5.3

Funds in Specific Appropriation 1844, from the Architects Incidental Trust Fund, for the operation of the Facilities Program, are based on an assessment against each fixed capital outlay appropriation in which the division serves as owner-representative on behalf of the state. The assessments for appropriations made for the 1996-97 Fiscal Year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by Chapter 91-193, Laws of Florida.

1845	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		250,000
	FROM SUPERVISION TRUST FUND		171,300
1847	DATA PROCESSING SERVICES		
	BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		26,730
1848	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		10,993
	FROM SUPERVISION TRUST FUND		79,421
1848A	DATA PROCESSING SERVICES		
	SAMAS USER CHARGE		
	FROM GENERAL REVENUE FUND	119	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		4,319
	FROM SUPERVISION TRUST FUND		42,340
1848B	FIXED CAPITAL OUTLAY		
	SATELLITE OFFICE BUILDING 3A - DMS MGD		
	FROM GENERAL REVENUE FUND	901,490	
	FROM PUBLIC FACILITIES FINANCING TRUST FUND		9,525,527
1848C	FIXED CAPITAL OUTLAY		
	DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE BUILDING - DMS MGD		
	FROM GENERAL REVENUE FUND	1,233,265	
	FROM PUBLIC FACILITIES FINANCING TRUST FUND		13,180,358
1849	FIXED CAPITAL OUTLAY		
	LIFE SAFETY CODE COMPLIANCE PROJECTS		
	STATEWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	57,691	
	FROM SUPERVISION TRUST FUND		2,750,757
1850	FIXED CAPITAL OUTLAY		
	BUILDING SITE REPAIRS AND IMPROVEMENTS - DMS MGD		
	FROM GENERAL REVENUE FUND	69,341	
	FROM SUPERVISION TRUST FUND		142,618
1851	FIXED CAPITAL OUTLAY		
	PARKING LOT REPAIRS AND PAVING - DMS MGD		
	FROM GENERAL REVENUE FUND	190,363	
1852	FIXED CAPITAL OUTLAY		
	REPAIR CENTRAL HEATING GENERATION AND DISTRIBUTION SYSTEMS - DMS MGD		
	FROM SUPERVISION TRUST FUND		500,000
1853	FIXED CAPITAL OUTLAY		
	ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	116,291	
	FROM SUPERVISION TRUST FUND		1,363,033
1854	FIXED CAPITAL OUTLAY		
	BUILDING ENVELOPE MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	53,040	
	FROM SUPERVISION TRUST FUND		229,503
1855	FIXED CAPITAL OUTLAY		
	BUILDING INTERIOR MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	65,043	
	FROM SUPERVISION TRUST FUND		247,266
1856	FIXED CAPITAL OUTLAY		
	MECHANICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
	FROM SUPERVISION TRUST FUND		2,646,550
1856A	FIXED CAPITAL OUTLAY		
	GENERAL REMODELING AND RENOVATIONS - DMS MGD		
	FROM GENERAL REVENUE FUND	2,125,600	
1857	FIXED CAPITAL OUTLAY		
	PLUMBING SYSTEM MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
	FROM SUPERVISION TRUST FUND		430,562
1858	FIXED CAPITAL OUTLAY		
	ROOF REPAIRS/REPLACEMENT STATEWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	49,922	
	FROM SUPERVISION TRUST FUND		140,406
1859	FIXED CAPITAL OUTLAY		
	SPECIALIZED BUILDING EQUIPMENT MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
	FROM GENERAL REVENUE FUND	14,738	
	FROM SUPERVISION TRUST FUND		110,373
1860	FIXED CAPITAL OUTLAY		
	BUILDING STRUCTURAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		

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FROM GENERAL REVENUE FUND	557,632	
FROM SUPERVISION TRUST FUND		26,551

1861 FIXED CAPITAL OUTLAY
CAPITOL CENTER MASTER PLAN UPDATE - DMS MGD

FROM GENERAL REVENUE FUND	50,000	

1862 FIXED CAPITAL OUTLAY
INTERIOR REPAIRS AND MAINTENANCE OF POOL FACILITIES - LEASED SPACE

FROM SUPERVISION TRUST FUND		2,710,030

1863 FIXED CAPITAL OUTLAY
RENOVATION-FLETCHER BUILDING-PHASE II - DMS MGD

FROM GENERAL REVENUE FUND	1,509,690	

1863A FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - OPA LOCKA - DMS MGD

FROM GENERAL REVENUE FUND	150,000	

1863B FIXED CAPITAL OUTLAY
INFRASTRUCTURE CONSTRUCTION - SATELLITE CENTER - LEON COUNTY - DMS MGD

FROM GENERAL REVENUE FUND	3,000,000	

1864 FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD

FROM GENERAL REVENUE FUND	7,796	
FROM SUPERVISION TRUST FUND		591,745

1865 FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - PROJECTS LESS THAN $100,000 STATEWIDE - DMS MGD

FROM ARCHITECTS INCIDENTAL TRUST FUND . .		1,500,000

1865A FIXED CAPITAL OUTLAY
RENOVATION - KNOTT BUILDING - TALLAHASSEE - DMS MGD

FROM PUBLIC FACILITIES FINANCING TRUST FUND		2,565,482

1865B FIXED CAPITAL OUTLAY
RENOVATE CAPITOL - NEW TENANT - DMS MGD

FROM GENERAL REVENUE FUND	1,450,500	

1865C FIXED CAPITAL OUTLAY
RELOCATION OF MOTOR POOL AND SURPLUS PROPERTY - DMS MGD

FROM GENERAL REVENUE FUND	2,000,000	

1865D FIXED CAPITAL OUTLAY
RELOCATION AND REMODELING EXPENSES - DMS MGD

FROM GENERAL REVENUE FUND	100,000	

1865E FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER ALACHUA COUNTY - DMS MGD

FROM GENERAL REVENUE FUND	941,239	
FROM PUBLIC FACILITIES FINANCING TRUST FUND		9,244,819

1866 FIXED CAPITAL OUTLAY

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DEBT SERVICE

FROM GENERAL REVENUE FUND	3,856,063	
FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND		20,974,393

1866A FIXED CAPITAL OUTLAY
DEBT SERVICE NEW ISSUES

FROM GENERAL REVENUE FUND	2,260,161	

MOTOR POOL, DIVISION OF

1867 LUMP SUM
SUPPORT PROGRAM

POSITIONS	128	
FROM GENERAL REVENUE FUND	3,120,128	
FROM BUREAU OF AIRCRAFT TRUST FUND		2,146,841
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,419,199
FROM MOTOR VEHICLE OPERATING TRUST FUND .		2,052,965
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		1,223,788

From funds in Specific Appropriation 1867, the department will meet the following standards as required by the Government Performance and Accountability Act to provide government entities access to best value commodities and services through centralized procurement, federal property assistance, and fleet management.

Performance Measures	Standards Based on Conference Recommendation
OUTPUTS:	
Commodities/services on term contracts....	196,555
Number/percent of agencies using SPURS.....	31/74%
Federal property orders processed.....	2,500
Vehicle maintenance service hours.....	8,600
Days/miles of state rental vehicle service provided.....	39,553/1,830,000
Flights by executive pool aircraft.....	2,010
OUTCOMES:	
Percent of state term contracts savings.....	23%
State term contracts Cost avoidance.....	$138,000,000
Average percent below private sector fleet maintenance/retail parts.....	13/25%
Average percent state rental vehicles below state rental contract rates.....	30%
Cost per flight hour:	
DMS aircraft pool.....	$908
Southeast states' aircraft.....	$889
Percent of active federal property donees....	50%
Federal property distribution rate.....	98%
Estimated percent of disposal net return above published wholesale.....	20%

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APPROPRIATION

1868 SPECIAL CATEGORIES		
TRANSFER TO BUREAU OF AIRCRAFT TRUST FUND		
FROM GENERAL REVENUE FUND	1,166,097	
1869 DATA PROCESSING SERVICES		
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE		
FROM GENERAL REVENUE FUND	3,465	
1870 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM GENERAL REVENUE FUND	88,956	
FROM BUREAU OF AIRCRAFT TRUST FUND		9,494
FROM GRANTS AND DONATIONS TRUST FUND . . .		133,000
FROM MOTOR VEHICLE OPERATING TRUST FUND .		370,158
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		5,808
1870A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	7,865	
FROM BUREAU OF AIRCRAFT TRUST FUND		3,700
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,792
FROM MOTOR VEHICLE OPERATING TRUST FUND .		3,973
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		2,312
1871 FIXED CAPITAL OUTLAY		
ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		119,841
1875 FIXED CAPITAL OUTLAY		
ROOF REPAIRS/REPLACEMENT STATEWIDE - DMS MGD		
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		603,450
1876 FIXED CAPITAL OUTLAY		
SPECIALIZED BUILDING EQUIPMENT MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		15,306
1877 FIXED CAPITAL OUTLAY		
BUILDING STRUCTURAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE - DMS MGD		
FROM SURPLUS PROPERTY REVOLVING TRUST FUND		18,203
RETIREMENT, DIVISION OF		
1878 LUMP SUM		
RETIREMENT BENEFITS PROGRAM		
POSITIONS	231	
FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		9,642
FROM OPERATING TRUST FUND		13,199,870
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		90,222
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND		525,850

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FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND	44,734

From funds in Specific Appropriation 1878, the division will meet the following standards as required by the Government Performance and Accountability Act of 1994, in providing quality and cost effective retirement services.

Performance Measures	Standards Based on Conference Recommendation
OUTPUTS:	
Number of retirements	12,294
Number of retirement benefit estimates	63,700
Number of changes processed	46,457
Number of benefit payments issued	1,841,050
OUTCOMES:	
Percentage of participating agencies/members satisfied with retirement information:	
Agencies	95%
Members	
Active	65%
Recent Retired	90%
Other Retired	94%
Percentage of agency payroll transactions correctly reported	99%
Percentage of retirement services offered by FRS compared to comparable programs	77%
Percentage of participating agencies/members satisfied with retirement services	
Agencies	95%
Members	
Active	65%
Recent Retired	90%
Other Retired	94%
Administrative cost per active and retired member	$20.38
Ratio of active and retired members to division FTE	3,289:1
Funding ratio of FRS assets to liabilities	82%
Percentage of local retirement systems funded on a sound actuarial basis	98%

Funds are provided in Specific Appropriation 1878 for reengineering of the Florida Retirement Computer

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System which is recommended for special monitoring as a critical information resource management project under section 282.322, Florida Statutes. From the funds in Specific Appropriation 1878, $40,000 from the Operating Trust Fund is provided for the project monitoring contract to be executed by the Information Resource Commission. These funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in Chapter 216, Florida Statutes.

Funds in Specific Appropriation 1878 from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

1879 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM OPERATING TRUST FUND 10,240

1880 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 1,499,091
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 20,000
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 9,416

1880A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM OPERATING TRUST FUND 21,841

1880B PENSIONS AND BENEFITS
DISABILITY BENEFITS TO JUSTICES AND JUDGES
FROM GENERAL REVENUE FUND 250,500

1881 PENSIONS AND BENEFITS
FLORIDA NATIONAL GUARD
FROM GENERAL REVENUE FUND 3,991,680

1882 PENSIONS AND BENEFITS
MEMBERS BENEFITS
FROM FLORIDA RETIREMENT SYSTEM TRUST FUND 1617,709,260
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND 490,000
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 99,813,309

1883 PENSIONS AND BENEFITS
SPECIAL PENSIONS AND RELIEF ACTS
FROM GENERAL REVENUE FUND 9,775

1884 PENSIONS AND BENEFITS
STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)
FROM GENERAL REVENUE FUND 1,911,596

1885 PENSIONS AND BENEFITS
TEACHER'S SPECIAL PENSIONS
FROM GENERAL REVENUE FUND 18,437

COMMUNICATIONS, DIVISION OF

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1887 LUMP SUM
INFORMATION TECHNOLOGY PROGRAM

POSITIONS 271
FROM GENERAL REVENUE FUND 3,263,799
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 5,477,631
FROM GRANTS AND DONATIONS TRUST FUND . . . 140,000
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 6,908,624
FROM WORKING CAPITAL TRUST FUND 11,925,388

From funds in Specific Appropriation 1887, the department will meet the following standards as required by the Government Performance and Accountability Act to effectively and efficiently satisfy customer needs for using, sharing and managing information technology resources.

Performance Measures	Standards Based on Conference Recommendation
OUTPUTS:	
Number of engineering projects and approvals handled for state and local governments	217/470
Number of Joint Task Force Radio Systems operated and Maintained	
-Fixed Sites	93
-Mobile Equipment	5,902
Long Distance - Number of SUNCOM Billable Minutes	223,006,280
Local Service - Number of SUNCOM Local Service Main Stations	1,575,995
SUNCOM Locations Served	8,130
TRC Research, Consulting, and Development Projects Completed	20/6/883
OUTCOMES:	
Percent of Utilization - Unisys/IBM/DEC	88%/79%/55%
Percent of Availability - Unisys/IBM/DEC	99.5%/99.5%/99.8%
Cost of Communications Engineering Services (Hourly Rate):	
- Private	$61.05
- State	$35.88
Percent of the State Covered by the Joint Task Force Radio System	35%
Percent of Statewide Joint Task Force Law Enforcement Personnel Using the Joint Radio System	41.0%
Percent SUNCOM Discount from Commercial Tariff Rates:	
- Voice Local Service	55.0%
- Voice Long Distance	50.0%
- Data Service	30.0%
Percent SUNCOM Service Growth:	

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| Voice Local Service.....15.0%|
| Voice Long Distance Service..... 3.0%|
| Data Service.....9.0%|
|Custom Feedback Ranking |
| (Technology Resource Center) |
| Operating and Maintenance.....8.7|
| Planning and Development.....8.2|
==========|

Funds in Specific Appropriation 1887 may be adjusted by the Executive Office of the Governor to provide services to users of the Technology Resource Center as appropriated. The department shall submit a budget amendment to the Executive Office of the Governor by November 1, 1996, to request amendments necessary to balance the funds budgeted in Specific Appropriation 1887 to those appropriations made to user agencies.

The first $300,000 in revenues realized from the leasing of available transponder time shall be dedicated to the Department of Management Services for its costs associated with managing the transponder.

1888 SPECIAL CATEGORIES
CENTREX AND SUNCOM PAYMENTS
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 82,770,248

1890 SPECIAL CATEGORIES
DATA CENTER RESEARCH AND DEVELOPMENT
FROM WORKING CAPITAL TRUST FUND 750,000

1892 SPECIAL CATEGORIES
911 SERVICE ENHANCEMENT GRANTS AND IMPROVEMENTS
FROM GENERAL REVENUE FUND 633,839

Funds provided in Specific Appropriation 1892, are for enhanced 911 systems in the following counties:

Baker	$149,760
Calhoun	9,264
Franklin	4,320
Gilchrist	17,904
Glades	45,475
Hamilton	72,616
Hardee	406
Holmes	31,873
Jefferson	34,937
Lafayette	117,667
Liberty	56,419
Union	93,198

1894 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,028,162

1895A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 2,273
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 71,134

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FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 29,879
FROM WORKING CAPITAL TRUST FUND 7,416

1896 FIXED CAPITAL OUTLAY
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM - DMS MGD
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 3,474,051

Funds in Specific Appropriation 1896 shall be used by the Joint Task Force on Statewide Law Enforcement Communications, with technical assistance from the Department of Management Services, to develop a law enforcement radio system that is consistent with the model approved by the Task Force on March 25, 1996. The Joint Task Force shall submit a funding plan for implementation of the Statewide Law Enforcement Radio system which shall include an analysis of existing revenues and all expenditures including fixed capital outlay, operating and nonoperating through the implementation period. The plan shall identify the expected funding shortfall and evaluate potential sources of revenue necessary to complete the basic system by July 1, 2003, and operate it thereafter. The funding plan shall incorporate a schedule for bringing other agencies as feasible onto the radio system, and an analysis as to the feasibility of the eventual transfer of all system operating cost to user agencies. The Task Force shall submit the report to the Speaker of the House, the Senate President, the Chairmen of the House Appropriations and Senate Ways and Means Committees, the minority leaders of both houses and the Director of the Governor's Office of Planning and Budgeting by no later than November 30, 1996.

COMMISSION ON HUMAN RELATIONS

1897 SALARIES AND BENEFITS POSITIONS 48
FROM GENERAL REVENUE FUND 1,280,562
FROM GRANTS AND DONATIONS TRUST FUND . . . 452,223

1898 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,690
FROM GRANTS AND DONATIONS TRUST FUND . . . 27,040

1899 EXPENSES
FROM GENERAL REVENUE FUND 154,687
FROM GRANTS AND DONATIONS TRUST FUND . . . 146,201

1900 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,736

1901 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 36,000

1901A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 993
FROM GRANTS AND DONATIONS TRUST FUND . . . 461

ADMINISTRATIVE HEARINGS, DIVISION OF

1902 SALARIES AND BENEFITS POSITIONS 66
FROM ADMINISTRATIVE TRUST FUND 4,615,681

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1903 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 254,742

1904 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 695,365

From funds in Specific Appropriations 1902 through 1904 the division is authorized to enter into contracts with water management districts and regional planning councils setting an hourly rate for hearing officer services and for reimbursement of hearing officer travel expenses attributable to hearings conducted on behalf of those districts.

1905 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 71,550

1906 SPECIAL CATEGORIES
TRANSFER TO CITRUS ADVERTISING TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 41,129

1906A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM ADMINISTRATIVE TRUST FUND 4,343

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

1907 SALARIES AND BENEFITS POSITIONS 221
FROM GENERAL REVENUE FUND 4,123,822
FROM ARMORY BOARD TRUST FUND 3,243,465

1908 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 110,000
FROM ARMORY BOARD TRUST FUND 335,000

1909 EXPENSES
FROM GENERAL REVENUE FUND 3,929,026
FROM ARMORY BOARD TRUST FUND 3,488,968

1910 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 177,291
FROM ARMORY BOARD TRUST FUND 50,000

1911 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 26,000

1911A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 10,446

1912 FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE - FIRE CODES - DMS MGD
FROM GENERAL REVENUE FUND 100,000

1912A FIXED CAPITAL OUTLAY
ROOF INSPECTION/REPAIRS - AGENCYWIDE - DMS MGD
FROM GENERAL REVENUE FUND 500,000

CAMP BLANDING MANAGEMENT

1913 SALARIES AND BENEFITS POSITIONS 26
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 688,589

1914 OTHER PERSONAL SERVICES

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FROM CAMP BLANDING MANAGEMENT TRUST FUND . 70,800

1915 EXPENSES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 612,584

1916 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 61,500

1916A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 2,444

PUBLIC SERVICE COMMISSION

1917 SALARIES AND BENEFITS POSITIONS 380
FROM REGULATORY TRUST FUND 18,143,234

Funds in Specific Appropriation 1917 reflect the reduction of 6.5 positions and $383,171 in funding from the Regulatory Trust Fund. The Executive Office of the Governor will adjust the initial 1996-97 Position and Rate Ledger to temporarily restore the positions deleted to allow the commission to phase-out the positions by December 31, 1996.

1918 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 299,638

1919 EXPENSES
FROM REGULATORY TRUST FUND 4,337,215

1920 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 277,672

1921 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM REGULATORY TRUST FUND 72,791

1922 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM REGULATORY TRUST FUND 9,687

1923 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 78,548

1923A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM REGULATORY TRUST FUND 11,762

REVENUE, DEPARTMENT OF

ADMINISTRATIVE SERVICES PROGRAM

1924 SALARIES AND BENEFITS POSITIONS 351
FROM GENERAL REVENUE FUND 9,298,489
FROM ADMINISTRATIVE TRUST FUND 4,989,675
FROM CORPORATION TAX ADMINISTRATION TRUST FUND 17,918
FROM GRANTS AND DONATIONS TRUST FUND . . . 857,200

1925 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 113,960

1926 EXPENSES
FROM GENERAL REVENUE FUND 466,522

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FROM ADMINISTRATIVE TRUST FUND 1,890,637
FROM GRANTS AND DONATIONS TRUST FUND . . . 165,535

From funds provided in Specific Appropriation 1924 through 1926, the department is directed to participate in a task force chaired by the Executive Director of the Department of Revenue, including the Secretary of the Department of Environmental Protection, the Executive Director of the Department of Highway Safety and Motor Vehicles, and the Executive Director of the Game and Fresh Water Fish Commission, or their designees, along with a representative of the Florida Tax Collectors Association, for the purpose of developing a report for the Chairs of the Appropriations and Ways and Means Committees on an equitable cost accounting process for tax collector transactions when the tax collectors are acting as agents of the state. This report is to be submitted January 1, 1997.

1927 AID TO LOCAL GOVERNMENTS
CIGARETTE TAX TO MUNICIPALITIES
FROM MUNICIPAL FINANCIAL ASSISTANCE
TRUST FUND 22,900,000

1928 AID TO LOCAL GOVERNMENTS
COUNTY REVENUE SHARING
FROM COUNTY REVENUE SHARING TRUST FUND . . 296,650,000

1929 AID TO LOCAL GOVERNMENTS
MUNICIPAL REVENUE SHARING
FROM MUNICIPAL REVENUE SHARING TRUST
FUND 199,850,000

1930 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 49,013

1931 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM ADMINISTRATIVE TRUST FUND 159,498

1932 DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM ADMINISTRATIVE TRUST FUND 1,007,641

1932A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 3,287
FROM ADMINISTRATIVE TRUST FUND 18,314
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,879

PROPERTY TAX ADMINISTRATION PROGRAM

1934 LUMP SUM
AD VALOREM TAX
POSITIONS 141
FROM INTANGIBLE TAX TRUST FUND 8,665,958

From funds provided in Specific Appropriation 1934, the Property Tax Administration Program will meet the following standards as required by the Government Performance and Accountability Act to enhance equity in property assessments and taxation throughout the state, and to facilitate equalization of the distribution of required local effort millage.

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Performance Measures	Standards Based on Conference Recommendation
OUTCOMES:	
Percent of classes/subclasses studied found to have a level of at least 90%	95.5%
Average deviation from mean for all classes/subclasses studied	13%
Percent of taxing authorities in total or substantial TRIM compliance on initial submission	98.4%
Percent of in-depth subclasses evaluated using sales ratio studies	65.0%
Refund request per 100,000 parcels	39.6

1935 SPECIAL CATEGORIES
PROPERTY APPRAISER AND TAX COLLECTOR
CERTIFICATION PROGRAM
FROM CERTIFICATION PROGRAM TRUST FUND . . 300,000

1935A DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM INTANGIBLE TAX TRUST FUND 202,850

1935B DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM INTANGIBLE TAX TRUST FUND 14,503

CHILD SUPPORT ENFORCEMENT PROGRAM

1936 SALARIES AND BENEFITS POSITIONS 2,080
FROM GENERAL REVENUE FUND 10,377,062
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 9,957,556
FROM GRANTS AND DONATIONS TRUST FUND . . . 39,473,083

1937 EXPENSES
FROM GENERAL REVENUE FUND 3,014,523
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 2,627,544
FROM CLERK OF THE COURT CHILD SUPPORT
ENFORCEMENT COLLECTION SYSTEM TRUST FUND 50,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,952,251

1938 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,817
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 2,793
FROM GRANTS AND DONATIONS TRUST FUND . . . 22,536

1939 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH AND
REHABILITATIVE SERVICES
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 29,936
FROM GRANTS AND DONATIONS TRUST FUND . . . 58,110

1940 SPECIAL CATEGORIES

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PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	5,798,803	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		5,625,333
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND USER FEE TRUST FUND . . .		251,551
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		4,300,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		30,890,419
1941 FINANCIAL ASSISTANCE PAYMENTS		
CHILD SUPPORT PAYMENTS		
FROM CHILD SUPPORT CLEARING TRUST FUND . .		453,100,000
FROM SECURITY DEPOSIT TRUST FUND		50,000
1942 DATA PROCESSING SERVICES		
HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER		
FROM GENERAL REVENUE FUND	783,478	
FROM CHILD SUPPORT INCENTIVE TRUST FUND .		1,185,628
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND		75,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,822,382
1942A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	34,106	
FROM GRANTS AND DONATIONS TRUST FUND . . .		66,206
GENERAL TAX ADMINISTRATION PROGRAM		
1943 AID TO LOCAL GOVERNMENTS		
CONTINUATION OF SOLID MINERAL SEVERANCE TAX TO COUNTIES		
FROM SEVERANCE TAX SOLID MINERAL TRUST FUND		3,800,000
1944 AID TO LOCAL GOVERNMENTS		
DISTRIBUTION TO COUNTIES - OIL AND GAS TAX		
FROM OIL AND GAS TAX TRUST FUND		500,000
1945 AID TO LOCAL GOVERNMENTS		
DISTRIBUTION OF LOCAL GOVERNMENT HALF-CENT SALES TAX		
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		1014,882,440
1946 AID TO LOCAL GOVERNMENTS		
EMERGENCY DISTRIBUTIONS		
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		5,314,602
1947 AID TO LOCAL GOVERNMENTS		
INMATE SUPPLEMENTAL DISTRIBUTION		
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		592,958
1948 AID TO LOCAL GOVERNMENTS		
FIFTH & SIXTH CENT SBA/COUNTY/MOTOR FUEL		
FROM GAS TAX COLLECTION TRUST FUND		157,420,000
1949 AID TO LOCAL GOVERNMENTS		
SEVENTH CENT/COUNTIES/MOTOR FUEL		
FROM GAS TAX COLLECTION TRUST FUND		57,440,000
1950 LUMP SUM		
GENERAL TAX ADMINISTRATION		

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POSITIONS	2,368	
FROM GENERAL REVENUE FUND	69,890,928	
FROM ADMINISTRATIVE TRUST FUND		38,992,861
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		1,600,253
FROM GRANTS AND DONATIONS TRUST FUND . . .		189,409

From funds provided in Specific Appropriation 1950, for the General Tax Administration program, the department will meet the following standards as required by the Government Performance and Accountability Act to effectively administer and enforce tax laws and process revenue.

Performance Measures	Standards Based on Conference Recommendation
OUTCOMES:	
Accuracy of initial revenue distribution to local governments.....	93.0%
Length of time between initial and final DOR tax distribution (mo's).....	2.40
Average number of days from receipt of payments to deposit.....	0.80
Percent of bills and delinquency notices issued incorrectly - (all causes).....	28.0%
Percent of Taxpayers discovered to be erroneously classified inactive/ cancelled.....	0.6%
Percent of returns filed accurately and timely by all filers.....	81.3%
Percent of returns filed accurately and timely by 1st time filers.....	65.0%
Bills issued for math errors as a percent of all returns processed.....	2.2%
Percent of accounts with bill or delinquent notice and 2 similar problems in prior 6 months.....	4.6%
Percent of filers with math errors more than once in past 6 months.....	12.0%
Percent of filers delinquent more than once in past 6 months.....	10.6%
Percent of returns NOT generating a bill - all filers.....	90.0%
Dollars collected voluntarily as a percent of total dollars collected.....	96.75%

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Total Collection per filled FTE.....	$688,481
Percent of bills and delinquency notices issued incorrectly - (DOR caused).....	7.0%
Average number of days to resolve a protest case.....	182
Average number of days from validation to mailing of 1st notice bills.....	45
Percent of bills & delinquency notices mailed that produce a request for assistance.....	36.0%
Total involuntary collections per downstream filled FTE.....	$21,291
Percent of initially assessed liability collected excluding bankruptcies-tax only.....	60.0%
Percent of final identified liability collected - tax only.....	83.0%
Bills that produce revenue as a percent of all bills mailed	74.5%
Percent of billed amounts collected - all bills - tax, penalty interest.....	37.5%
Percent of bills cleared with a payment within first 30 days of 1st notice.....	37.0%

From funds provided in Specific Appropriation 1950, the Department of Revenue may enter into contingency contracts for components of the System for Unified Taxation (SUNTAX). Specifically, the department may solicit bids, select and negotiate with a vendor to deliver the information warehouse component. In exchange for the successful vendor's agreement to fund the project they may receive a contingency fee as negotiated by the department through the approval of the Governor and Cabinet. The department shall develop a methodology for determining how much of an increase in revenue is attributable to the new information system component. The methodology and any contingent fee percentage negotiated by the department and vendor shall be approved by the Governor and Cabinet and shall be subject to the provisions of section 216.177, F.S. Every effort should be made to ensure that the vendor receives a fair rate of return on the investment.

From funds provided in Specific Appropriation 1950, the Department of Revenue is authorized to initiate a pilot certified audit program to further enhance the concept of tax audits performed by private CPAs. The standards and qualifications that must be met by CPA firms in order to perform the audits will be promulgated by the Florida Board of Accountancy in

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consultation with the DOR. This certified audit program is intended to encourage taxpayers to hire said CPA firms at their own expense to examine and report their tax compliance. These audits would be subject to review by the DOR and conducted in accordance with DOR standards. Once that process is completed, the audit results would be accepted by the DOR as the taxpayer liability for the taxes and period(s) examined. Pursuant to law, the DOR is authorized to waive penalties or offer other incentives as necessary to ensure that taxpayers will have a reason to participate. The Department will report on the project to the Executive Office of the Governor and the Legislature by March 1, 1997.

From the funds in Specific Appropriation 1950, none of the $2,000,000 provided for contract auditing may be used for administrative purposes.

1950A	DATA PROCESSING SERVICES REVENUE MANAGEMENT INFORMATION CENTER FROM ADMINISTRATIVE TRUST FUND		2,484,662
1950B	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM GENERAL REVENUE FUND	79,363	
	FROM ADMINISTRATIVE TRUST FUND		103,712
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		2,416
	FROM GRANTS AND DONATIONS TRUST FUND . . .		372

REVENUE MANAGEMENT INFORMATION CENTER

1951	SALARIES AND BENEFITS POSITIONS 36 FROM WORKING CAPITAL TRUST FUND		1,117,519
1952	OTHER PERSONAL SERVICES FROM WORKING CAPITAL TRUST FUND		17,680
1953	EXPENSES FROM WORKING CAPITAL TRUST FUND		2,723,973
1954	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND		1,246,668
1955	DATA PROCESSING SERVICES TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES FROM WORKING CAPITAL TRUST FUND		854,573
1955A	DATA PROCESSING SERVICES SAMAS USER CHARGE FROM WORKING CAPITAL TRUST FUND		7,944

INFORMATION SERVICES PROGRAM

1956	SALARIES AND BENEFITS POSITIONS 119 FROM GENERAL REVENUE FUND	3,356,881	
	FROM ADMINISTRATIVE TRUST FUND		1,254,330
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		364,911
	FROM GRANTS AND DONATIONS TRUST FUND . . .		100,061
1957	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND		95,628

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1958 EXPENSES		
FROM GENERAL REVENUE FUND	331,548	
FROM ADMINISTRATIVE TRUST FUND		532,976
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		46,617
FROM GRANTS AND DONATIONS TRUST FUND . . .		13,999
1959 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND		4,327
1960 DATA PROCESSING SERVICES		
REVENUE MANAGEMENT INFORMATION CENTER		
FROM ADMINISTRATIVE TRUST FUND		2,740,953
1960A DATA PROCESSING SERVICES		
SAMAS USER CHARGE		
FROM GENERAL REVENUE FUND	2,897	
FROM ADMINISTRATIVE TRUST FUND		4,718
FROM CORPORATION TAX ADMINISTRATION TRUST FUND		414
FROM GRANTS AND DONATIONS TRUST FUND . . .		249
STATE, DEPARTMENT OF, AND SECRETARY OF STATE		
OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATIVE SERVICES		
1961 SALARIES AND BENEFITS POSITIONS	76	
FROM GENERAL REVENUE FUND	2,859,833	
FROM CORPORATIONS TRUST FUND		131,334
FROM PUBLICATIONS REVOLVING TRUST FUND . .		174,402
1962 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,850	
1963 EXPENSES		
FROM GENERAL REVENUE FUND	392,398	
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		181,873
1964 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	14,209	
1965 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GENERAL REVENUE FUND	17,000	
1966 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
FROM GENERAL REVENUE FUND	82,226	
1967 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		43,173
ELECTIONS, DIVISION OF		
1968 SALARIES AND BENEFITS POSITIONS	59	
FROM GENERAL REVENUE FUND	1,486,516	
FROM ELECTIONS COMMISSION TRUST FUND . . .		399,308
FROM PUBLICATIONS REVOLVING TRUST FUND . .		292,945
1969 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	3,150	
FROM ELECTIONS COMMISSION TRUST FUND . . .		18,125
FROM PUBLICATIONS REVOLVING TRUST FUND . .		17,018

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1970 EXPENSES		
FROM GENERAL REVENUE FUND	663,304	
FROM ELECTIONS COMMISSION TRUST FUND . . .		211,046
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		615,217
FROM PUBLICATIONS REVOLVING TRUST FUND . .		410,310
1971 AID TO LOCAL GOVERNMENTS		
PETITION SIGNATURE VERIFICATION		
FROM GENERAL REVENUE FUND	125,000	
1972 AID TO LOCAL GOVERNMENTS		
SPECIAL ELECTIONS		
FROM GENERAL REVENUE FUND	100,000	
1973 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,762	
1974 SPECIAL CATEGORIES		
ADVERTISING OF PROPOSED AMENDMENTS TO THE CONSTITUTION		
FROM GENERAL REVENUE FUND	100,000	
1975 SPECIAL CATEGORIES		
ADVERTISING OF NOTICE OF ASSISTANCE FOR THE ELDERLY & HANDI- CAPPED		
FROM GENERAL REVENUE FUND	80,000	
HISTORICAL RESOURCES, DIVISION OF		
1976 SALARIES AND BENEFITS POSITIONS	96	
FROM GENERAL REVENUE FUND	2,813,275	
FROM GRANTS AND DONATIONS TRUST FUND . . .		284,200
FROM OPERATING TRUST FUND		228,714
1977 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	27,626	
FROM GRANTS AND DONATIONS TRUST FUND . . .		506,359
FROM OPERATING TRUST FUND		649,347
1978 EXPENSES		
FROM GENERAL REVENUE FUND	1,523,633	
FROM GRANTS AND DONATIONS TRUST FUND . . .		208,450
FROM OPERATING TRUST FUND		744,633
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		7,155
1978A AID TO LOCAL GOVERNMENTS		
RESEARCH OF SPANISH GALLEON		
FROM GENERAL REVENUE FUND	150,000	
1978B AID TO LOCAL GOVERNMENTS		
ANCLOTE KEY LIGHTHOUSE		
FROM GENERAL REVENUE FUND	75,000	
1979 OPERATING CAPITAL OUTLAY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,000
FROM OPERATING TRUST FUND		154,500
1980 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM GRANTS AND DONATIONS TRUST FUND . . .		30,000
FROM OPERATING TRUST FUND		23,000
1981 SPECIAL CATEGORIES		
GRANTS AND AIDS - HISTORIC MUSEUM GRANTS		
FROM OPERATING TRUST FUND		1,500,000

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1982 SPECIAL CATEGORIES
HISTORIC PRESERVATION GRANTS
FROM OPERATING TRUST FUND 2,849,276

1983 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 34,746

1983A FIXED CAPITAL OUTLAY
REHABILITATION OF THE GOVERNOR MARTIN HOUSE - DMS MGD
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

1983B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPECIAL CATEGORIES - ACQUISITION, RESTORATION OF HISTORIC PROPERTIES
FROM GENERAL REVENUE FUND 11,946,214

Funds in Specific Appropriation 1983B are provided to fund the historic preservation projects that were selected in accordance with Chapter 1A-35.008(4), Florida Administrative Code, and included in the Department of State's legislative budget request for 1996-1997.

CORPORATIONS, DIVISION OF

1984 SALARIES AND BENEFITS POSITIONS 196
FROM CORPORATIONS TRUST FUND 5,948,253

1985 OTHER PERSONAL SERVICES
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 314,785

1986 EXPENSES
FROM CORPORATIONS TRUST FUND 3,194,771
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 869,920

1987 OPERATING CAPITAL OUTLAY
FROM CORPORATIONS TRUST FUND 346,646
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 366,000

1988 SPECIAL CATEGORIES
RICO ACT - ALIEN CORPORATIONS
FROM CORPORATIONS TRUST FUND 514,702

LIBRARY AND INFORMATION SERVICES, DIVISION OF

1990 SALARIES AND BENEFITS POSITIONS 120
FROM GENERAL REVENUE FUND 2,460,836
FROM LIBRARY SERVICES TRUST FUND 604,713
FROM RECORDS MANAGEMENT TRUST FUND 974,746

1991 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 28,397
FROM LIBRARY SERVICES TRUST FUND 155,773
FROM RECORDS MANAGEMENT TRUST FUND 13,435

1992 EXPENSES
FROM GENERAL REVENUE FUND 1,771,088
FROM LIBRARY SERVICES TRUST FUND 515,577
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 425,201

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FROM RECORDS MANAGEMENT TRUST FUND 594,282

1993 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY COOPERATIVES
FROM GENERAL REVENUE FUND 1,000,000

1994 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY GRANTS
FROM GENERAL REVENUE FUND 27,500,000
FROM LIBRARY SERVICES TRUST FUND 3,890,043

1995 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 14,984
FROM LIBRARY SERVICES TRUST FUND 50,762
FROM RECORDS MANAGEMENT TRUST FUND 75,383

1996 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM RECORDS MANAGEMENT TRUST FUND 41,592

1997 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 361,389
FROM LIBRARY SERVICES TRUST FUND 380,741

1998 FIXED CAPITAL OUTLAY
LIBRARY CONSTRUCTION GRANTS
FROM GENERAL REVENUE FUND 6,357,000
FROM LIBRARY CONSTRUCTION TRUST FUND . . . 824,057

Funds in Specific Appropriation 1998 are to be expended for library construction projects that are in compliance with s. 257.191, Florida Statutes, and s. 1B-3.002 through .010, Florida Administrative Code.

CULTURAL AFFAIRS, DIVISION OF

1999 SALARIES AND BENEFITS POSITIONS 21
FROM GENERAL REVENUE FUND 541,976
FROM FINE ARTS COUNCIL TRUST FUND 226,631

2000 OTHER PERSONAL SERVICES
FROM FINE ARTS COUNCIL TRUST FUND 20,600
FROM CULTURAL INSTITUTIONS TRUST FUND . . 79,500

2001 EXPENSES
FROM GENERAL REVENUE FUND 333,785
FROM COCONUT GROVE PLAYHOUSE TRUST FUND . 218,255
FROM FINE ARTS COUNCIL TRUST FUND 163,622
FROM CULTURAL INSTITUTIONS TRUST FUND . . 111,967
FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND 3,300

2002 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COCONUT GROVE PLAYHOUSE
FROM CULTURAL INSTITUTIONS TRUST FUND . . 500,000

2003 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS GRANTS
FROM FINE ARTS COUNCIL TRUST FUND 267,279
FROM CULTURAL INSTITUTIONS TRUST FUND . . 2,700,000

2004 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCIENCES GRANTS
FROM CULTURAL INSTITUTIONS TRUST FUND . . 500,000

2005 AID TO LOCAL GOVERNMENTS

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GRANTS AND AIDS - ARTS IN EDUCATION GRANTS
FROM CULTURAL INSTITUTIONS TRUST FUND . . 250,000

2006 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL ARTS AGENCIES/
STATE SERVICE ORGANIZATIONS
FROM CULTURAL INSTITUTIONS TRUST FUND . . 400,000

2007 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - YOUTH AND CHILDREN'S
MUSEUMS GRANTS
FROM CULTURAL INSTITUTIONS TRUST FUND . . 250,000

From funds provided in Specific Appropriation 2007, the department shall first fund all qualified Children and Youth Museum applications. In the event there are any funds remaining after funding all qualified Children and Youth Museum applications, the balance of Specific Appropriation 2007 may be allocated to Arts in Education Grant applications.

2008 OPERATING CAPITAL OUTLAY
FROM CULTURAL INSTITUTIONS TRUST FUND . . 6,000

2008A SPECIAL CATEGORIES
GRANTS AND AIDS - FINE ARTS ENDOWMENT
FROM GENERAL REVENUE FUND 1,680,000

2008B SPECIAL CATEGORIES
GRANTS AND AIDS - CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 300,000

2009 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL INSTITUTIONS
FROM CULTURAL INSTITUTIONS TRUST FUND . . 6,495,872

2010 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENDOWMENT FOR
THE HUMANITIES
FROM GENERAL REVENUE FUND 128,655
FROM CULTURAL INSTITUTIONS TRUST FUND . . 151,345

2011 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE TOURING PROGRAM
FROM CULTURAL INSTITUTIONS TRUST FUND . . 200,000

2012 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ARTS LICENSE
PLATES
FROM FINE ARTS COUNCIL TRUST FUND 500,000

2012A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPECIAL CATEGORIES -
CULTURAL FACILITIES PROGRAM
FROM GENERAL REVENUE FUND 8,972,518

Funds in Specific Appropriation 2012A are provided to fund the cultural facilities projects that were selected in accordance with the provisions of Chapter 1T-5, Florida Administrative Code, and included in the Department of State's legislative budget request for fiscal year 1996-97.

LICENSING, DIVISION OF

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2013 SALARIES AND BENEFITS POSITIONS 132
FROM DIVISION OF LICENSING TRUST FUND . . 4,153,792

2014 OTHER PERSONAL SERVICES
FROM DIVISION OF LICENSING TRUST FUND . . 185,395

2015 EXPENSES
FROM DIVISION OF LICENSING TRUST FUND . . 4,650,296

2016 OPERATING CAPITAL OUTLAY
FROM DIVISION OF LICENSING TRUST FUND . . 25,769

2017 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM DIVISION OF LICENSING TRUST FUND . . 68,890

HISTORIC PRESERVATION BOARDS

HISTORIC PENSACOLA PRESERVATION BOARD

2018 SALARIES AND BENEFITS POSITIONS 14
FROM GENERAL REVENUE FUND 442,811

2019 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 53,304
FROM OPERATING TRUST FUND 11,000

2020 EXPENSES
FROM GENERAL REVENUE FUND 18,696
FROM OPERATING TRUST FUND 156,978

2021 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 170,250

HISTORIC ST AUGUSTINE PRESERVATION BOARD

2022 SALARIES AND BENEFITS POSITIONS 25
FROM GENERAL REVENUE FUND 594,729
FROM OPERATING TRUST FUND 169,070

2023 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 84,950

2024 EXPENSES
FROM OPERATING TRUST FUND 197,185

2025 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 27,411

HISTORIC TALLAHASSEE PRESERVATION BOARD

2026 SALARIES AND BENEFITS POSITIONS 5
FROM GENERAL REVENUE FUND 182,093
FROM OPERATING TRUST FUND 5,916

2027 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,275

2028 EXPENSES
FROM GENERAL REVENUE FUND 1,750
FROM OPERATING TRUST FUND 110,811

HISTORIC FLORIDA KEYS PRESERVATION BOARD

2029 SALARIES AND BENEFITS POSITIONS 2
FROM GENERAL REVENUE FUND 86,318
FROM OPERATING TRUST FUND 11,215

2030 EXPENSES
FROM GENERAL REVENUE FUND 3,383

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FROM OPERATING TRUST FUND			137,139

HISTORIC TAMPA/HILLSBOROUGH COUNTY PRESERVATION BOARD

2031 SALARIES AND BENEFITS	POSITIONS	6	
FROM GENERAL REVENUE FUND		134,419	
FROM OPERATING TRUST FUND			67,655
2032 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		2,000	
FROM OPERATING TRUST FUND			53,613
2033 EXPENSES			
FROM GENERAL REVENUE FUND		967	
FROM OPERATING TRUST FUND			93,894

HISTORIC PALM BEACH COUNTY PRESERVATION BOARD

2034 SALARIES AND BENEFITS	POSITIONS	2	
FROM GENERAL REVENUE FUND		57,120	
FROM OPERATING TRUST FUND			11,819
2035 EXPENSES			
FROM GENERAL REVENUE FUND		12,697	
FROM OPERATING TRUST FUND			8,475

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

2036 SALARIES AND BENEFITS	POSITIONS	61	
FROM CULTURAL INSTITUTIONS TRUST FUND . .			1,817,254
2037 SPECIAL CATEGORIES			
RESTORATION/CONSERVATION - ART ACQUISITION - JOHN AND MABLE RINGLING MUSEUM OF ART			
FROM INVESTMENT TRUST FUND			200,000
2038 FIXED CAPITAL OUTLAY			
EMERGENCY REPAIRS - DMS MGD			
FROM GENERAL REVENUE FUND		1,177,500	
TOTAL OF SECTION 6	POSITIONS	26,355	
FROM GENERAL REVENUE FUND		682,960,990	
FROM TRUST FUNDS			7748,128,664
TOTAL ALL FUNDS			8431,089,654

SECTION 7 - JUDICIAL BRANCH

STATE COURT SYSTEM

The Florida Supreme Court study of the staffing and operations of the Office of Capital Collateral Representative recommended increased funding for CCR. From the funds in Specific Appropriations 2039 through 2076, the Court shall continue to monitor the handling of appeals in death cases in which defendants are represented by CCR. It is further requested that the Court submit a report on the steps they have taken to improve the processing of death penalty appeals and the impact the workload funding increases in Specific Appropriations 617 through 621A have had on the workload, operations and performance on the Office of the Capital Collateral Representative. Such report should be submitted not later than January 1, 1997 to the Legislature, with copies to the Attorney General and the Governor.

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In the event of a general revenue shortfall in an amount which requires the Chief Justice to make budget reductions pursuant to s. 216, Florida Statutes, funds in Specific Appropriations 2039 through 2076, appropriated for payment of the salaries of judges, their personal staff, court reporter services, juror meals and lodging, juror and witness payments, and retired judges shall be deducted from the total amount of judicial branch general revenue monies against which an across the board percentage reduction may be applied pursuant to s. 216.221 (3), Florida Statutes.

SUPREME COURT

2039 SALARIES AND BENEFITS	POSITIONS	165	
FROM GENERAL REVENUE FUND		7,726,743	
FROM COURT EDUCATION TRUST FUND			416,407
FROM MEDIATION AND ARBITRATION TRUST FUND			245,894
FROM GRANTS AND DONATIONS TRUST FUND . . .			139,435
2040 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		152,853	
FROM COURT EDUCATION TRUST FUND			86,475
FROM MEDIATION AND ARBITRATION TRUST FUND			160,000
FROM GRANTS AND DONATIONS TRUST FUND . . .			110,000
2041 EXPENSES			
FROM GENERAL REVENUE FUND		1,254,810	
FROM COURT EDUCATION TRUST FUND			938,743
FROM MEDIATION AND ARBITRATION TRUST FUND			189,477
FROM APPELLATE OPINION DISTRIBUTION TRUST FUND			12,249
FROM GRANTS AND DONATIONS TRUST FUND . . .			90,365

No General Revenue funds in Specific Appropriation 2041 shall be used for out-of-state educational programs for judges/justices. General Revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

2042 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		28,619	
FROM MEDIATION AND ARBITRATION TRUST FUND			1,584
FROM GRANTS AND DONATIONS TRUST FUND . . .			46,918
2043 SPECIAL CATEGORIES			
DISCRETIONARY FUNDS OF THE CHIEF JUSTICE			
FROM GENERAL REVENUE FUND		5,000	

Funds in Specific Appropriation 2043 may be expended at the discretion of the Chief Justice in carrying out the official duties of the court. These funds shall be disbursed by the Comptroller upon receipt of vouchers authorized by the Chief Justice.

2044 SPECIAL CATEGORIES
SUPREME COURT LAW LIBRARY

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FROM GENERAL REVENUE FUND 277,749

2045 SPECIAL CATEGORIES
COMPUTER SUBSCRIPTION SERVICES
FROM GENERAL REVENUE FUND 172,500

2046 DATA PROCESSING SERVICES
JUSTICE DATA CENTER
FROM GENERAL REVENUE FUND 271,001

The funds in Specific Appropriation 2046, are provided for the Court's direct and shared cost of continuation of the Justice Data Center. Any funds not expended through journal transfer shall revert at the close of fiscal year 1996-97.

2046A DATA PROCESSING SERVICES
SAMAS USER CHARGE
FROM GENERAL REVENUE FUND 50,079

ADMINISTERED FUNDS - JUDICIAL

2047A LUMP SUM
FAMILY COURTS
FROM GENERAL REVENUE FUND 10,000

The funds in Specific Appropriation 2047A shall be used by the Institute for Family Violence Studies at Florida State University for staffing and technical assistance to the Florida Family Visitation Network.

2048A LUMP SUM
LUMP SUM - COURT IMPROVEMENTS
POSITIONS 26
FROM GENERAL REVENUE FUND 1,300,000

2049 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 1,390,615

The funds in Specific Appropriation 2049 are calculated at a rate of $250 per judge day. The Chief Justice shall report quarterly to the chairs of the House Appropriations Committee and Senate Ways and Means Committee any exercise of his discretion pursuant to 91-256, Laws of Florida, compensating retired judges in the courts at a rate higher than $250 per day. The report shall include the rate paid per judge per day, the number of days purchased, and the calculation of any corresponding reduction in the ability to purchase judge days.

Of the funds in Specific Appropriation 2049 , $67,281 is provided for the implementation of a pilot project which improves the finalization of child support orders in Dade County consistent with the findings and recommendations of the Dade County Grand Jury report dated July 20, 1995.

2050 SPECIAL CATEGORIES
JUDICIAL NOMINATING COMMISSION - EXPENSES
FROM GENERAL REVENUE FUND 13,690

2051 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES
FROM GENERAL REVENUE FUND 4,886,910

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Funds in Specific Appropriation 2051 shall be used solely for the payment of jurors and witnesses.

2052 SPECIAL CATEGORIES
MEALS AND LODGING FOR JURORS
FROM GENERAL REVENUE FUND 240,825

2053 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM GENERAL REVENUE FUND 386,685

From the funds in Specific Appropriation 2053, $15,500 is contingent upon passage of House Bill 2695 or similar legislation authorizing new judgeships, with an effective date of January 1, 1997.

2054 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 158,772

JUSTICE DATA CENTER

2055 SALARIES AND BENEFITS POSITIONS 27
FROM WORKING CAPITAL TRUST FUND 1,124,557

2056 EXPENSES
FROM WORKING CAPITAL TRUST FUND 3,145,557

2057 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 78,210

DISTRICT COURTS OF APPEAL

2058 SALARIES AND BENEFITS POSITIONS 395
FROM GENERAL REVENUE FUND 25,247,677

2059 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 428,357

2060 EXPENSES
FROM GENERAL REVENUE FUND 1,618,851

2061 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 79,094

2062 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 545,362

CIRCUIT COURTS

2065 SALARIES AND BENEFITS POSITIONS 1,418
FROM GENERAL REVENUE FUND 101,350,988
FROM GRANTS AND DONATIONS TRUST FUND . . . 166,659
FROM FAMILY COURTS TRUST FUND 2,800,027

2066 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 283,694

2067 EXPENSES
FROM GENERAL REVENUE FUND 1,532,598
FROM COURT EDUCATION TRUST FUND 80,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,750
FROM FAMILY COURTS TRUST FUND 176,609

No General Revenue funds in Specific Appropriation 2067 shall be used for out-of-state educational programs for judges/justices. General Revenue funds

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may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

Juvenile Alternative Sanctions Coordinators shall add to the available juvenile sanctions for first time offenders, mandatory prison tours. The Office of the State Court Administrator shall provide a report which lists and explains all available alternative sanctions that have been developed and implemented in each circuit. It shall be submitted to the Speaker of the House of Representatives and the President of the Senate by January 1, 1997.

From the funds in Specific Appropriation 2067, up to $80,000 from the Court Education Trust Fund may be used to fund a conference for the Florida Conference of Circuit Judges, as approved by the Chief Justice of the Florida Supreme Court.

2067A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 108,350
FROM FAMILY COURTS TRUST FUND 10,624

From the funds in Specific Appropriations 2065, 2067 and 2067A, 12 FTE and $559,306, $52,764 and $50,460 from the General Revenue Fund respectively, are contingent upon passage of House Bill 2695 or similar legislation authorizing new judgeships with an effective date of January 1, 1997.

2068 LUMP SUM
FAMILY COURTS
FROM GENERAL REVENUE FUND 200,000

2069 SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY COURTS
FROM FAMILY COURTS TRUST FUND 29,246

2070 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC GUARDIANSHIP
FROM GENERAL REVENUE FUND 102,252

2071 SPECIAL CATEGORIES
CIRCUIT COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 2,000

2072 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT REPORTER SERVICES
FROM GENERAL REVENUE FUND 1,025,887

COUNTY COURTS

2073 SALARIES AND BENEFITS POSITIONS 520
FROM GENERAL REVENUE FUND 42,311,930

2074 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 72,225

2075 EXPENSES
FROM GENERAL REVENUE FUND 166,719

No funds in Specific Appropriation 2075 shall be used for out-of-state judicial educational programs for judges/justices. General Revenue funds may be used to fund attendance of judicial delegates of the Chief Justice at any national conference or judicial meeting.

2075A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 33,656

From the funds in Specific Appropriations, 2073, 2075, and 2075A, 8 FTE and $352,287, $27,016 and $33,656 from the General Revenue Fund respectively, are contingent upon passage of House Bill 2695 or similar legislation authorizing judgeships with an effective date of January 1, 1997.

2076 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 305,855

Funds are provided in Specific Appropriation 2076 for county judges assigned to active judiciary service in any of the courts created by Article V of the State Constitution. Such funds shall be paid as additional compensation for such service, and shall be computed based on the salary then currently paid to a judge of the court to which the assignment is made, and shall be computed on the basis of an eight hour day, or major fraction thereof.

JUDICIAL QUALIFICATIONS COMMISSION

2077 SALARIES AND BENEFITS POSITIONS 2
FROM GENERAL REVENUE FUND 91,247

2078 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 145,342

2079 EXPENSES
FROM GENERAL REVENUE FUND 99,129

2080 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,706

2081 LUMP SUM
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 133,300

Funds in Specific Appropriation 2081 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

TOTAL OF SECTION 7 POSITIONS 2,553

FROM GENERAL REVENUE FUND 194,213,070

FROM TRUST FUNDS 10,060,786

TOTAL ALL FUNDS 204,273,856

SECTION 8 - SALARIES AND BENEFITS - Fiscal Year 1996-97

Statement of Purpose

This section provides instructions for implementing the Fiscal Year 1996-97 salary and benefit increases provided in Specific Appropriations 157, 190, 191, 192, 193, 197, and 1474. All allocations and distributions of these funds are to be made in strict accordance with the provisions of this act. All references to "base salary" in this section refer to salaries as of June 30, 1995, inclusive of the 1995-96

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fiscal year appropriated salary increases, for the purpose of calculating and distributing allocations to agencies. References to "eligible" employees refer to employees who are, at a minimum, meeting their required performance standards. If an ineligible employee achieves performance standards subsequent to the salary increase implementation date, the employee may receive an increase; however, such increase shall be effective on the date the employee becomes eligible but not retroactively.

1. SALARY INCREASES

A. CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

Funds are provided in Specific Appropriation 1474 for salary increases for all eligible employees represented by: (1) the Florida Police Benevolent Association, (2) the Florida Nurses Association, and (3) the American Federation of State, County and Municipal Employees, Council 79, as well as all other eligible Career Service employees not included in a represented collective bargaining unit. Funds are to be distributed as follows:

1) For all eligible unit and non-unit Career Service employees other than employees assigned to the law enforcement, security services, and professional health care pay plans, funds are provided for a competitive pay adjustment of three percent (3%) on each employee's base salary, effective January 1, 1997, in accordance with the negotiated collective bargaining agreement.

Each eligible full-time Career Service employee shall receive an annualized minimum increase of $1000. If the competitive pay adjustment is less than $1000, each employee shall receive an additional increase which provides the employee a total annualized increase of $1000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment.

2) For all eligible unit and non-unit employees assigned to the certified law enforcement pay plans, funds are provided to grant a competitive pay adjustment of three percent (3%) effective January 1, 1997, in accordance with the negotiated collective bargaining agreement.

3) For all eligible unit and non-unit employees assigned to the security services pay plan, funds are provided to grant a competitive pay adjustment of four and one-half percent (4 1/2%) on each employee's base salary, effective January 1, 1997, in accordance with the negotiated collective bargaining agreement.

4) For all eligible unit and non-unit employees assigned to the professional health care pay plan, funds are provided to grant a three percent (3%) competitive pay adjustment on each employee's base salary to be effective on the employee's anniversary date, in accordance with the negotiated collective bargaining agreement.

Additionally, funds are provided for eligible employees to receive longevity salary increases pursuant to the negotiated collective bargaining agreement.

B. BOARD OF REGENTS

1) University Support Personnel System (USPS)

a. For all eligible USPS unit employees other than employees assigned to the professional health care and certified law enforcement pay plans, funds are provided in Specific Appropriations 190, 191, 192, 193 and 197 for a three percent (3%) competitive pay adjustment on each employee's base salary, effective January 1, 1997, in accordance with

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the negotiated collective bargaining agreement.

Additionally, funds are provided to grant each eligible full-time employee an annualized minimum increase of $1000. If the competitive pay adjustment is less than $1000, each employee shall receive an additional increase which provides the employee a total annualized increase of $1000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment.

b. Funds are provided in Specific Appropriations 190, 191, 192, 193, and 197 for an overall average of three percent (3%)/$1000 minimum increase on employees' base salaries effective January 1, 1997, for eligible unit and non-unit professional health care employees. In resolution of the collective bargaining impasse pursuant to Chapter 447, Florida Statutes, these funds shall be distributed to eligible employees in accordance with the Board of Regents' position at impasse.

c. Funds are provided in Specific Appropriations 190, 191, 192, 193, and 197 for an overall average three percent (3%) increase on employees' base salaries effective January 1, 1997, for unit and non-unit law enforcement employees. These funds shall be distributed to eligible employees in accordance with the negotiated collective bargaining agreement.

d. Funds are provided in Specific Appropriations 190, 191, 192, 193, and 197 for an overall average pay adjustment of three percent (3%) on the base salary of each eligible non-unit USPS employee, effective January 1, 1997, except that those full-time employees with an annual salary on December 31 of $33,333 or less shall receive a minimum annual increase of $1000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. Otherwise, these increases shall be distributed as determined by the Board of Regents, but shall be effective and provided January 1, 1997.

2) Administrative and Professional (A&P)

a. Funds are provided in Specific Appropriations 190, 191, 192, 193 and 197 for an overall average pay adjustment of three percent (3%) on the base salary of each eligible non-unit A&P employee, effective January 1, 1997, except that those full-time employees with an annual salary on December 31 of $33,333 or less shall receive a minimum annual increase of $1,000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. Otherwise, these increases shall be distributed as determined by the Board of Regents, but shall be effective and provided January 1, 1997.

b. Funds are provided in Specific Appropriations 190, 191, 192, 193 and 197 for an overall average pay adjustment of three percent (3%) on the base salary of each eligible unit A&P employee, effective January 1, 1997, except that those full-time employees with an annual salary on December 31 of $33,333 or less shall receive a minimum annual increase of $1,000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. Otherwise, these increases shall be distributed as determined by the

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Board of Regents, but shall be effective and provided Janaury 1, 1997.

3) General Faculty

a. Funds are provided in Specific Appropriations 190, 191, 192, 193, and 197 for an overall average pay adjustment of three percent (3%) on the base salary of each eligible non-unit faculty employee, effective January 1, 1997, except that those full-time employees with an annual salary on December 31 of $33,333 or less shall receive a minimum annual increase of $1,000. Each eligible part-time employee in an authorized positon shall receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. Otherwise, these increases shall be distributed as determined by the Board of Regents, but shall be effective and provided January 1, 1997.

b. Funds are provided in Specific Appropriations 190, 191, 192, 193, and 197 for an overall average pay adjustment of three percent (3%) on the base salary of each unit faculty employee, effective January 1, 1997, except that those full-time employees with an annual salary on December 31 of $33,333 or less shall receive a minimum annual increase of $1,000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a pro rated portion of the additional amount necessary to assure the annualized minimum adjustment. Otherwise, these increases shall be distributed as determined by the Board of Regents, but shall be effective and provided Janaury 1, 1997.

c. Funds are provided in Specific Appropriations 190, 191, 192, 193, and 197 for an overall average three percent (3%) increase on the base stipends of graduate assistants (UF and USF) and graduate health professions assistants, effective January 1, 1997. In resolution of the collective bargaining impasse pursuant to Chapter 447, Florida Statutes, these funds shall be distributed to eligible employees in accordance with the Graduate Assistants United position at impasse for unit and non-unit employees. Increases for graduate health professions assistants, e.g., residents and other housestaff, shall be distributed in accordance with the terms of the contracts required by the appropriate accrediting agencies.

C. EXEMPT FROM CAREER SERVICE

1) Elected officers and full time members of Commissions:

Specific Appropriation 1474 includes funding to provide salary increases on base salary, effective January 1, 1997. The following officers shall be paid at the annual rate shown below for the period indicated, however, these salaries may be reduced on a voluntary basis:

	7/1/96	1/1/97
	======	======
Governor	104,817	107,961
Lieutenant Governor	100,403	103,415
Secretary of State	103,757	106,870
Comptroller	103,757	106,870
Treasurer	103,757	106,870
Attorney General	103,757	106,870
Education, Commissioner of	103,757	106,870
Agriculture, Commissioner of	103,757	106,870
Supreme Court Justice	116,244	133,600
Judges - District Courts of Appeal	110,432	120,240
Judges - Circuit Courts	104,620	107,758
Judges - County Courts	92,995	95,785
Commissioner - Public Service Commission	99,329	107,758
Public Employees Relations Commission Chrm	74,884	77,130
Public Employees Relations Commission		

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Commissioners	70,861	72,987
Commissioner - Parole and Probation	70,861	72,987

State Attorneys:

Circuits with 1,000,000 Population or less	104,620	107,758
Circuits over 1,000,000	110,432	120,240

Public Defenders:

Circuits with 1,000,000 Population or less	98,669	101,629
Circuits over 1,000,000	105,713	115,430

All population figures relating to the state attorneys' and public defenders' salaries shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901, F.S. These population estimates shall become effective July 1, 1996 and shall not be adjusted subsequently.

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

2) Senior Management Service and Selected Exempt Service:

a. Funds are provided in Specific Appropriation 1474 for an overall average pay adjustment of three percent (3%) on the base salary of each eligible Senior Management Service and non-unit Selected Exempt Service employee, effective January 1, 1997, except that those full-time employees with an annual salary on December 31 of $33,333 or less shall receive a minimum annual increase of $1000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. Otherwise, these increases shall be distributed at the discretion of the agency head, but shall be effective and provided January 1, 1997.

b. Funds are provided in Specific Appropriation 1474 for an overall average pay adjustment of three percent (3%) on the base salary of eligible unit employees of the Florida Federation of Physicians and Dentists in the Selected Exempt Service. These increases shall be distributed on the employee's anniversary date in accordance with the negotiated collective bargaining agreement.

Further, if an eligible employee has five or more years of continuous State service effective June 30, 1996, the employee shall receive an additional increase effective on the employee's anniversary date in an amount equal to 1.25 percent of his/her June 30, 1996 base rate of pay, pursuant to the negotiated collective bargaining agreement.

Effective July 1, 1996, the unit physicians and senior physicians' pay grades will be adjusted and employees whose salaries are less than the adjusted minimum shall receive a salary increase to the adjusted minimum, pursuant to the negotiated collective bargaining agreement.

3) Career Service Exempt and the Florida National Guard:

Funds are provided in Specific Appropriation 1474 for a competitive pay adjustment of three percent (3%) on each eligible employee's base salary which shall be effective and provided January 1, 1997.

Additionally, each eligible full-time employee shall receive an annualized minimum salary increase of $1,000. If the competitive pay adjustment is less than $1,000, each employee shall receive an additional increase which provides the employee a total annualized increase of $1,000. Each eligible part-time employee in an authorized

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position shall receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment.

4) Judges of Compensation Claims

Funds are provided in Specific Appropriation 1474 for a competitive pay adjustment of three percent (3%) on each eligible employee's base salary which shall be effective and provided January 1, 1997.

D. JUDICIAL

1) Funds are provided in Specific Appropriation 1474 to grant competitive pay adjustments of three percent (3%) on each eligible employee's base salary, effective January 1, 1997.

Additionally, each eligible full-time Judicial Branch employee shall receive an annualized minimum salary increase of $1000. If the competitive pay adjustment is less than $1000, each employee shall receive an additional increase which provides the employee a total annualized increase of $1000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment.

2) General Revenue funds in the amount of $573,989 are provided in Specific Appropriation 1474 to fully implement the Judicial Assistants' compensation plan as proposed by the State Courts System, effective January 1, 1997.

E. LOTTERY

1) Funds are provided in Specific Appropriation 1474 to grant eligible Lottery support staff a competitive pay adjustment of three percent (3%) on each employee's base salary, effective January 1, 1997.

Each eligible full-time Lottery employee shall receive an annualized minimum increase of $1000. If the competitive pay adjustment is less than $1000, each employee shall receive an additional increase which provides the employee a total annualized increase of $1000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustment provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment.

2) Funds are provided in Specific Appropriation 1474 for an overall average pay adjustment of three percent (3%) on the base salary of each eligible Lottery Senior Staff employee, effective January 1, 1997, except that those full-time employees with an annual salary on December 31, 1996 of $33,333 or less shall receive a minimum annual increase of $1,000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. Otherwise, these increases shall be distributed at the discretion of the agency head, but shall be effective and provided January 1, 1997.

F. Correctional Education Program (CEP)

Funds are provided in Specific Appropriation 1474 to grant a competitive pay adjustment of three percent (3%) on each eligible employee's base salary in the Classified and Managerial Pay Plans and for all instructional and professional employees within CEP. These increases shall be effective and provided January 1, 1997.

Additionally, each eligible full-time CEP employee shall receive an

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annualized minimum increase of $1000. If the competitive pay adjustment is less than $1000, each employee shall receive an additional increase which provides the employee a total annualized increase of $1000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the competitive pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment.

It is the intent of the Legislature that the administrative and professional and managerial pay plans 43 and 44 shall be retained and all positions in these pay plans shall remain. Instructional and classified pay plans 41 and 42 shall be retained until such time as the Department of Management Services and the Department of Corrections reach agreement on the transfer of positions in these pay plans to positions within the career service system after which these pay plans shall be abolished.

G. Florida School for the Deaf and the Blind:

1) Funds are provided in Specific Appropriation 157 for overall average competitive pay adjustments of three percent (3%) for non-career service employees of the School for the Deaf and the Blind, effective January 1, 1997. Additionally, each eligible full-time employee shall receive an annualized minimum salary increase of $1,000. Each eligible part-time employee in an authorized position shall receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the annualized minimum adjustment. Distribution of the overall average three percent funds for unit employees shall be pursuant to the negotiated collective bargaining agreement, and distribution of the funds for non-unit employees shall be at the discretion of the Board of Trustees.

C. SPECIAL PAY ISSUES:

1) Funds are provided in Specific Appropriation 1474 for a special pay adjustment of $100 per month to be added to the base salary on January 1, 1997 for each certified law enforcement officer in law enforcement pay grades 55, 56 and 57, except those officers employed by the Department of Highway Safety and Motor Vehicles who have already received this increase.

2) Funds are provided in Specific Appropriation 1474 for a special pay adjustment of $100 per month to be added to the base salary on January 1, 1997 for each State Attorney Investigator.

3) From the funds provided in Specific Appropriation 1474 $9,079,150 from General Revenue and $266,721 from Trust Funds are provided to fund a salary step increase, or, if applicable, for non-unit employees, a 3% salary increase for security services employees in occupational group 41, effective January 1, 1997, in accordance with the negotiated collective bargaining agreement.

4) From the funds provided in Specific Appropriation 1474, $328,320 in General Revenue Funds are provided to fund salary equity adjustments for Hearing Officers in the Public Employees Relations Commission within the Department of Labor and Employment Security.

5) From the Funds provided in Specific Appropriation 1488, $83,315 in General Revenue Funds are provided to fund on-call support for Systems Design and Development employees within the Executive Office of the Governor.

6) From the funds provided in Specific Appropriation 1474 $3,252,636 from General Revenue and $1,182,453 from Trust Funds are provided to fund a salary step increase, or, if applicable, for non-unit employees,

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a 4.5% salary increase for certified law enforcement employees in occupational group 46, effective January 1, 1997, in accordance with the negotiated collective bargaining agreement.

7) From the funds provided in Specific Appropriation 1474 $409,290 from General Revenue Funds are provided to fund a 4.5% salary increase for each State Attorney Investigator, effective January 1, 1997.

8) From the funds provided in Specific Appropriation 1474 $39,993 in General Revenue Funds are provided to fund salary equity adjustments for Postsecondary Planning Commission employees.

2. BENEFITS

A. HEALTH, LIFE AND DISABILITY INSURANCE

1) Funds are provided in each agency's budget to continue paying the current state share of the State Group Health Self-Insurance premiums, approved health maintenance organizations, and life and disability insurance premiums. Additionally, employee premiums shall remain unchanged until changed by the Legislature.

Further, it is the Legislature's intent that the benefits of the State Group Health Self-Insurance Plan which have been approved by the Legislature shall be incorporated into the Group Health Self-Insurance Master Policy and shall remain in effect during Fiscal Year 1996-97 and shall not be amended without appropriate legislative approval in accordance with s. 110.123(5), F.S.

2) Under the Prescription Drug Program co-payments and supply limits are to continue as provided in s. 110.12315, F.S.

3) The current pharmacy dispensing program shall remain in effect as provided in s. 110.12315(3), F.S.

4) Any proposed changes in the benefits provided under the state employee group health self-insurance plan shall be accompanied by a statement signed by an actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums, unless the Economic Estimating Conference determines that the plan modification is minor enough that such a statement is not necessary.

5) The $100 per calendar year physical examination benefit shall be limited to active employees covered under the State Group Health Self-Insurance Plan.

3. OTHER PROVISIONS

The following items shall be implemented in accordance with the provisions of this Act and with the negotiated collective bargaining agreements between the Governor and the respective bargaining units, except as noted:

A. Continue to provide up to six (6) credit hours of tuition-free courses per term at a State University to all full-time employees on a space-available basis.

B. Continue to reimburse employees, at current levels, for replacement of personal property.

C. Continue to provide, at the current level, uniform maintenance and shoe allowances.

D. Continue to pay employees on-call fees at the current level.

4. COLLECTIVE BARGAINING ISSUES AT IMPASSE

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A. Collective bargaining issues at impasse between the Florida Board of Regents (BOR) and the United Faculty of Florida (UFF) shall be resolved as follows:

1) All collective bargaining wage issues at impasse shall be resolved pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

B. Collective bagaining issues at impasse between the Florida Board of Regents (BOR) and the Florida Nurses Association (FNA) shall be resolved as follows:

1) All collective bargaining wage issues at impasse shall be resolved pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

C. Collective bargaining issues at impasse between the Florida Board of Regents (BOR) and the Graduate Assistants United (GAU) shall be resolved as follows:

1) All collective bargaining issues at impasse shall be resolved pursuant to the instructions provided in this Section under Item "1. SALARY INCREASES."

D. All other collective bargaining issues at impasse for the 1996-97 fiscal year which are not contained in this act shall be resolved by maintaining the status quo under the language of the current collective bargaining agreements.

5. STUDIES AND REPORTS AND OTHER PROVISIONS

A. The Department of Management Services shall be authorized to contract for a comprehensive prescription drug program which is comprised of at least the following:

1) A computerized concurrent drug utilization review program that monitors the drug therapy of program participants in a realtime, on-line data processing environment. This system shall analyze the filling or re-filling of prescriptions against previously filled prescriptions and provide the pharmacist the opportunity to intercede and counsel participants regarding their drug therapy. Minimal criteria that will be examined by the system shall include drug-drug interactions, drug-age contraindications, over-utilization, under-utilization, inappropriate or excessive drug dosages, therapeutic duplication, or other situations that may endanger the health and welfare of program participants.

2) A retrospective drug utilization review program that analyzes the prescription drug prescribing, dispensing and utilization patterns of practitioners and program participants. Detailed computer-generated patient profiles shall be analyzed by a multi-disciplinary committee of health care professionals comprised of physicians and pharmacists skilled in drug therapy, pharmacology, and medical therapeutics. A comprehensive educational intervention program shall be used to notify practitioners of potential therapeutic complications, duplications, or other situations that may endanger the health and welfare of program participants.

B. All state branches, departments, and agencies which have established or approved personnel policies for employees relating to the payment of accumulated and unused annual leave shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

C. Upon termination of employees in the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, payment for unused annual leave credits accrued on the employee's last anniversary date shall be prorated at the rate of one-twelfth (1/12) of

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the last annual amount credited for each month, or portion thereof, worked subsequent to the employee's last anniversary date.

D. The Attorney General is authorized to continue to exceed the maximum of the pay range for the six Assistant Attorney General positions.

E. The approved annual salary rate for the Division of Administrative Hearings is $3,722,866 and is inclusive of rate for a three percent (3%) salary increase effective Janaury 1, 1997.

SECTION 9. Funds in this act may be expended for Bar dues and for legal education courses for attorneys employed by the State as legal staff.

SECTION 10. To provide management flexibility, adjustments included for management reductions, reversions and organizational efficiency measures may be redistributed within an agency pursuant to the budget amendment provisions of Chapter 216, F.S.

SECTION 11. The Comptroller is hereby authorized to transfer $148,600,000 in General Revenue Funds to the Budget Stabilization Fund for Fiscal Year 1996-97, as required by s. 19(g) Article III of the Constitution of the State of Florida.

SECTION 12. Any funds necessary to implement the provisions of the Federal Cash Management Improvement Act of 1990 shall be provided from the Working Capital Fund. The State Treasurer is authorized to submit a voucher to the Comptroller and based thereon, the Comptroller is authorized to make payment to the Federal Government in an amount necessary for the payment of interest earned on Federal Funds.

SECTION 13. The unexpended balance of funds provided to Miami-Dade Community College in the Specific Appropriation 1940 of Chapter 94-357, Laws of Florida, 2000 of Chapter 94-357, Laws of Florida, and 54 of Chapter 95-429, Laws of Florida relating to the Clasrm/Aud/Stu Svcs/Garage - Med Ctr partial (p) and (c) project for $531,000, $13,000,000, and $13,000,000 respectively, is hereby reappropriated to Collegewide General Renovation/Remodeling.

SECTION 14. The unexpended balance of funds provided to Miami-Dade Community College in the Specific Appropriation 2000 of Chapter 94-357, Laws of Florida, relating to the Mass Communication ctr - N partial (p) project for $1,571,000, is hereby reappropriated to the Science Lab Facility - N partial (p).

SECTION 15. The unexpended balance of funds provided to Seminole Community College in the Specific Appropriation 54 of Chapter 95-429, Laws of Florida, relating to the Technological Instruction Building 1 partial (p) project for $453,424, is hereby reappropriated to the East Center Phase I partial (p).

SECTION 16. Pursuant to Section 240.295, F.S., the Board of Regents is hereby authorized to construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide general revenue funds to operate and maintain these facilities. If existing facilities and sites are a part of these projects, each such building and site must be certified to be free of asbestos or other hazardous building material before it may be accepted by the Board of Regents or the construction project initiated.

1. University of Florida - College of Medicine/Biomedical Research Laboratory/Office Building (Brain Institute) (Reauthorization)

2. University of Florida - Health Center Progressive Park SPF Facility (Reauthorization)

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3. University of Florida - Foundation Building

4. University of Florida - Health Center, Shands Cancer Center (Reauthorization)

5. University of Florida - Dade/Homestead Addition to IFAS Building 8252

6. University of Florida - Dover Student Housing Security Cottage

7. Florida State University - National Weather Service (NWS)/Meteorlogy Facility (Reauthorization)

8. Florida International University - North Miami Campus Indoor Wellness Education Facility

9. University of Florida - Health Science Center Eastside Clinic

SECTION 17. The Board of Regents of the State University System is hereby authorized to construct the following projects which are to be financed, wholly or partially, from revenue bonds issued pursuant to s. 11(d), Art. VII of the State Constitution:

1. Florida State University Remodeling of Broward and Gilchrist Halls

2. Florida A&M University Student Housing (Reauthorization)

3. Florida A&M University Student Services Complex

4. University of South Florida Alpha Residence Hall Renovation/Remodeling (Reauthorization)

5. University of South Florida Sarasota Campus Residence Hall Renovation/Remodeling (Reauthorization)

6. University of South Florida Sarasota Campus Residence Hall - Phase II

7. University of South Florida Parking Structure

8. University of West Florida Student Apartment Housing (Reauthorization)

9. University of Central Florida Bookstore Expansion (Reauthorization)

10. University of Central Florida Parking Garage II (Reauthorization)

11. University of Central Florida Student Housing Facility (Reauthorization)

12. Florida International University Parking Garage (Reauthorization)

13. Florida International University Student Housing Complex and Support Services Facility (Reauthorization)

14. University of North Florida Student Housing - Phase IV (Reauthorization)

15. Florida Gulf Coast University Student Housing - Phase I

Prior to the issuance of bonds for the student housing at Florida Gulf Coast University authorized in number 15, the Board of Regents shall

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first consider contracting through the private sector for the construction and operation of these facilities. The Board of Regents is hereby authorized to issue the necessary RFP's to select appropriate providers and may sublease land as necessary for these facilities.

SECTION 18. Funds included in Specific Appropriation 55 of Chapter 95-429, Laws of Florida, relating to the FAMU/FSU Engineering Addition (p,c,e) in the amount of $2,000,000 and Land Acquisition - FAMU/FSU College of Engineering in the amount of $5,000,000 may be used for the planning, design and construction of the College of Engineering Building Phase II on the current site.

SECTION 19. Up to $4,600,000 of the $25,000,000 included in Specific Appropriation 55 of Chapter 95-429, Laws of Florida, relating to SUS - Land Acquisition, may be used to plan, construct, and equip an academic building to serve as the Teaching Enhancement Center at the USF Bayboro site. Up to $250,000 from the same appropriation may be expended for expansion of the former Barry University Building in Port St. Lucie to provide classroom and office space.

SECTION 20. Funds included in Specific Appropriation 55 of Chapter 95-429, Laws of Florida, relating to the FIU Engineering Building Phase II (p) in the amount of $1,400,000 may be applied to the purchase of the Cordis property.

SECTION 21. The unexpended balance of funds provided in Specific Appropriation 2055 of Chapter 95-429, Laws of Florida, for privatization of child support enforcement location and collection are hereby reappropriated.

SECTION 22. Funds provided in Specific Appropriation 1936A, Chapter 93-184, Laws of Florida, and item 10 of Section 5 of Chapter 94-357, Laws of Florida, relating to the FSU Rehabilitation of Graduate Student House and subsequently renamed Graduate Student House may be used for the planning of the Broward and Gilchrist Hall Remodeling including reimbursement of planning costs financed initially from FSU housing funds.

SECTION 23. The unexpended balance from Specific Appropriation 2014, Chapter 94-357, Laws of Florida, and Section 28, Chapter 95-429, Laws of Florida, is hereby reappropriated.

SECTION 24. Of the unexpended balance of funds to the 5 District Court of Appeals in the Specific Appropriation 1978A of Chapter 94-357, Laws of Florida, relating to land acquisition, $371,546 is hereby reappropriated to the State Courts System for use by the 5 District Court of Appeals.

SECTION 25. Pursuant to Section 11 (d), Article VII of the State Constitution, the Board of Regents of the State University System is authorized to issue new bonds supported by building and capital improvement fees to finance projects authorized by 1996-97 appropriations.

SECTION 26. There is hereby appropriated $2,900,000 to be transferred from the Phosphate Research Trust Fund to the Working Capital Fund.

SECTION 27. There is hereby appropriated $24,500,000 to be transfered from the Insurance Commissioner's Regulatory Trust Fund to the Working Capital Fund.

SECTION 28. There is hereby appropriated $25,000,000 to be transferred from the Solid Waste Management Trust Fund to the Working Capital Fund.

SECTION 29. The unencumbered balance appropriated in Specific Appropriation 553 in Chapter 95-429, Laws of Florida, shall revert on June 30, 1996.

SECTION 30
SPECIFIC
APPROPRIATION
SECTION 30. The unexpended balances of funds for Florida Gulf Coast University provided in Specific Appropriation 574A of Chapter 94-357, Laws of Florida and Specific Appropriation 199 of Chapter 95-429, Laws of Florida, are hereby reappropriated.

SECTION 31. The unexpended balances of funds provided to Miami-Dade Community College in the Specific Appropriation 4 of Chapter 93-186 Laws of Florida, relating to the loss of student fee revenue due to Hurricane Andrew, and the expansion of the Child Development Center at the Homestead Campus and Specific Appropriation 2071 of Chapter 94-357 Laws of Florida, relating to the Business Incubator-Homestead are hereby reappropriated and may be used to acquire additional land for parking at Homestead Campus to improve accessibility to clients and students.

SECTION 32. Funds provided in Specific Appropriation 1801 of this Act include a reduction of $1,800,000 for contract number H5086.

SECTION 33. The unexpended balances of funds provided to Miami-Dade Community College in the Specific Appropriation 2071 of Chapter 94-357 Laws of Florida, relating to the Environmental Center-Kendall, is hereby reappropriated and may be used to remodel available space in Building 5000 of the Kendall Campus to provide instructional space for the program.

SECTION 34. Pursuant to Section 240.327, Florida Statutes, the specific community colleges are authorized to acquire or construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide general revenue funds to operate and maintain these facilities. If existing facilities and sites are part of these projects, each such building and/or site must be certified to be free of asbestos or other hazardous materials before the stated community college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Community Colleges, the Postsecondary Education Planning Commission, and the State Board of Education must be received before any funds may be expended to acquire the property. Granting approval to acquire the listed property should not be considered as endowing the project with a higher priority for future funding requests related to the property, nor should this result in the State Board of Community Colleges giving special consideration to such projects in developing the Board's three year PECO request.

1. Valencia Community College - W. Morse Bouelvard, Winter Park Property

SECTION 35. From the funds appropriated in Section 8 of Chapter 94-357, Laws of Florida, for Dade County Parks, $500,000 shall be directed to the Tropical Park Redevelopment project.

SECTION 36. The unexpended balance of funds for the Ticket Writer Program provided in Specific Approprations 951 and 967 of Chapter 94-357, Laws of Florida, and in Specific Appropriation 1736 of Chapter 95-429, Laws of Florida, shall be used to fund a contract with the Florida Associaton of Court Clerks, Incorporated, for the development of an automated uniform traffic citation system.

SECTION 37. Funds provided in Specific Appropriation 329 of Chapter 94-357 shall be used to continue and develop affordable housing demonstration programs; specifically to develop a pilot program for combining business opportunities with affordable housing. These funds shall be used to provide affordable housing units located in the targeted area of Central Florida for persons who are at 75% or below median income that are supported by services that provide a direct benefit to that project (i.e. on-site day care center, on-site dental office, on-site medical office, etc.). Priority shall be given to those

SECTION 37
SPECIFIC
APPROPRIATION
projects with local government financial support and minority participation.

SECTION 38. Any section of this act, or any Appropriation herein contained, if found to be invalid shall in no way affect other Sections or Specific Appropriations contained in this act.

SECTION 39. This act shall take effect July 1, 1996, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 1996, then it shall operate retroactively to July 1, 1996.

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS 125,478

FROM GENERAL REVENUE FUND 15563,791,527

FROM TRUST FUNDS 24200,764,581

TOTAL ALL FUNDS 39764,556,108

The Conference Committee Report was read and on motion by Senator Diaz-Balart was adopted. **HB 2715** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39 Nays—1

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 2717 as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON HB 2717

The Honorable Peter R. Wallace
Speaker, House of Representatives

The Honorable James A. Scott
President of the Senate

Dear Presiding Officers:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 2717, same being:

An act relating to implementing the fiscal year 1996-97 General Appropriations Act.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its amendment 1.

2. That the House of Representatives and the Senate adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Buzz Ritchie
Chair
s/J. Keith Arnold
s/Mary Brennan
s/Irlo Bronson
s/Cynthia Chestnut
s/Lee Constantine
s/Jim Davis
s/Rudy Garcia
s/Lars A. Hafner
s/Dennis L. Jones
s/James E. (Jim) King, Jr.
s/Anne Mackenzie
s/Randy Mackey
s/Elvin L. Martinez
s/Luis C. Morse
s/Vernon Peeples
s/Ken Pruitt
s/Alzo J. Reddick
s/Beryl Roberts-Burke
s/Debby Sanderson
s/Dean Saunders
s/W. E. Sublette
s/C. L. Valdes

Managers on the part of the House of Representatives

s/Mario Diaz-Balart
Vice Chair
s/W.G. Bankhead
s/Malcolm E. Beard
s/Charlie Bronson
s/Locke Burt
s/Roberto Casas
s/W. D. Childers
s/Charlie Crist
s/Rick Dantzler
s/Fred R. Dudley
s/Alberto Gutman
s/Robert Harden
s/James Hargrett
s/Katherine Harris
Betty S. Holzendorf
s/Jim Horne
s/Toni Jennings
s/Daryl L. Jones
s/George G. Kirkpatrick
s/Patsy Ann Kurth
s/William G. (Doc) Myers
s/John Ostalkiewicz
Ronald A. Silver
s/D. C. Sullivan
s/Pat Thomas
s/Charles Williams

Managers on the part of the Senate

Conference Committee House Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 1996-1997.*

Section 2. *In order to implement Specific Appropriations 220 through 271A and 488 of the 1996-1997 General Appropriations Act, the Department of Health and Rehabilitative Services may, for the 1996-1997 fiscal year only, utilize general revenue funds to extend AFDC and Medicaid benefits to asylum applicants who are similarly situated to the plaintiff in Department of Health and Rehabilitative Services v. Solis, provided, however, that the department shall not amend Section 4.1.I.b. of the AFDC state plan. This section is repealed on July 1, 1997.*

Section 3. In order to implement Specific Appropriations 212 through 282A and 304 through 519 of the 1996-1997 General Appropriations Act, paragraph (b) of subsection (1) of section 216.292, Florida Statutes, is amended, and paragraphs (c) and (d) are added to said subsection, to read:

216.292 Appropriations nontransferable; exceptions.—

(1)

(b) For the *1996-1997* ~~1995-1996~~ fiscal year only, the Department of Health and Rehabilitative Services and the Agency for Health Care Administration may transfer general revenue funds as necessary to comply with any provision of the General Appropriations Act that requires or specifically authorizes the transfer of general revenue funds between these two agencies. This paragraph is repealed on July 1, *1997* ~~1996~~.

(c) For the 1996-1997 fiscal year only, the Department of Health and Rehabilitative Services may transfer general revenue funds as necessary from Specific Appropriation 480 of the 1996-1997 General Appropriations Act to the Department of Revenue for child support enforcement. This paragraph is repealed on July 1, 1997.

(d) For the 1996-1997 fiscal year only, the Agency for Health Care Administration may transfer general revenue funds and appropriate trust funds from Specific Appropriation 250 of the 1996-1997 General Appropriations Act to the Department of Elderly Affairs for administrative support to implement the managed long-term care waiver. This paragraph is repealed on July 1, 1997.

Section 4. In order to implement Specific Appropriation 265 of the 1996-1997 General Appropriations Act, subsection (3) of section 409.9115, Florida Statutes, is amended to read:

409.9115 Disproportionate share program for mental health hospitals.—The Department of Health and Rehabilitative Services shall design and implement a system of making mental health disproportionate share payments to hospitals that qualify for disproportionate share payments under s. 409.911. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for patients.

(3) For the *1996-1997* ~~1995-1996~~ fiscal year only, the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals on a monthly basis. If the amounts appropriated for the Medicaid disproportionate

share program for mental health hospitals are increased or decreased during the fiscal year pursuant to the requirements of chapter 216, the required adjustment shall be prorated over the remaining payment periods. This subsection is repealed on July 1, *1997* ~~1996~~.

Section 5. *During the 1996-1997 fiscal year, the Agency for Health Care Administration shall use the 1992-1993 disproportionate share formula, the 1989 audited financial data, and the Medicaid per diem rate as of January 1, 1992, for those hospitals that qualify for the hospital disproportionate share program funded in Specific Appropriation 240 of the 1996-1997 General Appropriations Act. This section is repealed on July 1, 1997.*

Section 6. In order to implement Specific Appropriation 231 of the 1996-1997 General Appropriations Act, subsection (6) is added to section 409.9116, Florida Statutes, to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.—

(6) For the 1996-1997 fiscal year only, the Agency for Health Care Administration shall use the following formula for distribution of the funds in Specific Appropriation 231 of the 1996-1997 General Appropriations Act for the disproportionate share/financial assistance program for rural hospitals.

(a) The agency shall first determine a preliminary payment amount for each rural hospital by allocating all available state funds using the following formula:

PDAER = (TAERH x TARH)/STAERH

Where:

PDAER = preliminary distribution amount for each rural hospital.

TAERH = total amount earned by each rural hospital.

TARH = total amount appropriated or distributed under this section.

STAERH = sum of total amount earned by each rural hospital.

(b) Federal matching funds for the disproportionate share program shall then be calculated for those hospitals that qualify for disproportionate share in paragraph (a).

(c) The state-funds-only payment amount is then calculated for each hospital using the formula:

SFOER = Maximum value of (1) SFOL - PDAER or (2) 0

Where:

SFOER = state-funds-only payment amount for each rural hospital.

SFOL = state-funds-only payment level, which is set at 4 percent of TARH.

(d) The adjusted total amount allocated to the rural disproportionate share program shall then be calculated using the following formula:

ATARH = (TARH - SSFOER)

Where:

ATARH = adjusted total amount appropriated or distributed under this section.

SSFOER = sum of the state-funds-only payment amount calculated under paragraph (c) for all rural hospitals.

(e) The determination of the amount of rural disproportionate share hospital funds is calculated by the following formula:

TDAERH = [(TAERH x ATARH)/STAERH]

Where:

TDAERH = total distribution amount for each rural hospital.

(f) Federal matching funds for the disproportionate share program shall then be calculated for those hospitals that qualify for disproportionate share in paragraph (e).

(g) State-funds-only payment amounts calculated under paragraph (c) are then added to the results of paragraph (f) to determine the total distribution amount for each rural hospital.

(h) This subsection is repealed on July 1, 1997.

Section 7. In order to implement Specific Appropriations 304 through 519 of the 1996-1997 General Appropriations Act, paragraph (c) is added to subsection (14) of section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(14)

(c) For the 1996-1997 fiscal year only, funds appropriated to the Department of Health and Rehabilitative Services in Specific Appropriations 304 through 519 of the 1996-1997 General Appropriations Act may be advanced, unless specifically prohibited in such General Appropriations Act, for those contracted services that were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit-cost basis. This paragraph is repealed on July 1, 1997.

Section 8. *(1) The Agency for Health Care Administration shall develop mental health managed care policies required to achieve the reductions to Specific Appropriation 225 of the 1996-1997 General Appropriations Act, relating to community mental health services. The agency is authorized to also apply managed care strategies to the children's therapeutic services category in Specific Appropriation 226 of the 1996-1997 General Appropriations Act. The Agency for Health Care Administration shall coordinate with the Department of Juvenile Justice and the Alcohol, Drug Abuse, and Mental Health Program Office and Children and Families Program Office of the Department of Health and Rehabilitative Services to develop the appropriate clinical protocols and identify the services to be included in the mental health management program. The agency shall ensure that any psychiatric hospital preauthorization program implemented by the agency shall be compatible and, to the extent possible, integrated with the community utilization-management services. The agency shall make every effort to ensure that a system of preauthorization and concurrent-review utilization management maintains sufficient flexibility to be responsive to the particular needs and resources of each of the geographic areas of the state. However, such local flexibility shall be accomplished within statewide standards regarding access to services, quality of care, and the collection and reporting of information. The agency may develop new procedures, procedure codes, and provider classifications and may, pursuant to the applicable provisions of chapter 216, Florida Statutes, transfer funds among appropriation categories if these actions are determined to be necessary to ensure that the projected savings from the implementation of preauthorization and utilization management materialize.*

(2) The agency shall be solely responsible for developing standards to prohibit financial and other conflicts of interest among vendors selected to provide preauthorization and utilization management, with direct-service organizations providing alcohol, substance abuse, mental health, and related services to clients that have services authorized through the preauthorization and concurrent-review utilization-management system established in this section. The agency may require the posting of a surety bond to guarantee that no financial or other conflicts of interest exist or will exist among vendors selected to provide preauthorization and concurrent-review utilization-management services.

(3) Vendors selected to conduct preauthorization or utilization management, or both, may be peer-review organizations, qualified licensed clinical practitioners, or public or private organizations that demonstrate the ability to conduct such reviews according to criteria developed by the agency. Selection of vendors shall be accomplished through a competitive process.

(4) This section is repealed on July 1, 1997.

Section 9. In order to implement Specific Appropriation 217 of the 1996-1997 General Appropriations Act, paragraph (b) of subsection (3) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(3) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(b) The Florida Healthy Kids Corporation shall phase in a program to:

1. Organize school children groups to facilitate the provision of preventive health care services to children at no more than 10 sites and to

provide comprehensive health insurance coverage to children and their family members. The number of sites may be increased only by the Legislature;

2. Arrange for the collection of any family or employer payment or premium, in an amount to be determined by the board of directors, from all participant families or employers to provide for payment for preventive health care services or premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses incurred during the period for which family or employer payments are made;

3. Establish the administrative and accounting procedures for the operation of the corporation;

4. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children and their family members;

5. Establish eligibility criteria which children and their family members must meet in order to participate in the program;

6. Establish procedures under which applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation;

7. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or insurance administrator to provide administrative services to the corporation;

8. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage and preventive health care services to participants;

9. Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program;

10. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation;

11. As appropriate, enter into contracts with local school boards or other agencies to provide onsite information, enrollment, and other services necessary to the operation of the corporation; and

12. Provide an interim report on or before March 1, 1991, to the Governor, Insurance Commissioner, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives, on the development of the program to date and an annual report thereafter until the program is terminated or extended statewide.

13. For the 1996-1997 fiscal year only, funds may be appropriated to the Florida Healthy Kids Corporation to organize school children groups to facilitate the provision of preventive health care services to children at sites in addition to those allowed in subparagraph 1. This subparagraph is repealed on July 1, 1997.

Section 10. *For the purpose of implementing Specific Appropriation 240 of the 1996-1997 General Appropriations Act, and for the 1996-1997 fiscal year only, the Agency for Health Care Administration shall include health maintenance organization recipients in the county billing for inpatient hospital stays for the purpose of shared costs with counties in accordance with the Florida Statutes. This section is repealed on July 1, 1997.*

Section 11. In order to implement Specific Appropriation 394 of the 1996-1997 General Appropriations Act, subsection (5) is added to section 402.3015, Florida Statutes, to read:

402.3015 Subsidized child care program; purpose; fee; transitional child care.—

(5) For the 1996-1997 fiscal year only, funds may be appropriated for subsidized child care for children of working parents whose family incomes do not exceed 150 percent of the federal poverty income guidelines. This subsection is repealed on July 1, 1997.

Section 12. In order to implement Specific Appropriations 903 and 915 of the 1996-1997 General Appropriations Act, section 287.155, Florida Statutes, is amended to read:

287.155 Motor vehicles; purchase by Division of Universities, Department of Health and Rehabilitative Services, and Department of Corrections.—

(1) The Division of Universities of the Department of Education, the Department of Health and Rehabilitative Services, and the Department of Corrections are hereby authorized, subject to the approval of the Department of Management Services, to purchase automobiles, trucks, tractors, and other automotive equipment for the use of institutions under the management of said Division of Universities, Department of Health and Rehabilitative Services, and Department of Corrections.

(2) The Department of Corrections shall, prior to purchasing motor vehicles, seek to procure the motor vehicles from those vehicles renovated pursuant to correctional work programs of the Department of Corrections.

(3) For the *1996-1997* ~~1995-1996~~ fiscal year only, the replacement of motor vehicles at juvenile justice residential programs and residential facilities operated by the Department of Health and Rehabilitative Services or the Department of Juvenile Justice may be funded in the same manner as replacement of motor vehicles at authorized institutions under this section. This subsection is repealed on July 1, *1997* ~~1996~~.

Section 13. In order to implement Specific Appropriation 571 of the 1996-1997 General Appropriations Act, subsection (8) is added to section 957.04, Florida Statutes, to read:

957.04 Contract requirements.—

(8) For the 1996-1997 fiscal year only, the Correctional Privatization Commission may expend appropriated funds to assist in defraying impact costs that are incurred by a municipality or county and are associated with the opening and operating of a facility under the authority of the commission and within that municipality or county. The amount that may be paid under this subsection for any facility may not exceed 1 percent of the facility construction cost, less any building and construction impact fees imposed during the permitting process for the facility. This subsection applies only to facilities contracted under the authority of the 1996-1997 General Appropriations Act. This subsection is repealed on July 1, 1997.

Section 14. In order to implement section 24 of the 1996-1997 General Appropriations Act, paragraph (e) of subsection (7) of section 253.025, Florida Statutes, is amended to read:

253.025 Acquisition of state lands for purposes other than preservation, conservation, and recreation.—

(7)

(e)1. The board of trustees shall adopt by rule the method for determining the value of parcels sought to be acquired by state agencies pursuant to this section. No offer by a state agency, except an offer by an agency acquiring lands pursuant to s. 259.041, may exceed the value for that parcel as determined pursuant to the highest approved appraisal or the value determined pursuant to the rules of the board of trustees, whichever value is less.

2. In the case of a joint acquisition by a state agency and a local government or other entity apart from the state, the joint purchase price may not exceed 150 percent of the value for a parcel as determined in accordance with the limits prescribed in subparagraph 1. The state agency share of a joint purchase offer may not exceed what the agency may offer singly as prescribed by subparagraph 1.

3. The provisions of this paragraph do not apply to the acquisition of historically unique or significant property as determined by the Division of Historical Resources of the Department of State.

4. For the 1996-1997 fiscal year only, the District Court of Appeal, Fifth District, is authorized to pay up to, but may not exceed, 150 percent

of the approved appraised value for the acquisition of real properties required for the court's expansion. However, in no case may the amount of payment exceed the amount provided in section 24 of the 1996-1997 General Appropriations Act. This subparagraph is repealed on July 1, 1997.

Section 15. In order to implement Specific Appropriation 140 of the 1996-1997 General Appropriations Act, paragraph (a) of subsection (4) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT-REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district-required local effort for that year.

b. For the *1996-1997* ~~1995-1996~~ fiscal year only, the General Appropriations Act may direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement. This sub-subparagraph is repealed on July 1, *1997* ~~1996~~.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of paragraph (13)(b), shall use the most recent taxable value for the appropriate year.

Section 16. In order to implement Specific Appropriation 113 of the 1996-1997 General Appropriations Act, paragraph (c) of subsection (5) of section 240.605, Florida Statutes, is amended to read:

240.605 Florida resident access grants.—

(5)

(c) For the *1996-1997* ~~1995-1996~~ fiscal year only, funding for the Florida resident access grant shall be the amount set forth in the General Appropriations Act. This paragraph is repealed on July 1, *1997* ~~1996~~.

Section 17. In order to implement Specific Appropriations 174 and 190 of the 1996-1997 General Appropriations Act, paragraph (j) is added to subsection (10) of section 240.1201, Florida Statutes, to read:

240.1201 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition fees in public community colleges and universities.

(10) The following persons shall be classified as residents for tuition purposes:

(j) For the 1996-1997 fiscal year only, individuals, and their spouses and dependent children, who are relocated from another state to a military establishment in this state as a result of the Base Realignment and Closure Act. This paragraph is repealed on July 1, 1997.

Section 18. In order to implement Specific Appropriation 1340 of the 1996-1997 General Appropriations Act, subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3)*(a)* Any moneys in the Land Acquisition Trust Fund which are not pledged for rentals or debt service as ~~above~~ provided *in subsection (2)* may be expended from time to time to acquire land, water areas, and related resources and to construct, improve, enlarge, extend, operate, and maintain capital improvements and facilities in accordance with the plan.

(b) For the 1996-1997 fiscal year only, any moneys in the Land Acquisition Trust Fund which are not pledged for rentals or debt service as provided in subsection (2) may also be used for lease payments in wildlife management areas. This paragraph is repealed on July 1, 1997.

Section 19. In order to implement Specific Appropriation 1289 of the 1996-1997 General Appropriations Act, subsection (15) of section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(15) For fiscal year *1996-1997* ~~1995-1996~~ only, moneys credited to the fund may be appropriated to provide grants to qualified local governmental entities pursuant to the provisions of s. 375.075. This subsection is repealed on July 1, *1997* ~~1996~~.

Section 20. In order to implement Specific Appropriation 1003B of the 1996-1997 General Appropriations Act, section 616.261, Florida Statutes, is amended to read:

616.261 Finances of Florida State Fair.—

(1) Operation of the Florida State Fair, and custody and maintenance of the buildings and grounds, shall be financed from the revenues derived from the state fair and other exhibits or events, revenue bonds, and lease, rental, or other charges for the use of the buildings or grounds.

(2) For the 1996-1997 fiscal year only, funds may be appropriated to the department for the operation, maintenance, and improvement of the Florida State Fair and the Florida State Fairgrounds. This subsection is repealed on July 1, 1997.

Section 21. In order to implement Specific Appropriation 1369A of the 1996-1997 General Appropriations Act, subsection (1) of section 338.251, Florida Statutes, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties.

(1)*(a)* The department is authorized to advance funds for preliminary engineering, traffic and revenue studies, environmental impact studies, financial advisory services, engineering design, right-of-way map preparation, other appropriate project-related professional services, and advanced right-of-way acquisition to expressway authorities, counties, or other local governmental entities that desire to undertake revenue-producing road projects.

(b) For the 1996-1997 fiscal year only, up to $500,000 may be appropriated to the department for a loan to the St. Lucie County Expressway Authority for purposes described in paragraph (a). This paragraph is repealed on July 1, 1997.

Section 22. In order to implement Specific Appropriations 1963 through 2038 of the 1996-1997 General Appropriations Act, paragraph (b) of subsection (5) of section 15.09, Florida Statutes, is amended to read:

15.09 Fees.—

(5)

(b) For the *1996-1997* ~~1995-1996~~ fiscal year only, funds from the Public Access Data Systems Trust Fund may be appropriated for the operations of the department. This paragraph is repealed on July 1, *1997* ~~1996~~.

Section 23. *For the purpose of implementing Specific Appropriation 1866 of the 1996-1997 General Appropriations Act, and for the 1996-1997 fiscal year only, funds provided in Specific Appropriation 1971B, chapter 95-429, Laws of Florida, for planning and design may be expended for analyses of alternative methods of providing facilities for Florida Department of Law Enforcement laboratory and investigation services in the Orlando area. Alternatives shall include, but are not limited to, an evaluation of the Orlando Naval Training Center buildings currently under consideration (Buildings 235 and 238 and Auditorium), other Orlando Naval Training Center buildings that had a more compatible previous use, development of new facilities on vacant Orlando Naval Training Center land, and development of new facilities or renovation of existing facilities at another central Florida location. This section is repealed on July 1, 1997.*

Section 24. *A section of this act which implements a specific appropriation or specifically identified proviso language in the 1996-1997 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 1996-1997 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 25. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 26. This act shall take effect July 1, 1996, or in the event this act fails to become a law until after that date, it shall operate retroactively thereto.

And the title is amended as follows: Delete the entire title and insert: A bill to be entitled An act relating to implementing the fiscal year 1996-1997 General Appropriations Act; providing legislative intent; authorizing the Department of Health and Rehabilitative Services to use general revenue funds to extend AFDC and Medicaid benefits to certain asylum applicants; amending s. 216.292, F.S.; authorizing the Department of Health and Rehabilitative Services and the Agency for Health Care Administration to transfer general revenue funds between them; authorizing the Department of Health and Rehabilitative Services to transfer general revenue funds to the Department of Revenue for child support enforcement; authorizing the Agency for Health Care Administration to transfer general revenue funds and appropriate trust funds to the Department of Elderly Affairs for administrative support to implement the managed long-term care waiver; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Department of Health and Rehabilitative Services to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1996-1997 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Health and Rehabilitative Services to advance certain moneys for certain contract services; providing requirements for Medicaid mental health preauthorization and concurrent-review utilization management; amending s. 624.91, F.S.; authorizing appropriation of funds to the Florida Healthy Kids Corporation to facilitate the provision of preventive health care services to children at certain sites; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; amending s. 402.3015, F.S.; authorizing appropriation of funds for subsidized child care for children of working families whose family incomes do not exceed a specified level; amending s. 287.155, F.S.; authorizing the funding of replacement motor vehicles at juvenile justice facilities; amending s. 957.04, F.S.; providing for the Correctional Privatization Commission to use certain funds to defray local impact costs; amending s. 253.025, F.S.; providing land-purchasing authority to the Fifth District Court of Appeal for its expansion; amending s. 236.081, F.S., relating to the Florida Education Financing Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; amending s. 240.605, F.S.; providing for funding of the Florida resident access grant in an amount specified in the General Appropriations Act; amending s. 240.1201, F.S.; providing determination of resident status for tuition purposes for persons relocated as a result of military base closures; amending s. 375.041, F.S.; providing for use of certain funds in the Land Acquisition Trust Fund for wildlife management area lease payments; amending s. 259.032, F.S.; authorizing the use of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor-recreation grants; amending s. 616.261, F.S.; authorizing appropriation of funds for the operation, maintenance, and improvement of the Florida State Fair and the Florida State Fairgrounds; amending s. 338.251, F.S.; authorizing appropriation of certain funds of the Toll Facilities Revolving Trust Fund as a loan to the St. Lucie County Expressway Authority for certain purposes; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; authorizing use of funds to evaluate alternative methods of providing facilities for certain Florida Department of Law Enforcement services; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

The Conference Committee Report was read and on motion by Senator Diaz-Balart was adopted. **HB 2717** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 1621 as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON HB 1621

The Honorable Peter R. Wallace
Speaker, House of Representatives

The Honorable James A. Scott
President of the Senate

Dear Presiding Officers:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 1621, same being:

An act relating to Medicaid Services

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its amendment 1.

2. That the House of Representatives and the Senate adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Buzz Ritchie
Chair
s/J. Keith Arnold
s/Mary Brennan
s/Irlo Bronson
s/Cynthia Chestnut
s/Lee Constantine
s/Jim Davis
s/Rudy Garcia
s/Lars A. Hafner
s/Dennis L. Jones
s/James E. (Jim) King, Jr.
s/Anne Mackenzie
s/Randy Mackey
s/Elvin L. Martinez
s/Luis C. Morse
s/Vernon Peeples
s/Ken Pruitt

s/Mario Diaz-Balart
Vice Chair
s/W.G. Bankhead
s/Malcolm E. Beard
s/Charlie Bronson
s/Locke Burt
s/Roberto Casas
s/W. D. Childers
s/Charlie Crist
s/Rick Dantzler
s/Fred R. Dudley
s/Alberto Gutman
s/Robert Harden
s/James Hargrett
s/Katherine Harris
s/Betty S. Holzendorf
s/Jim Horne
s/Toni Jennings

s/Alzo J. Reddick
s/Beryl Roberts-Burke
s/Debby Sanderson
s/Dean Saunders
s/W. E. Sublette
s/C. L. Valdes

Managers on the part of the House of Representatives

s/Daryl L. Jones
s/George G. Kirkpatrick
s/Patsy Ann Kurth
s/William G. (Doc) Myers
s/John Ostalkiewicz
Ronald A. Silver
s/D. C. Sullivan
s/Pat Thomas
s/Charles Williams

Managers on the part of the Senate

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (16) of section 409.901, Florida Statutes, is amended to read:

409.901 Definitions.—As used in ss. 409.901-409.920, except as otherwise specifically provided, the term:

(16) "Medical services" or "medical care" means medical or medically related institutional or noninstitutional care, goods, or services covered by the Medicaid program. The term includes *any services authorized and funded in the General Appropriations Act*~~, without limitation, physician services, inpatient hospital services, outpatient hospital services, independent laboratory services, X-ray services, and prescribed drug services, and such other services as are covered by the Medicaid program~~.

Section 2. Subsections (2) and (3) of section 409.904, Florida Statutes, are amended to read:

409.904 Optional payments for eligible persons.—The department may make payments for medical assistance and related services on behalf of the following persons who the department determines to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(2) A family, a pregnant woman, a child under age 18, a person age 65 or over, or a blind or disabled person who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed limitations established by the department. For a family or person in this group, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A family or person in this group, which group is known as the "medically needy," is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the *developmentally disabled* ~~mentally retarded~~.

(3) A person who is in need of the services of a licensed nursing facility, a licensed intermediate care facility for the *developmentally disabled* ~~mentally retarded~~, or a state mental hospital, whose income does not exceed 300 percent of the SSI income standard, and who meets the assets standards established under federal and state law.

Section 3. Subsections (4), (5), and (12) of section 409.905, Florida Statutes, are amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(4) HOME HEALTH CARE SERVICES.—The agency shall pay for nursing and home health aide services, supplies, appliances, and durable medical equipment, necessary to assist a recipient living at home. An entity that provides services pursuant to this subsection shall be licensed under part IV of chapter 400 or part II of chapter 499, if appropriate. These services, equipment, and supplies, or reimbursement therefor, may be limited as provided in the General Appropriations Act and do not include services, equipment, or supplies provided to a person residing in a hospital or nursing facility. *In providing home health care services, the agency may require prior authorization of care based on diagnosis.*

(5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(a) The agency is authorized to implement reimbursement and utilization management reforms in order to comply with any limitations or directions in the General Appropriations Act, which may include, but are not limited to: *prior authorization for inpatient psychiatric days;* enhanced utilization and concurrent review programs for highly utilized services; reduction or elimination of covered days of service; adjusting reimbursement ceilings for variable costs; adjusting reimbursement ceilings for fixed and property costs; and implementing target rates of increase.

(b) A licensed hospital maintained primarily for the care and treatment of patients having mental disorders or mental diseases is not eligible to participate in the hospital inpatient portion of the Medicaid program except as provided in federal law. However, the department shall apply for a waiver, within 9 months after June 5, 1991, designed to provide hospitalization services for mental health reasons to children and adults in the most cost-effective and lowest cost setting possible. Such waiver shall include a request for the opportunity to pay for care in hospitals known under federal law as "institutions for mental disease" or "IMD's." The waiver proposal shall propose no additional aggregate cost to the state or federal government, and shall be conducted in District 6 of the Department of Health and Rehabilitative Services. The waiver proposal may incorporate competitive bidding for hospital services, comprehensive brokering, prepaid capitated arrangements, or other mechanisms deemed by the department to show promise in reducing the cost of acute care and increasing the effectiveness of preventive care. When developing the waiver proposal, the department shall take into account price, quality, accessibility, linkages of the hospital to community services and family support programs, plans of the hospital to ensure the earliest discharge possible, and the comprehensiveness of the mental health and other health care services offered by participating providers. The department is directed to monitor and evaluate the implementation of this waiver program if it is granted and report to the chairs of the appropriations committees of the Senate and the House of Representatives by February 1, 1992.

(12) TRANSPORTATION SERVICES.—The agency shall ensure that appropriate transportation services are available for a Medicaid recipient in need of transport to a qualified Medicaid provider for *medically* necessary and Medicaid-compensable services, *provided a client's ability to choose a specific transportation provider shall be limited to those options resulting from policies established by the agency to meet the fiscal limitations of the General Appropriations Act.* The agency may pay for transportation and other related travel expenses as necessary only if these services are not otherwise available.

Section 4. Subsections (8) and (14) of section 409.906, Florida Statutes, are amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Optional services may include:

(8) COMMUNITY MENTAL HEALTH SERVICES.—The agency may pay for rehabilitative services provided to a recipient *by* ~~in~~ a mental health *or substance abuse provider*~~, drug abuse, or alcohol abuse center~~ licensed by the agency and under contract *with the agency or* ~~to~~ the Department of Health and Rehabilitative Services *to provide such services. Those services*~~,~~ which are psychiatric in nature *shall be* ~~and~~ rendered or recommended by a psychiatrist*, and those services* ~~or~~ which are medical in nature *shall be* ~~and~~ rendered or recommended by a physician or psychiatrist. The agency is authorized to utilize diagnostic criteria in setting reimbursement rates, to preauthorize certain high-cost or highly utilized services, to limit or eliminate coverage for certain services, or to make any other adjustments necessary to comply with any limitations or directions provided for in the General Appropriations Act.

(14) INTERMEDIATE CARE FACILITY FOR THE *DEVELOPMENTALLY DISABLED* ~~MENTALLY RETARDED~~ SERVICES.—*For the purposes of Medicaid reimbursement, "intermediate care facility for the developmentally disabled services" means services provided by a facility which is owned and operated by the state and to which the agency may pay for health-related care and services provided on a 24-hour-a-day basis, for a recipient who needs such care because of a developmental disability or related condition.* ~~The agency may pay for health-related care and services provided on a 24-hour-a-day basis by a facility licensed under chapter 393, to a recipient who needs such care because of his mental or physical condition.~~

Section 5. Section 409.907, Florida Statutes, is amended to read:

409.907 Medicaid provider agreements.—The *agency* ~~department~~ may make payments for medical assistance and related services rendered to Medicaid recipients only to a person or entity who has a provider agreement in effect with the *agency* ~~department~~, who is performing services or supplying goods in accordance with federal, state, and local law, and who agrees that no person shall, on the grounds of handicap, race, color, or national origin, or for any other reason, be subjected to discrimination under any program or activity for which the provider receives payment from the *agency* ~~department~~.

(1) Each provider agreement shall require the provider to comply fully with all state and federal laws pertaining to the Medicaid program, as well as all federal, state, and local laws pertaining to licensure, if required, and the practice of any of the healing arts, and shall require the provider to provide services or goods of not less than the scope and quality it provides to the general public.

(2) Each provider agreement shall be a voluntary contract between the *agency* ~~department~~ and the provider, in which the provider agrees to comply with all laws and rules pertaining to the Medicaid program when furnishing a service or goods to a Medicaid recipient and the *agency* ~~department~~ agrees to pay a sum, determined by fee schedule, payment methodology, or other manner, for the service or goods provided to the Medicaid recipient. Each provider agreement shall be effective for a stipulated period of time, shall be terminable by either party after reasonable notice, and shall be renewable by mutual agreement.

(3) The provider agreement developed by the *agency* ~~department~~, in addition to the requirements specified in subsections (1) and (2), shall require the provider to:

(a) Have in his possession at the time of signing the provider agreement, and maintain in good standing throughout the period of the agreement's effectiveness, a valid professional or facility license pertinent to the services or goods being provided, if required by the state or locality in which the provider is located, and the Federal Government, if applicable.

(b) Maintain in a systematic and orderly manner all medical and Medicaid-related records as the *agency* ~~department~~ may require and as it determines necessary for the services or goods being provided.

(c) Retain all medical and Medicaid-related records for a period of 5 years to satisfy all necessary inquiries by the *agency* ~~department~~.

(d) Safeguard the use and disclosure of information pertaining to current or former Medicaid recipients and comply with all state and federal laws pertaining to confidentiality of patient information.

(e) Permit the *agency* ~~department~~, the Attorney General, the Federal Government, and the authorized agents of each of these entities access to all Medicaid-related information, which may be in the form of records, logs, documents, or computer files, and other information pertaining to services or goods billed to the Medicaid program, including access to all patient records and other provider information if the provider cannot easily separate records for Medicaid patients from other records.

(f) Bill other insurers and third parties, including the Medicare program, before billing the Medicaid program, if the recipient is eligible for payment for health care or related services from another insurer or person, and comply with all other state and federal requirements in this regard.

(g) Promptly report any moneys received in error or in excess of the amount to which the provider is entitled from the Medicaid program, and promptly refund such moneys to the *agency* ~~department~~.

(h) Be liable for and indemnify, defend, and hold the *agency* ~~department~~ harmless from all claims, suits, judgments, or damages, including court costs and attorney's fees, arising out of the negligence or omissions of the provider in the course of providing services to a recipient or a person believed to be a recipient.

(i) At the option of the *agency* ~~department~~, provide proof of liability insurance and maintain such insurance in effect for any period during which services or goods are furnished to Medicaid recipients.

(j) Accept Medicaid payment as payment in full, and prohibit the provider from billing or collecting from the recipient or the recipient's responsible party any additional amount except, and only to the extent the *agency* ~~department~~ permits or requires, copayments, coinsurance, or deductibles to be paid by the recipient for the services or goods provided. The Medicaid payment-in-full policy does not apply to services or goods provided to a recipient if the services or goods are not covered by the Medicaid program.

(4) A provider agreement shall provide that, if the provider sells or transfers a business interest or practice that substantially constitutes the entity named as the provider in the provider agreement, or sells or transfers a facility that is of substantial importance to the entity named as the provider in the provider agreement, the provider is required to maintain and make available to the *agency* ~~department~~ Medicaid-related records that relate to the sale or transfer of the business interest, practice, or facility in the same manner as though the sale or transaction had not taken place, unless the provider enters into an agreement with the purchaser of the business interest, practice, or facility to fulfill this requirement.

(5) The *agency* ~~department~~:

(a) Is required to make timely payment at the established rate for services or goods furnished to a recipient by the provider upon receipt of a properly completed claim form. The claim form shall require certification that the services or goods have been completely furnished to the recipient and that, with the exception of those services or goods specified by the *agency* ~~department~~, the amount billed does not exceed the provider's usual and customary charge for the same services or goods.

(b) Is prohibited from demanding repayment from the provider in any instance in which the Medicaid overpayment is attributable to ~~departmental~~ error *of the department* in the determination of eligibility of a recipient.

(c) May adopt, and include in the provider agreement, such other requirements and stipulations on either party as the *agency* ~~department~~ finds necessary to properly and efficiently administer the Medicaid program.

(6) A Medicaid provider agreement may be revoked, at the option of the *agency* ~~department~~, as the result of a change of ownership of any facility, association, partnership, or other entity named as the provider in the provider agreement. A provider shall give the *agency* ~~department~~ 60 days' notice before making any change in ownership of the entity named in the provider agreement as the provider.

(7) The *agency* ~~department~~ may require, as a condition of participating in the Medicaid program and before entering into the provider agreement, that the provider submit information concerning the professional, business, and personal background of the provider *and may require a surety bond from the provider not to exceed $50,000*. If the provider is a

corporation, partnership, association, or other entity, the *agency* ~~department~~ may require the provider to submit information concerning the background of that entity and of any principal of the entity, including any partner or shareholder having an ownership interest in the entity equal to 5 percent or greater.

(8) Before signing a provider agreement, the *agency* ~~department~~ shall require the provider to submit:

(a) Proof of holding a valid license or operating certificate, as applicable, if required by the state or local jurisdiction in which the provider is located or if required by the Federal Government.

(b) Information concerning any prior violation, fine, suspension, termination, or other administrative action taken under the Medicaid laws, rules, or regulations of this state or of any other state or the Federal Government; any prior violation of the laws, rules, or regulations relating to the Medicare program; any prior violation of the rules or regulations of any other public or private insurer; and any prior violation of the laws, rules, or regulations of any regulatory body of this or any other state. The information required is that which pertains to the entity entering into the provider agreement with the *agency* ~~department~~; to any principal, partner, or shareholder having an ownership interest in the entity of 5 percent or greater; and to any treating provider who participates or intends to participate in Medicaid through the entity acting as a group provider.

(c) Notice of and copies of court documents not sealed by the court of jurisdiction, related to any criminal charge brought in any court in the United States against the provider or the provider entity, or any principal, partner, or major shareholder thereof.

(d) Full and accurate disclosure of any financial or ownership interest that the provider, or any principal, partner, or major shareholder thereof, may hold in any other Medicaid provider or health care related entity or any other entity that is licensed by the state to provide health or residential care and treatment to persons.

(e) If a group provider, identification of all members of the group and attestation that all members of the group are enrolled in or have applied to enroll in the Medicaid program.

(9) All statements and information furnished by the prospective provider for background information before signing the provider agreement shall be true and complete. The filing of materially incomplete or false information is sufficient cause for immediate termination of the provider from the Medicaid program.

(10) Before signing a provider agreement and at the discretion of the *agency* ~~department~~, other provisions of this section notwithstanding, an entity may become eligible to receive payment from the Medicaid program at the time it first furnishes services or goods, if:

(a) The services or goods provided are otherwise compensable;

(b) The entity meets all other requirements of a Medicaid provider at the time the services or goods were provided; and

(c) The entity agrees to abide by the provisions of the provider agreement effective from the date the services or goods were provided.

(11) A provider may not reenroll in the Medicaid program once suspended or terminated if any fine or overpayment properly assessed has not been repaid, unless the *agency* ~~department~~ has issued a specific letter of forgiveness or has approved a repayment schedule to which the provider agrees to adhere.

(12) A provider who does not adhere to an agreed-upon repayment schedule, whether previously suspended or terminated, may be terminated by the *agency* ~~department~~ for nonpayment or partial payment.

Section 6. Section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, *competitive bidding pursuant to s. 287.057*, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act*, provided the adjustment is consistent with legislative intent*.

(1) Reimbursement to hospitals licensed under part I of chapter 395 must be made prospectively or on the basis of negotiation.

(a) Reimbursement for inpatient care is limited as provided for in s. 409.905(5). Reimbursement for hospital outpatient care is limited to $1,000 per state fiscal year per recipient, except for:

1. Such care provided to a Medicaid recipient under age 21, in which case the only limitation is medical necessity;

2. Renal dialysis services; and

3. Other exceptions made by the agency.

(b) Hospitals that provide services to a disproportionate share of low-income Medicaid recipients, or that participate in the regional perinatal intensive care center program under chapter 383, or that participate in the statutory teaching hospital disproportionate share program, or that participate in the extraordinary disproportionate share program, may receive additional reimbursement. The total amount of payment for disproportionate share hospitals shall be fixed by the General Appropriations Act. The computation of these payments must be made in compliance with all federal regulations and the methodologies described in ss. 409.911, 409.9112, and 409.9113.

(c) The agency is authorized to limit inflationary increases for outpatient hospital services as directed by the General Appropriations Act.

(2)(a)1. Reimbursement to nursing homes licensed under part II of chapter 400 and *state-owned-and-operated* intermediate care facilities for the *developmentally disabled* ~~mentally retarded~~ licensed under chapter 393 must be made prospectively.

2. Unless otherwise limited or directed in the General Appropriations Act, reimbursement to hospitals licensed under part I of chapter 395 for the provision of swing-bed nursing home services must be made on the basis of the average statewide nursing home payment, and reimbursement to a hospital licensed under part I of chapter 395 for the provision of skilled nursing services must be made on the basis of the average nursing home payment for those services in the county in which the hospital is located. When a hospital is located in a county that does not have any community nursing homes, reimbursement must be determined by averaging the nursing home payments, in counties that surround the county in which the hospital is located. Reimbursement to hospitals, including Medicaid payment of Medicare copayments, for skilled nursing services shall be limited to 30 days, unless a prior authorization has been obtained from the agency. Medicaid reimbursement may be extended by the agency beyond 30 days, and approval must be based upon verification by the patient's physician that the patient requires short-term rehabilitative and recuperative services only, in which case an extension of no more than 15 days may be approved. Reimbursement to a hospital licensed under part I of chapter 395 for the temporary provision of skilled nursing services to nursing home residents who have been displaced as the result of a natural disaster or other emergency may not exceed the average county nursing home payment for those services in the county in which the hospital is located and is limited to the period of time which the agency considers necessary for continued placement of the nursing home residents in the hospital.

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care ~~which uses a rate-setting mechanism whereby the rates are reasonable and adequate to cover a nursing home's cost which must be incurred by an efficiently and economically operated facility~~ in order to provide care and services in conformance with the applicable

state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(3) Subject to any limitations or directions provided for in the General Appropriations Act, the following Medicaid services and goods *may* ~~shall~~ be reimbursed on a fee-for-service basis. For each allowable service or goods furnished in accordance with Medicaid rules, policy manuals, handbooks, and state and federal law, the payment shall be the amount billed by the provider, the provider's usual and customary charge, or the maximum allowable fee established by the agency, whichever amount is less, with the exception of those services or goods for which the agency makes payment using a methodology based on *capitation rates,* average costs, or negotiated fees.

(a) Advanced registered nurse practitioner services.

(b) Birth center services.

(c) Chiropractic services.

(d) Community mental health services.

(e) Dental services, including oral and maxillofacial surgery.

(f) Durable medical equipment.

(g) Hearing services.

(h) Occupational therapy for Medicaid recipients under age 21.

(i) Optometric services.

(j) Orthodontic services.

(k) Personal care for Medicaid recipients under age 21.

(l) Physical therapy for Medicaid recipients under age 21.

(m) Physician assistant services.

(n) Podiatric services.

(o) Portable X-ray services.

(p) Private-duty nursing for Medicaid recipients under age 21.

(q) Respiratory therapy for Medicaid recipients under age 21.

(r) Speech therapy for Medicaid recipients under age 21.

(s) Visual services.

(4) Subject to any limitations or directions provided for in the General Appropriations Act, alternative health plans, health maintenance organizations, and prepaid health plans shall be reimbursed a fixed, prepaid amount negotiated, *or competitively bid pursuant to s. 287.057,* by the agency and prospectively paid to the provider monthly for each Medicaid recipient enrolled. The amount may not exceed the average amount the agency determines it would have paid, based on claims experience, for recipients in the same or similar category of eligibility. The agency shall calculate capitation rates on a regional basis and, beginning September 1, 1995, shall include age-band differentials in such calculations.

(5) An ambulatory surgical center shall be reimbursed the lesser of the amount billed by the provider or the Medicare-established allowable amount for the facility.

(6) A provider of early and periodic screening, diagnosis, and treatment services to Medicaid recipients who are children under age 21 shall be reimbursed using an all-inclusive rate stipulated in a fee schedule established by the agency. A provider of the visual, dental, and hearing components of such services shall be reimbursed the lesser of the amount billed by the provider or the Medicaid maximum allowable fee established by the agency.

(7) A provider of family planning services shall be reimbursed the lesser of the amount billed by the provider or an all-inclusive amount per type of visit for physicians and advanced registered nurse practitioners, as established by the agency in a fee schedule.

(8) A provider of home-based or community-based services rendered pursuant to a federally approved waiver shall be reimbursed based on an established or negotiated rate for each service. These rates shall be established according to an analysis of the expenditure history and prospective budget developed by each contract provider participating in the waiver program, or under any other methodology adopted by the agency and approved by the Federal Government in accordance with the waiver. *Effective July 1, 1996, privately owned and operated community-based residential facilities which meet agency requirements and which formerly received Medicaid reimbursement for the optional intermediate care facility for the mentally retarded service may participate in the developmental services waiver as part of a home-and-community-based continuum of care for Medicaid recipients who receive waiver services.*

(9) A provider of home health care services or of medical supplies and appliances shall be reimbursed the lesser of the amount billed by the provider or the agency's established maximum allowable amount, except that, in the case of the rental of durable medical equipment, the total rental payments may not exceed the purchase price of the equipment over its expected useful life or the agency's established maximum allowable amount, whichever amount is less.

(10) A hospice shall be reimbursed through a prospective system for each Medicaid hospice patient at Medicaid rates using the methodology established for hospice reimbursement pursuant to Title XVIII of the federal Social Security Act.

(11) A provider of independent laboratory services shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency.

(12)(a) A physician shall be reimbursed the lesser of the amount billed by the provider or the Medicaid maximum allowable fee established by the agency.

(b) The agency shall adopt a fee schedule, subject to any limitations or directions provided for in the General Appropriations Act, based on a resource-based relative value scale for pricing Medicaid physician services. Under this fee schedule, physicians shall be paid a dollar amount for each service based on the average resources required to provide the service, including, but not limited to, estimates of average physician time and effort, practice expense, and the costs of professional liability insurance. The fee schedule shall provide increased reimbursement for preventive and primary care services and lowered reimbursement for specialty services by using at least two conversion factors, one for cognitive services and another for procedural services. The fee schedule shall not increase total Medicaid physician expenditures unless moneys are available, and shall be phased in over a 2-year period beginning on July 1, 1994. The Agency for Health Care Administration shall seek the advice of a 16-member advisory panel in formulating and adopting the fee schedule. The panel shall consist of Medicaid physicians licensed under chapters 458 and 459 and shall be composed of 50 percent primary care physicians and 50 percent specialty care physicians.

(c) The agency shall monitor closely the utilization rate for physician services and identify any trends which may indicate an effort to increase the volume of services to counteract any losses that might result from the new fee schedule. The agency shall prepare a report to the Legislature on the overall effect of the resource-based relative value scale fee schedule by December 31, 1996.

(d) Notwithstanding paragraph (b), reimbursement fees to physicians for providing total obstetrical services to Medicaid recipients, which include prenatal, delivery, and postpartum care, shall be at least $1,500 per delivery for a pregnant woman with low medical risk and at least $2,000 per delivery for a pregnant woman with high medical risk. However, reimbursement to physicians working in Regional Perinatal Intensive Care Centers designated pursuant to chapter 383, for services to certain pregnant Medicaid recipients with a high medical risk, may be made according to obstetrical care and neonatal care groupings and

rates established by the agency. Nurse midwives licensed under chapter 464 or midwives licensed under chapter 467 shall be reimbursed at no less than 80 percent of the low medical risk fee. However, midwives licensed under chapter 467 shall not receive Medicaid reimbursement for home deliveries conducted for Medicaid recipients, but shall be reimbursed for prenatal and postpartal care provided to such recipients. The agency shall by rule determine, for the purpose of this paragraph, what constitutes a high or low medical risk pregnant woman and shall not pay more based solely on the fact that a caesarean section was performed, rather than a vaginal delivery. The agency shall by rule determine a prorated payment for obstetrical services in cases where only part of the total prenatal, delivery, or postpartum care was performed.

(13) Premiums, deductibles, and coinsurance for Medicare services rendered to Medicaid eligible persons shall be reimbursed in accordance with fees established by Title XVIII of the Social Security Act.

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee. The agency is authorized to limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided for in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

(15) A provider of primary care case management services rendered pursuant to a federally approved waiver shall be reimbursed by payment of a fixed, prepaid monthly sum for each Medicaid recipient enrolled with the provider.

(16) A provider of rural health clinic services and federally qualified health center services shall be reimbursed a rate per visit based on total reasonable costs of the clinic, as determined by the agency in accordance with federal regulations.

(17) A provider of targeted case management services shall be reimbursed pursuant to an established fee, except where the Federal Government requires a public provider be reimbursed on the basis of average actual costs.

(18) Unless otherwise provided for in the General Appropriations Act, a provider of transportation services shall be reimbursed the lesser of the amount billed by the provider or the Medicaid maximum allowable fee established by the agency, except when the agency has entered into a direct contract with the provider, *or with a community transportation coordinator,* for the provision of an all-inclusive service, or when services are provided pursuant to an agreement negotiated between the agency and the provider. The agency, as provided for in s. 427.0135, shall purchase transportation services through the community coordinated transportation system, if available, unless the agency *determines* ~~can demonstrate~~ a more cost-effective method for Medicaid clients. Nothing in this subsection shall be construed to limit or preclude the agency from *contracting for services using a prepaid capitation rate or from* establishing maximum fee schedules, individualized reimbursement policies by provider type, negotiated fees, *prior authorization,* competitive bidding, *increased use of mass transit,* or any other mechanism that the agency considers efficient and effective for the purchase of services on behalf of Medicaid clients, *including implementing a transportation eligibility process.* The agency shall not be required to contract with any community transportation coordinator or transportation operator that has been determined by the agency, the Department of Legal Affairs Medicaid Fraud Control Unit, or any other state or federal agency to have engaged in any abusive or fraudulent billing activities.

(19) County public health clinic services may be reimbursed a rate per visit based on total reasonable costs of the clinic, as determined by the agency in accordance with federal regulations under the authority of 42 C.F.R. s. 431.615. However, this cost-based reimbursement shall not be implemented until the State Health Officer has certified that cost accounting systems have been modified and are in place prior to implementation in a specific county in order to ensure accurate and timely reporting of Medicaid-related costs in accordance with established Medicaid reimbursement standards. This section shall be repealed effective June 30, 1995, unless otherwise provided for in the General Appropriations Act or other provision of law. The agency shall develop a methodology to adequately evaluate the cost-effectiveness of this method of reimbursement and shall make recommendations to the Legislature based on this evaluation prior to the 1995 regular legislative session.

(20) A renal dialysis facility that provides dialysis services under s. 409.906(9) must be reimbursed the lesser of the amount billed by the provider, the provider's usual and customary charge, or the maximum allowable fee established by the agency, whichever amount is less.

(21) The agency may reimburse school districts which certify the state match pursuant to s. 409.9071 for the federal portion of either the Medicaid fee or the school district's allowable costs to deliver the services, whichever is less. The school district shall determine the allowable costs for delivering therapy services for which the state Medicaid match will be certified, based on the policies and procedures published by the agency. Reimbursement of school-based therapy providers is contingent on such providers being enrolled as Medicaid therapy providers and meeting the qualifications contained in 42 C.F.R. s. 440.110, unless otherwise waived by the federal Health Care Financing Administration. Speech therapy providers who are certified through the Department of Education pursuant to rule 6A-4.0176, Florida Administrative Code, may bill for services that are provided on school premises.

Section 7. Section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The department shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The department shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, *including competitive bidding pursuant to s. 287.057,* designed to facilitate the cost-effective purchase of a case-managed continuum of care. The department shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(1) The department may enter into agreements with appropriate agents of other state agencies or of any agency of the Federal Government and accept such duties in respect to social welfare or public aid as may be necessary to implement the provisions of Title XIX of the Social Security Act and ss. 409.901-409.920.

(2) The department may contract with health maintenance organizations certified pursuant to part I of chapter 641 for the provision of services to recipients.

(3) The department may contract with county public health units and other entities authorized by chapter 154 to provide health care services on a prepaid or fixed-sum basis to recipients, which entities may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services are exempt from the provisions of part I of chapter 641.

(4) The department may contract with any public or private entity on a prepaid or fixed-sum basis for the provision of health care services to recipients.

(a) An entity may provide prepaid services to recipients, either directly or through arrangements with other entities, if each entity involved in providing services:

1. Is organized primarily for the purpose of providing health care or other services of the type regularly offered to Medicaid recipients;

2. Ensures that services meet the standards set by the department for quality, appropriateness, and timeliness;

3. Makes provisions satisfactory to the department for insolvency protection and ensures that neither enrolled Medicaid recipients nor the department will be liable for the debts of the entity;

4. Submits to the department, if a private entity, a financial plan that the department finds to be fiscally sound and that provides for working capital in the form of cash or equivalent liquid assets excluding revenues from Medicaid premium payments equal to at least the first 3 months of operating expenses or $200,000, whichever is greater;

5. Furnishes evidence satisfactory to the department of adequate liability insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of health care;

6. Provides, through contract or otherwise, for periodic review of its medical facilities and services, as required by the department; and

7. Provides organizational, operational, financial, and other information required by the department.

(b) Entities that provide no prepaid health care services other than Medicaid services under contract with the department are exempt from the provisions of part I of chapter 641.

(5) The department may contract on a prepaid or fixed-sum basis with any health insurer that:

(a) Pays for health care services provided to enrolled Medicaid recipients in exchange for a premium payment paid by the department;

(b) Assumes the underwriting risk; and

(c) Is organized and licensed under applicable provisions of the Florida Insurance Code and is currently in good standing with the Department of Insurance.

(6) The department shall not contract on a prepaid or fixed-sum basis for Medicaid services with an entity which knows or reasonably should know that any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock, or the entity itself, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere, or guilty, to:

(a) Fraud;

(b) Violation of federal or state antitrust statutes, including those prescribing price fixing between competitors and the allocation of customers among competitors;

(c) Commission of a felony involving embezzlement, theft, forgery, income tax evasion, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or

(d) Any crime in any jurisdiction which directly relates to the provision of health services on a prepaid or fixed-sum basis.

(7) The department may apply for waivers of applicable federal laws and regulations as necessary to implement more appropriate systems of health care for Medicaid recipients and reduce the cost of the Medicaid program to the state and federal governments and shall implement such programs, after legislative approval, within a reasonable period of time after federal approval. These programs must be designed primarily to reduce the need for inpatient care, custodial care and other long-term or institutional care, and other high-cost services.

(8) The department shall establish a postpayment utilization control program designed to identify recipients who may inappropriately overuse or underuse Medicaid services and shall provide methods to correct such misuse.

(9) The department shall develop and provide coordinated systems of care for Medicaid recipients and may contract with public or private entities to develop and administer such systems of care among public and private health care providers in a given geographic area.

(10) The department shall operate or contract for the operation of utilization management and incentive systems designed to encourage cost-effective use services.

(11) The department shall identify health care utilization and price patterns within the Medicaid program that are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate.

(12) An entity contracting on a prepaid or fixed-sum basis shall, in addition to meeting any applicable statutory surplus requirements, also maintain at all times in the form of cash, short-term investments allowable as admitted assets by the Department of Insurance, and restricted funds or deposits controlled by the department or the Department of Insurance, by January 1, 1992, an amount equal to its monthly prepaid Medicaid revenues; and by and after January 1, 1993, an amount equal to one-and-one-half times its monthly prepaid Medicaid revenues. In the event an entity's surplus falls below any applicable statutory requirements, or an entity's total of cash, short-term investments allowable as admitted assets by the Department of Insurance, and restricted funds or deposits controlled by the department or the Department of Insurance falls below one-and-one-half times its monthly prepaid Medicaid revenues, the department shall prohibit the entity from engaging in enrollment activities, shall cease to process new enrollments for the entity, and shall not renew the entity's contract until the required balance is achieved. The requirements of this subsection shall not apply:

(a) Where a public entity agrees to fund any deficit incurred by the contracting entity; or

(b) Where the entity's performance and obligations are guaranteed in writing by a nonprofit guaranteeing organization which:

1. Has been in operation for at least 5 years and has assets in excess of $50 million; or

2. Submits a written guarantee acceptable to the department which is irrevocable during the term of the contracting entity's contract with the department and, upon termination of the contract, until the department receives proof of satisfaction of all outstanding obligations incurred under the contract.

(13) The Agency for Health Care Administration shall, by rule, develop a process whereby a Medicaid prepaid plan enrollee who wishes to enter hospice care may be disenrolled from the prepaid plan within 24 hours after contacting the agency regarding such request. The agency rule shall include a methodology for the agency to recoup prepaid plan payments on a pro rata basis if payment has been made for the enrollment month when disenrollment occurs.

(14) When a Medicaid recipient has been offered a choice of Medicaid managed care plans, including the MediPass program, and does not make an election within a reasonable time as defined by the agency, but not to exceed 30 days, the agency shall assign such recipients to managed care plans, including MediPass, in the following proportion: 40 percent of such recipients shall be assigned to the MediPass program, with the remaining recipients assigned to health maintenance organizations or other prepaid programs. Such revisions shall occur no more frequently than each quarter. The agency shall submit, no later than 30 days after July 1, 1996, any appropriate amendments to the mandatory assignment waiver to implement this subsection. In the event that the waiver amendment is not approved by the Health Care Financing Administration, the agency shall assign recipients as provided for under the current waiver.

Section 8. Subsection (2) of section 409.915, Florida Statutes, is amended to read:

409.915 County contributions to Medicaid.—Although the state is responsible for the full portion of the state share of the matching funds required for the Medicaid program, in order to acquire a certain portion of these funds, the state shall charge the counties for certain items of care and service as provided in this section.

(1) Each county shall participate in the following items of care and service:

(a) Payments for inpatient hospitalization in excess of 12 days, but not in excess of 45 days, with the exception of pregnant women and children whose income is in excess of the federal poverty level and who do not participate in the Medicaid medically needy program.

(b) Payments for nursing home or intermediate facilities care in excess of $170 per month, with the exception of skilled nursing care for children under age 21.

(2) A county's participation must be 35 percent of the total cost, *or the applicable discounted cost paid by the state for Medicaid recipients enrolled in health maintenance organizations or prepaid health plans,* of providing the items listed in subsection (1), except that the payments for items listed in paragraph (1)(b) may not exceed $55 per month per person.

Section 9. *Subsection (2) of section 409.918, Florida Statutes, is hereby repealed.*

Section 10. Subsection (1) of section 427.0135, Florida Statutes, is amended to read:

427.0135 Member departments; duties and responsibilities.—Each member department, in carrying out the policies and procedures of the commission, shall:

(1)(a) Use the coordinated transportation system for provision of services to its clients, unless each department meets the criteria outlined in rule to use an alternative provider.

(b) Subject to the provisions of s. 409.908(18), the Medicaid agency shall purchase transportation services through the community coordinated transportation system unless a more cost-effective method *is determined by the agency* ~~can be demonstrated~~ for Medicaid clients or unless otherwise limited or directed by the General Appropriations Act.

Section 11. *(1) The Legislature finds:*

(a) That noninstitutional home and community-based services are a cost-effective and appropriate alternative to institutional care for many individuals who would otherwise be served in institutional settings;

(b) That the Intermediate Care Facility for the Developmentally Disabled program is an optional institutional service authorized by Title XIX of the Social Security Act and that this act encourages states to develop and utilize alternatives to optional institutional services for Medicaid clients through authorization of waivers that allow for federal financial participation in the provision of services in noninstitutional settings for clients who are eligible for Medicaid-reimbursed institutional services;

(c) That utilization of noninstitutional funding mechanisms for individuals residing outside of state-owned-and-operated institutions allows individuals to be appropriately served at less cost than is possible through the Intermediate Care Facility for the Developmentally Disabled program;

(d) That federal regulations diminish the ability of the state to manage resources currently used to reimburse privately owned or operated intermediate care facilities for the developmentally disabled to enable the most cost-effective utilization of resources appropriated to programs that serve individuals with developmental disabilities;

(e) That there are fundamental differences in the respective roles of private and public facilities that serve individuals with developmental disabilities and that these differences justify funding private and public facilities through different funding mechanisms;

(f) That there is a critical state need to continue financing institutional services provided in state-owned-and-operated facilities for the developmentally disabled through the Intermediate Care Facility for the Developmentally Disabled program to provide for the adequate care of the clients who reside in these facilities; and

(g) That the most appropriate and cost-effective care for state-supported clients who reside in privately owned or operated residential facilities for individuals with developmental disabilities is provided through community-based, noninstitutional service delivery models that are financed through noninstitutional financing mechanisms.

(2) In accordance with the findings in subsection (1), it is the intent of the Legislature that, in order to both reduce the cost of serving individuals with developmental disabilities and provide appropriate alternative services to institutional care, privately owned or operated facilities authorized to receive reimbursement through the Medicaid Intermediate Care Facility for the Developmentally Disabled program on June 30, 1996, shall no longer be reimbursed through that program but may continue to serve clients through noninstitutional service arrangements that are financed through noninstitutional funding mechanisms. It is further the intent of the Legislature that individuals who reside in state-owned-and-operated intermediate care facilities for the developmentally disabled shall continue to receive services financed through the Medicaid Intermediate Care Facility for the Developmentally Disabled program.

Section 12. *The Agency for Health Care Administration shall issue a license as a home for special services to each facility desiring such licensure, if the facility was eligible to receive reimbursement through the Intermediate Care Facility for the Developmentally Disabled program on June 30, 1996. Individuals with developmental disabilities who reside in homes for special services licensed pursuant to this section may receive services reimbursed through the home and community-based services waiver, provided all other Medicaid eligibility criteria are satisfied. A license granted pursuant to this section shall be valid until the expiration of the facility's Intermediate Care Facility for the Developmentally Disabled license. The Agency for Health Care Administration shall develop standards for facilities licensed pursuant to this section which shall include appropriate sanctions for noncompliance with the standards and shall specify the terms for renewal of licenses. Any license granted pursuant to this section shall be contingent upon the facility allowing access to the Agency for Health Care Administration to conduct inspections to ensure compliance with standards.*

Section 13. Subsection (29) of section 393.063, Florida Statutes, is amended to read:

393.063 Definitions.—For the purposes of this chapter:

(29) "Intermediate care facility for the developmentally disabled" or "ICF/DD" means a *state-owned-and-operated* residential facility licensed in accordance with state law, and certified by the Federal Government pursuant to the Social Security Act, as a provider of Medicaid services to persons who are mentally retarded or who have related conditions. The capacity of such a facility shall not be more than 120 clients.

Section 14. Section 393.067, Florida Statutes, is amended to read:

393.067 Licensure of residential facilities and comprehensive transitional education programs.—

(1) The department shall provide through its licensing authority a system of provider qualifications, standards, training criteria for meeting standards, and monitoring for residential facilities and comprehensive transitional education programs.

(2) The department shall conduct inspections and reviews of residential facilities and comprehensive transitional education programs annually.

(3) An application for a license for a residential facility or a comprehensive transitional education program shall be made to the Department of Health and Rehabilitative Services on a form furnished by it and shall be accompanied by the appropriate license fee.

(4) The application shall be under oath and shall contain the following:

(a) The name and address of the applicant, if an applicant is an individual; if the applicant is a firm, partnership, or association, the name and address of each member thereof; if the applicant is a corporation, its name and address and the name and address of each director and each officer thereof; and the name by which the facility or program is to be known.

(b) The location of the facility or program for which a license is sought.

(c) The name of the person or persons under whose management or supervision the facility or program will be conducted.

(d) The number and type of residents or clients for which maintenance, care, education, or treatment is to be provided by the facility or program.

(e) The number and location of the component centers or units which will compose the comprehensive transitional education program.

(f) A description of the types of services and treatment to be provided by the facility or program.

(g) Information relating to the number, experience, and training of the employees of the facility or program.

(h) Certification that the staff of the facility or program will receive training to detect and prevent sexual abuse of residents and clients.

(i) Such other information as the department determines is necessary to carry out the provisions of this chapter.

(5) The applicant shall submit evidence which establishes the good moral character of the manager or supervisor of the facility or program

and the direct service providers in the facility or program and its component centers or units. A license may be issued if all the screening materials have been timely submitted; however, a license may not be issued or renewed if any of the direct service providers have failed the screening required by s. 393.0655.

(a)1. A licensed residential facility or comprehensive transitional education program which applies for renewal of its license shall submit to the department a list of direct service providers who have worked on a continuous basis at the applicant facility or program since submitting fingerprints to the department, identifying those direct service providers for whom a written assurance of compliance was provided by the department and identifying those direct service providers who have recently begun working at the facility or program and are awaiting the results of the required fingerprint check along with the date of the submission of those fingerprints for processing. The department shall by rule determine the frequency of requests to the Department of Law Enforcement to run state criminal records checks for such direct service providers except for those direct service providers awaiting the results of initial fingerprint checks for employment at the applicant facility or program. The department shall review the records of the direct service providers at the applicant facility or program with respect to the crimes specified in s. 393.0655 and shall notify the facility or program of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department. Failure to supply the missing information within 30 days or to show reasonable efforts to obtain such information shall result in automatic disqualification.

2. The applicant shall sign an affidavit under penalty of perjury stating that all new direct service providers have been fingerprinted and that the facility's or program's remaining direct service providers have worked at the applicant facility or program on a continuous basis since being initially screened at that facility or program or have a written assurance of compliance from the department.

(b) As a prerequisite for issuance of the initial license to a residential facility or comprehensive transitional education program:

1. The applicant shall submit to the department a complete set of fingerprints, taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for the manager, supervisor, or direct service providers of the facility or program;

2. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation; and

3. The department shall review the record of the manager or supervisor with respect to the crimes specified in s. 393.0655(1) and shall notify the applicant of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the manager or supervisor, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department. Failure to supply the missing information within 30 days or to show reasonable efforts to obtain such information shall result in automatic disqualification.

(c) The department or a residential facility or comprehensive transitional education program may not use the criminal records, juvenile records, or abuse registry information of a person obtained under this subsection for any purpose other than determining if that person meets the minimum standards for good moral character for a manager or supervisor of, or direct service provider in, such a facility or program. The criminal records, juvenile records, or abuse registry information obtained by the department or a residential facility or comprehensive transitional education program for determining the moral character of a manager, supervisor, or direct service provider are exempt from s. 119.07(1). ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(6) The applicant shall furnish satisfactory proof of financial ability to operate and conduct the facility or program in accordance with the requirements of this chapter and all rules promulgated hereunder.

(7) The department shall promulgate rules establishing minimum standards for licensure of residential facilities and comprehensive transitional education programs, including rules requiring facilities and programs to train staff to detect and prevent sexual abuse of residents and clients, minimum standards of quality and adequacy of care, and uniform firesafety standards established by the State Fire Marshal which are appropriate to the size of the facility or of the component centers or units of the program.

(8) The department and the Agency for Health Care Administration, after consultation with the Department of Community Affairs, shall adopt rules for residential facilities under the respective regulatory jurisdiction of each establishing minimum standards for the preparation and annual update of a comprehensive emergency management plan. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan for all intermediate care facilities for the developmentally disabled, facilities serving seven or more people, and homes serving individuals who have complex medical conditions is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Agency for Health Care Administration, the Department of Health and Rehabilitative Services, and the Department of Community Affairs. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(9) The Agency for Health Care Administration shall establish standards for facilities and equipment to increase the extent to which facilities for intermediate care for developmentally disabled persons are structurally capable of serving as shelters and equipped to be self-supporting during and immediately following disasters.

(10) The department may conduct unannounced inspections to determine compliance by residential facilities and comprehensive transitional education programs with the applicable provisions of this chapter and the rules adopted pursuant hereto, including the rules adopted for training staff of a facility or a program to detect and prevent sexual abuse of residents and clients. The facility or program shall make copies of inspection reports available to the public upon request.

(11) An alternative living center and an independent living education center, as defined in s. 393.063(7), shall be subject to the provisions of s. 419.001, except that such centers shall be exempt from the 1,000-foot-radius requirement of s. 419.001(2) if:

(a) Such centers are located on a site zoned in a manner so that all the component centers of a comprehensive transition education center may be located thereon; or

(b) There are no more than three such centers within said radius of 1,000 feet.

(12) Each residential facility or comprehensive transitional education program licensed by the department shall forward annually to the department a true and accurate sworn statement of its costs of providing care to clients funded by the department.

(13) The department may audit the records of any residential facility or comprehensive transitional education program which it has reason to believe may not be in full compliance with the provisions of this section; provided that, any financial audit of such facility or program shall be limited to the records of clients funded by the department.

(14) The department shall establish, for the purpose of control of licensure costs, a uniform management information system and a uniform reporting system with uniform definitions and reporting categories.

(15) Facilities and programs licensed pursuant to this section shall adhere to all rights specified in s. 393.13, including those enumerated in s. 393.13(4).

(16) No unlicensed residential facility or comprehensive transitional education program shall receive state funds. A license for the operation

of a facility or program shall not be renewed if the licensee has any outstanding fines assessed pursuant to this chapter wherein final adjudication of such fines has been entered.

(17) The department shall not be required to contract with new facilities licensed after October 1, 1989, pursuant to this chapter. Pursuant to chapter 287, the department shall continue to contract within available resources for residential services with facilities licensed prior to October 1, 1989, if such facilities comply with the provisions of this chapter and all other applicable laws and regulations.

~~(18) In addition to the requirements in subsection (4), the initial license application for an intermediate care facility for the developmentally disabled of six beds or less shall also include:~~

~~(a) The provider's proposal, on forms provided by the department, including a pro forma budget which shall also serve as the basis for establishing an initial interim Medicaid reimbursement rate.~~

~~(b) Approval and selection of the provider's proposal by the district and the Developmental Services Program in accordance with paragraph (20)(c).~~

~~(19) The initial license application shall be valid while the provider develops the facility in compliance with the conditions of the approved proposal.~~

~~(20) The department shall only accept proposals for intermediate care facilities for the developmentally disabled of six beds or less in response to the publication of projected bed need.~~

~~(a) Projected bed need shall be published by the department and shall identify:~~

~~1. The district in which the beds are to be located.~~

~~2. The maximum per diem cost which shall be in accordance with the Florida Title XIX ICF/MR Reimbursement Plan.~~

~~3. The maximum size of the facility.~~

~~4. The level of care of clients to be served, including demographic and programmatic characteristics of the client population.~~

~~Projected bed need shall be directed towards clients who have severe disabilities, who have extensive service needs, who require extensive active treatment services, and who can only be adequately served in a cost-effective manner in an intermediate care facility for the developmentally disabled.~~

~~(b) Projected bed need shall be determined by the department on the basis of client need for extensive active treatment services that can only be delivered in a cost-effective manner in an intermediate care facility for the developmentally disabled.~~

~~(c) The department shall approve and select from provider proposals that respond to published projected bed need, based on the following weighted criteria in order of importance:~~

~~1. Adequacy and quality of services that address the published bed need projections, especially the client demographic and programmatic characteristics.~~

~~2. Completeness of the proposal and adherence to timeframes.~~

~~3. Demonstration of financial ability to operate the facility in relation to published bed need projections.~~

~~4. Appropriateness of per diem cost to provide quality services.~~

~~(21) Any license granted for intermediate care facilities for the developmentally disabled under the provisions of subsections (18) and (20) shall be valid only while the provider operates the facility in compliance with the conditions in the proposal that were approved by the department, as well as with all other applicable laws, rules, and regulations related to the operation of such facilities.~~

(18)~~(22)~~ The department shall develop a plan by March 15, 1991, to phase out all of the unlicensed beds in developmental services institutions by December 30, 1999, and, contingent upon appropriations, ensure that all beds operating after that date are licensed. This plan must address among other issues the transfer of funds from developmental services institutions to the community.

Section 15. *(1) Section 393.16, Florida Statutes, is hereby repealed.*

(2) Any cash balance remaining in the Intermediate Care Facilities Trust Fund shall be transferred to the Community Resources Development Trust Fund.

Section 16. *Notwithstanding any other provision of law or this act to the contrary, the Agency for Health Care Administration may continue to reimburse private intermediate care facilities for the developmentally disabled through the Intermediate Care Facility for the Developmentally Disabled program through August 30, 1996, if requested by the Secretary of Health and Rehabilitative Services to ensure the safety and well-being of clients.*

Section 17. This act shall take effect July 1, 1996, or upon becoming a law, whichever occurs later; however, if this act becomes a law after July 1, 1996, it shall operate retroactively to July 1, 1996.

And the title is amended as follows:

Delete the entire title and insert: A bill to be entitled An act relating to Medicaid services; amending s. 409.901, F.S.; revising the definition of "medical services" or "medical care"; amending s. 409.904, F.S.; conforming terminology; amending s. 409.905, F.S., relating to mandatory Medicaid services; providing requirements relating to provision of home health care services; revising provisions relating to hospital inpatient services to include applicability to inpatient psychiatric days; requiring transportation services provided to be medically necessary and providing restrictions on the specific transportation provider that may be chosen; amending s. 409.906, F.S., relating to optional Medicaid services; revising requirements for reimbursement for community mental health services; providing requirements for reimbursement for intermediate care facilities for the developmentally disabled; amending s. 409.907, F.S., relating to Medicaid provider agreements; revising references to clarify that the Agency for Health Care Administration is the state Medicaid agency; authorizing the agency to require a surety bond from a provider; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; authorizing the use of competitive bidding for certain Medicaid services; requiring agency adjustments to be in accordance with legislative intent; providing for limiting inflationary increases for outpatient hospital services; conforming a reference; revising requirements relating to establishment and implementation of a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care; authorizing rather than requiring reimbursement on a fee-for-service basis of certain services and goods and providing for reimbursement based on capitation rates; authorizing certain Medicaid providers to participate in a waiver; revising requirements for reimbursement of transportation services; authorizing the contracting for such services using a prepaid capitation rate; amending s. 409.912, F.S.; authorizing the use of competitive bidding for certain Medicaid services; providing for assignment of recipients to managed care plans; amending s. 409.915, F.S.; revising provisions relating to county contributions to Medicaid; repealing s. 409.918(2), F.S., relating to a requirement to annually deposit certain funds into the Public Medical Assistance Trust Fund; amending s. 427.0135, F.S.; conforming provisions relating to transportation services for Medicaid clients; modifying various provisions of law relating to intermediate care facilities for the developmentally disabled to reduce the cost of providing certain services provided to individuals with developmental disabilities through utilization of the home and community-based services waiver; authorizing certain licensure of facilities eligible to receive reimbursement through the Intermediate Care Facility for the Developmentally Disabled program on a specified date and providing that clients in such facilities may receive services through the home and community-based services waiver; providing valid period and conditions for such licenses and providing for standards therefor and sanctions for violation of such standards; providing legislative findings and intent; amending s. 393.063, F.S.; revising the definition of "intermediate care facility for the developmentally disabled"; amending s. 393.067, F.S.; eliminating provisions relating to licensure of intermediate care facilities for the developmentally disabled of six beds or less; repealing s. 393.16, F.S., relating to the Intermediate Care Facilities Trust Fund; providing for transfer of remaining funds to the Community Resources Development Trust Fund; providing for continued funding of private intermediate care facilities for the developmentally disabled through the Intermediate Care Facility for the Develop-

mentally Disabled program under certain circumstances; providing an effective date.

The Conference Committee Report was read and on motion by Senator Diaz-Balart was adopted. **HB 1621** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 2723 as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON HB 2723

The Honorable Peter R. Wallace
Speaker, House of Representatives

The Honorable James A. Scott
President of the Senate

Dear Presiding Officers:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 2723, same being:

An act relating to Governmental Operations

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its amendment 1.

2. That the House of Representatives and the Senate adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Buzz Ritchie
Chair
s/J. Keith Arnold
s/Mary Brennan
s/Irlo Bronson
s/Cynthia Chestnut
s/Lee Constantine
s/Jim Davis
s/Rudy Garcia
s/Lars A. Hafner
s/Dennis L. Jones
s/James E. (Jim) King, Jr.
s/Anne Mackenzie
s/Randy Mackey
s/Elvin L. Martinez
s/Luis C. Morse
s/Vernon Peeples
s/Ken Pruitt
s/Alzo J. Reddick
s/Beryl Roberts-Burke
s/Debby Sanderson
s/Dean Saunders
s/W. E. Sublette
s/C. L. Valdes

Managers on the part of the House of Representatives

s/Mario Diaz-Balart
Vice Chair
s/W.G. Bankhead
s/Malcolm E. Beard
s/Charlie Bronson
s/Locke Burt
s/Roberto Casas
s/W. D. Childers
s/Charlie Crist
s/Rick Dantzler
s/Fred R. Dudley
s/Alberto Gutman
s/Robert Harden
s/James Hargrett
s/Katherine Harris
s/Betty S. Holzendorf
s/Jim Horne
s/Toni Jennings
s/Daryl L. Jones
s/George G. Kirkpatrick
s/Patsy Ann Kurth
s/William G. (Doc) Myers
s/John Ostalkiewicz
Ronald A. Silver
s/D. C. Sullivan
s/Pat Thomas
s/Charles Williams

Managers on the part of the Senate

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1), paragraph (b) of subsection (2), and subsection (6) of section 120.57, Florida Statutes, are amended, and subsection (7) is added to said section, to read:

120.57 Decisions which affect substantial interests.—The provisions of this section apply in all proceedings in which the substantial interests of a party are determined by an agency, unless such proceedings are exempt pursuant to subsection (5). Unless waived by all parties, subsection (1) applies whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) applies in all other cases.

(1) FORMAL PROCEEDINGS.—

(b) In any case to which this subsection is applicable, the following procedures apply:

1. A request for a hearing shall be granted or denied within 15 days of receipt.

2. All parties shall be afforded an opportunity for a hearing after reasonable notice of not less than 14 days; however, the 14-day notice requirement may be waived with the consent of all parties. In a preliminary hearing for the revocation of parole, no less than 7 days' notice shall be given. In a hearing involving a student disciplinary suspension or expulsion conducted by an educational unit, the 14-day notice requirement may be waived by the agency head or the hearing officer without the consent of the parties. The notice shall include:

a. A statement of the time, place, and nature of the hearing.

b. A statement of the legal authority and jurisdiction under which the hearing is to be held.

c. A reference to the particular sections of the statutes and rules involved.

d. Except for any hearing before an unemployment compensation appeals referee, a short and plain statement of the matters asserted by the agency and by all parties of record at the time notice is given. If the agency or any party is unable to state the matters in sufficient detail at the time initial notice is given, the notice may be limited to a statement of the issues involved, and thereafter, upon timely written application, a more definite and detailed statement shall be furnished not less than 3 days prior to the date set for the hearing.

3. Except for any proceeding conducted as prescribed in s. 120.54(4) or s. 120.56, a petition or request for a hearing under this section shall be filed with the agency. If the agency elects to request a hearing officer from the division, it shall so notify the division within 15 days of receipt of the petition or request. When the Florida Land and Water Adjudicatory Commission receives a notice of appeal pursuant to s. 380.07, the commission shall notify the division within 60 days of receipt of the notice of appeal if the commission elects to request the assignment of a hearing officer. On the request of any agency, the division shall assign a hearing officer with due regard to the expertise required for the particular matter. The referring agency shall take no further action with respect to the formal proceeding, except as a party litigant, as long as the division has jurisdiction over the formal proceeding. Any party may request the disqualification of the hearing officer by filing an affidavit with the division prior to the taking of evidence at a hearing, stating the grounds with particularity.

4. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the agency proposes to consider such material, then all parties shall be given an opportunity to cross-examine or challenge or rebut it.

5. All pleadings, motions, or other papers filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, a party's attorney, or a party's qualified representative constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the hearing officer, upon motion or the officer's own initiative, shall impose upon the person who signed it, a repre-

sented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

6. The record in a case governed by this subsection shall consist only of:

a. All notices, pleadings, motions, and intermediate rulings;

b. Evidence received or considered;

c. A statement of matters officially recognized;

d. Questions and proffers of proof and objections and rulings thereon;

e. Proposed findings and exceptions;

f. Any decision, opinion, proposed or recommended order, or report by the officer presiding at the hearing;

g. All staff memoranda or data submitted to the hearing officer during the hearing or prior to its disposition, after notice of the submission to all parties, except communications by advisory staff as permitted under s. 120.66(1), if such communications are public records;

h. All matters placed on the record after an ex parte communication pursuant to s. 120.66(2); and

i. The official transcript *or original videotape, depending on the method of preservation*.

7. The agency shall accurately and completely preserve all testimony in the proceeding, and, on the request of any party, it shall make a full or partial transcript *or videotape,* available at no more than actual cost. In any proceeding before a hearing officer initiated by a consumptive use permit applicant pursuant to subparagraph 14., the applicant shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts *or videotapes* to the water management district. At the request of any other party, full or partial transcripts *or videotapes* shall be provided at no more than cost.

8. Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.

9. Except as provided in subparagraph 13., the hearing officer shall complete and submit to the agency and all parties a recommended order consisting of the officer's findings of fact, conclusions of law, interpretation of administrative rules, and recommended penalty, if applicable, and any other information required by law or agency rule to be contained in the final order. The agency shall allow each party at least 10 days in which to submit written exceptions to the recommended order.

10. The agency may adopt the recommended order as the final order of the agency. The agency in its final order may reject or modify the conclusions of law and interpretation of administrative rules in the recommended order. The agency may not reject or modify the findings of fact, including findings of fact that form the basis for an agency statement, unless the agency first determines from a review of the complete record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action. When there is an appeal, the court in its discretion may award reasonable attorney's fees and costs to the prevailing party if the court finds that the appeal was frivolous, meritless, or an abuse of the appellate process or that the agency action which precipitated the appeal was a gross abuse of the agency's discretion.

11. If the hearing officer assigned to a hearing becomes unavailable, the division shall assign another hearing officer who shall use any existing record and receive any additional evidence or argument, if any, which the new hearing officer finds necessary.

12. A hearing officer who is a member of an agency head may participate in the formulation of the final order of the agency, provided he or she has completed all duties as hearing officer.

13. In any application for a license or merger pursuant to title XXXVIII which is referred by the agency to the division for hearing pursuant to this section, the hearing officer shall complete and submit to the agency and to all parties a written report consisting of findings of fact and rulings on evidentiary matters. The agency shall allow each party at least 10 days in which to submit written exceptions to the report.

14. In any application for a consumptive use permit pursuant to part II of chapter 373, the water management district on its own motion may, or, at the request of the applicant for the permit, shall, refer the matter to the division for the appointment of a hearing officer to conduct a hearing under this section.

15. Each agency statement defined as a rule under s. 120.52 and not adopted by the rulemaking procedure provided by s. 120.54 which is relied upon by an agency to determine the substantial interests of a party shall be subject to de novo review by a hearing officer. A statement shall not enlarge, modify, or contravene the specific provision of law implemented or otherwise exceed delegated legislative authority. The statement applied as a result of a proceeding pursuant to this subsection shall be demonstrated to be within the scope of delegated legislative authority. Recommended and final orders pursuant to this subsection shall provide an explanation of the statement that includes the evidentiary basis which supports the statement applied and a general discussion of the justification for the statement applied.

(2) INFORMAL PROCEEDINGS.—In any case to which subsection (1) does not apply:

(a) The agency shall, in accordance with its rules of procedure:

1. Give reasonable notice to affected persons or parties of the action of the agency, whether proposed or already taken, or of its decision to refuse action, together with a summary of the factual, legal, and policy grounds therefor.

2. Give affected persons or parties or their counsel an opportunity, at a convenient time and place, to present to the agency or hearing officer written or oral evidence in opposition to the action of the agency or of its refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction.

3. If the objections of the persons or parties are overruled, provide a written explanation within 7 days.

(b) The record shall only consist of:

1. The notice and summary of grounds;

2. Evidence received or considered;

3. All written statements submitted by persons and parties;

4. Any decision overruling objections;

5. All matters placed on the record after an ex parte communication pursuant to s. 120.66(2); and

6. The official transcript *or original videotape, depending on the method of preservation*.

(6) In cases where a conceptual review permit has been issued by a water management district, petitions challenging the issuance of a construction or operating permit implementing the conceptual review permit, upon a motion of a party, shall be subject to expedited review. Within 15 days of filing a motion for expedited review by the district or the applicant, the hearing officer shall, by order, establish a schedule for the proceedings, including discovery, which provides for a final hearing within 60 days of the issuance of the order. Proposed recommended orders must be submitted to the hearing officer, if at all, within 10 days of the filing of the hearing transcript *or hearing videotape*. Recommended orders shall be submitted to the district within 30 days of the last day for the filing of the proposed recommended order. The district shall issue its final order within 45 days of the receipt of the recommended order. If the district grants the construction or operating permit, the permittee may proceed unless judicial review of final agency action is sought pursuant to s. 120.68 and a stay is applied for and iss used.

(7) An agency may preserve all testimony in a proceeding conducted by an administrative law judge assigned by the division by use of a court

reporter or a video camera pursuant to rules adopted by the division. An agency may preserve all testimony in a proceeding conducted by the agency by use of a court reporter or a video camera. The agency must assure that the video system will reliably preserve the testimony. If the testimony in a proceeding is to be preserved by use of a video camera, the agency shall provide reasonable notice of the use of the video camera to any other party to the proceeding. A party may record the proceeding stenographically at its own expense. A party requesting a copy of the proceeding from an agency shall receive either a transcript or a videotape, depending on the method of preservation. The Administration Commission shall adopt model/rules for the use of video cameras to preserve testimony in proceedings not conducted by an administrative law judge.

Section 2. Paragraph (e) of subsection (5) of section 120.53, Florida Statutes, is amended to read:

120.53 Adoption of rules of procedure and public inspection.—

(5) An agency which enters into a contract pursuant to the provisions of ss. 282.303-282.313, chapter 255, chapter 287, or chapters 334-349 shall adopt rules specifying procedures for the resolution of protests arising from the contract bidding process. Such rules shall at least provide that:

(e) Upon receipt of a formal written protest referred pursuant to this subsection, the division director shall expedite the hearing and assign a hearing officer who shall conduct a hearing within 15 days of the receipt of the formal written protest by the division and render a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript *or hearing videotape* by the hearing officer, whichever is later. The provisions of this paragraph may be waived upon stipulation by all parties.

Section 3. Effective upon this act becoming a law, subsection (6) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(6) SEASONAL STATE EMPLOYMENT; BLIND VENDING FACILITY OPERATORS.—

(a) Seasonal state employment shall be included under this chapter, and the time limit and procedure for claiming same as set forth in s. 122.07 shall continue under this chapter for those members transferring to this system and for all new members.

(b)1. All blind or partially sighted persons ~~who are now~~ employed or licensed by the Division of Blind Services as vending facility operators *on or after December 1, 1970, and prior to July 1, 1996,* ~~or who may hereafter be so licensed or employed,~~ are hereby declared to be state employees within the meaning of this chapter, and all vending facility operators licensed and employed *during that period* ~~after December 1, 1970,~~ shall be compulsory members *of the Florida Retirement System* in compliance with this chapter *for as long as the member is a vending facility operator, except as provided in subparagraph 3.*

2. Blindness shall not be deemed a retirement disability within the provisions of this chapter for such members as are contemplated by this paragraph.

3. Any vending facility operator as described in subparagraph 1. may elect, on or before July 31, 1996, to withdraw from the Florida Retirement System as provided in s. 413.051(11). The election to withdraw shall take effect as of July 1, 1996, and the decision to withdraw is irrevocable. A vending facility operator who withdraws from the Florida Retirement System as provided in this subparagraph shall retain all creditable service earned in the Florida Retirement System through the month that retirement contributions ceased to be reported, and no creditable service shall be earned as a vending facility operator after such month. However, any such person may participate in the Florida Retirement System in the future if employed by a participating employer in a covered position.

4. All blind or partially sighted persons employed or licensed by the Division of Blind Services as vending facility operators on or after July 1, 1996, shall be independent contractors within the meaning of this chapter, and shall not be eligible for membership in the Florida Retirement System.

Section 4. Effective upon this act becoming a law, paragraph (a) of subsection (7) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected state and county officers.—

(7) CONTRIBUTIONS.—

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

Dates of Contribution Rate Changes	Members	Employers
July 1, 1972, through September 30, 1977		
Legislators	8%	8%
All Other Members	8%	8%
October 1, 1977, through September 30, 1978		
Legislators	8%	8%
All Other Members	4%	12%
October 1, 1978, through September 30, 1979		
Legislators	8%	10.57%
All Other Members	4%	16.78%
October 1, 1979, through September 30, 1981		
Legislators	8%	10.57%
Governor, Lt. Governor, Cabinet Officers	4%	16.78%
All Other Members	0%	20.78%
July 1, 1981, through June 30, 1984		
County Elected Officers	0%	19.30%
July 1, 1984, through September 30, 1984		
County Elected Officers	0%	20.25%
October 1, 1981, through September 30, 1984		
Legislators	0%	19.30%
Governor, Lt. Governor, Cabinet Officers	0%	21.03%
State Attorneys, Public Defenders	0%	20.95%
Justices, Judges	0%	22.55%
October 1, 1984, through September 30, 1986		
Legislators	0%	10.98%
Governor, Lt. Governor, Cabinet Officers	0%	10.98%
State Attorneys, Public Defenders	0%	10.98%
Justices, Judges	0%	21.79%
County Elected Officers	0%	16.97%
October 1, 1986, through December 31, 1988		
Legislators	0%	11.50%
Governor, Lt. Governor, Cabinet Officers	0%	11.50%
State Attorneys, Public Defenders	0%	11.50%
Justices, Judges	0%	20.94%
County Elected Officers	0%	17.19%
January 1, 1989, through December 31, 1989		
Legislators	0%	13.70%
Governor, Lt. Governor, Cabinet Officers	0%	13.70%
State Attorneys, Public Defenders	0%	13.70%
Justices, Judges	0%	22.58%
County Elected Officers	0%	18.44%
January 1, 1990, through December 31, 1990		
Legislators	0%	15.91%
Governor, Lt. Governor, Cabinet Officers	0%	15.91%
State Attorneys, Public Defenders	0%	15.91%

Dates of Contribution Rate Changes	Members	Employers
Justices, Judges	0%	24.22%
County Elected Officers	0%	19.71%
January 1, 1991, through December 31, 1991		
Legislators	0%	17.73%
Governor, Lt. Governor, Cabinet Officers	0%	17.73%
State Attorneys, Public Defenders	0%	17.73%
Justices, Judges	0%	26.63%
County Elected Officers	0%	23.32%
January 1, 1992, through December 31, 1992		
Legislators	0%	19.94%
Governor, Lt. Governor, Cabinet Officers	0%	19.94%
State Attorneys, Public Defenders	0%	19.94%
Justices, Judges	0%	28.27%
County Elected Officers	0%	24.59%
January 1, 1993, through December 31, 1993		
Legislators	0%	22.14%
Governor, Lt. Governor, Cabinet Officers	0%	22.14%
State Attorneys, Public Defenders	0%	22.14%
Justices, Judges	0%	29.91%
County Elected Officers	0%	25.84%
January 1, 1994, through December 31, 1994		
Legislators	0%	22.65%
Governor, Lt. Governor, Cabinet Officers	0%	22.65%
State Attorneys, Public Defenders	0%	22.65%
Justices, Judges	0%	30.52%
County Elected Officers	0%	26.07%
~~Effective~~ January 1, 1995, *through December 31, 1995*		
Legislators	0%	22.80%
Governor, Lt. Governor, Cabinet Officers	0%	22.80%
State Attorneys, Public Defenders	0%	22.80%
Justices, Judges	0%	30.21%
County Elected Officers	0%	27.48%
January 1, 1996, through June 30, 1996		
Legislators	*0%*	*22.90%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*22.90%*
State Attorneys, Public Defenders	0%	22.90%
Justices, Judges	0%	30.15%
County Elected Officers	0%	27.54%
Effective July 1, 1996		
Legislators	*0%*	*23.07%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*23.07%*
State Attorneys, Public Defenders	*0%*	*23.07%*
Justices, Judges	*0%*	*29.55%*
County Elected Officers	*0%*	*27.33%*

Section 5. Effective upon this act becoming a law, paragraph (a) of subsection (3) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(3)(a) The following table states the required retirement contribution rates for members of the Senior Management Service Class and their employers in terms of a percentage of the member's gross compensation. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
February 1, 1987, through December 31, 1988	0%	13.88%
January 1, 1989, through December 31, 1989	0%	14.95%
January 1, 1990, through December 31, 1990	0%	16.04%
January 1, 1991, through December 31, 1991	0%	18.39%
January 1, 1992, through December 31, 1992	0%	19.48%
January 1, 1993, through December 31, 1993	0%	20.55%
January 1, 1994, through December 31, 1994	0%	23.07%
~~Effective~~ January 1, 1995, *through December 31, 1995*	0%	23.88%
January 1, 1996, through June 30, 1996	*0%*	*24.14%*
Effective July 1, 1996	0%	21.58%

Section 6. Effective upon this act becoming a law, subsection (1) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(1) The following tables state the required retirement contribution rates for members of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class and their employers in terms of a percentage of the member's gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

(a) Retirement contributions for regular members are as follows:

Dates of Contribution Rate Changes	Members	Employers
December 1, 1970, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	4%	4%
December 1, 1970, through September 30, 1975, for all other local government agencies	4%	4%
January 1, 1975, through September 30, 1978, for state agencies and state universities	0%	9%
January 1, 1975, through July 31, 1978, for community colleges and district school boards	0%	9%
October 1, 1975, through September 30, 1978, for all other local government agencies	0%	9%
August 1, 1978, through September 30, 1981, for community colleges and district school boards	0%	9.1%
October 1, 1978, through September 30, 1981, for all other agencies	0%	9.1%
October 1, 1981, through September 30, 1984	0%	10.93%
October 1, 1984, through September 30, 1986	0%	12.24%
October 1, 1986, through December 31, 1988	0%	13.14%
January 1, 1989, through December 31, 1989	0%	13.90%

Dates of Contribution Rate Changes	Members	Employers
January 1, 1990, through December 31, 1990	0%	14.66%
January 1, 1991, through December 31, 1991	0%	15.72%
January 1, 1992, through December 31, 1992	0%	16.51%
January 1, 1993, through December 31, 1993	0%	17.27%
January 1, 1994, through December 31, 1994	0%	17.10%
~~Effective~~ January 1, 1995, *through December 31, 1995*	0%	16.91%
January 1, 1996, through June 30, 1996	*0%*	*17.00%*
Effective July 1, 1996	*0%*	*16.77%*

(b) Retirement contributions for special risk members are as follows:

Dates of Contribution Rate Changes	Members	Employers
December 1, 1970, through September 30, 1974	6%	6%
October 1, 1974, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	8%	8%
October 1, 1974, through September 30, 1975, for all other local government agencies	8%	8%
January 1, 1975, through September 30, 1978, for state agencies, state universities, community colleges, and district school boards	0%	13%
October 1, 1975, through September 30, 1978, for other local government agencies	0%	13%
October 1, 1978, through September 30, 1981	0%	13.95%
October 1, 1981, through September 30, 1984	0%	13.91%
October 1, 1984, through September 30, 1986	0%	14.67%
October 1, 1986, through December 31, 1988	0%	15.11%
January 1, 1989, through December 31, 1989	0%	17.50%
January 1, 1990, through December 31, 1990	0%	19.90%
January 1, 1991, through December 31, 1991	0%	25.52%
January 1, 1992, through December 31, 1992	0%	26.35%
January 1, 1993, through December 31, 1993	0%	27.14%
January 1, 1994, through December 31, 1994	0%	27.03%
~~Effective~~ January 1, 1995, *through December 31, 1995*	0%	26.83%
January 1, 1996, through June 30, 1996	*0%*	*26.84%*
Effective July 1, 1996	*0%*	*26.44%*

(c) Retirement contributions for special risk administrative support members are as follows:

Dates of Contribution Rate Changes	Members	Employers
July 1, 1982, through September 30, 1984	0%	11.14%
October 1, 1984, through September 30, 1986	0%	13.09%
October 1, 1986, through December 31, 1988	0%	15.44%
January 1, 1989, through December 31, 1989	0%	14.76%
January 1, 1990, through December 31, 1990	0%	14.09%
January 1, 1991, through December 31, 1991	0%	20.16%
January 1, 1992, through December 31, 1992	0%	19.51%
January 1, 1993, through December 31, 1993	0%	18.83%
January 1, 1994, through December 31, 1994	0%	18.59%
~~Effective~~ January 1, 1995, *through December 31, 1995*	0%	17.81%
January 1, 1996, through June 30, 1996	*0%*	*17.80%*
Effective July 1, 1996	*0%*	*17.20%*

Section 7. (1) *Section 4 of chapter 95-338, Laws of Florida, appearing as section 121.057, Florida Statutes, is hereby repealed.*

(2) This section shall take effect upon this act becoming a law.

Section 8. Effective upon this act becoming a law, paragraph (b) of subsection (12) of section 121.40, Florida Statutes, is amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(12) CONTRIBUTIONS.—

(b) The monthly contributions required to be paid pursuant to paragraph (a) on the gross monthly salaries, from all sources with respect to such employment, paid to those employees of the institute who hold both state and federal appointments and who participate in the federal Civil Service Retirement System shall be as follows:

Dates of Contribution Rate Changes	Percentage Due
July 1, 1985, through December 31, 1988	6.68%
January 1, 1989, through December 31, 1993	6.35%
January 1, 1994, through December 31, 1994	6.69%
January 1, 1995, through June 30, 1996	6.82%
Effective July 1, *1996* ~~1995~~	*5.64%*

Section 9. Effective upon this act becoming a law, subsections (11) and (12) are added to section 413.051, Florida Statutes, to read:

413.051 Eligible blind persons; operation of vending stands.—

(11) Effective July 1, 1996, blind licensees who remain members of the Florida Retirement System pursuant to s. 121.051(6)(b)1. shall pay any unappropriated retirement costs from their net profits or from program income. Within 30 days after the effective date of this act, each blind licensee who is eligible to maintain membership in the Florida Retirement System under s. 121.051(6)(b)1., but who elects to withdraw from the system as provided in s. 121.051(6)(b)3., must, on or before July 31, 1996, notify the Division of Blind Services and the Division of Retirement in writing of his or her election to withdraw. Failure to timely notify the divisions shall be deemed a decision to remain a compulsory member of

the Florida Retirement System. However, if, at any time after July 1, 1996, sufficient funds are not paid by a blind licensee to cover the required contribution to the Florida Retirement System, that blind licensee shall become ineligible to participate in the Florida Retirement System on the last day of the first month for which no contribution is made or the amount contributed is insufficient to cover the required contribution. For any blind licensee who becomes ineligible to participate in the Florida Retirement System as described in this subsection, no creditable service shall be earned under the Florida Retirement System for any period following the month that retirement contributions ceased to be reported. However, any such person may participate in the Florida Retirement System in the future if employed by a participating employer in a covered position.

(12) The Division of Blind Services is authorized to promulgate rules as needed to implement the provisions of this section.

Section 10. (1) *(1) The changes to the retirement contribution rates for the Florida Retirement System included in this act are the result of the 1995 Actuarial Valuation of the Florida Retirement System, as recommended by the consulting actuaries. These changes shall remain in effect until such rates are further amended, or until such rates are adjusted as provided in subsection (2).*

(2) The rate adjustments set forth in this act are in addition to all other changes to such contribution rates which are separately enacted into law and applicable on July 1, 1996. With respect to such other changes, the Division of Statutory Revision of the Joint Legislative Management Committee is directed to edit the statutes as necessary to adjust the contribution rate percentages listed under ss. 121.052(7)(a), 121.055(3)(a), and 121.071(1), Florida Statutes, as appropriate. Pursuant to s. 11.242(5)(j), Florida Statutes, the provisions of this section shall be omitted from publication in the Florida Statutes or any revision or supplement thereof.

(2) This section shall take effect upon this act becoming a law.

Section 11. Paragraph (d) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(d) All officers and employees of the State University System and the Correctional Education Program within the Department of Corrections, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. The salaries for all instructional personnel *and* ~~of the Correctional Education Program shall be set by the Department of Corrections, subject to the approval of the State Board of Education. The salaries for~~ all administrative and noninstructional personnel of the Correctional Education Program shall be set by the Department of Corrections, subject to the approval of the Department of Management Services. ~~The Department of Management Services shall review all Correctional Education Program pay plans to determine if such program may be merged into the Career Service System. Such review shall be done prior to January 1, 1996, and a report issued to the chairs of the legislative appropriations committees by January 1, 1996, on the findings of the review.~~

Section 12. Paragraph (c) of subsection (9) of section 440.49, Florida Statutes, is amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(9) SPECIAL DISABILITY TRUST FUND.—

(c) Notwithstanding the provisions of this subsection, in order to implement *specific appropriations 1475 and 1748 of* ~~specific appropriation 1828 in~~ the *1996-1997* ~~1995-1996~~ General Appropriations Act, for fiscal year *1996-1997* ~~1995-1996~~ only, the workers' compensation Special Disability Trust Fund assessment rate in effect on January 1, 1995, shall remain in effect until June 30, *1997* ~~1996~~. This paragraph is repealed on July 1, *1997* ~~1996~~.

Section 13. Subsection (2) of section 252.55, Florida Statutes, is amended to read:

252.55 Civil Air Patrol, Florida Wing; appropriations; procurement authority; wing commander bond.—

(2) *Funds* ~~The sum of $50,000~~ shall be appropriated annually from the *Emergency Management, Preparedness, and Assistance Trust* ~~General Revenue~~ Fund for the purpose of acquisition, installation, conditioning, and maintenance of the Florida Wing of the Civil Air Patrol. However, no part of the annual appropriation shall be expended for the purchase of uniforms or personal effects of members of the organization or for compensation or salary to such members.

Section 14. (1) *Notwithstanding chapter 253, Florida Statutes, chapter 270, Florida Statutes, or the existing lease between the Board of Trustees of the Internal Improvement Trust Fund and the Department of Business and Professional Regulation for use of the regional service center located at 133 South Semoran Boulevard, Orlando, Florida, the department, with the technical assistance and staff support of the Department of Management Services, may sell the regional service center. Proceeds from the sale shall be deposited in the Professional Regulation Trust Fund and distributed to the accounts of the professions, based on each profession's pro rata share of the costs of the original purchase and renovation of the real estate. The Board of Trustees of the Internal Improvement Trust Fund shall execute and deliver a deed of conveyance for the purpose of carrying into effect a contract or agreement of sale.*

(2) This section shall take effect upon this act becoming a law.

Section 15. Subsection (25) of section 334.044, Florida Statutes, is amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(25) To provide for the conservation of natural roadside growth and scenery and for the implementation and maintenance of roadside beautification programs. *To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.*

Section 16. Section 403.4132, Florida Statutes, is amended to read:

403.4132 Litter pickup and removal.~~—The Florida Youth Conservation Corps and~~ Local governments are encouraged to initiate programs to supplement the existing *litter-removal* ~~litter removal~~ program for public places and highway systems operated by the Department of Transportation. To the extent that funds are available from the department for litter pickup and removal programs beyond those annually available to the Department of Corrections, priority shall be given to contracting *with nonprofit organizations* for supplemental *litter-removal* ~~litter removal~~ programs that use youth employment programs.

Section 17. *Section 369.105, Florida Statutes, as amended by chapter 94-356, Laws of Florida, is hereby repealed.*

Section 18. Section 334.35, Florida Statutes, is created to read:

334.35 Florida Youth Conservation Corps.—

(1) INTENT.—The Legislature finds and declares that young men and women of the state should be given an opportunity to develop meaningful public service work and educational experience through a program that protects and conserves the valuable resources of the state and promotes participation in other community enhancement projects. To this end, it is the intent of the Legislature to create a year-round educational, conservation, and work experience program which will serve to enhance the educational opportunities and employability of eligible youth while benefiting the state's economy and environment.

(2) DEFINITIONS.—

(a) "Department" means the Department of Transportation.

(b) "Corpsmember" means an individual enrolled in the Florida Youth Conservation Corps.

(c) "Crew leader" means a corpsmember performing additional leadership or training duties as specified by rule.

(d) "Corpsmember specialist" means a corpsmember who provides specialized services other than or in addition to those types of work and services performed by corpsmembers in general.

(e) "Residential center" means a facility designed to be a permanent residence for corpsmembers throughout the duration of their employment in the corps.

(f) "Nonresidential center" means a facility designed to be a satellite operation employing corpsmembers who do not live in a residential center.

(g) "Public agency" means a political subdivision, agency, or officer of this state, including, but not limited to, state government, county, municipality, school district, special district, public authority, independently elected county officer, and any agency of the United States Government.

(3) CREATION OF THE FLORIDA YOUTH CONSERVATION CORPS.—

(a) There is hereby created within the department an Office of Civilian Conservation. The corps shall be a year-round public service program that provides participants with a work and educational experience. Such experience may include, but is not limited to:

1. Highway and community beautification.

2. Performance of community field tasks, such as red tide cleanup or clearing land for parks.

3. Forestry work, including reforestation, seed bank work, controlled burning, and fire trail maintenance.

4. Endangered species preservation, including tasks in wildlife habitat improvement.

5. Park and recreation improvement, including construction, installation, and repair of facilities.

6. Trail construction, clearing, or signing.

7. Land reclamation, including public landscape work and a tree planting program.

8. Fisheries work, including tagging projects and data collection.

9. Responding to natural disaster emergencies, such as hurricane preparedness and cleanup, flood work, and forest firefighting.

10. Energy conservation, such as the installation of solar hot water devices in public facilities, the performance of energy audits, and energy conservation improvements in housing of persons of low or moderate income.

11. Marine and shore habitat restoration, such as sea oats, sea grass, and mangrove implanting.

12. Soil conservation projects, including erosion control.

13. Construction of coastal vegetation signs and dune boardwalks.

14. Renovation and restoration of housing of low and moderate income persons.

15. Urban revitalization.

16. Historical and cultural site preservation and maintenance.

17. Stream, lake, waterfront, harbor, and port improvement and pollution control.

(b) The Florida Youth Conservation Corps may assist any agency of federal, state, or local government in the performance of public service work.

(c) All agencies of state and local governments are authorized and encouraged to use the services of the Florida Youth Conservation Corps in public service.

(4) DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT.—

(a) To implement the provisions of this section, the department shall:

1. Adopt, by rule, criteria for selecting applicants.

2. Recruit and employ staff, corpsmembers, crew leaders, and corpsmember specialists of the Florida Youth Conservation Corps.

3. Execute contracts for employment of members of the corps.

4. Establish residential and nonresidential centers throughout the state directly or indirectly through nonprofit corporations or other appropriate entities to accomplish the missions and objectives of the corps.

5. Establish work programs as specified herein that provide meaningful work and educational experience.

6. Provide, in cooperation with the Department of Education, an educational program, using existing educational resources where feasible, which assures that all corpsmembers, crew leaders, and corpsmember specialists have an opportunity to enhance their basic skills, employability skills, and vocational competence. The program shall include at least the following components:

a. Procedures for the provision of basic skills instruction for corpsmembers, crew leaders, and corpsmember specialists who demonstrate basic skills deficiencies.

b. Procedures for the provision of secondary education courses for high school credit for students studying to receive a high school diploma or its equivalent.

c. Procedures for the award of vocational credit toward the receipt of a certificate career education program certificate for vocational competencies demonstrated by corpsmembers, crew leaders, and corpsmember specialists, during the performance of corps activities.

d. Procedures for the provision of employability-skills training to assist corpsmembers, crew leaders, and corpsmember specialists in finding gainful employment after leaving the corps.

The work of the corps shall be structured to accommodate the educational component without significantly reducing the productivity of the corps.

7. Adopt, by rule, a corpsmember code of conduct, corpsmember grievance procedures, and search and seizure guidelines.

8. Provide basic medical care to those members of the corps housed in a residential center.

9. Report, on or before July 1 of each year, to the Governor and Legislature on the significant activities of the corps in accomplishing its objectives, including the cost-effectiveness of projects completed.

(b) In addition to the duties and powers specified in paragraph (a), the department may:

1. Authorize the use of the corps to respond to emergencies, such as fires, floods, hurricanes, and other natural disasters; to assist in the rescue of lost or injured persons or animals; and to assist with any other emergency response activity or project. Participation in emergency response projects by corpsmembers shall be voluntary.

2. Execute contracts for furnishing the services of the corps to any federal, state, or local public agency or private organization or person.

3. Apply for and accept grants or contributions of funds from any public or private source.

4. Purchase, rent, or otherwise acquire or obtain necessary property, both real and personal, supplies, instruments, tools, equipment, and conveniences.

5. Utilize any service, material, or property of any agency of the state and make such agreements with any agency of the state as are deemed reasonable and necessary.

6. Require reimbursement by the Federal Government, any state or local public agency, or any private organization or person for actual expenses incurred by the corps for any project undertaken, including a proportionate share of the cost of administering the program.

7. Contract with public or private not-for-profit agencies to administer residential or nonresidential programs. The public or private not-for-profit agency shall submit a proposal as specified by rule which demonstrates that its program is consistent with this act.

(5) MEMBERSHIP; DUTIES.—

(a) All persons between the ages of 16 and 20 years, inclusive, who are citizens or lawful permanent residents of the United States and residents of this state and who have not been convicted of a felony as defined in s. 775.08 shall be eligible to apply for membership in the Florida Youth Conservation Corps.

(b) Membership in the Florida Youth Conservation Corps shall consist of three classes: Corpsmember, crew leader, and corpsmember specialist.

1. Corpsmembers shall agree to serve in the corps for not less than 3 months and may serve as a corpsmember for a period not to exceed 1 year. Crew leaders and corpsmember specialists may remain a member of the corps for a period not to exceed 2 years.

2. Corpsmembers, crew leaders, and corpsmember specialists shall not be considered employees of the state.

3. Corpsmembers, crew leaders, and corpsmember specialists may perform any of the work experiences set forth in subsection (4). Additionally, activities of corpsmembers, crew leaders, and corpsmember specialists may include education, training, and work to achieve and sustain self-sufficiency, which may include attendance at classes, maintenance of corps residential centers, and performance of horticultural work.

(6) RULES.—The department is authorized to promulgate such rules as are necessary to carry out the provisions of this section.

Section 19. Subsection (35) is added to section 443.036, Florida Statutes, to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(35) HIGH QUARTER.—"High quarter" means that quarter in the base period in which the claimant had the greatest amount of wages paid, regardless of the number of employers paying wages in that quarter.

Section 20. Paragraph (f) of subsection (1) of section 443.091, Florida Statutes, is amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual shall be eligible to receive benefits with respect to any week only if the division finds that:

(f) He has been paid wages for insured work equal to *1.5 times his high quarter* ~~20 times his average weekly~~ wages during his base period, ~~or, for a claim filed with respect to a benefit year beginning on or after July 1, 1990, but prior to December 1, 1990, he has been paid wages for insured work equal to 10 times his average weekly wages during his base period,~~ except that *an* ~~no~~ unemployed individual *is not* ~~shall be~~ eligible to receive benefits if *the base period wages are less than $3,400* ~~his average weekly wage is less than $20~~. *As amended by this act, this paragraph applies only to benefit years beginning on or after July 1, 1996.*

Section 21. Present subsections (2), (3), (4), (5), and (6) of section 443.111, Florida Statutes, are renumbered as subsections (3), (4), (5), (6), and (7), respectively, subsections (2), (4), and (5) are amended, and a new subsection (2) is added to said section, to read:

443.111 Payment of benefits.—

(2) QUALIFYING REQUIREMENTS.—To establish a benefit year for unemployment insurance benefits, effective on or after July 1, 1996, an individual must have:

(a) Wage credits in two or more calendar quarters of the individual's base period.

(b) Minimum total base period wage credits equal to the high quarter wages multiplied by 1.5, but not less than $3,400 in the base period.

(3)~~(2)~~ WEEKLY BENEFIT AMOUNT.—*An individual's "weekly benefit amount" shall be an amount equal to one-twenty-sixth of the total wages for insured work paid during that quarter of the base period in which such total wages paid were the highest, but not less than $32 or more than $250. Such weekly benefit amount, if not a multiple of $1, shall be rounded downward to the nearest full dollar amount. The maximum weekly benefit amount in effect at the time the claimant establishes an individual weekly benefit amount shall be the maximum benefit amount applicable throughout the claimant's benefit year.*

~~(a) An individual's "weekly benefit amount" shall be an amount equal to one-half of his average weekly wage, but not less than $10 or more than $250. Such weekly benefit amount, if not a multiple of $1, shall be rounded downward to the nearest full dollar amount. The maximum in effect at the time the claimant establishes his weekly benefit amount shall be the maximum applicable throughout the claimant's benefit year. The provisions of this subsection apply only to benefit years beginning on and after July 1, 1992. However, no individual currently eligible for benefits shall be determined ineligible pursuant to this section.~~

~~(b) The average weekly wages of such individual shall be computed by dividing his total base-period wages by the number of weeks in such base period in which he was paid wages for insured work. However, any individual shall be deemed to have been paid wages in the total number of weeks in his base period indicated in the reports submitted to the division by his base-period employers but not more than 13 weeks in any calendar quarter.~~

(5)~~(4)~~ DURATION OF BENEFITS.—

(a)1. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to *25 percent of the total wages in the base period, not to exceed $6,500.* ~~the product of his weekly benefit amount and one-half the number of weeks in his base period in which he was paid wages for insured work;~~ However, such total amount of benefits, if not a multiple of $1, shall be rounded downward to the nearest full dollar amount. *Such benefits shall be payable at a weekly rate no greater than the weekly benefit amount.* ~~However, any otherwise eligible individual who has a claim filed with respect to a benefit year beginning on or after July 1, 1990, but prior to December 1, 1990, and who has been paid wages for insured work equal to 10 times, but less than 20 times, his average weekly wages during his base period, with an average weekly wage of not less than $20, shall be entitled during his benefit year to a total amount of benefits equal to 10 times his weekly benefit amount.~~

2. For the purposes of this subsection, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has satisfied the conditions of this chapter with respect to becoming an employer.

(b) If the remuneration of an individual is not based upon a fixed period or duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week or for any calendar quarter for the purpose of computing an individual's right to employment benefits only shall be determined in such manner as may by rule be prescribed. Such rules, so far as possible, shall secure results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals.

(6)~~(5)~~ EXTENDED BENEFITS.—

(a) Definitions.—As used in this subsection, unless the context clearly requires otherwise, the term:

1. "Extended benefit period" means a period which:

a. Begins with the third week after a week for which there is a state "on" indicator; and

b. Ends with either of the following weeks, whichever occurs later:

(I) The third week after the first week for which there is a state "off" indicator; or

(II) The 13th consecutive week of such period.

However, no extended benefit period may begin by reason of a state "on" indicator before the 14th week following the end of a prior extended benefit period which was in effect with respect to this state.

2. There is a "state 'on' indicator" for a week if the rate of insured unemployment (not seasonally adjusted) under the state law, for the period consisting of such week and the 12 weeks immediately preceding it:

a. Equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years; and

b. Equaled or exceeded 5 percent.

3. There is a "state 'off' indicator" for a week if, for the period consisting of such week and the immediately preceding 12 weeks, either sub-subparagraph a. or sub-subparagraph b. of subparagraph 2. was not satisfied.

4. "Rate of insured unemployment," for purposes of subparagraphs 2. and 3., means the percentage derived by dividing the average weekly number of individuals filing claims for regular compensation in this state excluding extended benefit claimants for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the division on the basis of its reports to the United States Secretary of Labor, by the average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of such 13-week period.

5. "Regular benefits" means benefits payable to an individual under this chapter or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, other than extended benefits.

6. "Extended benefits" means benefits, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

7. "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

8. "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

a. Has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other state law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85, in his current benefit year that includes such week. For the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages paid for insured work that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits;

b. His benefit year having expired prior to such week, has been paid no, or insufficient, wages for insured work on the basis of which he could establish a new benefit year that would include such week; and

c.(I) Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act or such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and

(II) Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee.

(b) Effect of state law provisions relating to regular benefits on claims for, and the payment of, extended benefits.—Except when the result would be inconsistent with the other provisions of this subsection, as provided in the rules of the division, the provisions of this chapter which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits. Such extended benefits shall be charged to the experience rating accounts of employers to the extent the share of such extended benefits paid from this state's unemployment compensation trust fund is not eligible for reimbursement from federal sources.

(c) Eligibility requirements for extended benefits.—

1. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the division finds that, with respect to such week:

a. He is an exhaustee as defined in subparagraph (a)8.

b. He has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits. An individual who is disqualified to receive regular benefits due to his having voluntarily left work, having been discharged from work for misconduct, or having refused suitable work may not receive extended benefits even after the disqualification period for regular benefits has terminated. However, if the disqualification period for regular benefits terminates because the individual received the required amount of remuneration for services rendered as a common-law employee, he may receive extended benefits.

c. *The individual has been paid wages for insured work with respect to the applicable benefit year equal to one-and-one-half times the high quarter earnings during this base period.* ~~He has been paid wages for insured work with respect to his applicable benefit year equal to 20 times his average weekly wages during this base period and his average weekly wage is not less than $20.~~

2.a. Except as provided in sub-subparagraph b., an individual shall not be eligible for extended benefits for any week if:

(I) Extended benefits are payable for such week pursuant to an interstate claim filed in any state under the interstate benefit payment plan, and

(II) No extended benefit period is in effect for such week in such state.

b. This subparagraph shall not apply with respect to the first 2 weeks for which extended benefits are payable, pursuant to an interstate claim filed under the interstate benefit payment plan, to the individual from the extended benefit account established for the individual with respect to the benefit year.

3.a. An individual shall be disqualified for receipt of extended benefits if the division finds that, during any week of unemployment in his eligibility period:

(I) He has failed to apply for suitable work or, if offered, has failed to accept suitable work, unless he can furnish to the division satisfactory evidence that his prospects for obtaining work in his customary occupation within a reasonably short period are good. If such evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable with respect to such individual shall be made in accordance with the definition of suitable work contained in s. 443.101(2). Such disqualification shall begin with the week in which such failure occurred and shall continue until he has been employed for at least 4 weeks and has earned wages equal to or in excess of 17 times his weekly benefit amount.

(II) He has failed to furnish tangible evidence that he has actively engaged in a systematic and sustained effort to find work. Such disqualification shall begin with the week in which such failure occurred and shall continue until he has been employed for at least 4 weeks and has earned wages equal to or in excess of 4 times his weekly benefit amount.

b. Except as otherwise provided in sub-sub-subparagraph a.(I), for purposes of this subparagraph, the term "suitable work" means any work which is within the individual's capabilities to perform, if:

(I) The gross average weekly remuneration payable for the work exceeds the sum of the individual's weekly benefit amount plus the amount, if any, of supplemental unemployment benefits, as defined in s. 501(c)(17)(D) of the Internal Revenue Code of 1954, as amended, payable to such individual for such week;

(II) The wages payable for the work equal the higher of the minimum wages provided by s. 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption, or the state or local minimum wage;

(III) The position was offered to the individual in writing and was listed with the State Employment Service; and

(IV) Such work otherwise meets the definition of suitable work contained in s. 443.101(2) to the extent that such criteria of suitability are not inconsistent with the provisions of this subparagraph.

4. However, notwithstanding subparagraph 3., or any other provision of this chapter, an individual who is in training approved under s. 236(a)(1) of the Trade Act of 1974, as amended, may not be determined to be ineligible or disqualified for extended benefits with respect to his enrollment in such training or because of leaving work which is not suitable employment to enter such training. For the purposes of this subparagraph, the term "suitable employment" means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, as defined for purposes of the Trade Act of 1974, as amended, the wages for which are not less than 80 percent of the worker's average weekly wage, as determined for purposes of the Trade Act of 1974, as amended.

(d) Weekly extended benefit amount.—The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year. For any individual who was paid benefits during the applicable benefit year in accordance with more than one weekly benefit amount, the weekly extended benefit amount shall be the average of such weekly benefit amounts.

(e) Total extended benefit amount.—

1. Except as provided in subparagraph 2., the total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the lesser of the following amounts:

a. Fifty percent of the total amount of regular benefits which were payable to him under this chapter in his applicable benefit year; or

b. Thirteen times his weekly benefit amount which was payable to him under this chapter for a week of total unemployment in the applicable benefit year.

2. Notwithstanding any other provision of this chapter or any federal law, if the benefit year of an individual ends within an extended benefit period, the number of weeks of extended benefits that such individual would, but for this paragraph, be entitled to receive in that extended benefit period with respect to weeks of unemployment beginning after the end of the benefit year shall be reduced (but not to below zero) by the number of weeks for which the individual received, within such benefit year, trade readjustment allowances under the Trade Act of 1974, as amended.

(f) Beginning and termination of extended benefit period.—Whenever an extended benefit period is to become effective in this state or an extended benefit period is to be terminated in this state, the division shall make an appropriate public announcement.

(g) Computations.—Computations required by the provisions of subparagraph (a)4. shall be made by the division, in accordance with regulations prescribed by the United States Secretary of Labor.

(h) Recovery of overpayments under the Trade Act of 1974, as amended.—Any person who has been determined by either this state, a cooperating state agency, the United States Secretary of Labor, or a court of competent jurisdiction to have received any payments under the Trade Act of 1974, as amended, to which the person was not entitled shall have such sum deducted from any extended benefits payable to him under this section, except that no single deduction under this paragraph shall exceed 50 percent of the amount otherwise payable. The amounts so deducted shall be paid to the agency which issued the payments under the Trade Act of 1974, as amended, for return to the United States Treasury. However, except for overpayments determined by a court of competent jurisdiction, no deduction may be made under this paragraph until a determination by the state agency or the United States Secretary of Labor has become final.

Section 22. Except as otherwise provided herein, this act shall take effect July 1, 1996, or upon becoming a law, whichever occurs later; however, if this act becomes a law after July 1, 1996, it shall operate retroactively to July 1, 1996.

And the title is amended as follows:

Delete the entire title and insert: A bill to be entitled An act relating to governmental operations; amending s. 120.57, F.S.; providing for videotaping of testimony in administrative hearings; amending s. 120.53, F.S., to conform; amending s. 121.051, F.S., relating to participation in the Florida Retirement System, to grandfather in certain blind vending facility operators as state employees for purposes of membership in the Florida Retirement System; providing for optional withdrawal from the system; providing that blind vending facility operators licensed on or after a certain date are deemed independent contractors; amending ss. 121.052, 121.055, and 121.071, F.S.; changing contribution rates for specified classes and subclasses of the Florida Retirement System to implement rate changes as required by law; repealing s. 121.057, F.S., relating to certain contribution rate adjustments improperly codified; amending s. 121.40, F.S.; changing contribution rates for the supplemental retirement plan for the Institute of Food and Agricultural Sciences at the University of Florida; amending s. 413.051, F.S., relating to operation of vending stands by certain eligible blind persons; providing for payment of retirement contributions from certain proceeds; providing for optional withdrawal of such blind vending facility operators from the Florida Retirement System; providing for ineligibility to participate in the Florida Retirement System under certain circumstances; providing for promulgation of rules; providing a directive to the statute editors with respect to contribution rate adjustments; amending s. 110.205, F.S., relating to the career service; revising provisions relating to the setting of salaries for certain personnel of the Correctional Education Program; deleting an obsolete provision; amending s. 440.49, F.S.; providing for the assessment rate for the Special Disability Trust Fund; amending s. 252.55, F.S.; revising funding provisions for the Florida Wing of the Civil Air Patrol; authorizing the Department of Business and Professional Regulation to sell a specified regional service center; providing for deposit and distribution of the proceeds from the sale; amending s. 334.044, F.S.; authorizing the Department of Transportation to contract with certain nonprofit organizations for roadside maintenance; amending s. 403.4132, F.S.; removing reference to the Florida Youth Conservation Corps and encouraging the Department of Transportation and local governments to contract for certain litter-removal programs; repealing s. 369.105, F.S., relating to the Florida Youth Conservation Corps; creating s. 334.35, F.S.; creating the Office of Civilian Conservation within the Department of Transportation to administer the Florida Youth Conservation Corps program; providing conservation and public service components of the program; providing duties and authority of the department; providing program eligibility, length of service, and duties; providing for department rules; amending s. 443.036, F.S.; defining the term "high quarter"; amending s. 443.091, F.S.; changing benefit calculations to include reference to high quarters; amending s. 443.111, F.S.; revising provisions relating to payment of benefits; providing qualifying requirements; revising weekly benefit amounts; revising provisions with respect to duration of benefits; revising provisions relating to eligibility for certain extended benefits; providing effective dates.

The Conference Committee Report was read and on motion by Senator Diaz-Balart was adopted. **HB 2723** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 2721 as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON HB 2721

The Honorable Peter R. Wallace
Speaker, House of Representatives

The Honorable James A. Scott
President of the Senate

Dear Presiding Officers:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 2721, same being:

An act relating to Criminal Justice and Corrections

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its amendment 1.

2. That the House of Representatives and the Senate adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Buzz Ritchie
Chair
s/J. Keith Arnold
s/Mary Brennan
s/Irlo Bronson
s/Cynthia Chestnut
s/Lee Constantine
s/Jim Davis
s/Rudy Garcia
s/Lars A. Hafner
s/Dennis L. Jones
s/James E. (Jim) King, Jr.
s/Anne Mackenzie
s/Randy Mackey
s/Elvin L. Martinez
s/Luis C. Morse
s/Vernon Peeples
s/Ken Pruitt
s/Alzo J. Reddick
s/Beryl Roberts-Burke
s/Debby Sanderson
s/Dean Saunders
s/W. E. Sublette
s/C. L. Valdes

Managers on the part of the House of Representatives

s/Mario Diaz-Balart
Vice Chair
s/W.G. Bankhead
s/Malcolm E. Beard
s/Charlie Bronson
s/Locke Burt
s/Roberto Casas
s/W. D. Childers
s/Charlie Crist
s/Rick Dantzler
s/Fred R. Dudley
s/Alberto Gutman
s/Robert Harden
s/James Hargrett
s/Katherine Harris
s/Betty S. Holzendorf
s/Jim Horne
s/Toni Jennings
s/Daryl L. Jones
s/George G. Kirkpatrick
s/Patsy Ann Kurth
s/William G. (Doc) Myers
s/John Ostalkiewicz
Ronald A. Silver
s/D. C. Sullivan
s/Pat Thomas
s/Charles Williams

Managers on the part of the Senate

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (b) and (c) of subsection (3) of section 39.003, Florida Statutes, are amended to read:

39.003 Juvenile Justice Advisory Board.—

(3)

(b) The board shall appoint *an executive* ~~a staff~~ director and other personnel who are exempt from part II of chapter 110, relating to the Career Service System.

(c) The board is assigned, for *the purpose of general oversight* ~~administrative purposes~~, to the *Joint Legislative Auditing Committee* ~~Executive Office of the Governor. The Executive Office of the Governor and each state agency shall provide assistance when requested by the board~~. The board shall develop a budget pursuant to *procedures established by the Joint Legislative Auditing Committee* ~~chapter 216. The budget shall be submitted directly to the Governor~~.

Section 2. Subsection (4) of section 945.41, Florida Statutes, is amended to read:

945.41 Legislative intent of ss. 945.40-945.49.—It is the intent of the Legislature that mentally ill inmates in the custody of the Department of Corrections receive evaluation and appropriate treatment for their mental illness through a continuum of services. It is further the intent of the Legislature that:

(4) Any inmate sentenced as a youthful offender, or designated as a youthful offender by the department pursuant to chapter 958, who is transferred pursuant to this act to a mental health treatment facility be separated from other inmates, if necessary, as determined by the *superintendent* ~~administrator~~ of the treatment facility. In no case shall any youthful offender be placed at the Florida State Prison or the Union Correctional Institution for mental health treatment.

Section 3. Section 945.42, Florida Statutes, is amended to read:

945.42 Definitions.—As used in ss. 945.40-945.49, the following terms shall have the meanings ascribed to them, unless the context shall clearly indicate otherwise:

~~(1) "Administrator" means the administrator of a designated mental health treatment facility within the Department of Corrections or his designee.~~

(1)~~(2)~~ "Court" means the circuit court.

(2)~~(3)~~ "Department" means the Department of Corrections.

(3)~~(4)~~ "*Director* ~~Deputy~~" means the ~~Deputy~~ Director for Mental Health Services of the Department of Corrections or his designee.

(4)~~(5)~~ "In immediate need of care and treatment" means that an inmate is apparently mentally ill and is not able to be appropriately cared for in the institution where he is confined and that, without intervention, the alleged mental illness poses an immediate, real, and present threat of substantial harm to his well-being or to the safety of others.

(5)~~(6)~~ "In need of care and treatment" means that an inmate has a mental illness for which inpatient services in a mental health treatment facility are necessary, which mental illness poses a real and present threat of substantial harm to his well-being or to the safety of others.

(6)~~(7)~~ "Inmate" means any person committed to the custody of the Department of Corrections.

(7)~~(8)~~ "Mental health treatment facility" means the Corrections Mental Health Institution and any other institution that the Assistant Secretary for Health Services of the department specifically designates by rule to provide acute psychiatric care at the hospital level, in contrast to less intensive levels of care such as outpatient mental health care, transitional mental health care, or crisis stabilization care.

(8)~~(9)~~ "Mentally ill" means an impairment of the emotional processes, of the ability to exercise conscious control of one's actions, or of the ability to perceive reality or to understand, which impairment substantially interferes with a person's ability to meet the ordinary demands of living, regardless of etiology, except that, for the purposes of transfer of an inmate to a mental health treatment facility, the term does not include retardation or developmental disability as defined in chapter 393, simple intoxication, or conditions manifested only by antisocial behavior or drug addiction.

(9)~~(10)~~ "Psychiatrist" means a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated nervous and mental disorders for a period of not less than 3 years inclusive of psychiatric residency.

(10)~~(11)~~ "Psychologist" means a behavioral practitioner who has an approved degree in psychology that is primarily clinical in nature from a university or professional graduate school that is state-authorized or accredited by an accrediting agency approved by the United States Department of Education and who is professionally certified by the appropriate professional psychology association or is licensed as a psychologist pursuant to chapter 490.

(11)~~(12)~~ "Secretary" means the Secretary of Corrections.

(12)~~(13)~~ "Superintendent" means the superintendent of a state corrections facility or his designee.

(13)~~(14)~~ "Transitional mental health care" means a level of care that is more intensive than outpatient care, but less intensive than crisis

stabilization care, and is characterized by the provision of traditional mental health treatments such as group and individual therapy, activity therapy, recreational therapy, and chemotherapy, in the context of a structured residential setting. Transitional mental health care is indicated for a person with chronic or residual symptomatology who does not require crisis stabilization care or acute psychiatric care at the hospital level, but whose impairments in functioning nevertheless render him incapable of adjusting satisfactorily within the general inmate population, even with the assistance of outpatient care.

Section 4. Subsections (2), (3), and (4) of section 945.43, Florida Statutes, are amended to read:

945.43 Admission of inmate to mental health treatment facility.—

(2) ADMISSION TO A MENTAL HEALTH TREATMENT FACILITY.—

(a) An inmate may be admitted to a mental health treatment facility after notice and hearing, upon the recommendation of the superintendent of the facility where the inmate is confined and of the *director* ~~deputy~~. The recommendation shall be entered on a certificate and must be supported by the expert opinion of a psychiatrist and the second opinion of a psychiatrist or psychologist. The certificate shall be filed with the court in the county where the inmate is located and shall serve as a petition for a hearing regarding placement.

(b) A copy of the certificate shall also be filed with the department, and copies shall be served on the inmate and his representatives, accompanied by:

1. A written notice, in plain and simple language, that the inmate or his representative may apply at any time for a hearing on the issue of the inmate's need for treatment if he has previously waived such a hearing.

2. A petition for such hearing, which requires only the signature of the inmate or his representative for completion.

3. A written notice that the petition may be filed with the court in the county in which the inmate is hospitalized at the time and stating the name and address of the judge of such court.

4. A written notice that the inmate or his representative may apply immediately to the court to have an attorney appointed if the inmate cannot afford one.

(c) The petition may be filed in the county in which the inmate is being treated at any time within 6 months of the date of the certificate. The hearing shall be held in the same county, and one of the inmate's physicians at the facility shall appear as a witness at the hearing. If the court finds that the inmate is mentally ill and in need of care and treatment, it shall order that he be admitted to a mental health treatment facility or, if he is at a mental health treatment facility, that he be retained there. However, the inmate may be immediately transferred to and admitted at a mental health treatment facility by executing a waiver of the hearing by express and informed consent, without awaiting the court order. The court shall authorize the mental health treatment facility to retain the inmate for up to 6 months. If, at the end of that time, continued treatment is necessary, the *superintendent* ~~administrator~~ shall apply to the court for an order authorizing continued placement.

(3) PROCEDURE FOR HEARING ON TRANSFER OF AN INMATE FOR MENTAL HEALTH TREATMENT.—If the inmate does not waive a hearing or if the inmate or his representative files a petition for a hearing after having waived it, the court shall serve notice on the superintendent of the facility where the inmate is confined, ~~the administrator of the treatment facility,~~ the *director* ~~deputy~~, and the allegedly mentally ill inmate. The notice shall specify the date, time, and place of the hearing; the basis for the allegation of mental illness; and the names of the examining experts. The hearing shall be held within 5 days, and the court may appoint a master to preside. The hearing may be as informal as is consistent with orderly procedure. One of the experts whose opinion supported the recommendation shall be present at the hearing for information purposes. If, at the hearing, the court finds that the inmate is mentally ill and in need of care and treatment, it shall order that he be transferred to a mental health treatment facility and provided appropriate treatment. The court shall provide a copy of its order authorizing transfer and all supporting documentation relating to the inmate's condition to the *superintendent* ~~administrator~~ of the treatment facility. If the court finds that the inmate is not mentally ill, it shall dismiss the petition for transfer.

(4) ADMISSION; WHEN REFUSAL ALLOWED.—The *superintendent* ~~administrator~~ of a treatment facility may refuse to admit any inmate who is not accompanied by adequate court orders and documentation, as required in ss. 945.40-945.49.

Section 5. Subsection (2) of section 945.44, Florida Statutes, is amended to read:

945.44 Emergency admission of inmate to mental health treatment facility.—

(2) PROCEDURE FOR EMERGENCY ADMISSION.—An inmate who is mentally ill and in immediate need of care and treatment which cannot be provided at the institution where he is confined may be admitted to a mental health treatment facility on an emergency basis. The inmate may be transferred immediately to the facility and shall be accompanied by the recommendation of the superintendent of the institution where he is confined, which recommendation shall state the need for the transfer and shall include a written opinion of a physician verifying the need for transfer. Upon the admission of the inmate to the facility, the inmate shall be evaluated; if he is determined to be in need of treatment or care, the *superintendent* ~~administrator~~ shall initiate proceedings for placement of the inmate, as described in s. 945.43(2).

Section 6. Subsection (1) of section 945.45, Florida Statutes, is amended to read:

945.45 Procedure for continued placement of inmates.—

(1) If continued placement of an inmate is necessary, the *superintendent* ~~administrator~~ shall, prior to the expiration of the period during which the treatment facility is authorized to retain the inmate, request an order authorizing continued placement. This request shall be accompanied by a statement from the inmate's physician justifying the request and a brief summary of the inmate's treatment during the time he has been placed. In addition, the *superintendent* ~~administrator~~ shall submit an individualized plan for the inmate for whom he is requesting continued placement. Notification of this request for retention shall be mailed to the inmate and his representative along with a completed petition, requesting only a signature and a waiver-of-hearing form. The waiver-of-hearing form shall require express and informed consent and shall state that the inmate is entitled to a hearing under the law; that he is entitled to be represented by an attorney at the hearing and that, if he cannot afford an attorney, one will be appointed; and that, if it is shown at the hearing that the inmate does not meet the criteria for continued placement, he will be transferred to another facility of the department. If the inmate or his representative does not sign the petition, or if the inmate does not sign a waiver within 15 days, the hearing officer shall notice a hearing with regard to the inmate involved in accordance with s. 120.57(1).

Section 7. Section 945.46, Florida Statutes, is amended to read:

945.46 Initiation of involuntary placement proceedings with respect to a mentally ill inmate scheduled for release.—If an inmate who is receiving mental health treatment in the department is scheduled for release through expiration of sentence or any other means, but continues to be mentally ill and in need of care and treatment, the *superintendent* ~~administrator~~ is authorized to initiate procedures for involuntary placement pursuant to the provisions of s. 394.467 60 days prior to such release.

Section 8. Subsection (1) of section 945.47, Florida Statutes, is amended to read:

945.47 Discharge of inmate from mental health treatment.—

(1) An inmate who has been transferred for the purpose of mental health treatment shall be discharged from treatment by the *superintendent* ~~administrator~~ under the following conditions:

(a) If the inmate is no longer in need of care and treatment, he may be transferred to another institution in the department;

(b) If the inmate continues to be mentally ill, but he is not in need of care and treatment as an inpatient, he may be transferred to another institution in the department and provided appropriate outpatient and aftercare services;

(c) If the inmate's sentence expires during his treatment, but he is no longer in need of care and treatment as an inpatient, he may be released with a recommendation for outpatient treatment, pursuant to the provisions of ss. 945.40-945.49; or

(d) If the inmate's sentence expires and he continues to be mentally ill and in need of care and treatment, the *superintendent* ~~administrator~~ shall initiate proceedings for involuntary placement, pursuant to s. 394.467.

Section 9. Subsection (2) of section 945.48, Florida Statutes, is amended to read:

945.48 Rights of inmate provided treatment.—

(2) RIGHT TO EXPRESS AND INFORMED CONSENT.—Any inmate provided psychiatric treatment within the department shall be asked to give his express and informed written consent for such treatment. "Express and informed written consent" or "consent" means consent voluntarily given in writing after a conscientious and sufficient explanation and disclosure of the purpose of the proposed treatment; the common side effects of the treatment, if any; the expected duration of the treatment; and the alternative treatment available. The explanation shall enable the inmate to make a knowing and willful decision without any element of fraud, deceit, or duress or any other form of constraint or coercion. Involuntary mental health treatment of an inmate who refuses treatment that is deemed to be necessary for the appropriate care of the inmate and the safety of the inmate or others may be provided at an institution authorized to do so by the Assistant Secretary for Health Services under the following circumstances:

(a) In an emergency situation in which there is immediate danger to the health and safety of the inmate or other inmates, such treatment may be provided upon the written order of a physician for a period not to exceed 48 hours, excluding weekends and legal holidays. If, after the 48-hour period, the inmate has not given express and informed consent to the treatment initially refused, the superintendent ~~or administrator~~ shall, within 48 hours, excluding weekends and legal holidays, petition the circuit court serving the county in which the facility is located for an order authorizing the continued treatment of the inmate. In the interim, treatment may be continued upon the written order of a physician who has determined that the emergency situation continues to present a danger to the safety of the inmate or others. If an inmate must be isolated for mental health purposes, that decision must be reviewed within 72 hours by medical staff different from that making the original placement.

(b) In a situation other than an emergency situation, the superintendent ~~or administrator~~ shall petition the court for an order authorizing the treatment of the inmate. The order shall allow such treatment for a period not to exceed 90 days from the date of the order. Unless the court is notified in writing that the inmate has provided express and informed consent in writing, that he has been transferred to another institution of the department, or that he is no longer in need of treatment, the superintendent ~~or administrator~~ shall, prior to the expiration of the initial 90-day order, petition the court for an order authorizing the continuation of treatment for another 90-day period. This procedure shall be repeated until the inmate provides consent or is no longer in need of treatment. Treatment may be continued pending a hearing after the filing of any petition.

(c) At the hearing on the issue of whether the court should authorize treatment for which an inmate has refused to give express and informed consent, the court shall determine by clear and convincing evidence whether the inmate is mentally ill as defined in this chapter; whether such treatment is essential to the care of the inmate; and whether the treatment is experimental or presents an unreasonable risk of serious, hazardous, or irreversible side effects. In arriving at the substitute judgment decision, the court must consider at least the following:

1. The inmate's expressed preference regarding treatment;

2. The probability of adverse side effects;

3. The prognosis for the inmate without treatment; and

4. The prognosis for the inmate with treatment.

The inmate and his representative shall be provided with a copy of the petition and the date, time, and location of the hearing. The inmate may have an attorney represent him at the hearing, and, if he is indigent, the court shall appoint the office of the public defender to represent him at the hearing. The inmate may testify or not, as he chooses, may cross-examine witnesses testifying on behalf of the facility, and may present his own witnesses.

(d) In addition to the above provisions, when the permission of the inmate cannot be obtained, the *superintendent* ~~administrator~~ of a mental health treatment facility, or his designated representative, with the concurrence of the inmate's attending physician, may authorize emergency surgical or nonpsychiatric medical treatment if such treatment is deemed lifesaving or there is a situation threatening serious bodily harm to the inmate.

Section 10. Section 945.49, Florida Statutes, is amended to read:

945.49 Operation and administration.—

(1) ADMINISTRATION.—The department is authorized to contract with the appropriate agencies, persons, and local governing bodies to provide mental health services pursuant to ss. 945.40-945.49.

(2) RULES.—The department, in cooperation with the Mental Health Program Office of the Department of Health and Rehabilitative Services, shall adopt rules necessary for administration of ss. 945.40-945.49 in accordance with chapter 120.

~~(3) INFORMATION ON MENTAL HEALTH SERVICES; DATA COLLECTION.—The department shall annually provide pertinent data and information relating to inmates who are provided mental health treatment. Such information shall include, but is not limited to, the number and characteristics of inmates receiving any mental health treatment and the type of treatment received; the number of emergency admissions to a mental health treatment facility; the number of inmates referred to a mental health treatment facility; the number of inmates refused admission to a mental health treatment facility and the reasons for refusal; and the number of inmates admitted to a mental health treatment facility and their lengths of stay.~~

(3)~~(4)~~ ORIENTATION AND TRAINING.—Correctional officers employed by a mental health treatment facility shall receive specialized training above and beyond that required for basic certification pursuant to chapter 943. Such training shall be ~~developed and administered by appropriate agencies such as, but not limited to, the Department of Health and Rehabilitative Services and the Florida Mental Health Institute,~~ in accordance with requirements of the Criminal Justice Standards and Training Commission.

(4)~~(5)~~ HEARING OFFICERS.—One or more hearing officers shall be assigned by the Division of Administrative Hearings to conduct hearings for continued placement.

Section 11. *The functions of the Corrections Mental Health Institution, as provided in chapter 945, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Health and Rehabilitative Services to the Department of Corrections. Employees of the Department of Health and Rehabilitative Services who are transferred to the Department of Corrections and who are excluded under the Fair Labor Standards Act may transfer up to 240 hours of regular compensatory leave credits.*

Section 12. Effective upon this act becoming a law, section 947.01, Florida Statutes, is amended to read:

947.01 Parole Commission; creation; number of members.—

~~(1)(a)~~ A Parole Commission is created to consist of six members who are residents of the state. *Effective July 1, 1996, the membership of the commission shall be three members.*

~~(b) Effective October 6, 1995, the membership of the commission shall be seven appointed members. After October 6, 1995, upon the first vacant seat occurring, for any reason other than expiration of term, the membership shall be reduced to six.~~

~~(2) The Secretary of Corrections shall act in a liaison capacity between the commission and the Department of Corrections.~~

Section 13. Effective upon this act becoming a law, subsection (1) of section 947.02, Florida Statutes, is amended to read:

947.02 Parole Commission; members, appointment.—

(1) *Except as provided in s. 947.021,* the members of the Parole Commission shall be appointed by the Governor and Cabinet from a list of eligible applicants submitted by a parole qualifications committee. The appointments of members of the commission shall be certified to the Senate by the Governor and Cabinet for confirmation, and the membership of the commission shall include representation from minority persons as defined in s. 288.703.

Section 14. Effective upon this act becoming a law, section 947.021, Florida Statutes, is created to read:

947.021 Parole Commission; expedited appointments.—Whenever the Legislature decreases the membership of the commission, all terms of office shall expire, notwithstanding any law to the contrary. Under such circumstances, the Governor and Cabinet shall expedite the appointment of commissioners. Notwithstanding the parole qualifications committee procedure in s. 947.02, members shall be directly appointed by the Governor and Cabinet. Members appointed to the commission may be selected from incumbents. Members shall be certified to the Senate by the Governor and Cabinet for confirmation, and the membership of the commission shall include representation from minority persons as defined in s. 288.703.

Section 15. Effective upon this act becoming a law, subsection (1) of section 947.03, Florida Statutes, is amended to read:

947.03 Commissioners; tenure and removal.—

(1) *Unless otherwise provided by law,* each commissioner serving on July 1, 1983, shall be permitted to remain in office until completion of his current term. Upon the expiration of the term, a successor shall be appointed in the manner prescribed pursuant to the provisions of this section, unless otherwise provided by law. Members appointed by the Governor and Cabinet shall be appointed for terms of 6 years, *unless otherwise provided by law*. No person is eligible to be appointed for more than two consecutive 6-year terms.

Section 16. Effective upon this act becoming a law, subsection (2) of section 20.32, Florida Statutes, is amended to read:

20.32 Parole Commission.—

(2) All powers, duties, and functions relating to the appointment of the Parole Commission as provided in s. 947.02 *or s. 947.021* shall be exercised and performed by the Governor and the Cabinet. *Except as provided in s. 947.021,* each appointment shall be made from among the first three eligible persons on the list of the persons eligible for said position.

Section 17. (1) *Due to fundamental changes in the duties of the Parole Commission, including workload reductions of the Control Release Authority as provided for in this act, effective June 30, 1996, the terms of all members of the commission shall expire. The members of the Parole Commission shall be three members as provided in s. 947.01, Florida Statutes. Members of the newly constituted commission shall serve staggered terms of appointment. Effective July 1, 1996, for the initial appointments, the term of one member of the newly constituted commission shall be for 2 years, one member for 4 years, and one member for 6 years.*

(2) This section shall take effect upon this act becoming a law.

Section 18. Effective upon this act becoming a law, subsection (2) of section 947.04, Florida Statutes, is amended to read:

947.04 Organization of commission; officers; offices.—

(2) Notwithstanding the provisions of s. 20.05*(1)(g)*~~(7)~~, the chairman shall appoint administrators with responsibility for the management of commission activities in the following functional areas:

(a) *Administration* ~~Parole grant~~.

(b) *Operations* ~~Parole revocation~~.

~~(c) Administrative services.~~

(c)~~(d)~~ Clemency.

Section 19. Effective upon this act becoming a law, section 947.146, Florida Statutes, is amended to read:

947.146 Control Release Authority.—

(1) There is created a Control Release Authority which shall be composed of the members of the Parole Commission and which shall have the same chairman as the commission. The authority shall utilize such commission staff as it determines is necessary to carry out its purposes.

(2) The authority *shall implement* ~~has as its primary purpose the implementation of~~ a system ~~of uniform criteria~~ for *determining* ~~the determination of~~ the number and type of inmates who must be released into the community under control release in order to maintain the state prison system between 99 and 100 percent of its total capacity as defined in s. 944.023. No inmate has a right to control release. Control release is an administrative function solely used to manage the state prison population within total capacity. An inmate may not receive an advancement of his control release date by an award of control release ~~award~~ allotments for any period of time before the date the inmate becomes statutorily eligible for control release or before the subsequent date of establishment of his advanceable control release date.

(3) *Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity,* ~~A panel of no fewer than two members of~~ the authority shall *determine eligibility for and* establish a control release date for *an appropriate number of* ~~each~~ parole ineligible *inmates* ~~inmate~~ committed to the department and incarcerated within the state *who have been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender information system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate population between 99 percent and 100 percent of total capacity. Inmates who are ineligible for control release are inmates who are parole eligible or inmates*~~, within 90 days following notification by the department of receipt of the inmate or within 90 days following the completion of proceedings revoking an offender's release and notification by the department of receipt of the inmate, except an inmate~~ who:

(a) *Are* ~~Is~~ serving a sentence that includes a mandatory minimum provision for a capital offense or drug trafficking offense and *have* ~~has~~ not served the number of days equal to the mandatory minimum term less any jail-time credit awarded by the court;

(b) *Are* ~~Is~~ serving the mandatory minimum portion of a sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

(c) *Are* ~~Is~~ convicted, or *have* ~~has~~ been previously convicted, of committing or attempting to commit sexual battery, incest, or any of the following lewd or indecent assaults or acts: masturbating in public; exposing the sexual organs in a perverted manner; or nonconsensual handling or fondling of the sexual organs of another person;

(d) *Are* ~~Is~~ convicted, or *have* ~~has~~ been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, or aggravated battery, and a sex act was attempted or completed during commission of such offense;

(e) *Are* ~~Is~~ convicted, or *have* ~~has~~ been previously convicted, of committing or attempting to commit kidnapping, burglary, or murder, and the offense was committed with the intent to commit sexual battery or a sex act was attempted or completed during commission of the offense;

(f) *Are* ~~Is~~ convicted, or *have* ~~has~~ been previously convicted, of committing or attempting to commit false imprisonment upon a child under the age of 13 and, in the course of committing the offense, the inmate committed aggravated child abuse, sexual battery against the child, or a lewd, lascivious, or indecent assault or act upon or in the presence of the child;

(g) *Are* ~~Is~~ sentenced, *have* ~~has~~ previously been sentenced, or *have* ~~has~~ been sentenced at any time under s. 775.084, or *have* ~~has~~ been sentenced at any time in another jurisdiction as a habitual offender;

(h) *Are* ~~Is~~ convicted, or *have* ~~has~~ been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, aggravated battery, kidnapping, manslaughter, or murder against an officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against a state attorney or assistant state attorney; or against a justice or judge of a court described in Art. V of the State Constitution; or against an officer, judge, or state attorney employed in a comparable position by any other jurisdiction; or

(i) *Are* ~~Is~~ convicted, or *have* ~~has~~ been previously convicted, of committing or attempting to commit murder in the first, second, or third degree under s. 782.04(1), (2), (3), or (4), or *have* ~~has~~ ever been convicted of any degree of murder or attempted murder in another jurisdiction;

(j) *Are* ~~Is~~ convicted, or *have* ~~has~~ been previously convicted, of DUI manslaughter under s. 316.193(3)(c)3., and *are* ~~is~~ sentenced, or *have* ~~has~~ been sentenced at any time, as a habitual offender for such offense, or *have* ~~has~~ been sentenced at any time in another jurisdiction as a habitual offender for such offense;

(k)1. *Are* ~~Is~~ serving a sentence for an offense committed on or after January 1, 1994, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), or (5), and the subtotal of the offender's sentence points is multiplied pursuant to s. 921.0014;

2. *Are* ~~Is~~ serving a sentence for an offense committed on or after October 1, 1995, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), (5), (6), (7), or (8), and the subtotal of the offender's sentence points is multiplied pursuant to s. 921.0014;

(l) *Are* ~~Is~~ serving a sentence for an offense committed on or after January 1, 1994, for possession of a firearm, semiautomatic firearm, or machine gun in which additional points are added to the subtotal of the offender's sentence points pursuant to s. 921.0014; or

(m) *Are* ~~Is~~ convicted, or *have* ~~has~~ been previously convicted, of committing or attempting to commit manslaughter, kidnapping, robbery, carjacking, home-invasion robbery, or a burglary under s. 810.02(2).

In making control release eligibility determinations under this subsection, the authority may rely on any document leading to or generated during the course of the criminal proceedings, including, but not limited to, any presentence or postsentence investigation or any information contained in arrest reports relating to circumstances of the offense. ~~The 90-day requirement for the establishment of a control release date for all eligible inmates for control release consideration does not apply to a person sentenced as a habitual felony offender.~~

(4) Control release dates shall be based upon a system of uniform criteria which shall include, but not be limited to, present offenses for which the person is committed, past criminal conduct, length of cumulative sentences, and age of the offender at the time of commitment, together with any aggravating or mitigating circumstances.

(5) Whenever the inmate population drops below 99 percent of total capacity and remains below 99 percent for 90 consecutive days without requiring the release of inmates under this section, all control release dates shall become void and no inmate shall be eligible for release under any previously established control release date. An inmate shall not have a right to a control release date, nor shall the authority be required to establish or reestablish any additional control release dates except under the provisions of subsection (2).

(6)~~(5)~~ For purpose of determining eligibility for control release, the mandatory minimum portion of a concurrent sentence will begin on the date the sentence begins to run as provided in s. 921.161. The mandatory minimum portions of consecutive sentences shall be served at the beginning of the maximum sentence as established by the Department of Corrections. With respect to offenders who have more than one sentence with a mandatory minimum portion, each mandatory minimum portion of consecutive sentences shall be served consecutively; provided, that in no case shall a sentence begin to run before the date of imposition of that sentence.

(7)~~(6)~~ The authority has the power and duty to:

(a) Extend or advance the control release date of any inmate for whom a date has been established *pursuant to subsection (2)*, based upon one or more of the following:

1. Recently discovered information of:

a. Past criminal conduct;

b. Verified threats by inmates provided by victims, law enforcement, or the department;

c. Potential risk to or vulnerability of a victim;

d. Psychological or physical trauma to the victim due to the criminal offense;

e. Court-ordered restitution;

f. History of abuse or addiction to a chemical substance verified by a presentence or postsentence investigation report;

g. The inmate's ties to organized crime;

h. A change in the inmate's sentence structure;

i. Cooperation with law enforcement;

j. Strong community support; and

k. A documented mental condition as a factor for future criminal behavior.

2. The recommendation of the department regarding:

a. A medical or mental health-related condition; or

b. Institutional adjustment of the inmate, which may include refusal by the inmate to sign the agreement to the conditions of the release plan.

3. Total capacity of the state prison system.

(b) Authorize an individual commissioner to postpone a control release date for not more than 60 days without a hearing for any inmate who has become the subject of a disciplinary proceeding, a criminal arrest, an information, or an indictment; who has been terminated from work release; or about whom there is any recently discovered information as specified in paragraph (a).

(c) Determine the terms, conditions, and period of time of control release for persons released pursuant to this section.

(d) Determine violations of control release and what actions shall be taken with reference thereto.

(e) Provide for victim input into the decisionmaking process which may be used by the authority as aggravation or mitigation in determining which persons shall be released on control release.

(f) Make such investigations as may be necessary for the purposes of establishing, modifying, or revoking a control release date.

(g) Contract with a public defender or private counsel for representation of indigent persons charged with violating the terms of control release.

~~(h) Create a periodic review process for inmates whose original control release dates are established at the maximum category.~~

(h)~~(i)~~ Adopt such rules as the authority deems necessary for implementation of the provisions of this section.

(8)~~(7)~~ The Department of Corrections shall select and contract with public or private organizations for the provision of basic support services

for inmates whose term of control release supervision does not exceed 180 days. Basic support services shall include, but not be limited to, substance abuse counseling, temporary housing, family counseling, and employment support programs.

(9)~~(8)~~ The authority shall examine such records as it deems necessary of the department, the Department of Health and Rehabilitative Services, the Department of Law Enforcement, and any other such agency for the purpose of either establishing, modifying, or revoking a control release date. The victim impact statement shall be included in such records for examination. Such agencies shall provide the information requested by the authority for the purposes of fulfilling the requirements of this section.

(10)~~(9)~~ The authority shall adopt as a standard condition for all persons released pursuant to this section that such persons shall not commit a violation which constitutes a felony. The authority shall determine the appropriate terms, conditions, and lengths of supervision, if any, for persons placed on control release, except that such lengths of supervision shall be determined as provided in s. 947.24 and may not exceed the maximum period for which the person has been sentenced. If the person's conviction was for a controlled substance violation, the conditions must include a requirement that the person submit to random substance abuse testing intermittently throughout the term of supervision, and, when warranted, a requirement that the person participate in substance abuse assessment and substance abuse treatment services upon the direction of the correctional probation officer as defined in s. 943.10(3). Effective July 1, 1994, and applicable for offenses committed on or after that date, the authority may require, as a condition of control release, that the control releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The authority, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If any inmate placed on control release supervision is also subject to probation or community control, the department shall supervise such person according to the conditions imposed by the court, and the authority shall defer to such supervision. If the court revokes the probation or community control, the authority, as the result of the revocation, may vacate the grant of control release and resulting deferred control release supervision or take other action it considers appropriate. If the term of control release supervision exceeds that of the probation or community control, then supervision shall revert to the authority's conditions upon expiration of the probation or community control.

(11)~~(10)~~ If an inmate is released on control release supervision subject to a detainer for a pending charge and the pending charge results in a new commitment to incarceration before expiration of the terms of control release supervision, the authority may vacate the grant of control release and the control release supervision or take other action it considers appropriate.

(12)~~(11)~~ When the authority has reasonable grounds to believe that an offender released under this section has violated the terms and conditions of control release, such offender shall be subject to the provisions of s. 947.141 and shall be subject to forfeiture of gain-time pursuant to s. 944.28(1).

(13)~~(12)~~ If it is discovered that any control releasee was placed on control release by error or while statutorily ineligible for such release, the order of control release may be vacated and the Control Release Authority may cause a warrant to be issued for the arrest and return of the control releasee to the custody of the Department of Corrections for service of the unserved portion of the sentence or combined sentences.

(14) Effective July 1, 1996, all control release dates established prior to such date become void and no inmate shall be eligible for release under any previously established control release date. Offenders who are under control release supervision as of July 1, 1996, shall be subject to the conditions established by the authority until such offenders have been discharged from supervision. Offenders who have warrants outstanding based on violation of supervision as of July 1, 1996, or who violate the terms of their supervision subsequent to July 1, 1996, shall be subject to the provisions of s. 947.141.

Section 20. Effective upon this act becoming a law, subsection (2) of section 947.173, Florida Statutes, is amended to read:

947.173 Review of presumptive parole release date.—

(2) A panel of no fewer than two commissioners appointed by the chairman shall review the inmate's request for review and shall notify the inmate in writing of its decision within 60 days after the date of receipt of the request by the commission. ~~Such panel shall not include the commissioners who authorized the original presumptive parole release date, except when that date has been established by the full commission.~~

Section 21. Section 957.03, Florida Statutes, is amended to read:

957.03 Correctional Privatization Commission.—

(1) COMMISSION.—The Correctional Privatization Commission is created for the purpose of entering into contracts with contractors for the designing, financing, acquiring, leasing, constructing, and operating of private correctional facilities. For administrative purposes, the commission is created within the Department of Management Services. *The commission may enter into contracts with contractors for the designing, financing, acquiring, leasing, and constructing of private juvenile commitment facilities.*

(2) MEMBERS; QUALIFICATIONS.—The commission shall consist of five members appointed by the Governor, none of whom may be an employee of the Department of Corrections *or the Department of Juvenile Justice*, one of whom must be a minority person as defined in s. 288.703(3), and four of whom must be employed by the private sector. A commissioner may not have been an employee or a contract vendor of or a consultant to the department *or the Department of Juvenile Justice*, or an employee or a contract vendor of or a consultant to a bidder, for 2 years prior to appointment to the commission and may not become an employee or a contract vendor of or a consultant to the department *or the Department of Juvenile Justice*, or an employee or a contract vendor of or a consultant to a bidder, for 2 years following the termination of the appointment to the commission.

(3) TERMS, ORGANIZATION, AND MEETINGS.—

(a) The term of office for a member of the commission is 4 years.

(b) A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term only.

(c) The Governor shall appoint from among the members a chair and a vice chair for terms of 2 years each.

(d) Members of the commission shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(e) The commission may employ an executive director and such staff as is necessary, within the limits of legislative appropriation. The commission may retain such consultants as it deems necessary to accomplish its mission. Neither the executive director nor any consultant retained by the commission may have been an employee or a contract vendor of or a consultant to the department *or the Department of Juvenile Justice*, or an employee or a contract vendor of or a consultant to a bidder, for 2 years prior to employment with the commission and may not become an employee or a contract vendor of or a consultant to the department *or the Department of Juvenile Justice*, or an employee or a contract vendor of or a consultant to a bidder, for 2 years following termination of employment with the commission.

(f) The commission shall meet upon the call of the chair or a majority of the members of the commission. A majority of the members of the commission constitutes a quorum.

(g) In accordance with all provisions of law, the commission may lease such office space as is necessary, within the limits of legislative appropriation.

(4) DUTIES.—

(a) The commission shall enter into a contract or contracts with one contractor per facility for the designing, acquiring, financing, leasing,

constructing, and operating of that facility. The commission shall not enter into any contract to design, acquire, finance, lease, construct, or operate more than two private correctional facilities without specific legislative authorization.

(b) In its request for proposals, the commission shall invite innovation and shall not require use of prototype designs of state correctional facilities specified or designed by or for the department *or of state juvenile facilities specified or designed by or for the Department of Juvenile Justice*. The commission shall not require the use of any prototype design that specially advantages any contractor.

(c) The commission must report to the Speaker of the House of Representatives and the President of the Senate by December 1 each year on the status and effectiveness of the facilities under its management. Each report must also include a comparison of recidivism rates for inmates of private correctional facilities to the recidivism rates for inmates of comparable facilities managed by the department.

(5) ADOPTION OF RULES.—The commission may adopt rules necessary to carry out its contracting and monitoring duties provided under this chapter.

Section 22. Subsections (2), (3), and (4) of section 957.04, Florida Statutes, are amended to read:

957.04 Contract requirements.—

(2) Each contract entered into for the design and construction of a private correctional facility *or juvenile commitment facility* must include:

(a) Notwithstanding any provision of chapter 255 to the contrary, a specific provision authorizing the use of tax-exempt financing through the issuance of tax-exempt bonds, certificates of participation, lease-purchase agreements, or other tax-exempt financing methods. Pursuant to s. 255.25, approval is hereby provided for the lease-purchase of up to two private correctional facilities *and any other facility authorized by the General Appropriations Act*.

(b) A specific provision requiring the design and construction of the proposed facilities to meet the applicable standards of the American Correctional Association and the requirements of all applicable court orders and state law.

(c) A specific provision requiring the contractor, and not the commission, to obtain the financing required to design and construct the private correctional facility *or juvenile commitment facility* built under this chapter.

(d) A specific provision stating that the state is not obligated for any payments that exceed the amount of the current annual appropriation.

(3)*(a)* Each contract for the designing, financing, acquiring, leasing, constructing, and operating of a private correctional facility shall be subject to ss. 255.2502 and 255.2503.

(b) Each contract for the designing, financing, acquiring, leasing, and constructing of a private juvenile commitment facility shall be subject to ss. 255.2502 and 255.2503.

(4) A contract entered into under this chapter does not accord third-party beneficiary status to any inmate *or juvenile offender* or to any member of the general public.

Section 23. Section 957.125, Florida Statutes, is amended to read:

957.125 Correctional facilities for youthful offenders.—

(1) The Correctional Privatization Commission may enter into contracts in fiscal year 1994-1995 for designing, financing, acquiring, leasing, constructing, and operating three correctional facilities, notwithstanding s. 957.07. These three facilities shall be designed to have a capacity of up to 350 beds each and house inmates sentenced or classified as youthful offenders within the custody of the Department of Corrections under chapter 958. Two of these facilities shall be designed to house youthful offenders between the ages of 14 and 18, and one shall be designed to house youthful offenders between the ages of 19 and 24.

(2) These youthful offender facilities shall be designed to provide the optimum capacity for programs for youthful offenders designed to reduce recidivism, including, but not limited to: educational and vocational programs, substance abuse and mental health counseling, prerelease orientation and planning, job and career counseling, physical exercise, dispute resolution, and life skills training. In order to *ensure* ~~assure~~ this quality programming, the commission shall give no more than 30 percent weight to cost in evaluating proposals.

(3) Effective July 1, 1996, the authority to contract for the operation of two youthful offender facilities shall be transferred from the Correctional Privatization Commission to the Department of Juvenile Justice, and those facilities shall be used for male or female committed juvenile offenders. The Department of Juvenile Justice is authorized to modify any operational contract with the same contractor to whom the Correctional Privatization Commission awarded the contract for these facilities, without rebidding, in order to conform with the requirements of this subsection.

(4)~~(3)~~ The commission shall specify the area in which each facility will be located and require that each be located in or near a different metropolitan area in areas of the state close to the home communities of the youthful offenders they house in order to assist in the most effective rehabilitation efforts, including family visitation.

~~(4) This section shall take effect May 18, 1994.~~

Section 24. *In order to implement Specific Appropriation 587 of the 1996-1997 General Appropriations Act, for the 1996-1997 fiscal year only and notwithstanding any other provision of law to the contrary, equipment that was previously purchased to operate the inmate work program and that does not meet the requirements of s. 273.05(1), Florida Statutes, may be classified as surplus for the purpose of transferring the property to the Marion County Sheriff's Office.*

Section 25. Except as otherwise provided herein, this act shall take effect July 1, 1996, or upon becoming a law, whichever occurs later; however, if this act becomes a law after July 1, 1996, it shall operate retroactively to July 1, 1996.

And the title is amended as follows:

Delete the entire title and insert: A bill to be entitled An act relating to criminal justice and corrections; amending s. 39.003, F.S., relating to the Juvenile Justice Advisory Board; providing for appointment of an executive director of the board; assigning the board, for the purpose of general oversight, to the Joint Legislative Auditing Committee; providing for development of a budget pursuant to procedures established by the Joint Legislative Auditing Committee; transferring functions of the Corrections Mental Health Institution from the Department of Health and Rehabilitative Services to the Department of Corrections; providing for transfer of certain compensatory leave credits; amending ss. 945.41, 945.42, 945.43, 945.44, 945.45, 945.46, 945.47, 945.48, and 945.49, F.S., to conform; eliminating a provision relating to data collection of information on mental health services; amending s. 947.01, F.S., relating to creation and membership of the Parole Commission; providing that membership of the commission shall be three members on a certain date; deleting a provision requiring membership of the commission to be seven members on a certain date; deleting a provision requiring the Secretary of Corrections to act in a liaison capacity between the commission and the department; amending s. 947.02, F.S.; providing a cross reference to incorporate an exception; creating s. 947.021, F.S.; providing that all terms of office of the commission shall expire whenever the Legislature decreases the membership; providing for expedited appointment of commissioners under these circumstances; amending ss. 947.03 and 20.32, F.S.; providing cross references to incorporate an exception; providing for the expiration of the terms of all members of the commission on a certain date; providing for staggered terms of appointment and specifying those terms; amending s. 947.04, F.S.; reorganizing the functional areas of responsibility of administrators appointed by the commission chair; correcting a cross reference; amending s. 947.146, F.S., relating to the Control Release Authority; revising provisions relating to control release; authorizing the authority to manage prison population through the operation of control release; specifying procedures for establishing control release dates; requiring certain control release dates to become void when the inmate population declines; amending s. 947.173, F.S.; eliminating a restriction on who may serve on a panel for the review of a presumptive parole release date; amending ss. 957.03, 957.04, and 957.125, F.S.; authorizing the Correctional Privatization Commission to

contract for the designing, financing, acquiring, leasing, and constructing of private juvenile commitment facilities and providing requirements with respect thereto; transferring to the Department of Juvenile Justice authority to contract for the operation of certain youthful offender facilities and providing requirements with respect thereto; providing for the transfer of certain property to the Marion County Sheriff's Office; providing effective dates.

The Conference Committee Report was read and on motion by Senator Diaz-Balart was adopted. **HB 2721** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 2719 as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON HB 2719

The Honorable Peter R. Wallace
Speaker, House of Representatives

The Honorable James A. Scott
President of the Senate

Dear Presiding Officers:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 2719, same being:

An act relating to Education

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its amendment 1.

2. That the House of Representatives and the Senate adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Buzz Ritchie
Chair
s/J. Keith Arnold
s/Mary Brennan
s/Irlo Bronson
s/Cynthia Chestnut
s/Lee Constantine
s/Jim Davis
s/Rudy Garcia
s/Lars A. Hafner
s/Dennis L. Jones
s/James E. (Jim) King, Jr.
s/Anne Mackenzie
s/Randy Mackey
s/Elvin L. Martinez
s/Luis C. Morse
s/Vernon Peeples
s/Ken Pruitt
s/Alzo J. Reddick
s/Beryl Roberts-Burke
s/Debby Sanderson
s/Dean Saunders
s/W. E. Sublette
s/C. L. Valdes

Managers on the part of the House of Representatives

s/Mario Diaz-Balart
Vice Chair
s/W.G. Bankhead
s/Malcolm E. Beard
s/Charlie Bronson
s/Locke Burt
s/Roberto Casas
s/W. D. Childers
s/Charlie Crist
s/Rick Dantzler
s/Fred R. Dudley
s/Alberto Gutman
s/Robert Harden
s/James Hargrett
s/Katherine Harris
s/Betty S. Holzendorf
s/Jim Horne
s/Toni Jennings
s/Daryl L. Jones
s/George G. Kirkpatrick
s/Patsy Ann Kurth
s/William G. (Doc) Myers
s/John Ostalkiewicz
Ronald A. Silver
s/D. C. Sullivan
s/Pat Thomas
s/Charles Williams

Managers on the part of the Senate

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (6) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(2) Except as provided in subsections (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), and (17), all information contained in returns, reports, accounts, or declarations received by the department, including investigative reports and information and including letters of technical advice, is confidential except for official purposes and is exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Any officer or employee, or former officer or employee, of the department who divulges any such information in any manner, except for such official purposes or in accordance with the provisions of subsection (3), subsection (4), subsection (5), subsection (6), subsection (7), subsection (8), subsection (9), subsection (10), subsection (11), subsection (12), subsection (13), subsection (14), subsection (15), subsection (16), or subsection (17) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns, reports, accounts, or declarations filed by persons subject to tax, shall be made available by the department to the Auditor General or his or her authorized agent, the Comptroller or his or her authorized agent, the Insurance Commissioner or his or her authorized agent, the Treasurer or his or her authorized agent, or a property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1), in the performance of their official duties, or to designated employees of the *Department of Education* ~~Executive Office of the Governor~~ solely for determination of each school district's price level index pursuant to s. 236.081(2); however, no information shall be disclosed to the Auditor General or his or her authorized agent, the Comptroller or his or her authorized agent, the Insurance Commissioner or his or her authorized agent, the Treasurer or his or her authorized agent, or to a property appraiser or tax collector or their authorized agents, or to designated employees of the *Department of Education* ~~Executive Office of the Governor~~ if such disclosure is prohibited by federal law. The Auditor General or his or her authorized agent, the Comptroller or his or her authorized agent, the Treasurer or his or her authorized agent, and the property appraiser or tax collector and their authorized agents, or designated employees of the *Department of Education* ~~Executive Office of the Governor~~ shall be subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. For the purpose of this subsection, "designated employees of the *Department of Education* ~~Executive Office of the Governor~~" means only those employees directly responsible for calculation of price level indices pursuant to s. 236.081(2). It does not include the supervisors of such employees or any other employees or elected officials within the *Department of Education* ~~Executive Office of the Governor~~.

Section 2. Paragraph (b) of subsection (9) of section 230.2305, Florida Statutes, is amended to read:

230.2305 Prekindergarten early intervention program.—

(9) FUNDING.—

(b) A minimum grant for each district is to be determined annually in the General Appropriations Act. The funds remaining after allocating the minimum grants must be prorated based on an allocation factor for each district and must be added to each district's minimum grant. The allocation factor is to be calculated as follows:

District percentage of state 3-year-old and 4-year-old children	x ¼	+	District percentage of state *total* free *lunches served* ~~lunch students~~	x ¾

The calculation of each district's allocation factor is to be based upon the official estimate of the total number of 3-year-old and 4-year-old children by school district and the official record of the Department of Education for K-12 student *total* ~~participation in the~~ free *lunches served* ~~lunch program~~ by school district for the prior fiscal year.

Section 3. Section 236.083, Florida Statutes, is amended to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded prekindergarten program shall be determined as follows:

(1) Subject to the rules of the state board, each district shall determine the membership of students who are transported:

(a) By reason of living 2 miles or more from school;

(b) By reason of being students with disabilities or enrolled in a teenage parent program, regardless of distance to school;

(c) By reason of being in a state prekindergarten program, regardless of distance from school;

(d) By reason of being vocational, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, public community college, public university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a public community college or a public university program under a written agreement to partially fulfill ss. 229.814 and 240.115 and earning full-time equivalent membership under s. 236.081(1)(j);

(e) With respect to elementary school students whose grade level does not exceed grade 6, by reason of being subjected to hazardous walking conditions en route to or from school as provided in s. 234.021. Such rules shall, when appropriate, provide for the determination of membership under this paragraph for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected; and

(f) By reason of being a pregnant student or student parent, and the child of a student parent as provided in s. 230.23166, regardless of distance from school.

(2) The allocation for each district shall be calculated annually in accordance with the following formula:

T = B + EX. The elements of this formula are defined as follows: T is the total dollar allocation for transportation. B is the base transportation dollar allocation prorated by an adjusted student membership count. The adjusted membership count shall be derived from a multiplicative index function in which the base student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. EX is the base transportation dollar allocation for disabled students prorated by an adjusted disabled student membership count. The base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by the prior year's average per student cost for transportation. The adjusted disabled student membership count shall be derived from a multiplicative index function in which the weighted base disabled student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. Each adjustment factor shall be designed to affect the base allocation by no more or less than 10 percent.

~~(3) When authorized by rules of the state board, an allocation of the maximum amount specified in s. 112.061(7) per mile shall be allowed for miles traveled by passenger cars or boats providing for transportation of isolated students, or students with disabilities as defined by rule, when more efficient than a school bus.~~

(3)~~(4)~~ The total allocation to each district for transportation of students shall be the sum of the amounts determined in subsection (2). If the funds appropriated for the purpose of implementing this section are not sufficient to pay the base transportation allocation and the base transportation allocation for disabled students, the Department of Education shall prorate the available funds on a percentage basis. If the funds appropriated for the purpose of implementing this section exceed the sum of the base transportation allocation and the base transportation allocation for disabled students, the base transportation allocation for disabled students shall be limited to the amount calculated in subsection (2), and the remaining balance shall be added to the base transportation allocation.

(4)~~(5)~~ No district shall use funds to purchase transportation equipment and supplies at prices which exceed those determined by the department to be the lowest which can be obtained, as prescribed in s. 229.79.

(5)~~(6)~~ Funds allocated or apportioned for the payment of student transportation services may be used to pay ~~local general purpose transportation systems~~ for transportation of students to and from school *on local general purpose transportation systems. Student transportation funds may also be used to pay for transportation of students to and from school in private passenger cars and boats when the transportation is for isolated students, or students with disabilities as defined by rule.* Subject to the rules of the State Board of Education, each school district shall determine and report the number of assigned students using general purpose transportation *private passenger cars and boats*. The allocation per student shall be equal to ~~the round-trip fare charged by the general purpose transportation system or~~ the allocation per student riding a school bus~~, whichever is less~~.

(6)~~(7)~~ Notwithstanding other provisions of this section, in no case shall any student or students be counted for transportation funding more than once per day. This provision includes counting students for funding pursuant to trips in school buses, passenger cars, or boats or general purpose transportation.

Section 4. *Notwithstanding the provisions of Specific Appropriation 174 of the Conference Committee Report on HB 2715, 1996 Regular Session of the Legislature, in the event the Florida Distance Learning Network does not respond within 60 days from the receipt of a written request, the request may be deemed approved.*

Section 5. *Notwithstanding the provisions of Specific Appropriation 63 of the Conference Committee Report on HB 2715, 1996 Regular Session of the Legislature, the funds in that specific appropriation shall include the following Community College projects:*

LCTY	*Gen ren/rem, Gym lockers & weight room* . . .	*73,500*
LCTY	*Rem/ren Student Center, Facility 14*	*726,539*
LSUM	*Gen ren/rem, ungrnd utilities, ADA, lighting, HVAC*	*826,140*
LSUM	*Rem/ren Facility 7, Gymnasium - Main partial*	*120,000*
LSUM	*S Lake County Center partial (p)*	*250,000*
MANA	*Comprehensive Student Center Fac - Main partial (c,e)*	*3,200,000*
MANA	*Gen ren/rem, HVAC, sewer plt - collegewide* . .	*568,400*
MIAM	*Homestead Campus Ph IIB complete (e)*	*1,036,887*
MIAM	*Gen ren/rem - collegewide*	*5,978,000*
MIAM	*Rem/ren clrms/labs/sup fac - Wolfson partial*	*1,325,540*
MIAM	*Rem/ren clrms/labs/sup fac - Homestead partial*	*464,991*
MIAM	*Land & facilities acquis - Interamerican Cen partial (s,p,c)*	*3,100,000*
NFLA	*Gen ren/rem, site imp, roofing, handicap access, ADA*	*444,913*
NFLA	*Rem/ren Technical Center/Nursing, Adult Basic, Drafting - Main*	*340,497*
OKAL	*Gen ren/rem, site imps, comm/security sys, elec, energy mgt*	*698,250*
PALM	*Life Fitness/PE/Aquatic Facility - Eissey partial (c,e)*	*646,919*
PALM	*Classrooms/Lab Day Care Training Fac - Eissey complete (p,c,e)*	*1,200,000*
PALM	*Gen ren/rem, A/C, boiler, parkg, rds, roofs, health/safety, Bldg 202*	*1,533,293*
PALM	*Rem/ren LLRC Academic Lab Bldg 104, 5 Rms - Eissey*	*198,000*
PALM	*Emergency Back-up CEP addition - Eissey (p,c,e)*	*650,000*

PASC	*Gen ren/rem, roofs, HVAC, Fac 1 - N, Fac 9 - W, ADA, lights*	*727,037*
ST.P	*Rem/ren TA, LA, FA, FH w/addition - CL partial*	*141,961*
ST.P	*Rem/ren Med Tech, Vet Tech & Funrl Srvcs const - HEC partial*	*1,716,636*
ST.P	*Adjacent land & facilities acquisition - TS/AC (s,p,c)*	*2,000,000*
SANF	*Science Lab Bldg partial (c,e)*	*3,549,663*
SANF	*Gen ren/rem, HVAC, ADA, utilities & fac sys*	*931,000*
SANF	*Rem/ren Bldg K/classrooms*	*1,014,248*
SANF	*Rem/ren Bldg 100 Sci Lab - DTC*	*87,400*
SEMI	*Ren/rem energy mgt sys, road, comm sys, site dev*	*731,080*
SEMI	*Science Laboratory Bldg Addition partial (c,e)*	*1,828,450*
SFLA	*Gen ren/rem, HVAC, ice storage sys, roofs, site dev*	*653,528*
SFLA	*Public Service Tech Bldg partial (p)*	*557,293*
TALL	*Student Union Bldg complete (c,e)*	*700,000*
TALL	*Gen ren/rem, old Student U Ed Fac const, roofs, infras imp*	*3,750,000*
TALL	*Gen Classrooms and Labs partial*	*150,000*
TALL	*Adjacent land acquisition*	*750,000*
TALL	*Gen ren/rem - collegewide*	*250,000*
VALE	*Gen ren/rem & site improvements - collegewide*	*1,225,000*
VALE	*Rem/ren Modules 1, 2, 4, & 6/Clsrms, Labs, Stu Svcs - West partial*	*240,000*
VALE	*Lib Arts/Health Ph I Bldg II - Osceola partial (p)*	*680,000*

Section 6. *Notwithstanding the provisions of Specific Appropriation 63 of the Conference Committee Report on HB 2715, 1996 Regular Session of the Legislature, the proviso identified as "West partial ____ 902,444" is provided for "Pasco Hernando Rem/ren Bus DP Labs Bldgs 4 & 5 West partial ____ 902,444."*

Section 7. This act shall take effect July 1, 1996, or upon a becoming law, whichever occurs later; however, if this act becomes a law after July 1, 1996, it shall operate retroactively to July 1, 1996.

And the title is amended as follows:

Delete the entire title and insert: A bill to be entitled An act relating to education; amending s. 213.053, F.S., relating to confidentiality and information sharing; providing that certain information relating to administration of taxes shall be made available to employees of the Department of Education rather than the Executive Office of the Governor; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising the calculation for funding purposes; amending s. 236.083, F.S.; revising certain provisions relating to allocation of funds for student transportation; providing for approval of requests to the Florida Distance Learning Network; clarifying proviso language; providing an effective date.

The Conference Committee Report was read and on motion by Senator Diaz-Balart was adopted. **HB 2719** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 2725 as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON HB 2725

The Honorable Peter R. Wallace
Speaker, House of Representatives

The Honorable James A. Scott
President of the Senate

Dear Presiding Officers:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 2725, same being:

An act relating to Regulatory Programs

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its amendment 1.

2. That the House of Representatives and the Senate adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Buzz Ritchie
Chair
s/J. Keith Arnold
s/Mary Brennan
s/Irlo Bronson
s/Cynthia Chestnut
s/Lee Constantine
s/Jim Davis
s/Rudy Garcia
s/Lars A. Hafner
s/Dennis L. Jones
s/James E. (Jim) King, Jr.
s/Anne Mackenzie
s/Randy Mackey
s/Elvin L. Martinez
s/Luis C. Morse
s/Vernon Peeples
s/Ken Pruitt
s/Alzo J. Reddick
s/Beryl Roberts-Burke
s/Debby Sanderson
s/Dean Saunders
s/W. E. Sublette
s/C. L. Valdes

Managers on the part of the House of Representatives

s/Mario Diaz-Balart
Vice Chair
s/W.G. Bankhead
s/Malcolm E. Beard
s/Charlie Bronson
s/Locke Burt
s/Roberto Casas
s/W. D. Childers
s/Charlie Crist
s/Rick Dantzler
s/Fred R. Dudley
s/Alberto Gutman
s/Robert Harden
s/James Hargrett
s/Katherine Harris
s/Betty S. Holzendorf
s/Jim Horne
s/Toni Jennings
s/Daryl L. Jones
s/George G. Kirkpatrick
s/Patsy Ann Kurth
s/William G. (Doc) Myers
s/John Ostalkiewicz
Ronald A. Silver
s/D. C. Sullivan
s/Pat Thomas
s/Charles Williams

Managers on the part of the Senate

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective January 1, 1997, section 113.01, Florida Statutes, is amended to read:

113.01 Fee for commissions issued by Governor.—A fee of $10 is prescribed for the issuance of each commission issued by the Governor of the state and attested by the Secretary of State for an elected officer or a notary public. ~~However, no fee shall be required for the issuance of a commission as a notary public to a veteran who served during a period of wartime service as defined in s. 1.01(14) and who has been rated by the United States Government or the United States Department of Veterans Affairs or its predecessor to have a disability rating of 50 percent or more; such disability is subject to verification by the Secretary of State, who has authority to adopt reasonable procedures to implement this act.~~

Section 2. Effective January 1, 1997, subsections (2) and (7) of section 117.01, Florida Statutes, are amended to read:

117.01 Appointment, application, suspension, revocation, application fee, bond, and oath.—

(2) The application for appointment shall be signed and sworn to by the applicant and shall be accompanied by a fee of $25, together with a surcharge of $4, which $4 is appropriated to the Executive Office of the Governor to be used to educate and assist notaries public. *However, no commission fee shall be required for the issuance of a commission as a notary public to a veteran who served during a period of wartime service, as defined in s. 1.01(14), and who has been rated by the United States Government or the United States Department of Veterans Affairs or its predecessor to have a disability rating of 50 percent or more; such a disability is subject to verification by the Secretary of State, who has authority to adopt reasonable procedures to implement this act.* The oath

of office and notary bond required by this section shall also accompany the application and shall be in a form prescribed by the Department of State which shall require, but not be limited to, the following information: full name, residence address and telephone number, business address and telephone number, date of birth, race, sex, social security number, citizenship status, driver's license number or the number of other official state-issued identification, affidavit of good character from someone unrelated to the applicant who has known the applicant for 1 year or more, a list of all professional licenses and commissions issued by the state during the previous 10 years and a statement as to whether or not the applicant has had such license or commission revoked or suspended, and a statement as to whether or not the applicant has been convicted of a felony, and, if there has been a conviction, a statement of the nature of the felony and restoration of civil rights. The applicant may not use a fictitious or assumed name other than a nickname on an application for commission. The application shall be maintained by the Department of State for the full term of a notary commission. A notary public shall notify, in writing, the Department of State of any change in his or her business address, home telephone number, business telephone number, home address, or criminal record within 60 days after such change. The Governor may require any other information he or she deems necessary for determining whether an applicant is eligible for a notary public commission. Each applicant must swear on the application that the information on the application is true and correct to the best of his or her knowledge.

(7)(a) A notary public shall, prior to executing the duties of the office and throughout the term of office, give bond, payable to any individual harmed as a result of a breach of duty by the notary public acting in his or her official capacity, in the amount of $5,000, conditioned for the due discharge of the office and shall take an oath that he or she will honestly, diligently, and faithfully discharge the duties of the notary public. The bond shall be approved and filed with the Department of State and executed by a surety company for hire duly authorized to transact business in this state.

(b) Any notary public whose term of appointment extends beyond January 1, 1992, is required to increase the amount of his or her bond to $5,000 only upon reappointment on or after January 1, 1992.

(c) *Beginning July 1, 1996, surety companies for hire which process notary public applications, oaths, affidavits of character, and bonds for submission to the Department of State must properly submit these documents in a software and hard-copy format approved by the Department of State.*

Section 3. Section 367.031, Florida Statutes, is amended to read:

367.031 Original certificate.—Each utility subject to the jurisdiction of the commission must obtain from the commission a certificate of authorization to provide water or wastewater service ~~or an order recognizing that the system is exempt from regulation as provided by s. 367.022~~. A utility must obtain a certificate of authorization ~~or an exemption order~~ from the commission prior to being issued a permit by the Department of Environmental Protection for the construction of a new water or wastewater facility or prior to being issued a consumptive use or drilling permit by a water management district. The commission shall grant or deny an application for a certificate of authorization within 90 days after the official filing date of the completed application, unless an objection is filed pursuant to s. 120.57, or the application will be deemed granted.

Section 4. Paragraph (d) of subsection (1) of section 402.33, Florida Statutes, is amended, present subsection (9) of said section is renumbered as subsection (10), and a new subsection (9) is added to said section, to read:

402.33 Department authority to charge fees for services provided.—

(1) As used in this section, the term:

(d) "Fee collections" means all fees collected *by the department* ~~under this section, including all collections earned under Titles XVIII and XIX of the Social Security Act~~ for services provided *to* clients ~~insured or otherwise covered by such titles~~.

(9)(a) The department should exert every lawful and reasonable effort to collect all delinquent and unpaid fees for services and to maximize the recovery of fees.

(b) In collecting delinquent or unpaid fees, the department may employ the services of a collection agency. The collection agency must be registered and in good standing under chapter 559. The department may pay a collection agency from any amount collected under the claim a fee that the department and the agency have agreed upon, or may authorize the agency to deduct the fee from the amount collected.

Section 5. *Subsection (23) of section 493.6101, Florida Statutes, is hereby repealed.*

Section 6. Section 493.6102, Florida Statutes, is amended to read:

493.6102 Inapplicability of parts I through IV of this chapter.—This chapter shall not apply to:

(1) Any individual who is an "officer" as defined in s. 943.10(14) or is a law enforcement officer of the United States Government, while such local, state, or federal officer is engaged in his official duties or when performing off-duty activities, not including repossession services, approved by his superiors.

(2) Any insurance investigator or adjuster licensed by a state or federal licensing authority when such person is providing services or expert advice within the scope of his license.

(3) Any individual solely, exclusively, and regularly employed as an unarmed investigator or recovery agent in connection with the business of his employer, when there exists an employer-employee relationship.

(4) Any unarmed ~~nonuniformed~~ individual engaged in security services who is employed exclusively to work on the premises of his employer, or in connection with the business of his employer, when there exists an employer-employee relationship.

(5) Any person or bureau whose business is exclusively the furnishing of information concerning the business and financial standing and credit responsibility of persons or the financial habits and financial responsibility of applicants for insurance, indemnity bonds, or commercial credit.

(6) Any attorney in the regular practice of his profession.

(7) Any bank or bank holding company, credit union, or small loan company operating pursuant to chapters 516 and 520; any consumer credit reporting agency regulated under 15 U.S.C. ss. 1681 et seq.; or any collection agency not engaged in repossessions or to any permanent employee thereof.

(8) Any person who holds a professional license under the laws of this state when such person is providing services or expert advice in the profession or occupation in which that person is so licensed.

(9) Any security agency or private investigative agency, and employees thereof, performing contractual security or investigative services solely and exclusively for any agency of the United States.

(10) Any person duly authorized by the laws of this state to operate a central burglar or fire alarm business. However, such persons are not exempt to the extent they perform services requiring licensure or registration under this chapter.

~~(11) Any individual employed as a proprietary security officer by any business entity which conducts or contracts for background investigations on its own applicants for proprietary security positions when such background investigations are conducted in compliance with or exceed standards to be established by rule of the department.~~

(11)~~(12)~~ Any person or company retained by a food service establishment to independently evaluate the food service establishment including quality of food, service, and facility. However, such persons are not exempt to the extent they investigate or are retained to investigate criminal or suspected criminal behavior on the part of the food service establishment employees.

(12)~~(13)~~ Any person who is a school crossing guard employed by a third party hired by a city or county and trained in accordance with s. 234.302.

(13)~~(14)~~ Any individual employed as a ~~proprietary~~ security officer by a religious institution as defined in s. 199.183(2)(a) to provide security

on the institution property, and who does not carry a firearm in the course of his duties.

Section 7. Subsection (4) of section 493.6301, Florida Statutes, is amended to read:

493.6301 Classes of licenses.—

(4) A Class "D" licensee shall own or be an employee of a Class "B" security agency or branch office. This does not include those individuals who are exempt under s. 493.6102(4) but who possess a Class "D" license solely for the purpose of holding a Class "G" license ~~or proprietary security officers who possess a Class "D" license~~.

Section 8. *Section 493.6306, Florida Statutes, as amended by chapter 94-172, Laws of Florida, is hereby repealed.*

Section 9. Subsections (1), (2), and (3) of section 514.033, Florida Statutes, are amended to read:

514.033 Creation of fee schedules authorized.—

(1) The department is authorized to establish a schedule of fees to be charged by the department or by any authorized public health unit as detailed in s. 514.025 for the review of applications and plans to construct, develop, or modify a public swimming pool or bathing place, ~~and~~ for the issuance of permits to operate such establishments, *and for the review of variance applications for public swimming pools and bathing places*. Fees assessed under this chapter shall be in an amount sufficient to meet the cost of carrying out the provisions of this chapter.

(2) The fee schedule shall be: for original construction or development plan approval, not less than *$275* ~~$150~~ and not more than *$500* ~~$275~~; for modification of original construction, not less than *$100* ~~$85~~ and not more than *$150* ~~$100~~; ~~and~~ for an initial operating permit, not less than *$125* ~~$100~~ and not more than *$250; and for review of variance applications, not less than $240 and not more than $400* ~~$125~~. The department shall assess the minimum fees provided in this subsection until a fee schedule is promulgated by rule of the department.

(3) Any person or public body operating a public swimming pool or bathing place shall pay to the department an annual operating permit fee based on pool *or bathing place* aggregate gallonage, which shall be: up to and including 25,000 gallons, not *less than $75 and not* more than *$125* ~~$25~~; and in excess of 25,000 gallons, not *less than $160 and not* more than *$265* ~~$75~~, except for a pool inspected pursuant to s. 514.0115(2)(b) for which the annual fee shall be *$50* ~~$25~~.

Section 10. Sections 575.01, 575.02, 575.03, 575.04, 575.05, 575.06, 575.07, 575.09, and 575.10, Florida Statutes, are hereby repealed.

Section 11. Subsections (1) and (8) of section 570.44, Florida Statutes, are amended to read:

570.44 Division of Agricultural Environmental Services; powers and duties.—The duties of the Division of Agricultural Environmental Services include, but are not limited to:

(1) Inspecting and drawing samples of: commercial feeds offered for sale in this state and enforcing those provisions of chapter 580 authorized by the department; seeds offered for sale in this state and enforcing those provisions of chapter 578 authorized by the department; certified seed grown in this state ~~and enforcing those provisions of chapter 575 authorized by the department~~; fertilizers offered for sale in this state and enforcing those provisions of chapter 576 authorized by the department; pesticides offered for sale in this state, and soil and water in this state for the presence of pesticides, and enforcing those provisions of chapter 487 authorized by the department; and treated fence posts offered for sale in this state and enforcing those provisions of s. 501.90 authorized by the department.

(8) Analyzing samples of vegetables, agricultural, flower, and forest tree seed offered for sale in this state, as required under *chapter* ~~chapters 575 and~~ 578.

Section 12. Subsection (2) of section 570.45, Florida Statutes, is amended to read:

570.45 Director; duties.—

(2) The director shall supervise, direct, and coordinate the activities of the division and enforce the provisions of chapters 388, 482, 487, 501, 504, 531, 570, ~~575,~~ 576, 578, 580, and 582 and any other chapter necessary to carry out the responsibilities of the division.

Section 13. Paragraph (g) of subsection (2) of section 578.13, Florida Statutes, is amended to read:

578.13 Prohibitions.—

(2) It shall be unlawful for any person within this state:

(g) To use the name of the Department of Agriculture and Consumer Services or Florida State Seed Laboratory in connection with analysis tag, labeling advertisement, or sale of any seed in any manner whatsoever. ~~unless such seed are "certified seed."~~

Section 14. Paragraph (d) of subsection (2) of section 578.30, Florida Statutes, is amended to read:

578.30 Seed Technical Council.—

(2) POWERS AND DUTIES.—The Seed Technical Council shall:

(d) Review the budget, including all revenues and expenditures, direct and indirect costs, and make budget recommendations to the department ~~in accordance with s. 575.03~~.

Section 15. Except as otherwise provided herein, this act shall take effect July 1, 1996, or upon becoming a law, whichever occurs later; however, if this act becomes a law after July 1, 1996, it shall operate retroactively to July 1, 1996.

And the title is amended as follows:

Delete the entire title and insert: A bill to be entitled An act relating to regulatory programs; amending s. 113.01, F.S.; revising provisions that prescribe the fee for issuance of a commission as a notary public by the Governor; amending s. 117.01, F.S.; revising provisions relating to fees for becoming a notary public; requiring certain application materials to be submitted on formats approved by the Department of State; amending s. 367.031, F.S.; eliminating the requirement that utilities obtain from the commission certain exemption from regulation; amending s. 402.33, F.S.; redefining the term "fee collections" for purposes of the authority of the Department of Health and Rehabilitative Services to recover moneys; authorizing the department to employ collection agencies, in specified circumstances; providing for agency fees; repealing s. 493.6101(23), F.S., to delete the definition of "proprietary security officer"; amending s. 493.6102, F.S.; deleting a reference to nonuniformed guards; deleting references to proprietary security officers, to conform; amending s. 493.6301, F.S., to conform; repealing s. 493.6306, F.S., relating to proprietary security officers; amending s. 514.033, F.S.; providing and revising fees applicable to regulation of public swimming and bathing facilities; repealing chapter 575, F.S., to abolish the "Florida Certification Seed Law"; amending ss. 570.44, 570.45, 578.13, and 578.30, F.S.; correcting references, to conform; providing effective dates.

The Conference Committee Report was read and on motion by Senator Diaz-Balart was adopted. **HB 2725** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40 Nays—None

CONSIDERATION OF BILLS OUT OF ORDER

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership **HB 2709** was considered outside the extended call.

On motions by Senator Jennings, by unanimous consent—

HB 2709—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.702, F.S.; providing additional legislative intent with respect to the Florida Responsible Vendor Act; amending s. 561.705, F.S.; providing for a vendor to require that employees attend additional meetings for purposes of qualifying as a responsible vendor under the act; amending s. 561.706, F.S.; requiring that the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional

Regulation maintain certain records with respect to the arrest of a vendor or employee for unlawfully selling, giving, or serving alcoholic beverages; amending ss. 561.26 and 561.351, F.S.; providing for license renewal dates to be set by rule; creating s. 561.411, F.S.; providing qualifications for distributors with respect to warehouse space and inventory; providing exceptions; amending s. 564.06, F.S.; providing for excise tax on cider; amending s. 563.06, F.S., relating to imprints on individual containers of malt beverages; providing exemptions; amending s. 565.05, F.S., relating to purchase of distilled spirits by clubs; providing for size of individual containers; amending s. 564.045, F.S., relating to licensure as the primary American source of supply for vinous beverages; providing for annual license fees; providing rulemaking authority; amending s. 565.095, F.S., relating to licensure as the primary American source of supply for distilled spirits; providing for annual license fees; providing rulemaking authority; repealing ss. 564.041 and 565.09, F.S., relating to brand registrations; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title. On motion by Senator Jennings, by two-thirds vote **HB 2709** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership **CS for HB 2135** was considered outside the extended call.

On motions by Senator Jennings, by unanimous consent—

CS for HB 2135—A bill to be entitled An act relating to driver's licenses; amending s. 322.05, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a learner's driver's license; providing additional prerequisites for obtaining a driver's license; revising the eligibility criteria for a Class D driver's license; amending s. 322.09, F.S.; revising requirements for a minor who applies for certain drivers' licenses to conform to changes made by this act; amending s. 322.12, F.S.; clarifying license application requirements for an applicant who holds a license from another jurisdiction; providing for certain fees to be waived in specified circumstances; revising application requirements for a license to operate a motorcycle to conform to changes made by this act; amending s. 322.16, F.S.; deleting provisions authorizing the department to issue certain restricted licenses; providing for restrictions upon certain licensees; creating s. 322.161, F.S.; authorizing the department to issue a learner's driver's license; providing requirements for licensure; imposing certain restrictions and prohibitions upon a person who holds a learner's driver's license; providing penalties for specified violations; amending s. 322.18, F.S.; clarifying circumstances in which the department may waive the driver's license examination requirement; deleting an obsolete limitation on the issuance of a restricted driver's license; amending s. 316.2085, F.S.; prohibiting a person under a specified age from operating certain motorcycles or renting a motorcycle or moped; amending s. 318.14, F.S.; providing that operating a motor vehicle while a passenger is not wearing a safety belt is a noncriminal infraction in certain circumstances; amending s. 322.0601, F.S.; providing for issuing a driver's license to a person who has received a high school diploma or its equivalent or who meets certain school attendance requirements and is otherwise qualified; amending s. 322.07, F.S.; providing an additional prerequisite for obtaining a temporary instruction permit to operate a vehicle for which a Class D or Class E driver's license is required; revising the conditions under which a person with an instruction permit or a temporary license may operate certain vehicles; amending s. 322.271, F.S.; providing that certain license restrictions continue to apply when a person's driving privilege is restricted to employment or business purposes; amending s. 322.28, F.S.; clarifying the maximum period for which the department may revoke a driver's license or driving privilege; amending s. 322.293, F.S.; clarifying conditions under which a fee is assessed against a person who enrolls in a DUI program; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title. On motion by Senator Jennings, by two-thirds vote **CS for HB 2135** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—1

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership **CS for HB 1035** was considered outside the extended call.

On motions by Senator Jennings, by unanimous consent—

CS for HB 1035—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for certain information held by the Office of the Attorney General, submitted by members of the health care community as a part of a review of antitrust issues; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was taken up out of order and by two-thirds vote was read the second time by title. On motion by Senator Jennings, by two-thirds vote **CS for HB 1035** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—1

SPECIAL ORDER CALENDAR, continued

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership **SB 480** was considered outside the extended call.

On motions by Senator Jenne, by two-thirds vote—

HB 1121—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; modifying the definition of the term "employment" to exclude from unemployment compensation coverage certain services performed by certain alien agricultural workers; providing an effective date.

—a companion measure, was substituted for **SB 480** and by two-thirds vote read the second time by title. On motion by Senator Jenne, by two-thirds vote **HB 1121** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership **SB 2688** was considered outside the extended call.

On motions by Senator Bankhead, by two-thirds vote—

CS for HB 537—A bill to be entitled An act relating to chiropractic; amending s. 460.403, F.S.; revising the definition of the term "practice of chiropractic" to authorize the ordering, storing, and administering of prescription medical oxygen and certain topical anesthetics under certain circumstances; amending s. 460.406, F.S., relating to licensure as a chiropractor by examination; resolving a conflict between different versions of certain provisions; authorizing certain applicants to take the examination; revising current and providing future educational requirements; repealing s. 3, ch. 94-173, Laws of Florida, relating to reinstatement of certain void licenses to practice chiropractic, the provisions of which are no longer operable; amending s. 460.408, F.S.; revising requirements relating to approval of courses for continuing chiropractic education; amending s. 460.413, F.S.; revising grounds for disciplinary action relating to the prescribing, dispensing, or administering of medicinal drugs and the keeping of written chiropractic records; increasing the administrative fine; reenacting ss. 320.0848(7), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for the disabled, prohibited referrals between health care providers and providers of health care services, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; creating s. 460.4166, F.S.; defining "registered chiropractic assistant"; providing duties; providing for registration; repealing s. 460.403(5), (6), (7), (8), and (9), F.S., relating to various definitions applicable solely to the peer review process; repealing s. 460.4104, F.S., relating to peer review of services and fees of

licensees under chapter 460, F.S., relating to chiropractic; providing effective dates.

—a companion measure, was substituted for **SB 2688** and by two-thirds vote read the second time by title. On motion by Senator Bankhead, by two-thirds vote **CS for HB 537** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator Jennings, by two-thirds vote of the membership **CS for SB 376** was considered outside the extended call.

On motions by Senator Dudley, by two-thirds vote—

CS for HB 387—A bill to be entitled An act relating to community association managers; amending s. 455.01, F.S.; revising the definition of "board"; amending s. 468.431, F.S.; defining "council"; deleting the definition of "division"; renumbering and amending s. 468.434, F.S.; creating the Regulatory Council of Community Association Managers within the Department of Business and Professional Regulation; providing for membership; providing for the adoption of rules by the council; providing applicability to the council and the department of certain provisions that are applicable to regulatory boards; amending s. 468.432, F.S.; deleting an obsolete licensing exception; revising a licensing exception to conform to the provisions of the act; amending s. 468.433, F.S.; providing for licensure as a community association manager; providing qualifications; providing grounds for refusal to certify an applicant; providing for approval of an examination and for examination criteria; creating s. 468.4336, F.S.; providing for renewal of licenses; creating s. 468.4337, F.S.; providing continuing education requirements; creating s. 468.4338, F.S.; providing for reactivation of a license; amending s. 468.435, F.S.; authorizing the council to establish and collect specified fees; providing for deposit of such fees in the Professional Regulation Trust Fund; amending s. 468.436, F.S.; specifying grounds for disciplinary actions; providing penalties; providing for reissuance of license; providing requirements for records and meetings held for disciplinary actions; transferring the regulation of community association managers from the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to the Division of Professions of the department; transferring certain unexpended balances of funds to the Professional Regulation Trust Fund; transferring and providing positions and providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 376** and by two-thirds vote read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for HB 387** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership **CS for SB 746** was considered outside the extended call.

On motions by Senator Kurth, by two-thirds vote—

CS for HB 581—A bill to be entitled An act relating to nursing; amending s. 464.003, F.S.; replacing the definition of "department" with the definition of "agency" to conform to current law under which the Agency for Health Care Administration is responsible for the regulation of nursing; revising the definition of "advanced or specialized nursing practice" to revise provisions relating to membership on the joint committee responsible for identifying and approving the various medical acts that advanced registered nurse practitioners may perform; providing for appointment and terms of members; amending s. 464.004, F.S.; increasing the membership of the Board of Nursing and providing for appointment and terms of the new members; amending s. 464.012, F.S.; revising various certification requirements for advanced registered nurse practitioners; authorizing advanced registered nurse practitioners to order diagnostic tests and physical and occupational therapy under certain circumstances; amending ss. 464.008, 464.009, 464.013, 464.014, 464.018, and 464.019, F.S.; conforming terminology; clarifying a ground for disciplinary action relating to possession, sale, or distribution of controlled substances; providing for appointment of a task force to conduct a study regarding the prescribing of controlled substances by advanced registered nurse practitioners; requiring a report; providing for appointment of a task force to study nursing-department staffing in licensed facilities; requiring a report; providing an effective date.

—a companion measure, was substituted for **CS for SB 746** and by two-thirds vote read the second time by title. On motion by Senator Kurth, by two-thirds vote **CS for HB 581** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CONSIDERATION OF BILL OUT OF ORDER

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership **SB 994** was considered outside the extended call and by unanimous consent taken up out of order.

On motions by Senator Holzendorf, by two-thirds vote—

HB 811—A bill to be entitled An act relating to the Unemployment Compensation Law; amending s. 443.036, F.S.; correcting a cross reference; amending s. 443.101, F.S.; eliminating a conflict with respect to disqualification for benefits with respect to certain disability payments under the law; an act relating to unemployment compensation; amending s. 443.036, F.S.; redefining the terms "employment" and "wages"; amending s. 443.131, F.S.; revising rate change time periods; amending s. 443.141, F.S.; eliminating a requirement that the Division of Unemployment Compensation must, by rule, appoint certain special deputies; amending s. 443.151, F.S.; revising provisions with respect to appeals of labor dispute cases to conform to all other claim protests; clarifying the time period in which a claim redetermination may be made; providing that all determinations made under chapter 443, F.S., shall be provided to the parties; providing that referee qualifications are subject to the Department of Management Services; deleting review of special examiner decisions by the Unemployment Appeals Commission; revising language with respect to the payment of witness fees; providing for bilingual requirements; creating s. 443.0315, F.S.; providing for the effect of a finding, judgment, conclusion, or order under the act in a separate or subsequent order or proceeding; providing effective dates.

—a companion measure, was substituted for **SB 994** and by two-thirds vote read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 811** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, May 3, 1996: CS for SB's 12 and 406, CS for SB 162, CS for HB 979, HB 2693, CS for CS for SB 958, CS for SB 1818, SB 1142, CS for CS for SB 2844, CS for SB 2846, SB 900, SB 2454, CS for SB 2510, CS for SB 2870, HB 2665, HB 2667, HB 2669, SB 1644, CS for SB 1810, CS for SB 2316, SB 1150, CS for CS for SB 126, SB 584, SB 2220, SB 1922, CS for HB 337, CS for SB 1848, CS for SB 1734, CS for SB's 1626 and 1654, CS for SB 1058, CS for SB 670, SB 676, SB 258, SB 274, CS for SB 316, CS for SB 626, SB 2462, SB 2228, SB 1148, SB 1062, SB 948, SB 2224, SB 2678, SB 2692, SB 2786, SB 2674, SB 2916, CS for SB 2924, SB 2470, SB 28, CS for SB 452, SB 1080, SB 1182, SB 1266, SB 1274, CS for CS for SB 2214, CS for SB 1114, CS for SB 652

Respectfully submitted,
Toni Jennings, Chairman

EXECUTIVE BUSINESS

Pursuant to s. 114.05(1)(e), Florida Statutes, the Senate failed to act upon the following appointments during the 1996 regular session of the Legislature:

Office and Appointment		*For Term Ending*
Barbers' Board		
Appointee:	Bari, Latif	10/31/96
Florida Building Code Administrators and Inspectors Board		
Appointee:	Eads, Harvey C. (Jack), Jr.	10/31/99
Board of Directors, Enterprise Florida, Inc.		
Appointee:	Nunis, Richard A.	07/01/99
Environmental Regulation Commission		
Appointee:	Batchelor, Dick J.	07/01/99
Board of Funeral and Cemetery Services		
Appointee:	Holt, Edward N.	09/08/97
Harbormaster for the Port of Ft. Pierce		
Appointee:	Hartman, Steven Karl	09/26/97
Acting Secretary of Health And Rehabilitative Services		
Appointee:	Feaver, Edward A.	Pleasure of Governor
Substitute Secretary of Health And Rehabilitative Services		
Appointee:	Smith, Gregory C.	Pleasure of Governor
Board of Massage		
Appointee:	McGarry, Charles Robert	10/31/99
Board of Medicine		
Appointee:	Skinner, Margaret Sheppard	10/31/97
Board of Regents		
Appointee:	James, Cornelia Sha'Ron	09/01/96

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Myers—

SB 3132—A bill to be entitled An act relating to the Town of Gulf Stream, Palm Beach County; authorizing the town to engage in the cultivation of Australian pine for specified purposes, notwithstanding the provisions of s. 369.251, F.S.; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Kurth—

SB 3134—A bill to be entitled An act relating to the St. Lucie County Fire District; amending the charter of the district to incorporate all subsequent amendments; changing the interest rate; repealing all previous acts relating to the fire district; providing an effective date.

Proof of publication of the required notice was attached.

—passed on the Local Bill Calendar May 4.

SB 3136 was withdrawn prior to introduction.

By Senator Rossin—

SB 3138—A bill to be entitled An act relating to the Bonita Springs Fire Control and Rescue District, Lee County; amending chapter 65-1828, Laws of Florida, as amended; deeming the district to be a political subdivision; authorizing the district to establish and maintain emergency medical and rescue response services and acquire equipment; providing for the election of district board members during even-numbered years; providing an effective date.

Proof of publication of the required notice was attached.

—passed on the Local Bill Calendar May 4.

By Senator Rossin—

SB 3140—A bill to be entitled An act relating to Lee County; amending chapter 76-412, Laws of Florida, as amended; amending the Enabling Act of the South Trail Fire Protection and Rescue Service District to expand the boundaries thereof; providing an effective date.

Proof of publication of the required notice was attached.

—passed on the Local Bill Calendar May 4.

EXECUTIVE BUSINESS

The Honorable James A. Scott May 3, 1996
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointees:	Calhoun, Charles H. III	10/31/97
	Duggan, Malcolm Roberts, Jr.	10/31/98
State Athletic Commission		
Appointees:	Guggino, Giacomo Salvatore	09/30/99
	James, Terry Lee	09/30/98
	Riley, Eric Anthony	09/30/99
Florida Board of Auctioneers		
Appointee:	Clements, Sandra Carol	10/31/98
Barbers' Board		
Appointees:	Collins, Jean Carol	10/31/98
	Gilbert, William Bradford	10/31/98
Board of Building Codes and Standards		
Appointees:	Browdy, Richard Steven	01/21/99
	D'Andrea, Nicholas, Jr.	01/15/99
	Duffield, George Curtis	01/30/99
	Murdock, Douglas Reay	01/23/99
Board of Chiropractic		
Appointee:	Heagy, Danita Thomas	10/31/98
Hillsborough County Civil Service Board		
Appointees:	Kane, Cynthia L.	07/02/97
	Reddick, Frank A.	07/02/99
Board of Clinical Laboratory Personnel		
Appointees:	Donahue, Roger P.	10/31/98
	Krothapalli, Swarna	10/31/98
Florida Communities Trust		
Appointee:	Coffey, C. David	01/31/99
State Board of Community Colleges		
Appointee:	D'Alemberte, Richard Wellford	09/30/00
Florida Commission on Community Service		
Appointees:	Dhonau, Norma Joyce	09/14/96
	Johnson, Michael Wayne	09/14/96
	Parker, Wendy Elizabeth	09/14/98
	Tubbs, LeVester	09/14/97
Board of Trustees of Brevard Community College		
Appointees:	Healy, Patrick Francis	05/31/99
	Morton, Peter J.	05/31/99
Board of Trustees of Broward Community College		

Office and Appointment		For Term Ending
Appointees:	Barry, Katharine Snowden	05/31/99
	Cartaya, Mario	05/31/99
Board of Trustees of Central Florida Community College		
Appointees:	Blasband, Charles A.	05/31/99
	Cluster, Betty Farthing	05/31/99
Board of Trustees of Chipola Junior College		
Appointees:	Davis, James Edwin	05/31/99
	Feagle, Betty J.	05/31/99
	Robinson, Josephine Roulhac	05/31/99
	Westbrook, James W.	05/31/99
Board of Trustees of Daytona Beach Community College		
Appointees:	Bennett, Mary Gunter	05/31/99
	Lemerand, L. Gale	05/31/99
	Lichtigman, Charles S.	05/31/99
Board of Trustees of Edison Community College		
Appointee:	Mann, Mary Lee Ferguson	05/31/99
Board of Trustees of Florida Community College at Jacksonville		
Appointees:	Halley, Harry John	05/31/99
	Hightower, Michael R.	05/31/99
	Winstel, Kimberly Krabe	05/31/98
Board of Trustees of Florida Keys Community College		
Appointee:	Parks, John Gilmore, Jr.	05/31/99
Board of Trustees of Gulf Coast Community College		
Appointees:	Cooley, Olivia Byrd	05/31/99
	Johnson, James Gregory	05/31/99
Board of Trustees of Hillsborough Community College		
Appointee:	Marotta, Sam C.	05/31/99
Board of Trustees of Indian River Community College		
Appointees:	Beatty, Robert Patrick	05/31/99
	Berg, Peggy Walter	05/31/99
	Graves, Mary Pfleger	05/31/99
Board of Trustees of Lake City Community College		
Appointees:	Moses, Melinda Harriss	05/31/99
	Stephenson, Norman H.	05/31/99
Board of Trustees of Lake-Sumter Community College		
Appointees:	Ross, Louise Williams	05/31/99
	Wade, Glenn Franklin	05/31/99
Board of Trustees of Manatee Community College		
Appointees:	Gallen, Linda Carol	05/31/99
	Graser, Merle L.	05/31/99
Board of Trustees of Miami-Dade Community College		
Appointee:	Prio, Maria Elena	05/31/99
Board of Trustees of North Florida Junior College		
Appointees:	Rhoads, Janice D.	05/31/99
	Schnitker, Claymore	05/31/99
	Thomas, Lewis Cal	05/31/99
Board of Trustees of Okaloosa-Walton Community College		
Appointees:	Carter, Eltse Barnhill	05/31/99
	McInnis, Carlton Jeffrey	05/31/99
Board of Trustees of Palm Beach Community College		
Appointees:	Davis, John Max	05/31/99
	King, Bettye J.	05/31/99
Board of Trustees of Pasco-Hernando Community College		
Appointees:	Fernandez, Rose M.	05/31/99
	Strickland, Robert J.	05/31/99
	Wilkes, Nancy H.	05/31/99
Board of Trustees of Pensacola Junior College		
Appointees:	Corwin, Barbara Broxson	05/31/99
	Fleming, Carolyn Alexander	05/31/99
	Williams, Junius Crawford III	05/31/99

Office and Appointment		For Term Ending
Board of Trustees of Polk Community College		
Appointees:	DuCharme, Lucy Fitzsimons	05/31/99
	Stewart, Herbert Stapleton	05/31/99
Board of Trustees of St. Johns River Community College		
Appointee:	Horton, Mildred G.	05/31/99
Board of Trustees of St. Petersburg Junior College		
Appointees:	Davis, Pamela Jo	05/31/99
	Megaloudis, Demos A.	05/31/99
Board of Trustees of Santa Fe Community College		
Appointees:	Carpenter, Ronald Adams	05/31/99
	Chandler, Linda Dianne	05/31/99
	Olinger, William David II	05/31/99
Board of Trustees of Seminole Community College		
Appointees:	Hattaway, Mary Beth Colvin	05/31/99
	Jones, Amos Calvin	05/31/99
	Moncrief, Russell Lee	05/31/98
Board of Trustees of South Florida Community College		
Appointees:	Brooks, James Louis	05/31/99
	MacBeth, Joseph O.	05/31/99
	Summers, Zedra Allen	05/31/99
Construction Industry Licensing Board		
Appointees:	Beighle, J. Wayne	10/31/98
	Delafield, Edward David	10/31/99
	Husband, Robert Dale	10/31/98
	Koken, Melinda J.	10/31/99
	Sutton, Warren Marvin	10/31/97
Electrical Contractors' Licensing Board		
Appointees:	Poole, Michele Marie	10/31/98
	Roberts, Lewis Christmas	10/31/96
Board of Employee Leasing Companies		
Appointee:	Bloomer, Donna Mary	10/31/96
Board of Directors, Enterprise Florida Innovation Partnership		
Appointees:	Balaguer, John Peter	06/14/99
	Lacher, Joseph P.	06/14/99
	Phillips, Winfred Marshall	06/14/97
	Schwartz, William Cameron	06/14/99
	Strauss, Robert C.	06/14/99
	Whelan, William Joseph	06/14/98
Tampa-Hillsborough County Expressway Authority		
Appointee:	Mack, Monroe W.	07/01/99
Board of Professional Geologists		
Appointee:	Graves, Michael Allen	10/31/99
Harbormaster for the Port of St. Augustine		
Appointee:	Longo, Melvin Christie	05/01/96
Board of Hearing Aid Specialists		
Appointees:	Bolanos, Engelberto Julian	10/31/98
	McCollum, Otis Harry	10/31/98
	Sellers, Joann Keyes	10/31/98
Florida Commission on Human Relations		
Appointees:	Joyce, Bob	09/30/98
	Thompson, Geraldine F.	09/30/98
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools		
Appointee:	Miller, Paul Grey, Jr.	07/01/96
Board of Medicine		
Appointees:	Cherney, Becky Johns	10/31/97
	Garrett, M. Kathryn	10/31/98
	Glotfelty, John William	10/31/97
	Skinner, Margaret Sheppard	10/31/97
Board of Nursing		
Appointees:	Boyd, Laurel Winifred	10/31/98
	Davis, Winnie Jones	10/31/98

Office and Appointment		*For Term Ending*
	Lewis, Ann Rose	10/31/97
	Simunek, Linda Agustin	10/31/98
Board of Osteopathic Medicine		
Appointees:	Patterson, Todd Allen	10/31/98
	Rose, Joel Bernard	10/31/98
Parole Commission		
Appointee:	Grogan, Patricia A.	10/06/01
Board of Pharmacy		
Appointee:	Motley, Gene R.	10/31/98
Board of Pilot Commissioners		
Appointees:	Hairston, James D.	10/31/98
	Zapf, John Thomas	10/31/98
Board of Podiatric Medicine		
Appointees:	Baker, Steven	10/31/98
	Rickoff, Scott Elliot	10/31/98
Jacksonville Port Authority		
Appointee:	Milton, Teala A.	09/30/99
Postsecondary Education Planning Commission		
Appointees:	Burch, Ivie R.	02/04/99
	Hobby, H. Clyde	02/04/99
	Kirk, James E., Jr.	02/04/96
	Olden, Earl E.	08/31/96
	Tolle, Edgar Earl	02/04/98
Prepaid Postsecondary Education Expense Board		
Appointee:	Collins, Arthur Reginald	06/30/98
Historic Florida Keys Preservation Board of Trustees		
Appointees:	Allen, Joseph B., Jr.	06/30/98
	Lannon, Bernadette Parks	06/30/98
	Robinson, Nikki A.	06/30/99
Historic Pensacola Preservation Board of Trustees		
Appointees:	Quina, Carter Bryan	06/30/99
	Watson, Geneva Bell	06/30/99
Historic St. Augustine Preservation Board of Trustees		
Appointees:	Hunt, E. L. Roy	06/30/99
	Shepard, Herschel Elwood	06/30/99
	Williams, Janis Versaggi	06/30/99
Historic Tallahassee Preservation Board of Trustees		
Appointees:	Chapman, James Stanley	06/30/99
	Fernandez, Segundo J.	06/30/99
Historic Tampa-Hillsborough County Preservation Board of Trustees		
Appointee:	Wharton, Barry Robert	06/30/99
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Bryant, Nicholas R.	10/01/97
	Jenkins, Evangeline E. Hudson	10/01/97
	Smith, Gordon Peek	10/01/97
South Florida Regional Planning Council, Region 11		
Appointee:	McTigue, Robert Emmett	10/01/97
Board of Trustees of the John and Mable Ringling Museum of Art		
Appointee:	Evans, Hazel Atkinson	11/05/98
Board of Supervisors, Spaceport Florida Authority		
Appointee:	Morris, Ronald Loyd	06/30/96
Jacksonville Sports Development Authority		
Appointee:	Gregory, Rodney Glenn	09/30/98
Jacksonville Transportation Authority		
Appointees:	Miner, Carol Spalding	05/31/99
	Stewart, Michael Dwight	05/31/99
Board of Veterinary Medicine		
Appointees:	Dunning, Clarence Elridge	10/31/98
	Miller, Carol Snyder	10/31/97

Office and Appointment		*For Term Ending*
Alafia River Basin Board of the Southwest Florida Water Management District		
Appointees:	Bowers, Lois Carol	03/01/98
	Haugabook, Earl	03/01/96
	Helmen, Dorothea Jean Voss	03/01/98
	Rutenberg, Daniel	03/01/97
Coastal Rivers Basin Board of the Southwest Florida Water Management District		
Appointee:	Torrence, Alfred Walker, Jr.	03/01/98
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointee:	MacKinnon, Ardis L.	03/01/97
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District		
Appointees:	English, Michael Mangan	03/01/98
	Kaplan, Jonathan David	03/01/98
	Romano, Barbara Barritt	03/01/97
	Wester, Janette Meredith	03/01/96
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointees:	Griffin, James Floyd, Jr.	03/01/98
	Popejoy, Raymond Farral	03/01/98

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

1) the executive appointments of the above-named appointees, to the offices and for the terms indicated, be *confirmed* by the Senate.

2) Senate action on said appointments be taken prior to the adjournment of the 1996 Regular Session.

3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—37 Nays—None

RECONSIDERATION

On motion by Senator Gutman, the Senate reconsidered the vote by which the foregoing report was adopted.

Senator Gutman called for a division of the question to remove the appointment of Margaret Sheppard Skinner as a member of the Board of Medicine from the report and that all other appointments contained therein be confirmed. The motion was adopted without objection and the Senate confirmed the appointments identified in the report to the offices and for the terms indicated.

The vote was:

Yeas—37 Nays—None

On motion by Senator Gutman, consideration of the appointment of Margaret Sheppard Skinner as a member of the Board of Medicine was deferred.

The Honorable James A. Scott May 3, 1996
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Acupuncture		
Appointee:	Tsai, Helen Yu	10/31/98
Board of Architecture and Interior Design		
Appointee:	Cleveland, Janine Raff	10/31/98
Barbers' Board		
Appointee:	Hayes, Clyde Douglas	10/31/99
Florida Building Code Administrators and Inspectors Board		
Appointees:	Bova, Joan Grace McCallister	10/31/97
	Council, Luther Eugene, Jr.	10/31/99
Board of Building Codes and Standards		
Appointees:	Godfrey, Kenneth Alan	04/05/97
	McCarty, Kevin M.	03/11/97
	Shaw, Daniel Clyde	01/31/99
Board of Chiropractic		
Appointees:	Kirkland, Jessie B.	10/31/99
	Reyes, Florencio Ferrer	10/31/98
Hillsborough County Civil Service Board		
Appointee:	Borucke, David Clark	07/02/99
Board of Clinical Laboratory Personnel		
Appointees:	Barnhill, Lucille Stokes	10/31/99
	Townsend, Dianne Whitlock	10/31/99
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointee:	Sherrard, Peter A. D.	10/31/97
Secretary of Community Affairs		
Appointee:	Murley, James F.	Pleasure of Governor
State Board of Community Colleges		
Appointees:	Williams, Wendell Winston	09/30/00
	Wright, Gary Demetrius	09/30/96
Florida Commission on Community Service		
Appointee:	King, Daniel S.	09/14/98
Board of Trustees of Florida Community College at Jacksonville		
Appointee:	Austin, Ronald Ray	05/31/99
Board of Trustees of Florida Keys Community College		
Appointee:	Post, Howard Malvern	05/31/98
Board of Trustees of Lake-Sumter Community College		
Appointee:	Hovis, George Edward	05/31/99
Board of Trustees of Tallahassee Community College		
Appointees:	Linnan, Nancy G.	05/31/98
	Morgan, Herbert Franklin	05/31/99
Board of Trustees of Valencia Community College		
Appointees:	Auffant, James R.	05/31/99
	Miller, Galen	05/31/98
Construction Industry Licensing Board		
Appointees:	Edmonds, Marianne Fiermark	10/31/97
	McKitrick, Paul Tomei	10/31/99
	Serraes, Andrea Marie	10/31/98
	Watts, Robert Edward, Jr.	10/31/99
Florida Corrections Commission		
Appointee:	Florio, Steven M.	10/30/98
Board of Professional Engineers		
Appointees:	Burnett, Stanley Dean, Jr.	10/31/97
	Patel, Jaykumar N.	10/31/99
Board of Directors, Enterprise Florida, Inc.		
Appointees:	Palomares, Carlos	07/01/98
	Tannehill, Joseph King	07/01/99
Board of Directors, Enterprise Florida Innovation Partnership		
Appointee:	Dual, Joseph Frederick, Jr.	06/14/99
Commission on Ethics		
Appointees:	Batman, Linda McKnight	06/30/97
	Chalmers, Jean M.	06/30/97
	Krathen, David Howard	06/30/97
	Phelan, Mary Alice	06/30/97
Board of Professional Geologists		
Appointee:	Missimer, Thomas Michael	10/31/97
Commission on Government Accountability to the People		
Appointees:	Calabro, Dominic Michael	08/21/97
	Critchfield, Jack B.	08/21/99
	Fuchs, Lawrence H.	08/21/99
	Lindner, William Henry	08/21/99
Citrus County Hospital Board		
Appointee:	Sanders, James T.	07/03/99
Board of Trustees of South Lake County Hospital District		
Appointees:	Anastasia, Denise Wolfe	07/05/99
	McMurphy, Lynda G.	07/05/99
	Seaver, Robert Oakley	07/05/99
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools		
Appointee:	Rehberg, Jeanne H.	07/01/98
Board of Landscape Architecture		
Appointees:	Baker, Edward "Ted"	10/31/98
	Hawkins, Charles James II	10/31/98
Governor's Mansion Commission		
Appointee:	Coulter, Gray Ratcliff	09/30/99
Board of Massage		
Appointee:	Trimble, Jane Elizabeth	10/31/99
Board of Medicine		
Appointees:	Bridges, James Wilson	10/31/98
	Echevarria, Emilio Daniel	10/31/99
National Conference of Commissioners on Uniform State Laws		
Appointees:	Cutler, Edward Isadore	06/05/99
	Morse, Joshua M. III	06/05/99
Board of Nursing		
Appointee:	Breen, Nancy J.	10/31/99
Board of Nursing Home Administrators		
Appointee:	Trachsel, Sandra Faye	10/31/96
Board of Pharmacy		
Appointees:	Noble, Daniel Raymond	10/31/97
	Norris, James A.	10/31/98
Board of Pilot Commissioners		
Appointees:	Brown, Warren T.	10/31/99
	Harris, Annette Williams	10/31/99
	Robas, Victoria Bowen	10/31/97
Pilotage Rate Review Board		
Appointee:	Tanos, Alexander Emory	10/31/99
Board of Podiatric Medicine		
Appointee:	Francis, William Wastell	10/31/99
Tampa Port Authority		
Appointee:	Hogan, Riley L., Jr.	11/15/99

Office and Appointment		*For Term Ending*
Historic Florida Keys Preservation Board of Trustees		
Appointee:	Adams, Lucie Foster	06/30/99
Historic Tallahassee Preservation Board of Trustees		
Appointee:	Thomas, Susan Spratt	06/30/99
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Bryant, Cecilia	09/30/98
	Leiva, Maria Camila	09/30/99
Board of Psychology		
Appointees:	Frank, Rose Steigman	10/31/98
	Lewis, Juliet Thompson	10/31/98
Commission for Purchase from the Blind or Other Severely Handicapped		
Appointee:	Thompson, William Sutton	10/01/99
Florida Real Estate Commission		
Appointee:	Alpert, Barry Mark	10/31/99
Oklawaha Basin Recreation and Water Conservation and Control Authority in Lake County		
Appointee:	Duggan, James Robert	07/13/99
North Central Florida Regional Planning Council, Region 3		
Appointees:	Franklin, Lorata Frazier	10/01/97
	Howard, William Walter	10/01/98
	McPherson, Dale Joseph	10/01/97
	Sawyer, David Thomas	10/01/98
	Sullivan, Morris Norman	10/01/98
	Walker, Jane Beck	10/01/98
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Halley, Harry John	10/01/97
	Rivers, Thomas Judson II	10/01/98
	Ruzecki, Mary Ann	10/01/97
	Soforenko, Meyer O.	10/01/98
Treasure Coast Regional Planning Council, Region 10		
Appointees:	Coyle, Nelia M.	10/01/97
	Flanigan, John F.	10/01/97
	Leath, Mark C.	10/01/97
	Love, Joseph Brown, Jr.	10/01/98
	Spyke, Peter David	10/01/98
	Stroud, Nancy Ellen	10/01/98
South Florida Regional Planning Council, Region 11		
Appointees:	Boyd, Charles Wilburn	10/01/98
	Harrison, Debra Sue	10/01/97
	Krinzman, Richard N.	10/01/98
	Simon, Lester A.	10/01/97
Board of Trustees of the John and Mable Ringling Museum of Art		
Appointees:	Blalock, Robert Green	11/05/98
	Jennings, Christine L.	11/05/99
	Vigodsky, Fred Lewis	11/05/96
Jacksonville Sports Development Authority		
Appointee:	Hall, Constance Sands	09/30/99
Board of Professional Surveyors and Mappers		
Appointee:	Stoner, Eugene (Gene) Walker	10/31/99
Unemployment Appeals Commission		
Appointee:	Hammond, James Arthur	06/30/99
Board of Veterinary Medicine		
Appointee:	Whitley, Thomas Folsom	10/31/99
Alafia River Basin Board of the Southwest Florida Water Management District		
Appointee:	Lane, Julian (Jay) B., Jr.	03/01/97
Peace River Basin Board of the Southwest Florida Water Management District		
Appointees:	Bailey, Doris Marie	03/01/97
	Furland, Nancy Newton	03/01/98
	Hackney, William A., Jr.	03/01/98
	Hencher, Thomas C.	03/01/97
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointees:	Brooks, Sandra Simms	03/01/98
	Updegraff, Ramona Moorefield	03/01/97
	Welch, David T.	03/01/97
Governing Board of the Suwannee River Water Management District		
Appointee:	Starnes, Earl Maxwell	03/01/99

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

1) the executive appointments of the above-named appointees, to the offices and for the terms indicated, be *confirmed* by the Senate.

2) Senate action on said appointments be taken prior to the adjournment of the 1996 Regular Session.

3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—37 Nays—None

The Honorable James A. Scott May 3, 1996
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointee:	Davis, Shaun M.	10/31/99
Board of Acupuncture		
Appointee:	Perez-Tamayo, Felicia A.	10/31/98
Board of Architecture and Interior Design		
Appointees:	Khuly, Margarita Alejandre	10/31/99
	Manausa, Charles Trent	10/31/99
Florida Board of Auctioneers		
Appointee:	Kahin, La Sharn Mercer	10/31/99
Florida Black Business Investment Board		
Appointees:	Cunningham, DeNeal H.	09/30/99
	Jennings, Cleastor William	09/30/97
Capitol Center Planning Commission		
Appointees:	Block, Charles Edward	09/30/96
	Burns, Min Ja Bates	09/30/99
Florida Citrus Commission		

Office and Appointment		*For Term Ending*
Appointees:	Austin, George Horace	05/31/99
	Lucas, Charles W.	05/31/99
	Schirard, Joseph Brantley	05/31/99
	Sorrells, Howard Esker	05/31/99
Hillsborough County Civil Service Board		
Appointee:	Rodgers, Mary Tone	07/02/97
State Board of Community Colleges		
Appointees:	Hanna, Randall (Randy) W.	09/30/00
	Wilson, Alberta K.	09/30/97
Florida Commission on Community Service		
Appointees:	Allen, Mary Wyatt U.	09/14/98
	Gerwens, Joseph C.	09/14/97
Board of Trustees of Hillsborough Community College		
Appointee:	Weatherford, Doris L.	05/31/97
Board of Trustees of Lake City Community College		
Appointees:	Hart, Cheryl H.	05/31/99
	Stoddard, Linda Gandrud	05/31/98
Construction Industry Licensing Board		
Appointees:	Cowart, Richard T.	10/31/99
	Palacios, Rafael Raul	10/31/96
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointee:	Luzadder, Lynn Ann	11/07/99
Board of Dentistry		
Appointees:	Keller, Peter A.	10/31/99
	Williamson, Carol E.	10/31/98
Electrical Contractors' Licensing Board		
Appointees:	Autrey, Ronald Andrew	10/31/99
	Colley, Jesse B.	10/31/99
	Johnson, Dawn Reed	10/31/99
	Morris, Herbert Kent	10/31/97
	Robinson, Keneath Fredrick, Jr.	10/31/99
Board of Employee Leasing Companies		
Appointees:	Holt, William Neil	10/31/99
Board of Professional Engineers		
Appointees:	Anderson, Melvin William	10/31/97
	Coby, Alvin Gerald	10/31/99
	Nodarse, Leila Jammal	10/31/98
	Rhodes, Chester J.	10/31/98
Board of Directors, Enterprise Florida, Inc.		
Appointee:	Leiva, Maria Camila	07/01/99
Board of Directors, Enterprise Florida Capital Partnership		
Appointee:	Serravezza, William James	03/09/97
Board of Directors, Enterprise Florida Jobs and Education Partnership		
Appointee:	Day, Philip R., Jr.	Pleasure of Governor
Environmental Regulation Commission		
Appointees:	Berger, Mitchell Wayne	07/01/99
	Humphrey, Stephen Reynolds	07/01/99
	Machata, Andrew Michael	07/01/99
	Muga, Ricardo Dimas	07/01/97
	Nicholson-Choice, Maribel N.	07/01/97
Commission on Ethics		
Appointee:	Gonzalez-Levy, Sandra Jarro	06/30/96
Board of Funeral Directors and Embalmers		
Appointees:	Papavaritis, John C.	10/31/97
	Ralph, Judith C. (Johnson)	10/31/99
	Southerland, William Steve II	10/31/99
Board of Professional Geologists		
Appointees:	Enos, Gabrielle Mitzn	10/31/96
	Kwader, Thomas	10/31/97
Secretary of Health and Rehabilitative Services		
Appointee:	Feaver, Edward A.	Pleasure of Governor
Board of Trustees of South Lake County Hospital District		
Appointee:	Jordan, Lennon D.	07/05/97
State Board of Independent Colleges and Universities		
Appointees:	O'Banner, Mary A.	09/30/97
	Rose, Jane A.	09/30/98
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools		
Appointee:	Alexis, Patricia Augustina	07/01/98
Southeast Interstate Low-Level Radioactive Waste Management Commission		
Appointees:	Hodes, Richard Samuel	06/30/97
	Hunter, Richard Gavin	06/30/96
	Jones, Amy Marie	Pleasure of Governor
	Passetti, William Allan	Pleasure of Governor
Investment Advisory Council		
Appointees:	Miller, William, Jr.	12/12/99
	Pugh, James H., Jr.	12/31/99
Atlantic States Marine Fisheries Commission		
Appointee:	Blum, John Stanley Allen	09/04/98
Board of Medicine		
Appointee:	Cerda, James J.	10/31/99
National Conference of Commissioners on Uniform State Laws		
Appointee:	Kittleson, Henry M.	06/05/99
Florida Inland Navigation District		
Appointees:	Allen, Jo Ann Anderson	01/03/99
	Moorhead, Ted B.	01/03/99
	Newton, Brynn Gail	01/03/99
	Shorstein, Ann R.	01/03/99
Board of Nursing Home Administrators		
Appointee:	Goodman, Terry Carl	10/31/96
Board of Optometry		
Appointees:	Andrews, James W.	10/31/99
	Fisher, Alan Paul	10/31/99
	Schlofman, Arthur Leonard	10/31/96
Board of Osteopathic Medicine		
Appointees:	Hackenberg, John C.	10/31/99
	Taylor, Gertrude Simpson	10/31/99
Pilotage Rate Review Board		
Appointee:	Bentley, Chris Howard	10/31/97
Board of Podiatric Medicine		
Appointee:	Meritt, Stephen Michael	10/31/99
Historic Florida Keys Preservation Board of Trustees		
Appointee:	Carty, Edmund Earl	06/30/99
Historic Pensacola Preservation Board of Trustees		
Appointee:	Halford, Douglas C.	06/30/99
Historic Tampa-Hillsborough County Preservation Board of Trustees		
Appointee:	Gonzmart, Adela Hernandez	06/30/98
Public Employees Relations Commission		
Appointee:	Gooding, Shirley O.	01/01/98
Chairman of Public Employees Relations Commission		
Appointee:	Horne, Mallory Eli	01/01/00
Florida Real Estate Appraisal Board		

Office and Appointment		*For Term Ending*
Appointees:	Alvarez, Pedro Manuel	10/31/98
	Bowman, Jackson H. III	10/31/99
	Geraghty, Kelley Elizabeth	10/31/96
	Ketcham, Clayton "Clay" Blane	10/31/98
North Central Florida Regional Planning Council, Region 3		
Appointee:	Philman, Emory James	10/01/97
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Barber, Margaret Millikan	10/01/97
	Owens, Linda Demes	10/01/97
	Waldron, Harry H.	10/01/98
Central Florida Regional Planning Council, Region 7		
Appointees:	Mason, Richard Finley	10/01/98
	Roberts, Lawrence Arthur, Sr.	10/01/98
Southwest Florida Regional Planning Council, Region 9		
Appointees:	Duane, Robert Livingston	10/01/99
	Urban, John Carl, Jr.	10/01/99
Treasure Coast Regional Planning Council, Region 10		
Appointee:	Orvis, Lacene Estes	10/01/97
State Retirement Commission		
Appointees:	Coker, Donnie Joshua	12/31/99
	Fernandez, Robert F.	12/31/99
	Murray, Rosalind L.	12/31/98
Board of Trustees of the John and Mable Ringling Museum of Art		
Appointee:	Ostrau, Amy Sue	11/05/97
Board of Speech-Language Pathology and Audiology		
Appointee:	Trask, George W.	10/31/99
Board of Professional Surveyors and Mappers		
Appointee:	Weidener, Margarita Garcia	10/31/98
Florida Commission on Tourism		
Appointees:	Racanelli, John Charles	06/30/96
	Stierheim, Merrett R.	06/30/98
Florida Transportation Commission		
Appointees:	Kerr, David C. G.	09/30/99
	Kimbrough, James H.	09/30/99
	Kirschenbaum, Malcolm R.	09/30/99
	San Roman, Herminio	09/30/99
Florida Commission on Veterans' Affairs		
Appointee:	Foisy-Swann, Catherine Jean	11/16/98
Executive Director of Department of Veterans' Affairs		
Appointee:	Rainwater, Carlos L.	Pleasure of Governor
Board of Veterinary Medicine		
Appointee:	Figarola, Fernando	10/31/99
Governing Board of the Southwest Florida Water Management District		
Appointees:	Campo, Ramon F.	03/01/00
	Davis, Joe Louis, Jr.	03/01/00
	Eger, Rebecca M.	03/01/00
Workers' Compensation Panel		
Appointee:	Neimeiser, Mark Michael	Pleasure of Governor

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

1) the executive appointments of the above-named appointees, to the offices and for the terms indicated, be *confirmed* by the Senate.

2) Senate action on said appointments be taken prior to the adjournment of the 1996 Regular Session.

3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Charlie Crist, Chairman

Senator Crist moved that the rules be waived and the following appointments be withdrawn from the Committee on Executive Business, Ethics and Elections and added to the foregoing report. The motion was adopted without objection.

Office and Appointment		*For Term Ending*
Marine Fisheries Commission		
Appointees:	Geraghty, Patrick E.	08/01/99
	Marston, Robert Quarles	08/01/99

Senator Thomas moved that the rules be waived and the following appointment be withdrawn from the Committee on Executive Business, Ethics and Elections and added to the foregoing report. The motion was adopted without objection.

Office and Appointment		*For Term Ending*
Board of Optometry		
Appointee:	Barber, Melvin Valentino, Jr.	10/31/98

Senator Kirkpatrick moved that the rules be waived and the following appointment be withdrawn from the Committee on Higher Education and added to the foregoing report. The motion was adopted without objection.

Office and Appointment		*For Term Ending*
Board of Regents		
Appointee:	Watson, Welcom Henry	01/01/02

On motion by Senator Crist, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee as amended to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—37 Nays—None

The Honorable James A. Scott May 3, 1996
President, The Florida Senate

Dear Mr. President:

The following executive appointment was referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Environmental Regulation Commission		
Appointee:	Batchelor, Dick J.	07/01/99

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

1) the executive appointment of the above-named appointee, to the office and for the term indicated, be *confirmed* by the Senate.

2) Senate action on said appointment be taken prior to the adjournment of the 1996 Regular Session.

3) there is no necessity known to the committee for the deliberations on said appointment to be held in executive session.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Dyer, consideration of the above-named appointee was deferred.

The Honorable James A. Scott May 3, 1996
President, The Florida Senate

Dear Mr. President:

The following executive appointment was referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Trustees of South Lake County Hospital District		
Appointee:	Harris, Richard Earl	07/05/99

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience and general suitability of the above-named appointee for appointment to the office indicated. In aid of such inquiry, the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointee.

After due consideration of the finding of such inquiry and the evidence adduced at the public hearing, the committee respectfully voted to send this appointment to the floor without recommendation.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Johnson, the Senate confirmed the appointment identified in the foregoing report of the committee to the office and for the term indicated.

The vote was:

Yeas—36 Nays—None

The Honorable James A. Scott May 3, 1996
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Chiropractic		
Appointee:	Kirkland, Jessie B.	10/31/95
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointee:	Gygi, Judy Charolene	10/31/98
State Board of Community Colleges		
Appointee:	Jones, John Henry	09/30/95
Florida Commission on Community Service		
Appointees:	Hansen, Donna Lynn	09/14/95
	Heath, Perry Patrick	09/14/98
Construction Industry Licensing Board		
Appointee:	Koken, Melinda J.	10/31/95
Florida Elections Commission		
Appointee:	Campbell, Walter Gordon, Jr.	12/10/97
Environmental Regulation Commission		
Appointee:	Roen, Nancy Hanson	07/01/97
Florida Commission on Human Relations		
Appointee:	Townsend, Ronald Paul	09/30/95
Board of Nursing		
Appointee:	Breen, Nancy J.	10/31/95
Parole Commission		
Appointee:	Grogan, Patricia A.	10/06/95
Historic Tampa-Hillsborough County Preservation Board of Trustees		
Appointee:	Acosta, Delphin Joseph	06/30/99
Substitute Commissioner of the Public Employees Relations Commission		
Appointee:	Smith, Gregory C.	Pleasure of Governor
Florida Real Estate Appraisal Board		
Appointee:	Bowman, Jackson H. III	10/31/95
North Central Florida Regional Planning Council, Region 3		
Appointee:	Estes, Charles Elmer	10/01/97
Board of Trustees of the John and Mable Ringling Museum of Art		
Appointee:	Jennings, Christine L.	11/05/95
Florida Transportation Commission		
Appointees:	San Roman, Herminio	09/30/95
	Thompson, Gay Rebel	09/30/99
Board of Veterinary Medicine		
Appointee:	Whitley, Thomas Folsom	10/31/95
Peace River Basin Board of the Southwest Florida Water Management District		
Appointee:	Burtscher, John Edward	03/01/98

The Senate Committee on Executive Business, Ethics and Elections has failed to consider these appointments because:

a) the terms of the following persons have expired: Jessie B. Kirkland, Melinda J. Koken, Ronald Paul Townsend, Nancy J. Breen, Patricia A. Grogan, Jackson H. Bowman, Christine L. Jennings, Herminio San Roman and Thomas Folsom Whitley.

b) The following persons have resigned: Judy Charolene Gygi, Donna Lynn Hansen, Perry Patrick Heath, Walter Gordon Campbell, Nancy Hanson Roen, Delphin Joseph Acosta, Gregory C. Smith, Charles Elmer Estes, Gay Rebel Thompson and John Edward Burtscher.

c) John Henry Jones is deceased.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the report was adopted and the Senate failed to consider the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 77, HB 775, HB 857, HB 867, HB 1301, HB 1305, CS for HB 1429, HB 1799, HB 2009, HB 2169, HB 2171, HB 2173, HB 2175, HB 2177, HB 2179, HB 2183, HB 2221, HB 2441, HB 2485, HB 2571, HB 2597, HB 2615, HB 2623, HB 2625, HB 2629, HB 2637, HB 2639, HB 2733, HB 2737; has passed as amended HB 255, CS for HB

387, CS for HB 455, CS for HB 483, CS for HB 495, CS for HB 537, CS for HB 555, HB 573, CS for HB 581, CS for HB 589, CS for HB 711, CS for HB 751, CS for HB 793, HB 811, CS for HB 915, CS for HB 961, HB 987, HB 999, HB 1019, CS for HB 1029, CS for HB 1035, HB 1121, HB 1261, CS for HB 1283, CS for HB 1291, HB 1299, HB 1303, CS for HB 1329, HB 1417, CS for HB 1423, HB 1435, CS for HB 1805, CS for HB 1813, CS for HB 1839, HB 1843, HB 1855, CS for HB's 1883 and 2067, CS for HB 1887, CS for HB 1905, HB 1959, CS for HB 1979, CS for HB 2005, HB 2085, CS for HB 2119, CS for HB 2135, HB 2181, HB 2195, CS for HB 2207, HB 2265, HB 2345, HB 2375, HB 2377, CS for CS for HB's 2385 and CS for HB 2399, CS for HB's 2405, CS for HB 267, CS for HB 531, 1495, 1859 and 1929, HB 2417, CS for HB 2465, HB 2605, HB 2609, HB 2617, HB 2627, HB 2631, HB 2633, HB 2663, HB 2683, HB 2705, HB 2709, HB 2729; has passed by the required Constitutional three-fifths vote of the membership CS for HB 1225; has adopted HCR 2751 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Criminal Justice and Representative Sublette and others—

CS for HB 77—A bill to be entitled An act relating to fines in criminal cases; amending s. 775.083, F.S.; authorizing counties to adopt ordinances imposing additional fines upon criminal offenders; authorizing the court to order defendants to pay the fines under certain circumstances; providing for collecting and accounting for the fines by the clerk of the court; providing for counties to expend the fines to cover the costs of collecting the fines and for crime-prevention purposes; providing an effective date.

(Substituted for **SB 28** on the Special Order Calendar this day.)

By Representative Healey and others—

HB 775—A bill to be entitled An act relating to Palm Beach County; amending chapter 67-2169, Laws of Florida, as amended; revising provisions relating to uses of and trespassing on the West Palm Beach water catchment area; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Merchant and others—

HB 857—A bill to be entitled An act relating to Lake Worth Drainage District, Palm Beach County; removing and deleting certain lands in the territorial boundaries of said district; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Constantine and others—

HB 867—A bill to be entitled An act relating to Orange County; authorizing passenger buses serving the International Drive Master Transit District through a contract with the district to have neon signs on the body of the bus under certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Turnbull and others—

HB 1301—A bill to be entitled An act relating to Leon County; repealing chapters 61-2419 and 65-1838, Laws of Florida, relating to impoundment of dogs; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Turnbull and others—

HB 1305—A bill to be entitled An act relating to Leon County; repealing chapter 69-1249, Laws of Florida, relating to peddler's permits; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Governmental Operations and Representative Betancourt—

CS for HB 1429—A bill to be entitled An act relating to public records; creating s. 288.1066; providing an exemption from public records requirements for certain proprietary, trade secret, and tax data information submitted to the Department of Commerce, the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., or county or municipal governmental entities and their employees in connection with administration of the qualified defense contractor and qualified target industry tax refund programs; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

(Substituted for **SB 1240** on the Special Order Calendar this day.)

By Representative Andrews—

HB 1799—A bill to be entitled An act relating to the Town of Gulf Stream, Palm Beach County; authorizing the town to engage in the cultivation of Australian pine for specified purposes, notwithstanding the provisions of s. 369.251, F.S.; providing an effective date.

Proof of publication of the required notice was attached.

(Substituted for **SB 3132** on the Local Bill Calendar May 4.)

By Representative Ogles and others—

HB 2009—A bill to be entitled An act relating to Manatee County; amending chapter 61-2455, Laws of Florida, as amended, the Manatee County Law Library Act, to provide that the Clerk of the Circuit Court of Manatee County shall collect the sum of $20 in each civil cause or proceeding commenced in the circuit court, and the sum of $15 in each civil cause or proceeding commenced in county court in which the amount in issue is between $2,500 and $5,000, and the sum of $20 in each civil cause commenced in county court in which the amount in issue is $5,000 or greater, which costs or fees are in addition to costs or fees otherwise provided by law, and the whole of which additional costs or fees shall be paid into the County Law Library Fund and expended according to the Manatee County Law Library Act; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Crist and others—

HB 2169—A bill to be entitled An act relating to performance audits of the Hillsborough County Environmental Protection Commission; amending chapter 94-405, Laws of Florida; changing the due date of the initial audit; providing for mandatory components of the audit; providing for use of an alternative audit; deleting optional components of the audit; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Crist and others—

HB 2171—A bill to be entitled An act relating to Hillsborough County; repealing chapter 25883, Laws of Florida, 1949, relating to the Historical Commission and Museum; abolishing the present board, transferring its assets and obligations to the county or to a successor board created by ordinance; providing for assumption of the present board's obligations and liabilities by the county or the successor board; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Crist and others—

HB 2173—A bill to be entitled An act relating to performance audits of the Hillsborough County Public Transportation Commission; amending chapter 94-408, Laws of Florida; changing the due date of the initial audit; providing for mandatory components of the audit; providing for use of an alternative audit; deleting optional components of the audit; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Crist and others—

HB 2175—A bill to be entitled An act relating to performance audits of the Hillsborough County Aviation Authority; amending chapter 94-412, Laws of Florida; providing for mandatory components of the audit; deleting language relating to audits by the clerk of the circuit court; providing for use of an alternative audit; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Crist and others—

HB 2177—A bill to be entitled An act relating to performance audits of the Hillsborough County City-County Planning Commission; amending chapter 94-406, Laws of Florida; providing for mandatory components of the audit; providing for use of an alternative audit; repealing provisions relating to optional components of the audit; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Crist and others—

HB 2179—A bill to be entitled An act relating to performance audits of the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida; providing for mandatory components of the audit and deleting language relating to audits by the clerk of the circuit court; providing for use of an alternative audit; repealing provisions relating to optional components of the audit; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Crist and others—

HB 2183—A bill to be entitled An act relating to the Tampa Sports Authority; amending ch. 82-306, Laws of Florida, as amended; deleting provisions that provide for the appointment of the initial members of the authority's board; providing additional powers of the authority; requiring the authority to undergo a periodic performance audit; providing components and procedures for the audit; providing for an audit performed pursuant to general law to fulfill the requirements for the performance audit under certain circumstances; requiring the chairman of the authority to submit a report to the Hillsborough County Legislative Delegation; repealing chs. 92-236, 94-410, 95-525, Laws of Florida, relating to the Tampa Sports Authority; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Davis and others—

HB 2221—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 94-465, Laws of Florida, relating to an alcoholic beverage license for use by the Tampa Museum of Art; providing for the sale of alcoholic beverages, except alcoholic beverages, as defined in s. 565.01, F.S., in sealed containers for consumption off the premises where sold; deleting language relating to the vendor removing partially consumed alcoholic beverages from the premises where sold; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative K. Pruitt—

HB 2441—A bill to be entitled An act relating to St. Lucie County; amending section 1 of chapter 69-1544, Laws of Florida, 1969; authorizing the board of supervisors of North St. Lucie River Water Control District to assess and levy a minimum maintenance tax in amount not to exceed $25 per year upon each tract or parcel of land within said district without regard to the net assessment of benefits assessed as accruing to original construction; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Clemons—

HB 2485—A bill to be entitled An act relating to the Bay County Law Library; amending chapter 69-835, Laws of Florida; amending the Law Library Fund fee charged in criminal cases in the county court; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Harris—

HB 2571—A bill to be entitled An act relating to Central County Water Control District, formerly Central County Water Drainage District, Hendry County; increasing the number of members serving on the district's board of supervisors; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Minton—

HB 2597—A bill to be entitled An act relating to the St. Lucie County Fire District; amending the charter of the district to incorporate all subsequent amendments; changing the interest rate; repealing all previous acts relating to the fire district; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Stafford—

HB 2615—A bill to be entitled An act relating to Broward County; establishing purpose and intent; providing for the annexation of certain lands located in unincorporated Broward County into the City of Dania; providing for deannexation of certain lands presently located within the municipal boundaries of the City of Dania; providing for jurisdiction of the Fort Lauderdale-Hollywood International Airport; providing an exception to deannexation provisions of ch. 171, F.S.; providing for an effective date.

Proof of publication of the required notice was attached.

(Substituted for **SB 3114** on the Local Bill Calendar May 4.)

By Representative Stafford—

HB 2623—A bill to be entitled An act relating to North Springs Improvement District, Broward County; amending sections 4(1), 8, and 9 of chapter 71-580, Laws of Florida, as amended; including school buildings and related structures, parks, and recreational, cultural, and educational facilities in the definition of "assessable improvements"; increasing the compensation each supervisor shall be entitled to receive for services; authorizing the district to construct school buildings and related structures and to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain parks and facilities for indoor and outdoor recreational, cultural, and educational uses; providing an effective date.

Proof of publication of the required notice was attached.

(Substituted for **SB 3124** on the Local Bill Calendar May 4.)

By Representative Stafford—

HB 2625—A bill to be entitled An act relating to Broward County; repealing chapter 59-1150, Laws of Florida, which authorizes the Board of County Commissioners to establish a planning department and for certain other matters related thereto; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Stafford—

HB 2629—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; amending chapter 67-904, Laws of Florida, as amended; providing for an increase in the compensation allowable for members of the Board of Supervisors; revising obsolete statute references; deleting a deadline for certifying to the Broward County Property Appraiser taxes which are to be collected and levied for the district; deleting a deadline for certifying to the Broward County Property Appraiser taxes which are to be collected and levied for the district; increasing the amount at which bids are required for the procurement by district for contractual services and the purchase of goods, supplies and materials; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Stafford—

HB 2637—A bill to be entitled An act relating to Broward County; repealing chapter 69-902, Laws of Florida, which provides for the construction, acquisition, or purchase of airports and for certain other matters related thereto; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Stafford and others—

HB 2639—A bill to be entitled An act relating to Broward County; repealing chapter 61-1951, Laws of Florida, authorizing the Board of County Commissioners to adopt rules and regulations requiring the fencing of public or residential swimming pools and for certain other matters related thereto; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative D. Saunders and others—

HB 2733—A bill to be entitled An act relating to the Polk County School Board; providing that the School Board of Polk County may place a measure on the ballot in a general election to increase the number of Polk County School Board members from five to seven; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Burroughs—

HB 2737—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing that the position of Santa Rosa County Project Coordinator shall be an unclassified position; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Thrasher—

HB 255—A bill to be entitled An act relating to continuing and transitional care providers; amending s. 632.637, F.S.; excluding certain entities from provisions applying to fraternal benefit societies; amending s. 651.011, F.S.; excluding certain entities from the definition of "provider"; requiring certain disclosure of exemptions; amending s. 651.118, F.S.; authorizing extension of a certificate of need for sheltered nursing home beds, under specified conditions; requiring a report to the Legislature regarding the licensure and regulation of transitional living facilities; providing an effective date.

(Substituted for **SB 258** on the Special Order Calendar this day.)

By the Committee on Judiciary and Representative Jones and others—

CS for HB 387—A bill to be entitled An act relating to community association managers; amending s. 455.01, F.S.; revising the definition of "board"; amending s. 468.431, F.S.; defining "council"; deleting the

definition of "division"; renumbering and amending s. 468.434, F.S.; creating the Regulatory Council of Community Association Managers within the Department of Business and Professional Regulation; providing for membership; providing for the adoption of rules by the council; providing applicability to the council and the department of certain provisions that are applicable to regulatory boards; amending s. 468.432, F.S.; deleting an obsolete licensing exception; revising a licensing exception to conform to the provisions of the act; amending s. 468.433, F.S.; providing for licensure as a community association manager; providing qualifications; providing grounds for refusal to certify an applicant; providing for approval of an examination and for examination criteria; creating s. 468.4336, F.S.; providing for renewal of licenses; creating s. 468.4337, F.S.; providing continuing education requirements; creating s. 468.4338, F.S.; providing for reactivation of a license; amending s. 468.435, F.S.; authorizing the council to establish and collect specified fees; providing for deposit of such fees in the Professional Regulation Trust Fund; amending s. 468.436, F.S.; specifying grounds for disciplinary actions; providing penalties; providing for reissuance of license; providing requirements for records and meetings held for disciplinary actions; transferring the regulation of community association managers from the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to the Division of Professions of the department; transferring certain unexpended balances of funds to the Professional Regulation Trust Fund; transferring and providing positions and providing an appropriation; providing an effective date.

(Substituted for **CS for SB 376** on the Special Order Calendar May 4.)

By the Committee on Criminal Justice and Representative Casey and others—

CS for HB 455—A bill to be entitled An act relating to drivers' licenses; creating s. 322.2616, F.S.; prohibiting individuals under a specified age who have a specified breath alcohol level from operating a motor vehicle; authorizing law enforcement officers or correctional officers to suspend the driver's license of such a person who drives a motor vehicle with a specified breath alcohol level or who refuses to submit to a breath alcohol test; prescribing a minimum term of suspension of the driving privilege before an eligible person may be issued a license for business or employment purposes; providing for consent to be tested; providing procedures; providing for review; providing for appeal to the circuit court; amending s. 322.2615, F.S.; providing that a person's license may not be suspended under both s. 322.2615, F.S., and s. 322.2616, F.S.; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Business and Professional Regulation; and Representative Stabins and others—

CS for HB 483—A bill to be entitled An act relating to medical procedures performed by school district personnel; amending s. 232.46, F.S.; requiring certain training of school personnel who administer prescribed medication; creating s. 232.465, F.S.; prohibiting certain medical services by nonmedical school district personnel; authorizing certain health-related services; providing for establishment of emergency procedures; prohibiting school district personnel from providing certain services under certain circumstances; amending s. 409.9071, F.S.; providing for individual educational plans to include medical necessity; providing an effective date.

(Substituted for **CS for SB 1114** on the Special Order Calendar this day.)

By the Committee on Business and Professional Regulation; and Representative Dawson-White—

CS for HB 495—A bill to be entitled An act relating to physicians; amending s. 458.347, F.S., relating to physician assistants; allowing third-party payors to reimburse employers of physician assistants for covered services rendered by certified physician assistants; eliminating a continuing education requirement relating to the authority to prescribe certain medication; requiring a signed affidavit verifying completion of the required minimum continuing medical education for prescriptive privileges; authorizing educational institutions other than community colleges to offer physician assistant training programs for certain unlicensed physicians under certain circumstances; eliminating the requirement for students in programs at community colleges to cover the full cost of such instruction; authorizing the translation of the examination into other languages under certain circumstances; providing for a one-time extension of temporary certification; restricting the number of times the examination may be taken by certain applicants and providing requirements relating to retaking the examination; revising duties of the Agency for Health Care Administration, the Boards of Medicine and Osteopathic Medicine, and the Council on Physician Assistants with respect to certification and temporary certification of physician assistants; authorizing the boards to delegate powers and duties to the council; providing for reactivation of inactive or delinquent status certificates; providing for allocation of certain fees to the council; amending s. 459.022, F.S., relating to physician assistants under supervision of osteopathic physicians, to conform, as applicable; prohibiting certain health-related entities from discriminating against a licensee on the basis of licensure under ch. 458, F.S., or ch. 459, F.S.; creating s. 458.3115, F.S.; providing procedures for certain foreign-licenced physicians to obtain a restricted license; providing an effective date.

(Substituted for **CS for SB 670** on the Special Order Calendar this day.)

By the Committee on Business and Professional Regulation; and Representative Jones—

CS for HB 537—A bill to be entitled An act relating to chiropractic; amending s. 460.403, F.S.; revising the definition of the term "practice of chiropractic" to authorize the ordering, storing, and administering of prescription medical oxygen and certain topical anesthetics under certain circumstances; amending s. 460.406, F.S., relating to licensure as a chiropractor by examination; resolving a conflict between different versions of certain provisions; authorizing certain applicants to take the examination; revising current and providing future educational requirements; repealing s. 3, ch. 94-173, Laws of Florida, relating to reinstatement of certain void licenses to practice chiropractic, the provisions of which are no longer operable; amending s. 460.408, F.S.; revising requirements relating to approval of courses for continuing chiropractic education; amending s. 460.413, F.S.; revising grounds for disciplinary action relating to the prescribing, dispensing, or administering of medicinal drugs and the keeping of written chiropractic records; increasing the administrative fine; reenacting ss. 320.0848(7), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for the disabled, prohibited referrals between health care providers and providers of health care services, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; creating s. 460.4166, F.S.; defining "registered chiropractic assistant"; providing duties; providing for registration; repealing s. 460.403(5), (6), (7), (8), and (9), F.S., relating to various definitions applicable solely to the peer review process; repealing s. 460.4104, F.S., relating to peer review of services and fees of licensees under chapter 460, F.S., relating to chiropractic; providing effective dates.

(Substituted for **SB 2688** on the Special Order Calendar May 4.)

By the Committee on Health Care and Representative Lippman and others—

CS for HB 555—A bill to be entitled An act relating to health care; creating the "Senator William G. 'Doc' Myers Public Health Act of 1996"; amending ss. 20.04 and 20.19, F.S.; renaming the Department of Health and Rehabilitative Services as the Department of Children and Family Services; modifying purposes and organization of the department and the health and human service boards; transferring from the Department of Health and Rehabilitative Services to the Department of Health matters relating to public and environmental health and children's medical services; providing legislative intent that the Department of Children and Family Services may contract with Children's Medical Services in the Department of Health for child protection and sexual abuse treatment programs; providing legislative intent relating to creation of a

Department of Health; creating s. 20.43, F.S.; establishing the Department of Health; providing purpose and organizational structure; providing for regulation of health care practitioners; amending s. 20.165, F.S.; deleting references to health care practitioners from provisions relating to the Department of Business and Professional Regulation; amending s. 20.42, F.S.; revising organization of the Agency for Health Care Administration, to conform; transferring responsibilities relating to health care practitioner licensure and regulation to the Department of Health; creating s. 455.2055, F.S.; providing for appointment of members of regulatory boards under the Department of Health; amending s. 154.02, F.S.; renaming the Public Health Unit Trust Fund as the County Health Department Trust Fund and transferring administration to the Department of Health; amending s. 154.04, F.S.; providing for the appointment of county health department directors and administrators; creating s. 381.00315, F.S.; providing for public health emergencies and advisories; amending s. 391.051, F.S.; revising qualifications of the director of children's medical services; providing for appointment of a transition advisory committee; requiring a schedule of transition activities and certain recommendations; providing timeframes; establishing a task force to study and make recommendations regarding the appropriate governmental structure for the purchase, regulation, and delivery of health care in the state; requiring a report; providing certain reorganizational authority and budget flexibility for the Department of Children and Family Services and the Department of Health; providing limitations; providing for future repeal; providing for the continuation of rules; providing for transfer of certain trust funds and cash balances; providing for the effect of the act on pending judicial and administrative proceedings; providing severability; directing the statute editors to prepare a reviser's bill; providing an appropriation; providing effective dates.

(Substituted for **SB 2602** on the Special Order Calendar this day.)

By Representative Eggelletion and others—

HB 573—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 16.59, F.S.; renaming the Medicaid fraud control office as the Medicaid Fraud Control Unit and clarifying its investigative jurisdiction; amending s. 320.025, F.S.; substituting the Attorney General for the Auditor General as the head of the Medicaid Fraud Control Unit to conform with 1994 statutory changes; amending s. 409.910, F.S.; clarifying the location of the Medicaid Fraud Control Unit as being within the Attorney General's Office and substituting the Attorney General for the Auditor General as the head of the Medicaid Fraud Control Unit to conform with 1994 statutory changes; amending s. 409.913, F.S.; renaming the Medicaid fraud control office of the Department of Legal Affairs as the Medicaid Fraud Control Unit of the Office of the Attorney General; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Agency for Health Care Administration; creating s. 409.9205, F.S.; making investigators employed by the Medicaid Fraud Control Unit who are certified under s. 943.1395, F.S., law enforcement officers of the state in matters of Medicaid fraud; providing an effective date.

—was referred to the Committee on Health Care.

By the Committee on Business and Professional Regulation; and Representative Bloom and others—

CS for HB 581—A bill to be entitled An act relating to nursing; amending s. 464.003, F.S.; replacing the definition of "department" with the definition of "agency" to conform to current law under which the Agency for Health Care Administration is responsible for the regulation of nursing; revising the definition of "advanced or specialized nursing practice" to revise provisions relating to membership on the joint committee responsible for identifying and approving the various medical acts that advanced registered nurse practitioners may perform; providing for appointment and terms of members; amending s. 464.004, F.S.; increasing the membership of the Board of Nursing and providing for appointment and terms of the new members; amending s. 464.012, F.S.; revising various certification requirements for advanced registered nurse practitioners; authorizing advanced registered nurse practitioners to order diagnostic tests and physical and occupational therapy under certain circumstances; amending ss. 464.008, 464.009, 464.013, 464.014, 464.018, and 464.019, F.S.; conforming terminology; clarifying a ground for disciplinary action relating to possession, sale, or distribution of controlled substances; providing for appointment of a task force to conduct a study regarding the prescribing of controlled substances by advanced registered nurse practitioners; requiring a report; providing for appointment of a task force to study nursing-department staffing in licensed facilities; requiring a report; providing an effective date.

(Substituted for **CS for SB 746** on the Special Order Calendar May 4.)

By the Committee on Insurance and Representative Ascherl—

CS for HB 589—A bill to be entitled An act relating to long-term care insurance; amending s. 627.9403, F.S.; requiring certain limited benefit policies to meet certain requirements of the long-term care insurance act; providing exceptions and an exemption; amending s. 627.9404, F.S.; adding definitions used in the long-term care insurance act; amending s. 627.94071, F.S.; revising the minimum standards for home health care benefits in long-term care insurance policies; amending s. 627.94072, F.S.; establishing the minimum values for nonforfeiture benefits that must be offered; creating s. 627.94073, F.S.; requiring long-term care policies to provide a minimum grace period for late payment of premium; requiring a notice of cancellation to the policyholder and to a designated secondary addressee; requiring insurers to notify policyholders of right to designate a secondary addressee; requiring reinstatement of a lapsed policy due to cognitive impairment; creating s. 641.2018, F.S.; authorizing health maintenance organizations to issue contracts limited to covering home health care benefits; requiring such contracts to meet certain requirements; creating s. 627.94074, F.S.; providing standards for benefit triggers for long-term care insurance policies; providing effective dates.

(Substituted for **SB 818** on the Special Order Calendar this day.)

By the Committee on Business and Professional Regulation; and Representative Tobin and others—

CS for HB 711—A bill to be entitled An act relating to the regulation of professions and occupations; amending ss. 326.002, 326.003, 326.004, and 326.006, F.S., relating to the "Yacht and Ship Brokers' Act"; transferring the regulation of yacht and ship brokers from the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to the Division of Professions of the department; conforming terminology; amending s. 402.48, relating to health care services pools, and repealing a conflicting version of paragraph (8)(d), relating to payment of judgments from an escrow account or letter of credit; transferring the regulation of health care services pools from the Department of Business and Professional Regulation to the Agency for Health Care Administration; conforming terminology; amending s. 455.203, F.S.; providing that a licensee acknowledges compliance with all requirements for renewal upon submitting the appropriate renewal fees to the Department of Business and Professional Regulation or the Agency for Health Care Administration, as applicable; providing a restriction of renewal of license; amending s. 455.217, F.S.; providing for licensing and certification examinations to be competitively bid under certain circumstances; amending s. 455.219, F.S.; authorizing regulatory boards, or the department if there is no board, to charge a fee for authorized inspections; amending s. 455.227, F.S.; exempting licensees participating in mediation or professional review proceedings from being disciplined for failing to report violators; amending s. 468.453, F.S.; requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required criminal records check; creating s. 403.102, F.S.; providing legislative intent; creating s. 403.1021, F.S.; providing definitions; creating s. 403.1022, F.S.; requiring certification of operators and registration of trainees; providing classes of certification; providing qualification criteria; providing for examination; creating s. 403.1023, F.S.; providing for administration of the regulatory program; requiring maintenance of a computerized database of certified operators; creating s. 403.1024, F.S.; providing for appointment of an advisory council; creating s. 403.1025, F.S.; providing for assessment of fees and for deposit thereof; creating s. 403.1026, F.S.; providing prohibitions; providing penalties; creating s. 403.1027, F.S.; providing authority to issue citations for certain minor violations; providing for designation of such violations by rule; providing for fines or other appropriate penalties; creating s.

403.1028, F.S.; providing disciplinary grounds and penalties; repealing pt. XII, ch. 468, F.S., relating to regulation of water and domestic wastewater operators; transferring regulation of the operation of water and domestic wastewater treatment plants from the Department of Business and Professional Regulation to the Department of Environmental Protection; providing an appropriation and authorizing positions; amending s. 468.627, F.S.; revising an exemption from examination fees applicable to building code administrators and inspectors for employees of local government agencies having building code inspection, regulation, and enforcement responsibilities; amending s. 469.001, F.S.; revising definitions applicable to asbestos abatement; amending s. 469.002, F.S.; revising an exemption relating to asbestos-related activities by governmental employees; amending s. 469.004, F.S.; exempting asbestos consultants from licensure under certain circumstances relating to the moving, removal, or disposal of asbestos-containing roofing materials; amending s. 469.006, F.S.; eliminating reference to consultant or contractor seals, and requiring a signature instead; repealing s. 469.015, F.S., relating to seals; amending s. 470.0085, F.S., relating to the embalmer apprentice program; providing applicability with respect to certain students; amending s. 470.009, F.S.; reorganizing provisions relating to licensure as a funeral director by examination, to clarify applicability of the internship requirement; amending s. 470.024, F.S.; providing licensing limitations with respect to colocated facilities; requiring the relicensure of funeral establishments whose ownership has changed; amending s. 470.029, F.S.; providing a filing date for monthly reports on final dispositions; amending s. 470.0301, F.S.; providing requirements for registration of centralized embalming facilities; providing for application, late, and inspection fees; creating s. 470.0315, F.S.; providing for the storage, preservation, and transportation of human remains; creating s. 470.0355, F.S.; providing for the identification of human remains; amending s. 473.306, F.S.; providing for appointment of an Educational Advisory Committee for purposes of maintaining proper educational qualifications for licensure of certified public accountants; creating s. 473.3065, F.S.; establishing the Certified Public Accountant Education Assistance Program; providing for scholarships to eligible students; providing for the funding of scholarships; requiring Board of Accountancy rules; providing a penalty for certain violations; creating an advisory committee to assist in program administration; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Committee for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 474.203, F.S.; revising exemptions from veterinary practice regulations relating to the holders of veterinary faculty certificates and to certain persons or agencies assisting a licensed veterinarian; providing an exemption for registered interns and residents; providing an exemption for out-of-state licensees whose presence is requested by an in-state licensee and prohibiting such a licensee from applying for a premises permit; amending s. 474.214, F.S.; increasing the administrative fine the Board of Veterinary Medicine may impose as a disciplinary measure; reenacting ss. 474.207(2) and 474.217(2), F.S., relating to licensure qualifications and licensure by endorsement, to incorporate the amendment to s. 474.214, F.S., in references thereto; amending s. 474.215, F.S.; requiring limited service veterinary medical practice permittees to register each location; providing a registration fee for such purpose; amending s. 475.01, F.S.; redefining the terms "fiduciary," "disclosed dual agent," "transaction broker," and "single agent" and defining the term "first substantive contact" with respect to real estate brokers and salespersons; creating s. 475.012, F.S.; providing legislative findings and intent on presumption of transaction broker relationship; creating ss. 475.015, 475.016, and 475.017, F.S.; providing requirements with respect to disclosed dual agents, transaction brokers, and single agents, respectively; prohibiting certain causes of action; amending s. 475.15, F.S.; eliminating a provision that requires the automatic cancellation of the registration of a real estate broker partnership upon the lapse in licensure or registration of any of its partners; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; revising disciplinary provisions with respect to single agency, dual agency, and transaction brokerage, for which there are penalties; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; providing a penalty for failure to disclose; creating s. 475.256, F.S.; providing for the abrogation of common law agency with respect to pt. I of ch. 475, F.S., relating to real estate brokers, salespersons, and schools; creating s. 475.257, F.S.; authorizing the use of electronic or facsimile signatures or writing; creating s. 475.258, F.S.; providing that certain disclosure to an agent, broker, or transaction broker is deemed to satisfy the disclosure requirements of pt. I of ch. 475, F.S.; creating s. 475.259, F.S.; providing that certain ministerial acts performed by a real estate broker are not to be construed as forming a transaction brokerage or agency agreement; creating s. 475.261, F.S.; providing clarification with respect to duty of broker to act with reasonable skill, care, and diligence; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; amending s. 475.452, F.S.; providing restrictions applicable to advance fees for brokers auctioning real property; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; amending s. 477.011, F.S.; renaming the "Florida Cosmetology Act" as the "Florida Barbering and Cosmetology Act"; combining barbering and cosmetology within a single practice act; amending s. 477.012, F.S., relating to purpose, to conform; providing legislative intent; amending s. 477.013, F.S.; revising and providing definitions; amending s. 477.0135, F.S., relating to exemptions, to conform; amending s. 477.015, F.S.; creating the Board of Barbering and Cosmetology and providing for its members and duties; amending s. 477.017, F.S.; providing for legal, investigative, and inspection services by the Department of Business and Professional Regulation; amending s. 477.019, F.S.; revising qualifications for licensure as a barber or cosmetologist; providing for biennial renewal; providing for a restricted barbering license; providing continuing education requirements; amending s. 477.0212, F.S., relating to inactive status, to conform; eliminating a reference to reactivation and renewal fees; amending s. 477.022, F.S., relating to examinations, to conform; providing requirements relating to reexaminations; eliminating an obsolete provision relating to testing facilities; amending and renumbering s. 477.0201, F.S.; revising specialty registration requirements; providing for biennial renewal; amending s. 477.025, F.S.; revising licensure provisions for barbershops and cosmetology and specialty salons; requiring display of establishment and practitioner licenses and registrations; providing for the licensure of mobile barbershops, mobile cosmetology salons, and mobile specialty salons; amending and renumbering s. 477.0263, F.S., relating to services authorized to be performed in licensed barbershops and salons, to conform; amending s. 477.026, F.S.; revising and providing fees; eliminating a provision relating to submission of a proposed budget; amending and renumbering s. 477.023, F.S., relating to licensure of schools, to conform; amending and renumbering s. 477.0132, F.S., relating to hair braiding registration; providing for biennial renewal; amending and renumbering s. 477.0265, F.S., relating to prohibited acts, to conform; amending s. 477.029, F.S.; revising and providing grounds for discipline; providing penalties; amending s. 477.031, F.S., relating to civil proceedings; amending and renumbering s. 476.254, F.S., relating to a saving clause, and repealing the remainder of chapter 476, F.S., relating to barbering, to conform; repealing ss. 477.014, 477.016, 477.018, 477.0213, and 477.028, F.S., relating to qualifications for practice, rulemaking, investigative services, cosmetology graduates of the Florida School for the Deaf and the Blind, and disciplinary proceedings, to conform; amending ss. 20.165, 455.2228, and 480.034, F.S.; correcting references; providing for a transitional Board of Barbering and Cosmetology; providing for continuation of current rules, contracts, investigations, and prosecutions; amending s. 20.165, F.S., relating to the Department of Business and Professional Regulation; removing the Board of Massage from the Division of Professions of the department and providing for a type one transfer; eliminating reference to the Division of Medical Quality Assurance; amending s. 20.42, F.S.; placing the Board of Massage Therapy under the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 480.032, F.S.; providing legislative intent with respect to regulation of the practices of massage therapy and reflexology by a single board; amending s. 480.033, F.S.; revising and providing definitions; amending s. 480.034, F.S.; revising an exemption from regulation applicable to athletic trainers; eliminating an exemption from regulation applicable to certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending ss. 480.0415 and 480.0425, F.S.; increasing the number of classroom hours of continuing education required for license renewal or reactivation of an inactive license; amending s. 480.044, F.S.; revising fees; amending s. 480.046, F.S.; revising a ground for disciplinary action relating to practicing massage at certain sites; conforming terminology; amending s. 480.047, F.S.; prohibiting operating, or advertising or offering massage services of, a massage establishment, unless duly licensed; prohibiting certain acts relating to reflexology; providing penalties; providing an appropriation; creating s. 480.0481, F.S.; providing for qualification, licensure, and provisional licensure of reflexologists; providing fees; providing for adoption of rules governing the licensure and operation of reflexology establishments;

creating s. 480.0482, F.S.; establishing examination requirements; providing for licensure by examination for an interim period; amending ss. 480.031, 480.039, 480.041, 480.042, 480.043, 480.0465, 480.049, and 480.052, F.S.; revising terminology and providing other technical changes; revising a reference to a trust fund; amending s. 481.303, F.S; providing an exemption from landscape architecture licensure provisions for planting design; amending ss. 484.041, 484.042, 484.0445, 484.045, 484.047, 484.0501, 484.051, 484.053, 484.056, F.S.; transferring the regulation of hearing aid specialists to the Agency for Health Care Administration; increasing criminal penalties; increasing administrative fines; amending s. 489.103, F.S.; limiting the ordinances, rules, or regulations that a municipality or county may adopt with respect to the installation or maintenance of water conditioning units; providing an exemption from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under specified circumstances; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.113, F.S.; revising provisions that authorize persons who are not certified or registered to perform construction work under the supervision of a person who is certified or registered; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., relating to the designation and certification of underground utility and excavation contractors for businesses that were qualified by the Department of Transportation by a specified date; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of temporary certification or registration of a business organization; amending s. 489.127, F.S.; revising and providing penalties applicable to violations of construction contracting provisions; amending s. 489.131, F.S., relating to applicability; correcting a cross reference; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to school boards, the Board of Regents, and community colleges, to reduce the applicable cost threshold; revising an exemption relating to public utilities; clarifying an exemption relating to the sale or installation of certain finished products, materials, or articles of merchandise; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to personal emergency response systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business; amending s. 489.505, F.S.; revising the definitions of "alarm system contractor" and "certified alarm system contractor" and providing definitions for "personal emergency response system" and "monitoring"; amending s. 489.507, F.S.; revising membership of the Electrical Contractors' Licensing Board; amending s. 489.509, F.S.; changing the due date for the biennial renewal fee for certificateholders and registrants; transferring a portion of fees paid at the time of application or renewal to the Department of Education to fund certain projects or continuing education programs relating to the building construction industry and providing requirements with respect thereto; providing for appointments to the Building Construction Industry Advisory Council; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.516, F.S.; providing requirements with respect to monitoring; creating s. 489.5165, F.S.; providing for the regulation of monitoring; requiring certification and providing qualifications and procedures therefor; providing grounds for disciplinary action; providing penalties; providing fees; providing applicability to local occupational licenses and permits and to certified electrical and alarm system contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; amending s. 489.525, F.S.; changing the date for the Department of Business and Professional Regulation to inform local boards and building officials of the names of all certificateholders and the status of the certificates; amending s. 489.531, F.S.; revising and providing penalties applicable to violations of electrical and alarm system contracting provisions; reenacting s. 489.533(1)(a) and (2), F.S., relating to disciplinary proceedings, to incorporate the amendment to s. 489.531, F.S., in a reference thereto; amending s. 489.537, F.S., relating to certain alarm system contractor registration; eliminating reference to monitoring, to conform to other provisions of the act; providing an appropriation relating to monitoring; authorizing the department to sell a specified regional service center; providing for deposit and distribution of the proceeds from the sale; amending ss. 489.539 and 553.19, F.S.; adding a national code relating to fire alarms to the minimum electrical standards required in this state; providing for adoption of current electrical standards by rule; amending s. 553.06, F.S.; requiring the Board of Building Codes and Standards to adopt alternative standards for testing water treatment units under certain circumstances; amending s. 553.504, F.S.; revising the required dimensions of water closet seats; amending s. 553.63, F.S., relating to trench excavations in excess of a specified depth; deleting a provision requiring contract bids to include certain items; repealing s. 553.64, F.S., relating to certain requirements for contract bids; amending s. 553.73, F.S.; providing restrictions on the contents of state minimum building codes; creating s. 501.214, F.S.; providing requirements relating to home-inspection reports; providing legislative intent; providing definitions; providing exemptions; requiring, prior to inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report on the results of the inspection; providing prohibited acts, for which there are civil penalties; amending s. 713.01, F.S., relating to the Construction Lien Law; revising certain definitions to include solid-waste collection and disposal activities; amending s. 713.03, F.S.; including professional geologists within provisions regulating liens for professional services; amending ss. 255.05, 713.05, 713.06, and 713.08, F.S., relating to construction liens; providing for the payment of unpaid finance charges due under a claimant's contract; amending s. 713.135, F.S.; revising provisions relating to notice of commencement with respect to building permits; requiring counties and municipalities to submit an affidavit to the Advisory Council on Intergovernmental Relations relating to the issuance of building permits; amending s. 713.20, F.S.; providing conditions and forms for the execution of a waiver or release of a lien; amending s. 721.20, F.S.; eliminating regulation of solicitors of prospective purchasers of units in a timeshare plan; providing effective dates.

—was referred to the Committee on Governmental Reform and Oversight.

By the Committee on Streamlining Governmental Regulations, Select and Representative Peaden and others—

CS for HB 751—A bill to be entitled An act relating to administrative procedures; amending s. 120.54, F.S.; revising language with respect to the impact of a proposed adoption, amendment, or repeal of a rule with respect to small businesses, small counties, and small municipalities; providing an effective date.

(Substituted for **CS for SB 316** on the Special Order Calendar this day.)

By the Committee on Business and Professional Regulation; and Representative Heyman and others—

CS for HB 793—A bill to be entitled An act relating to contracting; amending s. 489.503, F.S.; providing exemptions from licensure requirements; amending 489.505, F.S.; providing definitions; amending s. 468.617, F.S.; providing local jurisdictions the authority to contract with private entities for provision of building code inspection or review services; amending s. 489.103, F.S.; revising the owner-builder licensing exemption and required disclosure statement; requiring direct, onsite supervision and placing restrictions on delegation of supervisory respon-

sibility; amending s. 489.119, F.S.; revising requirements for registration or certification of business organizations; clarifying effect of approval of a financially responsible officer on the primary qualifying agent's responsibilities; revising requirements relating to advertising; providing requirements with respect to signs on construction vehicles; providing disciplinary actions for failure to provide the registration or certification number as required; amending s. 489.120, F.S.; requiring the automated information system to include information on business organizations and any failure to comply with final board action; amending s. 489.126, F.S.; clarifying that permit application and commencement timetables apply to moneys given as initial payment; requiring any change to the permit application timetable to be by written agreement; providing an exception where a permit is not required; amending s. 489.127, F.S., and transferring and amending s. 489.1265, F.S., to combine provisions relating to prohibited acts and penalties; amending s. 489.129, F.S., relating to disciplinary proceedings; restricting restitution orders to instances of direct financial harm resulting from a violation of law regulating construction contracting; clarifying applicability of disciplinary provisions to financially responsible officers; authorizing the Construction Industry Licensing Board to contract with collection agencies or attorneys for collection of fines on a contingent fee basis; providing that certificateholders or registrants who have had their licenses revoked are ineligible to reapply for certification or registration for a specified period following revocation; eliminating reference to a pilot program which has expired; amending s. 489.131, F.S.; correcting a cross reference; amending s. 489.1425, F.S.; revising and updating requirements on notice of the Construction Industries Recovery Fund; providing an exception from the required notice; providing the form of the notice; amending s. 489.143, F.S.; increasing the aggregate limit for payment from the recovery fund of claims against any one certificateholder or registrant; amending s. 501.1375, F.S.; revising requirements relating to deposits received for purchase of residential dwelling units; authorizing buyers to waive in writing the requirement to place deposit moneys into an escrow account; eliminating the requirement that an escrow account be interest bearing and the requirement that an escrow account be in the name of the building contractor or developer and the purchaser; providing for calculation of the amount of a master surety bond and of the pro rata share of bond premium debited against the buyer; revising the conditions constituting a violation of the section; providing penalties; amending s. 553.79, F.S.; providing that homes which are moved shall not be required to be brought in compliance with current building codes provided certain codes or requirements are met; requiring a study to review regulation of construction, electrical, and alarm system contracting; providing for appointment of a committee for such purpose; requiring public hearings; requiring a report to specified leaders of the Legislature; creating s. 489.518, F.S.; providing requirements for persons employed as alarm system agents by licensed electrical or alarm system contractors; requiring certain training and providing for approval of training providers; providing a fee; requiring background checks; providing requirements relating to controlled substance abuse; providing that applicants for employment as an alarm system agent or persons presently employed may be so employed for a specified period, pending compliance with training requirements and background check results; requiring licensed electrical and alarm system contractors to furnish alarm system agents they employ with an identification card; specifying disciplinable offenses; creating s. 489.529, F.S.; requiring a verification call to premises generating certain alarms prior to contacting a law enforcement agency; creating s. 489.530, F.S.; requiring that audible alarm systems have an automatic termination device; creating s. 514.075, F.S.; establishing a pool service technician certification for public pools; providing severability; providing effective dates.

(Substituted for **CS for SB 814** on the Special Order Calendar this day.)

By Representative Bradley—

HB 811—A bill to be entitled An act relating to the Unemployment Compensation Law; amending s. 443.036, F.S.; correcting a cross reference; amending s. 443.101, F.S.; eliminating a conflict with respect to disqualification for benefits with respect to certain disability payments under the law; an act relating to unemployment compensation; amending s. 443.036, F.S.; redefining the terms "employment" and "wages"; amending s. 443.131, F.S.; revising rate change time periods; amending s. 443.141, F.S.; eliminating a requirement that the Division of Unemployment Compensation must, by rule, appoint certain special deputies; amending s. 443.151, F.S.; revising provisions with respect to appeals of labor dispute cases to conform to all other claim protests; clarifying the time period in which a claim redetermination may be made; providing that all determinations made under chapter 443, F.S., shall be provided to the parties; providing that referee qualifications are subject to the Department of Management Services; deleting review of special examiner decisions by the Unemployment Appeals Commission; revising language with respect to the payment of witness fees; providing for bilingual requirements; creating s. 443.0315, F.S.; providing for the effect of a finding, judgment, conclusion, or order under the act in a separate or subsequent order or proceeding; providing effective dates.

(Substituted for **SB 994** and passed May 4.)

By the Committee on Finance and Taxation; and Representative Eggelletion and others—

CS for HB 915—A bill to be entitled An act relating to enterprise zones; amending s. 287.0945, F.S.; authorizing water management districts to implement recommendations to achieve minority business enterprise procurement goals; amending s. 290.0055, F.S.; providing a method for changing the boundaries of an approved enterprise zone; amending s. 370.28, F.S.; revising and providing exceptions to certain enterprise zone requirements for net ban communities; providing for the designation of an additional net ban enterprise zone; providing an effective date.

(Substituted for **CS for SB 652** on the Special Order Calendar this day.)

By the Committee on Governmental Operations and Representative Lawson and others—

CS for HB 961—A bill to be entitled An act relating to retirement; amending s. 112.05, F.S.; eliminating references to the "standard benefit" and providing for the calculation of the cost-of-living adjustment pursuant to s. 121.101, F.S.; amending s. 112.64, F.S.; modifying requirements for determining payroll growth assumptions for unfunded liability amortization schedules; amending s. 112.658, F.S.; providing for the Office of Program Policy Analysis and Government Accountability, rather than the Auditor General, to determine compliance of the Florida Retirement System with the Florida Protection of Public Employee Retirement Benefits Act; amending ss. 121.021 and 121.30, F.S.; adopting a $150,000 COLA-adjusted federal compensation limitation applicable to future employees and clarifying that existing employees remain subject to a $200,000 COLA-adjusted federal compensation limitation for the Florida Retirement System or optional plans joined in lieu thereof; removing obsolete language from the definition of "city"; redefining "compensation" to exclude certain FRS employer contributions to salary reduction, deferred compensation, or tax-sheltered annuity plans from consideration as compensation for retirement purposes; amending s. 121.051, F.S.; declaring certain employees ineligible to participate in the Florida Retirement System; providing for compulsory participation of employees of certain dependent governmental entities under the jurisdiction of an independent governmental entity in the Florida Retirement System; clarifying provisions relating to purchase of retirement credit for upgraded service by certain elected officers and former elected officers; amending s. 121.055, F.S.; providing for compulsory membership in the Senior Management Service Class for certain senior managers in the Department of Military Affairs; amending s. 121.091, F.S.; allowing an exemption in the reemployment-after-retirement limitation for participants in a phased retirement program within the State Community College System; amending s. 121.101, F.S.; eliminating the use of the standard benefit when calculating the initial cost-of-living adjustment; clarifying provisions relating to determination of the monthly benefit; establishing a supplemental cost-of-living adjustment for certain retirees and beneficiaries; amending s. 121.1115, F.S.; clarifying requirements for purchase of retirement credit for out-of-state public employment; creating s. 121.182, F.S.; authorizing counties to purchase annuities for county personnel; amending ss. 122.02 and 122.355, F.S.; clarifying that existing State and County Officers' and Employees' Retirement System employees remain subject to a $200,000 COLA-adjusted federal compensation limitation; amending ss. 238.01 and 238.325, F.S.; clarifying that existing Teachers' Retirement System employees remain sub-

ject to a $200,000 COLA-adjusted federal compensation limitation; providing effective dates.

—was referred to the Committee on Governmental Reform and Oversight.

By Representative Upchurch and others—

HB 987—A bill to be entitled An act relating to the City of St. Augustine, St. Johns County; allowing the use of golf carts for municipal purposes on state, county, and municipal roadways within the corporate limits of the City of St. Augustine; providing for safety equipment; limiting golf cart operation on state roads; limiting such use by municipal employees to the performance of their official duties and roads with a posted speed of no more than 40 miles per hour; providing an effective date.

Proof of publication of the required notice was attached.

(Substituted for **SB 2992** on the Local Bill Calendar May 4.)

By Representative Arnall and others—

HB 999—A bill to be entitled An act relating to affordable housing; amending s. 420.504, F.S.; revising the membership of the Florida Housing Finance Agency; amending s. 420.5092, F.S.; revising the definition of the term "affordable housing guarantee" with respect to the Florida Affordable Housing Guarantee Program; providing for contractual provisions to foster reimbursement of guarantees; providing that certain tax proceeds distributed to the State Housing Trust Fund shall be transferred to the fund to meet certain claims payment obligations; providing that funds in the guarantee fund shall be used as the primary resource to support housing guarantees; revising requirements with respect to the feasibility study on the risk exposure of funds in the guarantee fund; increasing the maximum amount of revenue bonds the agency may issue to capitalize the guarantee fund; amending s. 420.9071, F.S.; redefining the term "affordable"; providing an effective date.

(Substituted for **SB 2674** on the Special Order Calendar this day.)

By Representative Merchant and others—

HB 1019—A bill to be entitled An act relating to Northern Palm Beach County Improvement District; providing for the correction of errors contained in legal descriptions set forth in chapter 95-504, Laws of Florida; providing for the annexation of lands into the Northern Palm Beach County Improvement District; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Insurance and Representative Roberts-Burke and others—

CS for HB 1029—A bill to be entitled An act relating to bail bond agents and runners; revising provisions of chapter 648, F.S., to provide for application to bail bond agents and runners; amending s. 648.25, F.S.; providing definitions; creating s. 648.279, F.S.; providing for scope of licenses; amending s. 648.30, F.S.; prohibiting certain activities; providing penalties; amending s. 648.34, F.S.; prohibiting certain examinations absent a criminal history report; creating s. 648.355, F.S.; providing for temporary limited licenses under certain circumstances; providing requirements; providing for license fees; providing criteria; amending s. 648.37, F.S.; authorizing continuation of licenses of certain runners under certain circumstances; amending s. 648.381, F.S.; providing for reexaminations and reexamination fees; providing requirements; creating s. 648.385, F.S.; requiring continuing education; providing exceptions; providing requirements; providing penalties; creating s. 648.386, F.S.; specifying qualifications for continuing education schools and instructors; providing instructor's duties; amending s. 648.44, F.S.; revising specified prohibited activities; amending s. 648.442, F.S.; revising provisions relating to collateral security; providing for liability for failing to return certain collateral; providing requirements; providing penalties; revising license or appointment denial, suspension, revocation, or refusal to renew provisions; amending s. 648.49, F.S.; requiring designation of a licensed and appointed bail bond agent to administer bail bonds of a licensee whose license is terminated; amending s. 648.51, F.S.; providing for surrender of licenses; amending s. 648.571, F.S.; providing for discharge of certain bonds under certain circumstances; amending ss. 648.27, 648.29, 648.31, 648.315, 648.33, 648.35, 648.36, 648.365, 648.38, 648.382, 648.383, 648.384, 648.39, 648.40, 648.41, 648.42, 648.421, 648.43, 648.441, 648.4425, 648.45, 648.48, 648.50, and 648.55, F.S., to conform; repealing s. 648.265, F.S., relating to the Bail Bond Advisory Council; amending ss. 648.26, 648.266, and 648.46, F.S., to conform; providing an appropriation; providing an effective date.

(Substituted for **SB 948** on the Special Order Calendar this day.)

By the Committee on Governmental Operations and Representative Graber and others—

CS for HB 1035—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for certain information held by the Office of the Attorney General, submitted by members of the health care community as a part of a review of antitrust issues; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

(Taken up out of order and passed May 4.)

By Representative Harris—

HB 1121—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; modifying the definition of the term "employment" to exclude from unemployment compensation coverage certain services performed by certain alien agricultural workers; providing an effective date.

(Substituted for **SB 480** on the Special Order Calendar May 4.)

By Representative Arnall and others—

HB 1261—A bill to be entitled An act relating to the City of Jacksonville Beach, Duval County; amending chapter 27643, Laws of Florida, 1951, as amended, being the Employees' Retirement System of the City of Jacksonville Beach; changing the annual compensation limits; providing for an early retirement benefit; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Insurance and Representative Stabins—

CS for HB 1283—A bill to be entitled An act relating to insurance; amending s. 626.2815, F.S.; revising continuing education requirements for certain persons; revising membership of a continuing education advisory board; requiring the board to establish criteria for evaluating continuing education courses; authorizing the Department of Insurance to contract for administration of the continuing education program; amending s. 627.351, F.S.; revising the responsibility of the market assistance plan; revising maximum term for new and renewal policies issued by the association; amending s. 627.3515, F.S.; revising the responsibilities of the market assistance plan; amending s. 627.728, F.S.; redefining the term "nonpayment of premium"; amending s. 634.405, F.S.; providing an exception to the required deposit or bond for a service warranty company; providing legislative intent; providing for precedence and operation of certain provisions; amending s. 627.062, F.S.; prohibiting the Department of Insurance from limiting payment of acquisition cost on the full amount of premium for insurance; amending s. 627.7295, F.S.; excepting certain private passenger motor vehicle insurance from certain application; amending s. 627.848, F.S.; specifying ef-

fective date of certain cancellations of insurance contracts; amending s. 626.99, F.S.; revising disclosure and information requirements for replacement of life insurance or annuities; providing an effective date.

(Substituted for **SB 1680** on the Special Order Calendar this day.)

By the Committee on Commerce and Representative Clemons and others—

CS for HB 1291—A bill to be entitled An act relating to the Unemployment Compensation Law; amending s. 443.036, F.S.; revising the definition of the terms "employment" and "wages" and defining the terms "high quarter" and "voluntary contribution"; amending s. 443.091, F.S.; changing benefit calculations to include reference to high quarters; amending s. 443.101, F.S.; requiring leased employees to report for reassignment; revising language with respect to disqualification for benefits; amending s. 443.111, F.S.; revising language with respect to payment of benefits; providing qualifying requirements; revising weekly benefit amounts; revising language with respect to duration of benefits; revising language with respect to certain extended benefits; amending s. 443.131, F.S.; revising language with respect to contributions; permitting certain employers of domestic employees to pay unemployment compensation taxes annually when authorized by federal law; eliminating rounding of the tax rate to three decimal places; increasing the time period employers have to protest a liability determination; permitting the payment of voluntary contributions by certain employers; amending s. 443.151, F.S.; allowing voluntary withholding of federal income tax to comply with federal law; amending s. 443.221, F.S.; permitting interstate recovery of overpayments; amending s. 443.231, F.S.; revising language with respect to the Florida Training Investment Program; providing for future repeal of amendments to ss. 443.036 and 443.131, F.S.; providing effective dates.

(Substituted for **SB 2454** on the Special Order Calendar this day.)

By Representative Turnbull and others—

HB 1299—A bill to be entitled An act relating to Leon County; repealing chapter 3945, Laws of Florida, 1889, chapter 4799, Laws of Florida, 1899, chapter 6717, Laws of Florida, 1913 and chapter 24661, Laws of Florida, 1947, relating to restrictions on grazing animals; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Turnbull and others—

HB 1303—A bill to be entitled An act relating to Leon County; repealing chapter 24663, Laws of Florida, 1947, chapter 25981, Laws of Florida, 1949, chapter 30939, Laws of Florida, 1955, and chapters 57-1526, 59-1501, 61-2416, 63-1563, 65-1835, and 67-1639, Laws of Florida, relating to the zoning commission, and chapters 59-1503 and 65-1840, Laws of Florida, relating to plats and platting; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Transportation and Representative Fuller and others—

CS for HB 1329—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.075, F.S.; clarifying language with respect to the prohibition against right turns at certain stop lights; amending s. 316.193, F.S.; providing that certain testimony and evidence in an administrative proceeding shall not be admissible into evidence or for any other purpose in a criminal proceeding with respect to driving under the influence; amending s. 316.2074, F.S.; clarifying the use of all-terrain vehicles on public beaches; amending s. 316.212, F.S.; providing requirements for the designation of a city or county road for use by golf carts; amending s. 316.2125, F.S.; conforming to the act; amending s. 316.2295, F.S.; providing an exemption from taillamp, stop lamp, and turn signal requirements for agricultural product trailers; amending s. 316.650, F.S.; prohibiting the use of driver information contained on uniform traffic citations for commercial solicitation purposes; amending s. 318.15, F.S.; clarifying language with respect to failure to comply with certain civil penalties; providing for the removal of certain driver suspension records after 7 years; amending s. 318.18, F.S.; correcting a cross reference; amending s. 319.14, F.S.; providing definitions; providing reference to automobiles assembled from parts, combined automobiles, kit cars, replicas, glider kits, and flood vehicles, with respect to the requirement that the certificate of title indicate the nature of the motor vehicle titled; amending s. 319.21, F.S.; requiring a manufacturer's statement of origin for each stage of motor vehicle construction when the vehicle is built in two or more stages; amending s. 319.225, F.S.; correcting a cross reference; amending s. 319.23, F.S.; revising language with respect to certificate of title; amending s. 319.24, F.S.; providing for the electronic transfer of lien satisfactions on motor vehicle and mobile home certificates of title; amending s. 319.28, F.S.; providing that in the case of repossession, a mobile home is exempt from registration when the dwelling is not transferred or titled for occupancy and revising language relating to the transfer of ownership by operation of law; amending s. 319.323, F.S.; providing for expedited service for certificates of repossession; amending s. 320.01, F.S.; revising definitions; amending s. 320.031, F.S.; providing that a mail service charge is optional rather than mandatory; amending s. 320.05, F.S.; including reference to vessels along with motor vehicles with respect to lists and searches; providing for electronic digitizing of records; amending s. 320.055, F.S.; revising language with respect to registration periods; providing a registration period for certain apportioned motor vehicles; amending s. 320.06, F.S.; authorizing tax collectors to issue license plates with the words "Sunshine State" printed on the license plates; amending s. 320.06, F.S.; providing for the issuance of cab cards along with annual license plates for vehicles with an apportioned registration; amending s. 320.061, F.S.; providing that it is unlawful to alter a motor vehicle registration certificate; amending s. 320.065, F.S.; deleting obsolete language with respect to the registration of certain rental trailers for hire; amending s. 320.0657, F.S.; reducing the number of nonapportioned commercial motor vehicles required to obtain fleet license plates and correcting cross references; creating s. 320.0659, F.S.; providing for the permanent registration of trailers for hire and semitrailers; amending s. 320.0706, F.S.; correcting weight references with respect to the display of license plates on trucks; amending s. 320.072, F.S.; clarifying language regarding a fee imposed on certain motor vehicle registration transactions with respect to immediate family; amending s. 320.08, F.S.; revising language with respect to license taxes; amending s. 320.0815, F.S.; correcting cross references; amending s. 320.086, F.S.; providing for ancient, antique, and collectible motor vehicles; amending s. 320.08, F.S.; providing license taxes for ancient, antique, or collectible automobiles and trucks; amending s. 320.0805, F.S.; conforming to the act; amending s. 319.23, F.S.; providing title application requirements for ancient, antique, or collectible motor vehicles; amending s. 320.072, F.S.; exempting certain ancient or antique automobiles or trucks from certain additional fees; amending s. 320.089, F.S.; providing reference to retired members of the Florida National Guard for issuance of a license plate; amending s. 320.13, F.S.; deleting reference to certain dealer license plates; amending s. 320.131, F.S.; providing for temporary tags for use by licensed dealers; amending s. 320.18, F.S.; exempting repossessed mobile homes from registration under certain circumstances; amending s. 320.27, F.S.; authorizing retail sale of recreational vehicles; providing penalties for failure to honor a bank draft to a motor vehicle dealer; requiring verification of attendance at a licensed motor vehicle dealer training school; providing an exemption; requiring the department to establish curriculum and length of training; authorizing a fee; authorizing a pilot program; amending s. 320.771, F.S., authorizing recreational vehicle dealers to sell motor vehicles at retail when such vehicles are acquired in exchange for the sale of a motor vehicle; amending s. 320.8256, F.S., relating to the inspection of recreational vehicles; amending s. 321.245, F.S.; providing for the distribution of funds received from the seizure of license plates by recovery agents; amending s. 322.051, F.S.; providing for identification card applications in a format designated by the department; authorizing the Department of Highway Safety and Motor Vehicles to issue identification cards to individuals of any age; revising the requirements to obtain such cards and the expiration periods of such cards; amending s. 322.08, F.S.; providing for drivers' license applications in a format designated by the department; authorizing a discretionary fee; amending s. 322.13,

F.S., relating to department authority to designate instructors of driver's education courses in public or private secondary schools as driver's license examiners; creating s. 322.135, F.S.; authorizing the department to contract with tax collectors for specified driver license services; amending s. 322.15, F.S.; requirements for the condition of drivers' licenses; creating s. 322.161, F.S.; requiring the department to restrict the driving privilege of Class D and E drivers who are 15 through 17 years of age when they accumulate four or more points; amending s. 322.56, F.S., relating to contracts for administration of the written and driving skills portion of the examination; amending s. 322.245, F.S.; providing for the effective date of certain driver's license suspensions; amending s. 322.28, F.S.; providing for the effective date of suspensions or revocations; amending s. 322.53, F.S.; providing for an additional exemption from commercial driver's license requirements; amending s. 327.03, F.S.; clarifying language with respect to the duties of the department concerning the administration of vessel registration and titling laws; amending s. 327.04, F.S.; providing for rules; amending s. 327.10, F.S.; revising language with respect to the operation of registered vessels; providing for required information on the bill of sale; amending s. 327.11, F.S.; providing for required information on the application for vessel registration; revising requirements with respect to the required decal on a vessel; amending s. 327.15, F.S.; revising language with respect to vessel registration numbers; amending s. 327.16, F.S.; revising language with respect to reciprocity of nonresident or alien vessels; amending s. 327.17, F.S.; revising language with respect to registration of vessels by military personnel; amending s. 327.23, F.S.; deleting reference to the date of expiration of certain temporary registrations; amending s. 327.73, F.S.; providing for additional noncriminal infractions; amending s. 328.01, F.S.; providing for certain information to accompany the application for title; directing the department to retain the evidence of title presented by the applicant and upon which the title is issued; requiring notice of certain liens; providing language with respect to civil liability by certain owners; amending s. 328.03, F.S.; revising language with respect to certificates of title; amending s. 328.11, F.S.; providing for lost titles; directing the department to implement a system to verify that the title application is signed by an authorized person; amending s. 328.13, F.S.; requiring the statement of origin be in the English language or accompanied by an English translation; amending s. 328.15, F.S.; providing for the date of the filing of a notice of a lien on a vessel; providing who may place a lien on a vessel; creating s. 328.16, F.S.; providing for issuance of duplicate certificates of title; providing for delivery, liens, and encumbrances; creating s. 328.21, F.S.; providing for transfer without delivery of a certificate of title; providing for violations; providing penalties; amending s. 901.15, F.S.; providing for arrests by law enforcement officers without a warrant for violations of chapter 316, F.S., under certain circumstances; providing effective dates.

(Substituted for **CS for SB 1818** on the Special Order Calendar this day.)

By Representative Gay—

HB 1417—A bill to be entitled An act relating to Charlotte and Sarasota Counties; creating the Englewood Water District; establishing boundaries; providing definitions; providing for election of a board of supervisors to govern said district; establishing powers, authority, and duties of the board; granting to said governing board the authority in the territory defined to construct, acquire, extend, enlarge, reconstruct, improve, maintain, equip, repair, and operate a water system, wastewater system, or wastewater reuse system, or any combination thereof; authorizing the levy and collection of non-ad valorem assessments on property benefited by the construction of such water system, wastewater system, or wastewater reuse system, or combined systems; providing for optional methods of financing the cost of the water system, wastewater system, or wastewater reuse system or combined systems or extensions and additions thereto by the issuance of revenue bonds or assessment bonds or any combination thereof and the fixing and collection of rates and charges on users of such systems; providing for the levy and collection of non-ad valorem assessments on benefited property and the pledge of such assessments for the payment of any revenue bonds, or assessment bonds; providing for the rights, remedies, and security of any of the holders of said bonds; providing penalties; repealing chapter 59-931, Laws of Florida, as amended, relating to the creation and establishment of the Englewood Water District; providing an effective date.

Proof of publication of the required notice was attached.

(Substituted for **SB 3080** on the Local Bill Calendar May 4.)

By the Committee on Insurance and Representative Frankel and others—

CS for HB 1423—A bill to be entitled An act relating to viatical settlements; creating the "Viatical Settlement Act"; providing definitions; requiring licensure of viatical settlement providers and brokers; providing procedures for applying for licensure; imposing a license fee; requiring the Department of Insurance to investigate applicants for licensure; providing for issuance and renewal of licenses; providing a limitation; providing for an annual statement by providers; providing fees; providing for revoking or suspending a license; providing administrative fines; providing for probation; requiring licensed brokers to use licensed providers and licensed providers to use licensed brokers; requiring filing and approval of forms; authorizing the department to examine the business affairs of licensees and applicants; requiring licensees to disclose certain information to viators; providing procedures and specifying criteria for entering into viatical settlement contracts; requiring use of a trustee or escrow agent; authorizing the department to adopt rules to implement the act; providing that rate regulation is not authorized; specifying that violations are unfair trade practices; authorizing injunctions; providing civil cause of action; providing for damages; providing court costs and attorney's fees; providing requirements for acquisition of a provider or broker; providing a grace period for certain providers and brokers; limiting a viator's ability to viaticate certain portions of a policy under certain circumstances; providing an appropriation; providing an effective date.

(Substituted for **SB 2224** on the Special Order Calendar this day.)

By Representative Gay—

HB 1435—A bill to be entitled An act relating to the Bonita Springs Fire Control & Rescue District, Lee County; amending chapter 65-1828, Laws of Florida; increasing the size of the district by adding additional lands in Lee County; providing ballot language, providing for referendum approval; providing an effective date; authorizing a mail ballot election.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Regulated Industries and Representative King and others—

CS for HB 1805—A bill to be entitled An act relating to amusement games; amending s. 849.161, F.S.; authorizing the use of certain amusement games or machines at specified locations; providing application; providing an effective date.

(Substituted for **SB 1798** on the Special Order Calendar May 4.)

By the Committee on Health Care and Representative Lippman and others—

CS for HB 1813—A bill to be entitled An act relating to the Florida Healthy Kids Corporation Act; amending s. 624.91, F.S.; renaming the act; removing limitations on authorization for the Florida Healthy Kids Corporation to operate; requiring an annual report; providing an effective date.

(Substituted for **SB 1644** on the Special Order Calendar this day.)

By the Committee on Education and Representative Davis and others—

CS for HB 1839—A bill to be entitled An act relating to performance review of school districts; amending s. 11.51, F.S.; requiring the Office

of Program Policy Analysis and Government Accountability to contract for reviews; creating ss. 11.515 and 230.2302, F.S.; requiring selection of private firms to conduct reviews; providing for purpose and scope of reviews; providing requirements; providing an effective date.

(Substituted for **SB 1044** on the Special Order Calendar this day.)

By Representative Greene and others—

HB 1843—A bill to be entitled An act relating to the City of South Bay, Palm Beach County; extending and enlarging the corporate limits of the City of South Bay to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Wise and others—

HB 1855—A bill to be entitled An act relating to the City of Jacksonville; amending s. 17.06 of chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville; clarifying the exemptions provided by the charter to designated employees; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Commerce and Representative Arnold and others—

CS for HB's 1883 and 2067—A bill to be entitled An act relating to the Florida workforce; creating the "Workforce Florida Act of 1996"; providing legislative intent; providing for a workforce development strategy; providing for a charter process; providing for Regional Workforce Development Boards; delineating board membership, roles, and duties; creating the "Untried Worker Placement and Employment Incentive Act"; defining the term "untried worker"; authorizing the pilot program; outlining program responsibilities; providing for future repeal; amending s. 288.0475, F.S.; revising the membership of the board of directors of Enterprise Florida Jobs and Education Partnership; authorizing the partnership to appoint subcommittees to comply with certain federal requirements; deleting reference to the advisory committee to the State Job Training Coordinating Council; providing additional powers and duties of the Enterprise Florida Jobs and Education Partnership board; providing for financial disclosure by board members; requiring the Enterprise Florida Jobs and Education Partnership to establish performance goals and standards; amending s. 446.20, F.S.; designating the Enterprise Florida Jobs and Education Partnership as the State Human Resource Investment Council; repealing s. 446.31, F.S., relating to the Florida Human Resource Development Council; providing for the future repeal of the Advisory Board on Constructive Youth Programs, the Education Success Incentive Council, and the Quick Response Advisory Committee; creating s. 290.0067, F.S.; providing for renaissance area; providing for legislative findings; providing for a pilot program; providing for future repeal; requiring the Department of Management Services to establish a plan for a One-Stop Career Center Electronic Network; providing an effective date for the coordination of the electronic network system; providing for the application of the act; providing a timeframe for the designation of primary service providers; providing legislative intent relating to the transfer of functions to the Enterprise Florida Jobs and Education Partnership and to the Regional Workforce Development Boards; requiring the Jobs and Education Partnership to consult with the state public assistance policy board; permitting the Regional Workforce Development Boards to consolidate with the local public assistance policy boards; requiring these local boards to coordinate service delivery activities; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By the Committee on Water Policy, Select and Representative K. Pruitt and others—

CS for HB 1887—A bill to be entitled An act relating to air and water resources; amending ss. 373.019 and 403.031, F.S.; deleting obsolete language and conforming the definitions of "state water policy"; amending s. 373.406, F.S.; providing an exemption from regulation under part IV of chapter 373, F.S.; amending s. 373.414, F.S.; clarifying criteria relating to review of certain surface water and wetlands activities; providing for review of certain activities under certain rules; revising an exemption; creating s. 373.4141, F.S.; providing procedures and timeframes for approval of permits under said part; amending s. 373.4145, F.S.; providing that permit applications under said part pending in the Northwest Florida Water Management District on a specified date are subject to certain grandfathering provisions; creating s. 373.428, F.S.; providing that activities permitted under said part are subject to federal consistency review with regard to the state's coastal management program; amending s. 403.061, F.S.; providing for legislative approval prior to certain interstate agreements relating to ozone precursor pollutants; providing for future repeal of certain rulemaking procedures of the Departments of Environmental Protection and Agriculture and Consumer Services; amending s. 403.0872, F.S.; deleting a future repeal date; providing an effective date.

(Substituted for **CS for SB 638** on the Special Order Calendar May 4.)

By the Committee on Natural Resources and Representative Edwards and others—

CS for HB 1905—A bill to be entitled An act relating to resource recovery and management; amending s. 403.703, F.S.; revising the definition of "construction and demolition debris"; amending s. 403.707, F.S.; removing the exemption from permit requirements for solid waste disposal areas limited solely to the disposal of construction and demolition debris; requiring the Department of Environmental Protection to establish a separate category for solid waste management facilities which accept only construction and demolition debris for disposal or recycling; providing for the establishment of requirements for such facilities; providing for the establishment of a compliance schedule for existing facilities; requiring owners and operators to provide financial assurance for the closing of a facility; requiring the department to establish training requirements for owners of such facilities; requiring the department to establish criteria and guidelines to encourage recycling; requiring the department to provide specified notice to local governments; authorizing local governments to notify the department of the operation or construction of specified programs or facilities; providing a legislative finding; providing an effective date.

—was referred to the Committee on Ways and Means.

By Representative Maygarden and others—

HB 1959—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 61-2655, Laws of Florida, as amended; providing for subpoena power for the board of trustees; providing for eligible rollover distributions; providing provisions for repeal of conflicting laws; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Community Affairs and Representative Gay—

CS for HB 1979—A bill to be entitled An act relating to Lee and Charlotte Counties; creating the Gasparilla Island Bridge Authority, a special taxing district; providing district boundaries; prescribing the purposes, powers, privileges, duties, liability, and officials; providing applicability of the provisions of ch. 189, F.S., to said district; providing definitions; providing for the appointment of the first governing board and the election and appointment of its future members; defining terms

of office; prescribing duties, powers, and qualifications, and fixing compensation; providing for the setting of bridge toll rates by the district; providing for the levy of ad valorem taxes upon the lands in said district under certain circumstances and for the collection and enforcement thereof; providing the authority for the district to issue bonds and the authority to pledge revenues for the repayment of those bonds; providing the power of eminent domain; providing provisions with respect to the tax exemption of bonds, tax delinquency enforcement and liens relating thereto; specifying authority decisions requiring a majority vote; providing for interlocal cooperation; providing for fees or costs for the offices of the county property appraisers and tax collectors; providing for severability; providing an effective date.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Community Affairs and Representative Healey—

CS for HB 2005—A bill to be entitled An act relating to Palm Beach County; amending chapter 87-450, Laws of Florida, as amended, relating to the Palm Beach County Health Care Act; providing for revisions to the powers of the district; modifying the prohibition against the construction of hospitals by the district; revising provisions relating to funding, millage, budgets, assets, and insurance; revising provisions relating to indigency criteria; providing for the authorization of a lump sum bonus payment program; providing for the authority to implement cooperative agreements with other entities; providing for the establishment of committees; providing for the appointment of members to the district board; providing for the elimination of subdistricts and subdistrict governing boards; providing for the establishment of a management board for hospitals owned by the district and for the appointment of members to said board; providing for the delegation of powers to the management board; providing for the reorganization of district-owned hospitals; providing for an annual report to the county commissioners and legislative delegation; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative B. Saunders—

HB 2085—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; amending article III of chapter 84-416, Laws of Florida; revising the boundaries of the district to include property in unincorporated Collier County; providing ballot language; providing for a referendum approval; providing for mail ballot.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Commerce and Representative Merchant and others—

CS for HB 2119—A bill to be entitled An act relating to securities transactions; amending s. 517.051, F.S.; clarifying application of a securities registration exemption; exempting additional securities from certain registration requirements; amending s. 517.061, F.S.; exempting from certain registration requirements securities transactions effected by or through a person in compliance with Canada's dealer registration requirements; amending s. 517.082, F.S.; exempting certain securities from requirements for registration by notification; specifying that failure to provide certain information is a violation of law; providing for filing securities applications with the Securities Registration Depository; amending s. 517.101, F.S.; clarifying consent to service requirements; amending s. 517.12, F.S.; increasing an assessment fee for associated persons; requiring continuing education for certain persons; authorizing certain persons to effect transactions in securities involving persons from Canada; providing for registration of dealers who are registered in Canada; amending s. 517.122, F.S.; revising arbitration agreement provisions; amending s. 517.131, F.S.; limiting an assessment against associated persons for certain purposes; increasing certain fiscal limitation provisions relating to the Securities Guaranty Fund; providing for allocating additional amounts from certain assessment fees to the Securities Guaranty Fund for certain purposes; providing criteria; providing procedures; providing limitations; providing an appropriation; providing an effective date.

(Substituted for **SB 2678** on the Special Order Calendar this day.)

By the Committee on Transportation and Representative Ziebarth—

CS for HB 2135—A bill to be entitled An act relating to driver's licenses; amending s. 322.05, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a learner's driver's license; providing additional prerequisites for obtaining a driver's license; revising the eligibility criteria for a Class D driver's license; amending s. 322.09, F.S.; revising requirements for a minor who applies for certain drivers' licenses to conform to changes made by this act; amending s. 322.12, F.S.; clarifying license application requirements for an applicant who holds a license from another jurisdiction; providing for certain fees to be waived in specified circumstances; revising application requirements for a license to operate a motorcycle to conform to changes made by this act; amending s. 322.16, F.S.; deleting provisions authorizing the department to issue certain restricted licenses; providing for restrictions upon certain licensees; creating s. 322.161, F.S.; authorizing the department to issue a learner's driver's license; providing requirements for licensure; imposing certain restrictions and prohibitions upon a person who holds a learner's driver's license; providing penalties for specified violations; amending s. 322.18, F.S.; clarifying circumstances in which the department may waive the driver's license examination requirement; deleting an obsolete limitation on the issuance of a restricted driver's license; amending s. 316.2085, F.S.; prohibiting a person under a specified age from operating certain motorcycles or renting a motorcycle or moped; amending s. 318.14, F.S.; providing that operating a motor vehicle while a passenger is not wearing a safety belt is a noncriminal infraction in certain circumstances; amending s. 322.0601, F.S.; providing for issuing a driver's license to a person who has received a high school diploma or its equivalent or who meets certain school attendance requirements and is otherwise qualified; amending s. 322.07, F.S.; providing an additional prerequisite for obtaining a temporary instruction permit to operate a vehicle for which a Class D or Class E driver's license is required; revising the conditions under which a person with an instruction permit or a temporary license may operate certain vehicles; amending s. 322.271, F.S.; providing that certain license restrictions continue to apply when a person's driving privilege is restricted to employment or business purposes; amending s. 322.28, F.S.; clarifying the maximum period for which the department may revoke a driver's license or driving privilege; amending s. 322.293, F.S.; clarifying conditions under which a fee is assessed against a person who enrolls in a DUI program; providing an effective date.

(Taken up out of order and passed May 4.)

By Representative Crist and others—

HB 2181—A bill to be entitled An act relating to Hillsborough County; creating the Civil Service Act; providing applicability of the act to employees of specified agencies within the county government of Hillsborough County; providing for optional applicability of the act to other agencies and entities within Hillsborough County; providing a policy; providing definitions; describing classes of employees and specifying those to whom the act is applicable; creating a civil service board and providing its powers and duties; providing for a director for the board; providing for rules; providing for establishment and use of initial employment lists and promotional lists; prescribing applicability of the act when positions are created or abolished; providing for employees to undergo a probationary period; providing for suspension and dismissal of employees; providing for appeal hearings before the board; providing for recommendation and adoption of classification and pay plans; providing for a committee to review extant rules; providing for fiscal responsibility; providing for audits; providing restrictions on employees' qualifying for elective office; providing for an employee advisory committee; providing for a performance audit of the board; prescribing criminal penalties for violations; providing for future review of the act; providing severability; repealing chs. 85-424, 86-408, 86-409, 87-545, and 94-407,

Laws of Florida, relating to the Hillsborough County Civil Service Act; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Upchurch and others—

HB 2195—A bill to be entitled An act relating to certificate of need; amending s. 408.032, F.S.; deleting the definition of "capital expenditure"; including hospices within the definition of "health care facility"; amending s. 408.036, F.S., relating to health-care-related projects which are subject to certificate-of-need review; revising applicability; eliminating certificate-of-need review for projects exceeding the $1 million expenditure threshold and for acquisition of major medical equipment, research, education, and training programs, donations, acquisition of land for health care facilities or health care provider offices, termination of a health care service, shared services contracts or projects, emergency projects and unforeseen major public health hazards, and medical office buildings; providing for exemptions for inpatient cardiac catheterization services, termination of a health care service, and certain expenditures for outpatient services; creating s. 408.0369, F.S.; establishing a Certificate of Need Study Commission; providing for membership; providing duties and responsibilities; providing for an executive director; providing for compensation; requiring recommendations; amending s. 408.037, F.S., relating to application content; amending s. 408.039, F.S., relating to letters of intent and the administrative hearings process; amending ss. 408.040 and 408.702, F.S.; correcting cross references; amending s. 408.043, F.S.; providing that private accreditation is not required for issuance or maintenance of a certificate of need; amending s. 400.602, F.S.; correcting a cross reference relating to hospice licensure for certain entities; conditioning implementation of study on a specific appropriation; providing effective dates.

(Substituted for **SB 786** on the Special Order Calendar May 4.)

By the Committee on Community Affairs and Representative Stafford—

CS for HB 2207—A bill to be entitled An act relating to code enforcement; creating s. 162.23, F.S.; authorizing certain code enforcement officers to issue certain notices to appear under certain circumstances; specifying lack of authority to arrest; providing criteria; amending s. 162.06, F.S.; authorizing code enforcement boards to conduct hearings and impose enforcement fees under certain circumstances; amending s. 162.21, F.S.; providing application; providing an effective date.

(Substituted for **CS for SB 1810** on the Special Order Calendar this day.)

By Representative Wise and others—

HB 2265—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 18615, Laws of Florida, 1937, as amended; amending authorized investments; requiring an investment plan for the Police and Fire Pension Fund; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Spivey—

HB 2345—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; amending chapter 59-1177, Laws of Florida, as amended; revising th Special Assessment Procedure of the district; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Klein and others—

HB 2375—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Police Pension and Relief Fund; revising provisions relating to share accounts, supplemental pension distribution, Deferred Retirement Option Plan, eligibility for disability benefits, incorporating provisions of s. 112.181, F.S., and death benefits to beneficiaries; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Klein and others—

HB 2377—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Firefighters' Pension Fund; revising the definition of service; revising provisions relating to investment policies, supplemental pension distribution, disability pensions, medical examinations, return to work and beneficiary benefits; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committees on Community Affairs and Water Policy, Select and Representative Littlefield and others—

CS for CS for HB's 2385 and CS for HB 2399—A bill to be entitled An act relating to water resources; amending s. 373.019, F.S.; defining "independent scientific peer review"; amending s. 373.042, F.S.; providing procedures and requirements relating to establishment of certain minimum flows or levels in Hillsborough, Pasco, and Pinellas Counties; providing for independent scientific peer review of scientific or technical data and methodologies, under certain circumstances; providing for report thereof; providing for admissibility of such report in an administrative hearing challenging establishment of minimum flows or levels; amending s. 373.116, F.S.; providing for notice to local governments of applications for consumptive use permits; amending s. 373.1963, F.S.; specifying additional duties of the West Coast Regional Water Supply Authority; requiring a report; providing for certain review of water use withdrawals alleged to be causing adverse impacts; amending s. 373.536, F.S.; authorizing the Executive Office of the Governor to approve or disapprove water management district budgets; providing procedures; providing an effective date.

(Substituted for **CS for SB 2552** on the Special Order Calendar this day.)

By the Committees on Appropriations and Education and Representative D. Saunders and others—

CS for HB's 2405, CS for HB 267, CS for HB 531, 1495, 1859 and 1929—A bill to be entitled An act relating to public education; amending s. 24.121, F.S.; requiring school district reporting of expenditures of lottery funds; creating s. 240.4024, F.S.; creating the Florida Postsecondary Tuition Program; providing eligibility, types of assistance, application process, and funding; providing criteria for use of scholarship funds by certain students; amending s. 24.105, F.S.; providing for the use of player-activated machines for the dispensing of instant lottery game tickets; providing criteria for the operation of such machines; creating s. 24.1055, F.S.; prohibiting the purchase of a lottery ticket by certain persons; providing for the posting of a notice; providing a penalty for violations; amending s. 24.111, F.S.; revising provisions relating to investigation of vendors by the Department of the Lottery and contracts

with vendors; requiring the department to lease certain vending machines for a certain time period; requiring a performance bond; amending s. 24.115, F.S.; revising provisions relating to the payment of prizes; creating s. 24.124, F.S.; providing responsibility for verification of ticket accuracy; providing for issuance of a replacement ticket; limiting liability; revising funding provisions; creating s. 240.4024, F.S.; creating the Florida Postsecondary Tuition Program; providing eligibility, types of assistance, application process, and funding; restricting awards through the Florida Undergraduate Scholars' Program and the Vocational Gold Seal Endorsement Scholarship Program upon funding of the Florida Postsecondary Tuition Program; providing criteria for use of scholarship funds by certain students; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Representative Wise and others—

HB 2417—A bill to be entitled An act relating to the City of Jacksonville; amending section 22.04 of chapter 92-341, Laws of Florida, as amended, being the charter of the City of Jacksonville; amending authorized investments; requiring investment plan for the police and fire pension fund; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Insurance and Representative Ogles and others—

CS for HB 2465—A bill to be entitled An act relating to special insurance rates; amending s. 627.211, F.S.; providing for the establishment of standards and criteria for certain rate deviations; prohibiting certain rate deviations for a specified time period; permitting certain existing rate deviations to be extended or renewed; providing an effective date.

(Substituted for **SB 2476** on the Special Order Calendar this day.)

By Representative Stafford—

HB 2605—A bill to be entitled An act relating to the City of Sunrise, Broward County; extending and enlarging the corporate limits of the City of Sunrise to include the Community of Bonaventure within said corporate limits subject to certain referendum requirements; adopting a revised home rule charter; providing municipal boundaries and municipal powers; providing a commission-manager form of government; providing for intergovernmental relations; providing for extraterritorial powers; providing a description of corporate limits; providing for election of a city commission, and providing for membership, composition, qualifications, terms, and powers and duties of its members, including the mayor, providing for a deputy mayor and assistant deputy mayor; providing for vacancies, forfeiture of office and filling of vacancies; providing provisions for forfeiture of office; providing a judge of qualifications; providing a prohibition upon commissioners holding other offices; prohibiting the appointment and removal of city employees; providing for the creation of boards, agencies, authorities, commissions and committees; providing for an independent audit; providing for meetings and meeting procedures; providing for ordinances, resolutions, and motions, including emergency ordinances; providing for authentication, recording and disposition of ordinances, resolutions and charter amendments; providing for compensation and expenses; providing an oath of office; providing for the appointment of a city manager, city clerk, city attorney, and chief of police; providing for removal and filling of vacancies; providing policies for the preservation of the character of communities; providing a statement of intent; providing for the Community of Sunrise and the Community of Bonaventure; providing a board of trustees for each community; providing for powers, functions, staff and compensation of the boards of trustees; providing for identity with facilities and emergency service providers; providing for an internal auditor; providing for appointment, removal, compensation, qualifications, powers and duties of a city manager; providing for an acting city manager and chief assistant; providing for the creation of administrative departments; providing for a personnel system, the merit principle and employee's oath; prohibiting the use or borrowing of retirement funds; providing for an administrative code; providing for growth management, including goals, objectives and mandates for the comprehensive plan; providing for an annual report; providing for a fiscal year, a budget, budget message and capital program; providing for budget adoption and amendments; providing for payment of money by the city; providing for bonds for city officers and employees; providing for elections, including conduct of elections, voting machines, form of ballots, regular and special elections, candidates, filing affidavits, qualifying fees and times; providing for the election of the mayor and commissioners; providing for a runoff election; providing for a standard of ethics; providing for charter amendments; providing a transition schedule; providing for the selection of a name; providing for revised state shared revenue allocations; providing for revised local option gas tax revenue allocations; providing for deletion of obsolete schedule items; providing for severability; providing for a referendum; and providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Burroughs and others—

HB 2609—A bill to be entitled An act relating to Santa Rosa County; repealing chapters 80-606, 83-515, and 90-482, Laws of Florida; abolishing the Skyline Fire Protection and Rescue Service District; transferring the assets, debts, and liabilities of the District; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Stafford—

HB 2617—A bill to be entitled An act relating to the Central Broward Drainage District, Broward County; changing the name of the district to "Central Broward Water Control District"; amending chapter 61-1439, Laws of Florida, as amended; providing for a more precise legal description of the boundaries of the district and providing that the purpose of the district is to effect drainage and water management, pursuant to this act, of land within the district's geographical boundaries; revising outdated, obsolete, and incorrect language and provisions; providing that the chairperson and vice-chairperson of the board of commissioners shall be chosen by the board at the first meeting in January of each year; providing for precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Stafford—

HB 2627—A bill to be entitled An act relating to the Cities of Lauderhill and Tamarac, Broward County; placing one parcel of land in the corporate limits of the City of Lauderhill, which parcel is presently in the City of Tamarac; redefining each city's common boundaries; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Stafford—

HB 2631—A bill to be entitled An act relating to Broward County; amending chapter 57-1183, Laws of Florida, as amended, which created and incorporated a special tax district in Broward County, known as the Hillsboro Inlet Improvement and Maintenance District; providing for

the shortening of the name to the "Hillsboro Inlet District"; providing for a change in the number of commission representatives to account for two cities, Fort Lauderdale and Sea Ranch Lakes, whose residents pay ad valorem taxes into the district; providing for a quorum at commission meetings; providing for procedures for conducting regular and special commission meetings; authorizing the district to borrow at the prevailing market rate; authorizing the district to issue bonded indebtedness; authorizing the district to enter into interlocal agreements; authorizing the vice chair or other designated commissioners to draw checks for a purpose authorized by this act; providing for the levy of taxes not to exceed 1/2 of 1 mill in accordance with the provisions of chapter 200, F.S., as amended from time to time; clarifying the payment of costs, fees, and expenses, including health and medical insurance, of the board of commissioners consistent with chapter 112, F.S., as amended from time to time; providing for an annual publication of a budget summary of the district in compliance with chapter 200, F.S., authorizing an increase in the discretionary spending level for supplies, equipment, and materials to facilitate emergency repairs; authorizing the district to incur costs and expenses in cases of emergency up to an amount not to exceed $50,000; providing for a continuous existence of the district; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Stafford—

HB 2633—A bill to be entitled An act relating to Broward County; providing for procedures for annexation of unincorporated areas into municipalities throughout Broward County, certain provisions of s. 171.0413, F.S., to the contrary notwithstanding; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By Representative Gay—

HB 2663—A bill to be entitled An act relating to the Bonita Springs Fire Control and Rescue District, Lee County; amending chapter 65-1828, Laws of Florida, as amended; authorizing the district to establish and maintain emergency medical and rescue response services and acquire equipment; providing for the election of district board members during even-numbered years; providing an effective date.

(Passed on the Local Bill Calendar May 4.)

By Representative Melvin and others—

HB 2683—A bill to be entitled An act relating to Okaloosa County, Ocean City-Wright Fire Control District; amending chapter 78-570, Laws of Florida; providing that the board of commissioners of the fire control district shall have the authority to establish by rule a schedule of reasonable charges for responding, standing by as a protective measure, or assisting in or mitigating emergencies, which either threaten or may threaten the health and safety of persons within the district or at such location at which the district may be responding; providing other user fees; providing for the collection of fees; providing that the board of commissioners of the fire control district shall have the authority to establish a schedule of reasonable charges for responding to emergencies outside the district boundaries and for the collection and enforcement of such charges; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Community Affairs and Representative Goode and others—

HB 2705—A bill to be entitled An act relating to comprehensive planning and land management; amending s. 163.3171, F.S.; authorizing the state land planning agency and a local government to enter into certain agreements with each other and with a landowner, developer, or governmental agency; amending s. 163.3177, F.S.; providing that the future land use plan element of a county's local government comprehensive plan may designate areas for possible municipal incorporation; revising the requirements for the intergovernmental coordination element of comprehensive plans; revising provisions relating to certain required interlocal or other formal agreements; revising requirements for implementation of intergovernmental coordination element requirements by local governments; amending ss. 163.3180 and 163.3191, F.S.; correcting references; amending s. 163.3187, F.S.; revising conditions under which a local government is authorized to adopt small scale development amendments to its comprehensive plan without regard to statutory limits on frequency of plan amendments; requiring certain information in the notice of such amendments; revising provisions which restrict amendments to local government comprehensive plans if an evaluation and appraisal report or addendum has not been submitted; repealing s. 163.3202(6), F.S., relating to adoption by local governments of land development regulations to implement certain requirements of the intergovernmental coordination element deleted by this act; creating s. 163.3217, F.S.; authorizing counties to adopt a municipal overlay for municipal incorporation as an amendment to their comprehensive plans and providing requirements with respect thereto; amending s. 165.041, F.S.; requiring that a feasibility study and the municipal overlay, where adopted, be submitted in conjunction with a proposed special act enacting a municipal charter; creating s. 186.803, F.S.; authorizing governmental entities to use certain maps and graphic information materials for certain planning and area identification purposes and providing requirements with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact, and repealing subsection (27) thereof; removing provisions which allow termination of the development-of-regional-impact program within the jurisdiction of a local government that has adopted a comprehensive plan that has been found in compliance and that includes an intergovernmental coordination element that meets certain requirements deleted by this act; providing that certain time restrictions with respect to comprehensive plan amendments do not apply to concurrent plan amendments; removing provisions which allow expedited development-of-regional-impact review under certain conditions; revising provisions relating to requests for additional information regarding an application for development approval by a regional planning agency; revising requirements relating to the date of the public hearing on an application; providing conditions under which a local government may issue a development permit after the termination or expiration date contained in the development order; specifying the purpose of substantial deviation provisions; specifying the time for the public hearing on a change to an approved development of regional impact that a developer asserts is not a substantial deviation; revising time limitations applicable to review by a regional planning agency or the state land planning agency of proposed changes; providing for use of a dispute resolution process with respect to determination of a developer's or owner's rights, responsibilities, and obligations; amending s. 380.061, F.S., to conform; amending s. 380.0651, F.S.; revising requirements relating to statewide guidelines and standards with respect to development-of-regional-impact review for port facilities; amending s. 380.07, F.S.; conforming language; revising provisions relating to the effect of filing a notice of appeal for a development of regional impact within the jurisdiction of more than one local government; repealing s. 380.07(3), F.S., which provides for appeals to the Florida Land and Water Adjudicatory Commission of certain development orders issued by a local government that has terminated the development-of-regional-impact program; repealing s. 380.11(1)(b) and (2)(e), F.S., which provide for enforcement through injunctive action or administrative proceeding with respect to certain projects within a jurisdiction where the development-of-regional-impact program has been terminated; authorizing the Department of Community Affairs to undertake a sustainable communities demonstration project; providing intent; providing guidelines to be followed by the department in determining whether to designate all or part of a local government as a sustainable community; providing procedures and requirements for such designation and removal thereof; providing for administrative review; providing the benefits to be received by such local governments with respect to comprehensive plan amendments, exemption from development-of-regional-impact and Florida Quality Development program review; providing duties of the Executive Office

of the Governor and other departments with respect to specified programs in designated local governments; authorizing certain agreements; requiring reports; specifying the period of such designation and providing for renewal; providing for review and repeal; establishing the Florida Conflict Resolution Consortium as a statewide center within the State University System; providing an effective date.

(Substituted for **CS for SB 2376** on the Special Order Calendar this day.)

By the Committee on Regulated Industries and Representative Geller and others—

HB 2709—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.702, F.S.; providing additional legislative intent with respect to the Florida Responsible Vendor Act; amending s. 561.705, F.S.; providing for a vendor to require that employees attend additional meetings for purposes of qualifying as a responsible vendor under the act; amending s. 561.706, F.S.; requiring that the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation maintain certain records with respect to the arrest of a vendor or employee for unlawfully selling, giving, or serving alcoholic beverages; amending ss. 561.26 and 561.351, F.S.; providing for license renewal dates to be set by rule; creating s. 561.411, F.S.; providing qualifications for distributors with respect to warehouse space and inventory; providing exceptions; amending s. 564.06, F.S.; providing for excise tax on cider; amending s. 563.06, F.S., relating to imprints on individual containers of malt beverages; providing exemptions; amending s. 565.05, F.S., relating to purchase of distilled spirits by clubs; providing for size of individual containers; amending s. 564.045, F.S., relating to licensure as the primary American source of supply for vinous beverages; providing for annual license fees; providing rulemaking authority; amending s. 565.095, F.S., relating to licensure as the primary American source of supply for distilled spirits; providing for annual license fees; providing rulemaking authority; repealing ss. 564.041 and 565.09, F.S., relating to brand registrations; providing an effective date.

(Taken up out of order and passed May 4.)

By Representative Mackey—

HB 2729—A bill to be entitled An act relating to Gilchrist County; allowing the expenditure to the F.F.A. Alumni for land acquisition for the purpose of building a rodeo arena, from the Gilchrist Law Enforcement Trust Fund, which contains proceeds from the sale of certain contraband; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Criminal Justice and Representative Roberts-Burke and others—

CS for HB 1225—A bill to be entitled An act relating to trust funds; creating the Indigent Criminal Defense Trust Fund within the Justice Administrative Commission; providing for sources of moneys and purposes; requiring that appropriations from the fund be proportional to each circuit's collections; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

(Substituted for **SB 2470** on the Special Order Calendar this day.)

By Representative Mackenzie and others—

HCR 2751—A concurrent resolution extending the 1996 regular legislative session under the authority of Article III, Section 3 (d) of the State Constitution; establishing limitations on the scope of legislation to be considered.

(Substituted for **SCR 3142** on the Special Order Calendar this day.)

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 817, reconsidered, and passed as further amended; has passed HB 1457, reconsidered, and passed as amended; has passed as amended CS for HB 2121, reconsidered and further amended, and passed as further amended and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Natural Resources and Representative Mackey and others—

CS for HB 817—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; amending s. 370.01, F.S.; providing definitions; amending s. 370.092, F.S.; deleting the net transit permit program; providing for major violations; providing fines and penalties; providing for the development of corridors by rule; providing for the adoption of emergency rules; amending s. 370.0605, F.S.; providing procedures for the use of an authorization in lieu of a saltwater fishing license or permit; authorizing an additional charge for administrative costs; authorizing the issuance of temporary fishing licenses to certain organizations; allowing county tax collectors to retain part of the administrative charge; authorizing fees for replacement of certain licenses and permits; requiring county tax collectors to submit reports and payments at specified times; amending s. 370.0606, F.S.; providing procedures for the appointment of subagents; amending s. 370.0608, F.S.; revising the time for transfer of saltwater license fees to the trust fund; providing for the use of a portion of the funds; amending s. 370.0615, F.S.; replacing the term "stamp" with the term "permit"; amending s. 370.062, F.S.; providing for the transfer of tag fees; amending ss. 370.1111 and 370.14, F.S.; replacing the term "stamp" with the term "permit"; authorizing the commission, tax collectors, and subagents to sell permits; providing for the transfer of permit fees; amending s. 372.001, F.S.; redefining the term "resident" and defining the term "authorization"; amending s. 372.0222, F.S.; authorizing the commission to contract for certain advertising; amending s. 372.561, F.S.; changing stamp to permit; authorizing an administrative charge for certain licenses or permits; revising reporting requirements for county tax collectors; revising criteria for free licenses; amending s. 372.57, F.S.; providing procedures for the use of an authorization in lieu of a hunting or freshwater fishing license or permit; authorizing a short-term nonresident fishing license and fee; changing stamp to permit; amending s. 372.571, F.S.; changing stamp to permit; revising expiration dates of licenses; amending ss. 372.5712, 372.5715, 372.58, 372.581, 372.59, and 372.711, F.S.; changing stamp to permit; amending s. 372.574, F.S.; providing procedures and standards for the appointment of subagents; allowing subagents to charge a fee for credit card telephone sales; requiring recordkeeping and reports by subagents; providing penalties; amending s. 372.60, F.S.; providing procedures for replacement of licenses or permits; authorizing an administrative charge for replacements; providing an appropriation; providing an effective date.

(Substituted for **CS for SB 626** on the Special Order Calendar this day.)

By Representative Gay—

HB 1457—A bill to be entitled An act relating to Lee County; amending chapter 76-412, Laws of Florida, as amended; amending the Enabling Act of the South Trail Fire Protection and Rescue Service District to expand the boundaries thereof; providing for a referendum; providing for mail ballot; providing an effective date.

(Passed on the Local Bill Calendar May 4.)

By the Committee on Judiciary and Representative Crow—

CS for HB 2121—A bill to be entitled An act relating to liens; amending s. 713.05, F.S.; providing, with respect to persons in privity, for liens for money owed for labor, services, or materials furnished to improve public property under certain circumstances; amending s. 713.06, F.S.;

providing, with respect to persons not in privity, for liens owed for labor, services, or materials furnished to improve public property, under certain circumstances, amending s. 713.08, F.S.; providing additional information which must be included on a claim for lien; amending s. 713.13, F.S.; revising language with respect to notice of commencement; amending s. 713.135, F.S.; revising language with respect to the notice of commencement and applicability of lien; requiring counties and municipalities to submit affidavits to the Advisory Council on Intergovernmental Relations with respect to building permits; amending s. 713.16, F.S.; revising language with respect to the demand for a copy of contract and status of account; amending s. 713.18, F.S., permitting service of notices or copies by fax; revising language with respect to the manner of serving notices and other instruments; amending s. 713.20, F.S.; providing the forms for waiver and release of lien upon progress or final payment; providing an effective date.

(Substituted for **CS for SB 1848** on the Special Order Calendar this day.)

RETURNING MESSAGES ON SENATE BILLS

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 38, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 38—A bill to be entitled An act relating to trust funds; declaring that specified trust funds within the Department of Environmental Protection are exempt from the automatic-termination requirements of s. 19(f)(3), Art. III of the State Constitution; providing an effective date.

House Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. (1) The following trust funds of the Department of Environmental Protection are terminated:

(a) Apalachicola Bay Protection Trust Fund, fund number 37 2 032. The remaining balance and revenues shall be deposited in the Marine Resources Conservation Trust Fund.

(b) Apalachicola Bay Conservation Trust Fund, fund number 37 2 020. The remaining balance and revenues shall be deposited in the Marine Resources Conservation Trust Fund.

(c) Coastal Zone Management Trust Fund, fund number 37 2 096.

(d) Conservation and Recreation Bond Project Trust Fund, fund number 37 2 136.

(e) Florida Area of Critical State Concern Restoration Trust Fund, fund number 37 2 145. The remaining balance and revenues shall be deposited in the Ecosystem Management and Restoration Trust Fund.

(f) Beach Management Trust Fund, fund number 37 2 201. The remaining balance and revenues shall be deposited in the Florida Permit Fee Trust Fund.

(g) Federal Land and Water Conservation Trust Fund, fund number 37 2 264. The remaining balance and revenues shall be deposited in the Grants and Donations Trust Fund.

(h) Save Our State Environmental Education Trust Fund, fund number 37 2 615. The remaining balance and revenues that originated from transfers pursuant to section 376.11(4)(f), Florida Statutes, shall be deposited in the Florida Coastal Protection Trust Fund. The remaining balance and revenues that originated from fees collected pursuant to section 320.08058, Florida Statutes, and former section 320.08066, Florida Statutes, shall be deposited in the Save the Manatee Trust Fund. The remaining balance and revenues that originated from fees collected pursuant to section 320.08058, Florida Statutes, and former section 320.08065, Florida Statutes, shall be deposited in the Florida Panther Research and Management Trust Fund in the Game and Fresh Water Fish Commission. All other remaining balances and revenues shall be deposited in the Marine Resources Conservation Trust Fund.

(i) Hazardous Waste Management Trust Fund, fund number 37 2 355. The remaining balance and revenues shall be deposited in the Water Quality Assurance Trust Fund, but shall not be considered as part of the unobligated balance for purposes of s. 206.9935(2)(b).

(j) Industrial Siting Trust Fund, fund number 37 2 389.

(k) Lake Hancock Restoration Trust Fund, fund number 37 2 422.

(l) Natural Resources - Resource Management Division Land Reclamation Administration Trust Fund, fund number 37 2 426.

(m) Marine Turtle Protection Trust Fund, fund number 37 2 445. The remaining balance and revenues shall be deposited in the Marine Resources Conservation Trust Fund.

(n) Marine Fisheries Commission Trust Fund, fund number 37 2 469. The remaining balance and revenues shall be deposited in the Marine Resources Conservation Trust Fund.

(o) Marine Biological Research Trust Fund, fund number 37 2 471. The remaining balance and revenues shall be deposited in the Marine Resources Conservation Trust Fund.

(p) Motorboat Revolving Trust Fund, fund number 37 2 489. The remaining balance and revenues shall be deposited in the Marine Resources Conservation Trust Fund.

(q) Environmental Regulation - Operating Trust Fund, fund number 37 2 510. The remaining balance and revenues shall be deposited in the Grants and Donations Trust Fund.

(r) Petroleum Exploration and Production Bond Trust Fund, fund number 37 2 529. The remaining balance and revenues shall be deposited in the Minerals Trust Fund.

(s) Pollution Recovery Fund, fund number 37 2 534. The remaining balance and revenues shall be deposited in the Ecosystem Management and Restoration Trust Fund.

(t) Florida Saltwater Products Promotion Trust Fund, fund number 37 2 609.

(u) Natural Resources Parks - Save Our Coast Project Trust Fund, fund number 37 2 613. The remaining balance and revenues shall be deposited in the Land Acquisition Trust Fund.

(v) Small Community Sewer Construction Assistance Trust Fund, fund number 37 2 658. The remaining balance and revenues shall be deposited in the Sewage Treatment Revolving Loan Fund.

(w) Surface Water Improvement and Management Trust Fund, fund number 37 2 695. The remaining balance and revenues shall be deposited in the Ecosystem Management and Restoration Trust Fund.

(x) Oyster and Clam Rehabilitation Trust Fund, created by section 370.16(18), Florida Statutes.

(y) Phosphate Research Trust Fund, created by section 211.3103, Florida Statutes.

(z) Restoration of Kissimmee River Trust Fund, required by section 373.1965(4), Florida Statutes.

(aa) Spoil Site Trust Fund.

(bb) Replacement Trust Fund, fund number 37 2 580.

(cc) State Water Pollution Control Trust Fund, fund number 37 2 691. The remaining balance and revenues shall be deposited in the Sewage Treatment Revolving Loan Fund.

(2) Unless otherwise provided, all current balances remaining in, and all revenues of, the trust funds terminated by this act shall be transferred to the General Revenue Fund.

(3) For each trust fund terminated by this act, the Department of Environmental Protection shall pay any outstanding debts or obligations of the trust fund as soon as practicable, and the Comptroller shall close out and remove the trust fund from the various state accounting

systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. Section 161.0535, Florida Statutes, is amended to read:

161.0535 Permits; fees, costs.—The department may establish by rule a fee schedule and may assess fees for the filing, processing, and issuance of permits issued under ss. 161.041 and 161.053. The fee schedule must contain categories of permits based on the varying costs of evaluating applications for different types of proposed construction. The fee schedule must be based on the actual costs of administering these permitting programs. Moneys from fees assessed under this section must be deposited into the *Florida Permit Fee* ~~Beach Management~~ Trust Fund. The department may also assess the applicant for the costs of public notice by publication prior to the consideration of these permit applications; alternatively, the department may require an applicant to publish, at the applicant's expense, in a newspaper of general circulation within the affected area, a notice of receipt of the application and a notice of the intended agency action.

Section 3. Subsection (3) of section 161.054, Florida Statutes, is amended to read:

161.054 Administrative fines; liability for damage; liens.—

(3) The imposition of a fine or an award of damages pursuant to this section shall create a lien upon the real and personal property of the violator, enforceable by the department as are statutory liens under chapter 85. The proceeds of such fines and awards of damages shall be deposited in the *Ecosystem Management and Restoration* ~~Beach Management~~ Trust Fund.

Section 4. Section 161.091, Florida Statutes, is amended to read:

161.091 *Funding for* beach management ~~Trust Fund~~.—

~~(1) There is created in the State Treasury an account to be known as the "Beach Management Trust Fund."~~ Subject to such appropriations as the Legislature may make therefor from time to time, disbursements from *the Florida Permit Fee Trust Fund* ~~this account~~ may be made by the division subject to the approval of the department in order to carry out the proper state responsibilities in a comprehensive, long-range, statewide beach management plan for erosion control; beach preservation, beach restoration, and beach renourishment; and hurricane protection. ~~The Beach Management Trust Fund and the moneys deposited therein shall be under the direct supervision and control of the department, and such moneys may be disbursed by the Treasurer from time to time upon requisition as determined by the department.~~

~~(2) Notwithstanding the provisions of s. 216.292, the Beach Management Trust Fund shall not be available for transfer for any purposes other than those provided for in this section.~~

Section 5. Subsections (1), (8), and (11) of section 161.101, Florida Statutes, are amended, and subsections (9) and (10) are added to said section, to read:

161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.—

(1) The Legislature recognizes that beach erosion is a statewide problem that does not confine its effects to local governmental jurisdictions and that beach erosion can be adequately addressed most efficiently by a state-initiated program of beach restoration and beach renourishment. However, since local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach restoration and beach renourishment should not be accomplished without a commitment of local funds to combat the problem of beach erosion. Accordingly, the Legislature declares that the state, through the department, shall determine those beaches which are critically eroding and in need of restoration and renourishment and may authorize *appropriations* ~~the expenditure from the Beach Management Trust Fund of the amount necessary~~ to pay up to 75 percent of the actual costs for restoring and renourishing a critically eroded beach. The local government in which the beach is located shall be responsible for the balance of such costs.

(8) With regard to a project approved in accordance with s. 161.161, the department is authorized to pay from *legislative appropriations specifically provided for these purposes* ~~the Beach Management Trust Fund~~ an amount up to 75 percent of the actual costs of the approved project, including, but not limited to, the costs for:

(a) Project design engineering and construction supervision and inspection;

(b) Biological monitoring;

(c) Inlet sand transfer projects;

(d) Dune revegetation and stabilization;

(e) Restoration, renourishment, or feeder beach project costs;

(f) Construction easements, rights-of-way, public access easements, and vehicle parking spaces;

(g) Obtaining required permits;

(h) Establishing erosion control lines;

(i) Enhancement of marine turtle propagation; and

(j) Sand-source studies.

(9) The intent of the Legislature in preserving and protecting Florida's sandy beaches pursuant to this act is to direct beach erosion control appropriations to the state's most severely eroding beaches, and to prevent further adverse impact caused by navigation inlets, coastal armoring, or existing upland development. In establishing annual project funding priorities, the department shall seek formal input from local coastal governments, beach and general government interest groups, and university experts. Criteria to be considered by the department in determining annual funding priorities shall include:

(a) The severity of erosion conditions, the threat to existing upland development, and recreational and/or economic benefits.

(b) The availability of federal matching dollars.

(c) The extent of local government sponsor financial and administration commitment to the project.

(d) Previous state commitment and involvement in the project.

(e) The anticipated physical performance of the proposed project, including the frequency of periodic planned renourishment.

(f) The extent to which the proposed project mitigates the adverse impact of navigation inlets on adjacent beaches.

(g) Innovative, cost-effective, and environmentally sensitive applications to reduce erosion.

(10) Until the unmet demand for repairing Florida's damaged beaches and dunes is satisfied, it is the further intent of the Legislature to cost-share such projects equally between the state and local sponsors.

(11) The department may expend funds from the *Ecosystem Management and Restoration* ~~Beach Management~~ Trust Fund to alleviate emergency conditions, upon a declaration, after a hearing, by the Governor and Cabinet that a shoreline emergency of state concern exists. *Any expenditures made for this purpose shall be pursuant to legislative appropriations or from amendments to original approved operating budgets authorized pursuant to s. 216.181.*

Section 6. Subsection (6) of section 161.161, Florida Statutes, is amended to read:

161.161 Procedure for approval of projects.—

(6) The board of trustees shall approve or disapprove the beach restoration or beach renourishment project as it affects sovereignty lands. If approval is granted, the secretary shall authorize the expenditure from *legislative appropriations specifically provided for these purposes* ~~the Beach Management Trust Fund~~ of the amount necessary to pay for up to 75 percent of the costs of the project, and the board of trustees shall establish the location of the erosion control line. In locating said line, the board of trustees shall be guided generally by the existing line of mean high water, bearing in mind the requirements of proper engineering in

the erosion control project, the extent to which erosion or avulsion has occurred, and the need to protect existing ownership of as much upland as is reasonably possible.

Section 7. Paragraph (a) of subsection (1) of section 206.606, Florida Statutes, is amended to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund created by s. 206.875. Such moneys, exclusive of the service charges imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 206.41, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) $7,550,000 shall be transferred to the Department of Environmental Protection in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. $1,250,000 of the amount transferred shall be deposited annually in the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund and must be used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be deposited in the Aquatic Plant Control Trust Fund and must be used for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least $1 million of such funds to the eradication of melaleuca.

Section 8. Effective July 1, 1999, paragraph (a) of subsection (1) of section 206.606, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.41, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) $7,550,000 shall be transferred to the Department of Environmental Protection in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. $1,250,000 of the amount transferred shall be deposited annually in the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund and must be used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be deposited in the Aquatic Plant Control Trust Fund and must be used for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least $1 million of such funds to the eradication of melaleuca.

Section 9. Subsection (5) of section 211.31, Florida Statutes, is amended to read:

211.31 Levy of tax on severance of certain solid minerals; rate, basis, and distribution of tax.—

(5) The purpose of the Minerals Trust Fund is to receive designated taxes on severance of minerals to fund the administrative costs of programs of this state established to reclaim those lands disturbed by the severance of minerals*;*~~,~~ to fund the geological survey of the state*;*~~, and~~ to fund the regulation of oil and gas exploration and production*; to serve as a repository for funds allocated pursuant to ss. 377.24(1), 377.2408(1), 377.2425(1)(b), 377.247, and 377.41 that will enable the Department of Environmental Protection to respond without delay to incidents that affect safety or threaten to cause environmental damage or contamination as a result of incidents involving petroleum exploration and production activities; and to make available immediately to such department funds sufficient to correct violations such as an operator's failure to adequately plug, abandon, or restore production sites or other test sites and facilities after operations cease, if the permittee or operator does not correct the violation within a reasonable time*. In fiscal year 1995-1996, any funds credited to the Minerals Trust Fund *from severance taxes* in excess of 115 percent of the legislative appropriation from the Minerals Trust Fund for that year shall be transferred to the General Revenue Fund on June 30, 1996. In fiscal year 1996-1997, any funds credited to the Minerals Trust Fund *from severance taxes* in excess of 125 percent of the legislative appropriation from the Minerals Trust Fund for that year shall be transferred to the General Revenue Fund on June 30, 1997. On June 30 of each subsequent fiscal year, of any funds credited to the Minerals Trust Fund *from severance taxes* in excess of 125 percent of the legislative appropriation from the Minerals Trust Fund, 50 percent of the excess shall be transferred to the General Revenue Fund and 50 percent of the excess shall be transferred to the Nonmandatory Land Reclamation Trust Fund.

Section 10. Subsections (2), (3), and (4) of section 211.3103, Florida Statutes, are amended to read:

211.3103 Levy of tax on severance of phosphate rock; rate, basis, and distribution of tax.—

(2) The proceeds of all taxes, interest, and penalties imposed under this section shall be paid into the State Treasury through June 30, 1995, as follows:

(a) The first $10 million in revenue collected from the tax during each fiscal year shall be paid to the credit of the Conservation and Recreation Lands Trust Fund.

(b) The remaining revenues collected from the tax during that fiscal year, after the required payment under paragraph (a), shall be paid into the State Treasury as follows:

1. To the credit of the General Revenue Fund of the state, 60 percent. However, from this amount the amounts of $7.4 million, $8.2 million, and $8.1 million, respectively, shall be transferred to the Nonmandatory Land Reclamation Trust Fund on January 1, 1993, January 1, 1994, and January 1, 1995.

2. To the credit of the Nonmandatory Land Reclamation Trust Fund which is established for reclamation and acquisition of unreclaimed lands disturbed by phosphate mining and not subject to mandatory reclamation, 20 percent.

3. To the credit of the Phosphate Research Trust Fund *in the Department of Education, Division of Universities,* ~~which is created~~ to carry out the purposes set forth in s. 378.101, 10 percent.

4. For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 10 percent. The department shall distribute this portion of the proceeds based on production information reported by producers on the most recent annual returns filed prior to the beginning of the fiscal year. Any such proceeds received by a county shall be used only for phosphate-related expenses.

(3) Beginning July 1, 1995, the proceeds of all taxes, interest, and penalties imposed under this section shall be paid into the State Treasury as follows:

(a) The first $10 million in revenue collected from the tax during each fiscal year shall be paid to the credit of the Conservation and Recreation Lands Trust Fund.

(b) The remaining revenues collected from the tax during that fiscal year, after the required payment under paragraph (a), shall be paid into the State Treasury as follows:

1. To the credit of the General Revenue Fund of the state, 58 percent.

2. To the credit of the Nonmandatory Land Reclamation Trust Fund for reclamation and acquisition of unreclaimed lands disturbed by phosphate mining and not subject to mandatory reclamation, 14.5 percent.

3. To the credit of the Phosphate Research Trust Fund *in the Department of Education, Division of Universities,* to carry out the purposes set forth in s. 378.101, 10 percent.

4. For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 10 percent. The department shall distribute this portion of the proceeds based on production information reported by producers on the most recent annual returns filed prior to the beginning of the fiscal year. Any such proceeds received by a county shall be used only for phosphate-related expenses.

5. To the credit of the Minerals Trust Fund, 7.5 percent.

(4) If the base rate is reduced pursuant to paragraph (5)(c), then the proceeds of the tax shall be paid into the State Treasury as follows:

(a) The first $10 million in revenue collected from the tax during each fiscal year shall be paid to the credit of the Conservation and Recreation Lands Trust Fund.

(b) The remaining revenues collected from the tax during that fiscal year, after the required payment under paragraph (a), shall be paid into the State Treasury as follows:

1. To the credit of the General Revenue Fund of the state, 72.5 percent.

2. To the credit of the Phosphate Research Trust Fund *in the Department of Education, Division of Universities,* 10 percent.

3. For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 10 percent. The department shall distribute this portion of the proceeds based on production information reported by producers on the most recent annual returns filed prior to the beginning of the fiscal year. Any such proceeds received by a county shall be used only for phosphate-related expenses.

4. To the credit of the Minerals Trust Fund, 7.5 percent.

Section 11. Paragraph (l) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(l) The *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund created by s. *370.0608, with the exception of those fees collected for recreational saltwater fishing licenses as provided in s. 370.0605* ~~327.28~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 12. Paragraph (c) of subsection (9) of section 229.8058, Florida Statutes, is amended to read:

229.8058 Advisory Council on Environmental Education; establishment; responsibilities.—

(9) The council shall:

(c) Recommend a priority list for the types of programs to be funded ~~through the Save Our State Environmental Education Trust Fund, review any proposals for grants from the fund, and review any programs implemented through the fund~~.

Section 13. Subsection (2) of section 270.22, Florida Statutes, is amended to read:

270.22 Proceeds of state lands to go into Internal Improvement Trust Fund; exception.—

(2) Rental fees for aquaculture leases pursuant to s. 253.71(2) shall be deposited into the Marine *Resources Conservation* ~~Biological Research~~ Trust Fund of the Department of Environmental Protection. Such fees generated by shellfish-related aquaculture leases shall be used for shellfish-related aquaculture activities, including research, lease compliance inspections, mapping, and siting.

Section 14. Paragraph (a) of subsection (1) and subsection (2) of section 287.0595, Florida Statutes, are amended to read:

287.0595 Pollution response action contracts; department rules.—

(1) The Department of Environmental Protection shall establish, through the promulgation of administrative rules as provided in chapter 120:

(a) Procedures for determining the qualifications of responsible potential bidders prior to advertisement for and receipt of bids for pollution response action contracts, including procedures for the rejection of unqualified bidders. Response actions are those activities described in s. 376.301(24) ~~and those actions carried out pursuant to s. 403.165~~.

(2) In adopting rules under this section, the department shall follow the criteria applicable to the Department of Management Services contracting to the maximum extent possible, consistent with the goals and purposes of ss. 376.307 *and*~~,~~ 376.3071~~, and 403.165~~.

Section 15. Paragraph (b) of subsection (1) and paragraph (b) of subsection (5) of section 320.08058, Florida Statutes, are amended to read:

320.08058 Specialty license plates.—

(1) MANATEE LICENSE PLATES.—

(b)1. ~~Fifty percent of~~ The manatee license plate annual use fee must be deposited into the Save the Manatee Trust Fund, created within the Department of Environmental Protection. The funds deposited in the Save the Manatee Trust Fund may be used only for *environmental education;* manatee research*; facilities, as provided in s. 370.12(5)(b); and manatee* protection~~,~~ and recovery.

2. For fiscal year 1996-1997, 25 percent of the manatee license plate annual use fee must be deposited into the Save the Manatee Trust Fund within the Department of Environmental Protection and shall be used for manatee facilities as provided in s. 370.12(5)(b).

~~2. Fifty percent of the manatee license plate annual use fee must be deposited into the Save Our State Environmental Education Trust Fund within the Department of Environmental Protection and must be used for environmental education.~~

(5) FLORIDA PANTHER LICENSE PLATES.—

(b) The department shall distribute the Florida panther license plate annual use fee in the following manner:

1. *Eighty-five* ~~Forty-five~~ percent must be deposited in the Florida Panther Research and Management Trust Fund in the Game and Fresh Water Fish Commission to be used for *education and* programs to protect the endangered Florida panther.

~~2. Forty percent must be deposited in the Save Our State Environmental Education Trust Fund in the Department of Environmental Protection to be used for environmental education, including programs to inform the public about the habitat needs of the Florida panther.~~

2.~~3.~~ Fifteen percent, but no less than $300,000, must be deposited in the Florida Communities Trust Fund to be used pursuant to the Florida Communities Trust Act.

Section 16. Subsections (16) and (17) of section 327.25, Florida Statutes, are amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(16) DISTRIBUTION OF FEES.—Moneys deposited pursuant to s. 327.28 to be returned to the counties are ~~appropriated to the Department of Environmental Protection for grants to the county general gov-~~

~~ernments~~ for the sole purposes of providing recreational channel marking and public launching facilities and other boating-related activities, for removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53, and for manatee and marine mammal protection and recovery. The department shall ascertain, as a guideline in determining the amounts of *distributions* ~~grants~~ each county may receive, the number of noncommercial vessels registered in the county during the preceding fiscal year according to the fee schedule provided in subsection (1) and shall promulgate rules to effectuate this. Each fiscal year, prior to determination of *distributions* ~~the grants~~ to the counties under this section, an amount equal to $1 for each vessel registered in this state shall be *transferred to the Save the Manatee Trust Fund* ~~available~~ for manatee and marine mammal research, protection, and recovery.

(17) MARINE TURTLE STICKER.~~—Effective fiscal year 1992-1993 and thereafter,~~ The Department of Environmental Protection shall offer for sale with vessel registrations a waterproof sticker in the shape of a marine turtle at an additional cost of $5, the proceeds of which shall be deposited in the Marine *Resources Conservation* ~~Turtle Protection~~ Trust Fund to be used for marine turtle protection, research, and recovery efforts pursuant to the provisions of s. 370.12(1).

Section 17. Section 327.28, Florida Statutes, is amended to read:

327.28 *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund; *vessel registration funds;* appropriation and distribution.—

(1) Except as otherwise specified and less any administrative costs, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state shall be deposited in *the Marine Resources Conservation* ~~a Motorboat Revolving~~ Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 327.25(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to $1 for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund for manatee and marine mammal research, protection, and recovery in accordance with the provisions of s. 370.12(5)(a).

(b) In addition, in each fiscal year, an amount equal to 50 cents for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund in accordance with the provisions of s. 370.12(5)(b) for use by those facilities approved to rescue, rehabilitate, and release manatees as authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior.

(c) Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Aquatic Plant Control Trust Fund for aquatic weed research and control.

(d) Forty percent of the registration fees from commercial vessels shall be used for law enforcement and quality control programs.

(e) Forty percent of the registration fees from commercial vessels shall be transferred to the Aquatic Plant Control Trust Fund for aquatic plant research and control.

(2) All funds collected pursuant to s. 370.06(2) shall be deposited in the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund. Such funds shall be used to pay the cost of implementing the saltwater products license program. Additional proceeds from the licensing revenue shall be distributed among the following program functions:

(a) No more than 15 percent nor less than the amount deposited in the *former* Marine Fisheries Commission Trust Fund pursuant to this subsection in fiscal year 1987-1988 shall go to the Marine Fisheries Commission *for its operations* ~~Trust Fund~~;

(b) No more than 15 percent shall go to law enforcement;

(c) No more than 25 percent shall go to the Florida Saltwater Products Promotion Trust Fund within the Department of Agriculture and Consumer Services for the purpose of providing marketing and extension services including industry information and education; and

(d) The remainder, but at least 45 percent, shall go to the Division of Marine Resources, for use in marine research and statistics development, including quota management.

~~(3) All funds collected pursuant to s. 328.03(7) shall be deposited in the Motorboat Revolving Trust Fund. Such funds shall be used for artificial reef construction and other boating-related activities.~~

Section 18. Paragraph (a) of subsection (6) of section 327.3521, Florida Statutes, is amended to read:

327.3521 Penalty for failure to submit to test.—

(6) Moneys collected by the clerk of the court pursuant to this section shall be disposed of in the following manner:

(a) If the arresting officer was employed or appointed by a state law enforcement agency, the moneys shall be deposited into the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund.

Section 19. Paragraph (b) of subsection (6) and subsection (7) of section 327.53, Florida Statutes, are amended to read:

327.53 Marine sanitation.—

(6)

(b) All civil penalties imposed and collected pursuant to this section shall be deposited in the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund and shall be used: to implement, administer, and enforce this act; to construct, renovate, or operate pumpout stations and waste reception facilities; and to conduct a program to educate vessel operators about the problem of human body waste discharges from vessels and inform them of the location of pumpout stations and waste reception facilities.

(7) Any vessel or floating structure operated or occupied on the waters of the state in violation of this section is declared a nuisance and a hazard to public safety and health. The owner or operator of any vessel or floating structure cited for violating this section shall, within 30 days following the issuance of the citation, correct the violation for which the citation was issued or remove the vessel or floating structure from the waters of the state. If the violation is not corrected within the 30 days and the vessel or floating structure remains on the waters of the state in violation of this section, law enforcement officers charged with the enforcement of this chapter under s. 327.70 shall apply to the appropriate court in the county in which the vessel or floating structure is located, to order or otherwise cause the removal of such vessel or floating structure from the waters of the state at the owner's expense. If the owner cannot be found or otherwise fails to pay the removal costs, the provisions of s. 328.17 shall apply. If the proceeds under s. 328.17 are not sufficient to pay all removal costs, funds appropriated from the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund pursuant to paragraph (6)(b) or s. 327.25*(16)*~~(12)~~ may be used.

Section 20. Subsection (6) of section 328.15, Florida Statutes, is amended to read:

328.15 Notice of lien on vessel; recording.—

(6) The Department of Highway Safety and Motor Vehicles is entitled to a fee of $1 for the recording of each notice of lien. No fee shall be charged for recording the satisfaction of a lien. All of the fees collected shall be paid into the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund.

Section 21. Section 328.20, Florida Statutes, is amended to read:

328.20 Disposition of fees.—The Department of Highway Safety and Motor Vehicles shall deposit all funds collected by it pursuant to the provisions of this chapter in the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund.

Section 22. Subsections (2) and (7) of section 370.021, Florida Statutes, are amended to read:

370.021 Administration; rules, publications, records; penalty for violation of chapter; injunctions.—

(2) PENALTY FOR VIOLATION.—Unless otherwise provided by law, any person, firm, or corporation who is convicted for violating any provision of this chapter, any rule of the department adopted pursuant to this chapter, or any rule of the Marine Fisheries Commission, shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 60 days or by a fine of not less than $100 nor more than $500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction within 12 months, by imprisonment for not more than 6 months or by a fine of not less than $250 nor more than $1,000, or by both such fine and imprisonment.

(c) In addition to the penalties provided in paragraphs (a) and (b), the court shall assess additional penalties against any person, firm, or corporation convicted of major violations as follows:

1. For a violation involving more than 100 illegal blue crabs, crawfish, or stone crabs, an additional penalty of $10 for each illegal blue crab, crawfish, stone crab, or part thereof.

2. For a violation involving the taking or harvesting of shrimp from a nursery or other prohibited area, an additional penalty of $10 for each pound of illegal shrimp or part thereof.

3. For a violation involving the taking or harvesting of oysters from nonapproved areas or the taking or possession of unculled oysters, an additional penalty of $10 for each bushel of illegal oysters.

4. For a violation involving the taking or harvesting of clams from nonapproved areas, an additional penalty of $100 for each 500 count bag of illegal clams.

5. For a violation involving the taking, harvesting, or possession of any of the following species, which are endangered, threatened, or of special concern:

a. Shortnose sturgeon (Acipenser brevirostrum);

b. Atlantic sturgeon (Acipenser oxyrhynchus);

c. Common snook (Centropomus undecimalis);

d. Atlantic loggerhead turtle (Caretta caretta caretta);

e. Atlantic green turtle (Chelonia mydas mydas);

f. Leatherback turtle (Dermochelys coriacea);

g. Atlantic hawksbill turtle (Eretmochelys imbricata imbracata);

h. Atlantic ridley turtle (Lepidochelys kempi); or

i. West Indian manatee (Trichechus manatus latirostris),

an additional penalty of $100 for each unit of marine life or part thereof.

6. For a second or subsequent conviction within 24 months for any violation of the same law or rule involving the taking or harvesting of more than 100 pounds of any finfish, an additional penalty of $5 for each pound of illegal finfish.

7. For any violation involving the taking, harvesting, or possession of more than 1,000 pounds of any illegal finfish, an additional penalty equivalent to the wholesale value of the illegal finfish.

8.a. In addition to being subject to the other penalties provided in this chapter, any intentional violation of rule 46-4.007(1), Florida Administrative Code, shall be considered a major violation, and any person, firm, or corporation committing such violation shall be subject to the following additional penalties:

(I) For a first violation within a 7-year period, suspension of the saltwater products license for 90 days.

(II) For a second major violation within a 7-year period, a civil penalty of $5,000 and suspension of the saltwater products license for 12 months.

(III) For a third or subsequent major violation within a 7-year period, a civil penalty of $5,000, lifetime revocation of the saltwater products license, and forfeiture of all gear and equipment used in the violation.

b. During any period of license suspension or revocation under this section, the licensee may not fish from any vessel that is harvesting saltwater products.

c. The Department of Environmental Protection may bring a civil action to enforce the civil penalties prescribed in this section.

Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any major violation prescribed in this paragraph.

(d) The proceeds from the penalties assessed pursuant to paragraph (c) shall be deposited into the Marine *Resources Conservation* Marine ~~Biological Research~~ Trust Fund to be used for marine fisheries research.

(e) Permits issued to any person, firm, or corporation by the department to take or harvest saltwater products, or any license issued pursuant to s. 370.06 or s. 370.07 may be suspended or revoked by the department, pursuant to the provisions and procedures of s. 120.60, for any major violation prescribed in paragraph (c):

1. Upon a second conviction for a violation which occurs within 12 months after a prior violation, for up to 60 days.

2. Upon a third conviction for a violation which occurs within 24 months after a prior violation, for up to 180 days.

3. Upon a fourth conviction for a violation which occurs within 36 months after a prior violation, for a period of 6 months to 3 years.

(f)1. In cases involving the intentional or unintentional killing of any species of tarpon, snook in excess of five fish per person, sailfish, or bonefish during a fishing operation wherein the targeted species is legal to harvest, the method of fishing and type of gear used are legal, and the fish are killed as a direct result of such otherwise legal fishing operations, the department shall assess a civil penalty of $100 for each snook killed in excess of five fish per person, or tarpon, sailfish, or bonefish killed in excess of any bag limit. In collecting penalties, the department shall assess an equal share of the applicable penalty to each fisher actually involved in the fishing operation.

2. The civil penalty shall be paid in full to the department within 30 calendar days of official notification. The department may suspend the saltwater products license or other saltwater fishing license of any person or boat not paying the required civil penalty within the specified time period. Persons contesting the assessment of any civil penalties or any license suspension pursuant to this section shall be entitled to a hearing pursuant to the provisions of chapter 120.

3. All moneys collected by the department pursuant to this paragraph shall be deposited into the Marine *Resources Conservation* ~~Biological Research~~ Trust Fund.

(7) RETENTION, DESTRUCTION, AND REPRODUCTION OF RECORDS.—Records and documents of the Department of Environmental Protection created in compliance with and in the implementation of chapter 370 or former chapter 371 shall be retained by the department as specified in record retention schedules established under the general provisions of chapters 119 and 257. Further, the department is authorized to:

(a) Destroy, or otherwise dispose of, those records and documents in conformity with the approved retention schedules.

(b) Photograph, microphotograph, or reproduce such records and documents on film, as authorized and directed by the approved retention schedules, whereby each page will be exposed in exact conformity with the original records and documents retained in compliance with the provisions of this section. Photographs or microphotographs in the form of film or print of any records, made in compliance with the provisions of this section, shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in

evidence equally with the original photographs or microphotographs. The impression of the seal of the Department of Environmental Protection on a certificate made pursuant to the provisions hereof and signed by the Secretary of Environmental Protection shall entitle the same to be received in evidence in all courts and in all proceedings in this state and shall be prima facie evidence of all factual matters set forth in the certificate. A certificate may relate to one or more records, as set forth in the certificate, or in a schedule continued on an attachment to the certificate.

(c) Furnish certified copies of such records for a fee of $1 which shall be deposited in the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund.

Section 23. Subsections (2), (5), and (8) of section 370.06, Florida Statutes, are amended to read:

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(a) Every person, firm, or corporation *that* ~~which~~ sells, offers for sale, barters, or exchanges for merchandise any saltwater products, or which harvests saltwater products with certain gear or equipment as specified by law, must have a valid saltwater products license. Each saltwater products license allows the holder to engage in any of the activities for which the license is required. The license must be in the possession of the licenseholder or aboard the vessel and shall be subject to inspection at any time that harvesting activities for which a license is required are being conducted. A restricted species endorsement on the saltwater products license is required to sell to a licensed wholesale dealer those species which the state, by law or rule, has designated as "restricted species." This endorsement may be issued only to a person who is at least 16 years of age, or to a firm certifying that over 25 percent of its income or $5,000 of its income, whichever is less, is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. This endorsement may also be issued to a for-profit corporation if it certifies that at least $5,000 of its income is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. However, if at least 50 percent of the annual income of a person, firm, or for-profit corporation is derived from charter fishing, the person, firm, or for-profit corporation must certify that at least $2,500 of the income of the person, firm, or corporation is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state, in order to be issued the endorsement. Such income attribution must apply to at least 1 year out of the last 3 years. For the purpose of this section "income" means that income which is attributable to work, employment, entrepreneurship, pensions, retirement benefits, and social security benefits.

1. The department is authorized to require verification of such income. Acceptable proof of income earned from the sale of saltwater products shall be:

a. Copies of trip ticket records generated pursuant to this subsection (marine fisheries information system), documenting qualifying sale of saltwater products;

b. Copies of sales records from locales other than Florida documenting qualifying sale of saltwater products;

c. A copy of the applicable federal income tax return, including Form 1099 attachments, verifying income earned from the sale of saltwater products;

d. Crew share statements verifying income earned from the sale of saltwater products; or

e. A certified public accountant's notarized statement attesting to qualifying source and amount of income.

Any provision of this section or any other section of the Florida Statutes to the contrary notwithstanding, any person who owns a retail seafood market and/or restaurant at a fixed location for at least 3 years who has had an occupational license for 3 years prior to January 1, 1990, who harvests saltwater products to supply his or her retail store and has had a saltwater products license for 1 of the past 3 years prior to January 1, 1990, may provide proof of his or her verification of income and sales value at the person's retail seafood market and/or restaurant and in his or her saltwater products enterprise by affidavit and shall thereupon be issued a restricted species endorsement.

2. Exceptions from income requirements shall be as follows:

a. A permanent restricted species endorsement shall be available to those persons age 62 and older who have qualified for such endorsement for at least 3 out of the last 5 years.

b. Active military duty time shall be excluded from consideration of time necessary to qualify and shall not be counted against the applicant for purposes of qualifying.

c. Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible for a restricted species endorsement, the purchaser of such vessel shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after purchase of the vessel.

d. Upon the death or permanent disablement of a person possessing a restricted species endorsement, an immediate family member wishing to carry on the fishing operation shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after the death or disablement.

e. A restricted species endorsement may be issued on an individual saltwater products license to a person age 62 or older who documents that at least $2,500 is attributable to the sale of saltwater products pursuant to the provisions of this paragraph.

f. A permanent restricted species endorsement may also be issued on an individual saltwater products license to a person age 70 or older who has held a saltwater products license for at least 3 of the last 5 license years.

At least one saltwater products license bearing a restricted species endorsement shall be aboard any vessel harvesting restricted species in excess of any bag limit or when fishing under a commercial quota or in commercial quantities, and such vessel shall have a commercial vessel registration. This subsection does not apply to any person, firm, or corporation licensed under s. 370.07(1)(a)1. or (b) for activities pursuant to such licenses. A saltwater products license may be issued in the name of an individual or a valid boat registration number. Such license is not transferable. A decal shall be issued with each saltwater products license issued to a valid boat registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 327.11(7) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the vessel registration number and the saltwater products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state. A resident shall pay an annual license fee of $50 for a saltwater products license issued in the name of an individual or $100 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of $200 for a saltwater products license issued in the name of an individual or $400 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of $300 for a saltwater products license issued in the name of an individual or $600 for a saltwater products license issued to a valid boat registration number. Any person who sells saltwater products pursuant to this license may sell only to a licensed wholesale dealer. A saltwater products license must be presented to the licensed wholesale dealer each time saltwater products are sold, and an imprint made thereof. The wholesale dealer shall keep records of each transaction in such detail as may be required by rule of the Department of Environmental Protection not in conflict with s. 370.07(6), and shall provide the holder of the saltwater products license with a copy of the record. It is unlawful for any licensed wholesale dealer to buy saltwater products from any unlicensed person under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. It is unlawful for any licensed wholesale dealer to buy saltwater products designated as "restricted species" from any person, firm, or corporation not possessing a restricted species endorsement on his or her saltwater products license under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. The Department of Environmental

Protection shall be the licensing agency, may contract with private persons or entities to implement aspects of the licensing program, and shall establish by rule a marine fisheries information system in conjunction with the licensing program to gather fisheries data.

(b) Any person who sells, offers for sale, barters, or exchanges for merchandise saltwater products must have a method of catch preservation which meets the requirements and standards of the seafood quality control code promulgated by the Department of Environmental Protection.

(c) A saltwater products license is required to harvest commercial quantities of saltwater products. Any vessel from which commercial quantities of saltwater products are harvested must have a commercial vessel registration. Commercial quantities of saltwater products shall be defined as:

1. With respect to those species for which no bag limit has been established, more than 100 pounds per person per day, provided that the harvesting of two fish or less per person per day shall not be considered commercial quantities regardless of aggregate weight; and

2. With respect to those species for which a bag limit has been established, more than the bag limit allowed by law or rule.

(d)1. In addition to the saltwater products license, a marine life fishing endorsement shall be required for the harvest of marine life species as defined by rule of the Marine Fisheries Commission.

2. The fee for a marine life fishery endorsement on a saltwater products license shall be $75. These license fees shall be collected and deposited *in the Marine Resources Conservation Trust Fund and used for the purchase and installation of vessel mooring buoys at coral reef sites and for research related to marine fisheries.* ~~as follows:~~

~~a. Fifty percent of the fees shall be deposited in the Motorboat Revolving Trust Fund for the purchase and installation of vessel mooring buoys at coral reef sites; and~~

~~b. Fifty percent of the fees shall be deposited in the Marine Biological Research Trust Fund and shall be used by the Department of Environmental Protection for research with respect to marine life fisheries.~~

~~(e) Any provision of this section or any other section of the Florida Statutes to the contrary notwithstanding, and for fiscal years 1991-1992 and 1992-1993 only, any person who has held a saltwater products license and a retail dealer's license for fiscal year 1990-1991 who certifies by affidavit that $5,000 of his or her 1990 income was attributable to the harvest and sale of those species subsequently defined by rule of the Marine Fisheries Commission as marine life species shall be issued a restricted species endorsement.~~

(5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

(a) For purposes of this section, the following definitions shall apply:

1. "Person" means an individual.

2. "Resident" means any person who has:

a. Continuously resided in this state for 6 months immediately preceding the making of his or her application for an Apalachicola Bay oyster harvesting license; or

b. Established a domicile in this state and evidenced that domicile as provided in s. 222.17.

(b) No person shall harvest oysters from the Apalachicola Bay without a valid Apalachicola Bay oyster harvesting license issued by the department. This requirement shall not apply to anyone harvesting noncommercial quantities of oysters in accordance with chapter 46-27, Florida Administrative Code, or to any person less than 18 years old.

(c) Any person wishing to obtain an Apalachicola Bay oyster harvesting license shall submit an annual fee for the license during a 45-day period from May 17 to June 30 of each year preceding the license year for which the license is valid. Failure to pay the annual fee within the required time period shall result in a $500 late fee being imposed before issuance of the license.

(d) The department shall collect an annual fee of $100 from residents and $500 from nonresidents for the issuance of an Apalachicola Bay oyster harvesting license. The license year shall begin on July 1 of each year and end on June 30 of the following year. The license shall be valid only for the licensee. Only bona fide residents of Florida may obtain a resident license pursuant to this subsection.

(e) Each person who applies for an Apalachicola Bay oyster harvesting license shall, before receiving the license, attend an educational seminar of not more than 16 hours length, developed and conducted jointly by the Apalachicola National Estuarine Research Reserve, the department's Division of Law Enforcement, and the department's Apalachicola District Shellfish Environmental Assessment Laboratory. The seminar shall address, among other things, oyster biology, conservation of the Apalachicola Bay, sanitary care of oysters, small business management, and water safety. The seminar shall be offered five times per year, and each person attending shall receive a certificate of participation to present when obtaining an Apalachicola Bay oyster harvesting license.

(f) Each person, while harvesting oysters in Apalachicola Bay, shall have in possession a valid Apalachicola Bay oyster harvesting license, or proof of having applied for a license within the required time period, and shall produce such license or proof of application upon request of any law enforcement officer.

(g) Each person who obtains an Apalachicola Bay oyster harvesting license shall prominently display the license number upon any vessel the person owns which is used for the taking of oysters, in numbers which are at least 10 inches high and 1 inch wide, so that the permit number is readily identifiable from the air and water. Only one vessel displaying a given number may be used at any time. A licensee may harvest oysters from the vessel of another licensee.

(h) Any person holding an Apalachicola Bay oyster harvesting license shall receive credit for the license fee against the saltwater products license fee.

(i) The proceeds from Apalachicola Bay oyster harvesting license fees shall be deposited in the *Marine Resources* ~~Apalachicola Bay~~ Conservation Trust Fund and, less reasonable administrative costs, shall be used or distributed by the department for the following purposes in Apalachicola Bay:

1. Relaying and transplanting live oysters.

2. Shell planting to construct or rehabilitate oyster bars.

3. Education programs for licensed oyster harvesters on oyster biology, aquaculture, boating and water safety, sanitation, resource conservation, small business management, marketing, and other relevant subjects.

4. Research directed toward the enhancement of oyster production in the bay and the water management needs of the bay.

(j) Any person who violates any of the provisions of paragraphs (b) and (d)-(g) *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. Nothing in this subsection shall limit the application of existing penalties.

(8) COLLECTION OF LICENSES, FEES.—Unless otherwise provided by law, all license taxes or fees provided for in this chapter shall be collected by the department or its duly authorized agents or deputies to be deposited by the Comptroller in the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund ~~as created by s. 327.28~~. The department may by rule establish a reasonable processing fee for any free license or permit required under this chapter.

Section 24. Section 370.0603, Florida Statutes, is created to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.—

(1) The Marine Resources Conservation Trust Fund within the Department of Environmental Protection shall serve as a broad-based depository for funds from various marine-related activities and shall be administered by the department for the purposes of:

(a) Funding for marine research.

(b) Funding for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.

(c) Funding for marine law enforcement.

(d) Funding for administration of licensing programs for recreational fishing, saltwater products sales, and related information and education activities.

(e) Funding for the operations of the Marine Fisheries Commission.

(f) Funding for titling and registration of vessels.

(g) Funding for marine turtle protection, research, and recovery activities, from revenues that are specifically credited to the trust fund for these purposes.

(h) Funding activities for rehabilitation of oyster harvesting areas from which special oyster surcharge fees are collected, including relaying and transplanting live oysters.

(2) The Marine Resources Conservation Trust Fund shall receive the proceeds from:

(a) All license fees collected pursuant to ss. 370.06 and 370.07.

(b) All funds collected from the registration of vessels and other fees pursuant to s. 327.25.

(c) All fees collected pursuant to ss. 370.062, 370.063, and 370.142.

(d) All fines and penalties pursuant to s. 370.021.

(e) Other revenues as provided by law.

Section 25. Section 370.0608, Florida Statutes, is amended to read:

370.0608 Deposit of license fees*; allocation of federal funds*.—

(1) All license fees collected pursuant to s. 370.0605 shall be deposited *into the Marine Resources Conservation Trust Fund, to be used* as follows:

(a)~~(1)~~ Not more than 2.5 percent of the total fees collected shall be *for* ~~deposited into~~ the Marine Fisheries Commission ~~Trust Fund~~ to be used *to carry out the responsibilities of the commission and to provide for the award of funds to marine research institutions in this state for the purposes of enabling such institutions to conduct worthy marine research projects* ~~for the purposes set forth in s. 370.029~~.

(b)~~(2)~~ Not less than 2.5 percent of the total fees collected shall be ~~deposited in the Aquatic Resources Education Account within the Save Our State Environmental Education Trust Fund hereby created in the Department of Environmental Protection to be~~ used for aquatic education purposes.

(c)1.~~(3)(a)~~ The remainder of such fees shall be ~~deposited into the Marine Resources Conservation Trust Fund which is hereby created within the Department of Environmental Protection to be~~ used by the department for the following program functions:

a.~~1.~~ Not more than 5 percent of the total fees collected, for administration of the licensing program and for information and education.

b.~~2.~~ Not more than 30 percent of the total fees collected, for law enforcement.

c.~~3.~~ Not less than 30 percent of the total fees collected, for marine research.

d.~~4.~~ Not less than 30 percent of the total fees collected, for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.

2.~~(b)~~ The Legislature shall annually appropriate to the Department of Environmental Protection from the General Revenue Fund for the activities and programs specified in *subparagraph 1.* ~~paragraph (a)~~ at least the same amount of money as was appropriated to the department from the General Revenue Fund for such activities and programs for fiscal year 1988-1989, and the amounts appropriated to the department for such activities and programs from the Marine Resources Conservation Trust Fund shall be in addition to the amount appropriated to the department for such activities and programs from the General Revenue Fund. The proceeds from *recreational* saltwater fishing license fees paid by fishers shall only be appropriated to the Department of Environmental Protection.

(2)~~(c)~~ The Department of Environmental Protection and the Game and Fresh Water Fish Commission shall develop and maintain a memorandum of understanding to provide for the equitable allocation of federal aid available to Florida pursuant to the Sport Fish Restoration Administration Funds. Funds available from the Wallop-Breaux Aquatic Resources Trust Fund shall be distributed between the department and the commission in proportion to the numbers of resident fresh and saltwater anglers as determined by the most current data on license sales. Unless otherwise provided by federal law, the department and the commission, at a minimum, shall provide the following:

(a)~~1.~~ Not less than 5 percent or more than 10 percent of the funds allocated to each agency shall be expended for an aquatic resources education program; and

(b)~~2.~~ Not less than 10 percent of the funds allocated to each agency shall be expended for acquisition, development, renovation, or improvement of boating facilities.

(3)~~(4)~~ The Game and Fresh Water Fish Commission shall be the issuing agent for all 5-year licenses and all replacement 5-year licenses, and is authorized to collect the fees therefor*, subject to the following:*~~.~~

(a) Proceeds from the sale of 5-year licenses and replacement 5-year licenses as provided in this chapter shall be deposited into the Marine Resources Conservation Trust Fund. One-fifth of the total proceeds derived from the sale of 5-year licenses and replacement licenses, and all interest derived therefrom, shall be available for appropriation annually.

(b) All license fees collected pursuant to s. 370.0605 for the sale of or replacement of 5-year saltwater licenses shall be transferred to the Marine Resources Conservation Trust Fund within 30 days following the last day of the month in which the license fees were received by the commission.

Section 26. Section 370.0609, Florida Statutes, is amended to read:

370.0609 Expenditure of funds.—Any moneys available pursuant to s. 370.0608*(1)(c)1.c.*~~(3)(a)3.~~ shall be expended by the Department of Environmental Protection within Florida through grants and contracts for research with research institutions including but not limited to: Florida Sea Grant; Florida Marine Resources Council; Harbour Branch Oceanographic Institute; Technological Research and Development Authority; Florida Marine Research Institute of the Department of Environmental Protection; Indian River Region Research Institute; Mote Marine Laboratory; Marine Resources Development Foundation; Florida Institute of Oceanography; and Rosentiel School of Marine and Atmospheric Science.

Section 27. Subsections (1) and (2) of section 370.061, Florida Statutes, are amended to read:

370.061 Confiscation of property and products.—

(1) CONFISCATION; PROCEDURE.—In all cases of arrest and conviction for the illegal taking, or attempted taking, sale, possession, or transportation of saltwater fish or other saltwater products, such saltwater products and seines, nets, boats, motors, other fishing devices or equipment, and vehicles or other means of transportation used in connection with such illegal taking or attempted taking are hereby declared to be nuisances and may be seized and carried before the court having jurisdiction of such offense, and said court may order such nuisances forfeited to the Division of Marine Resources of the department immediately after trial and conviction of the person or persons in whose possession they were found, except that, if a motor vehicle is seized under the provisions of this act and is subject to any existing liens recorded under the provisions of s. 319.27, all further proceedings shall be governed by the expressed intent of the Legislature not to divest any innocent person, firm, or corporation holding such a recorded lien of any of its reversionary rights in such motor vehicle or of any of its rights as prescribed in s. 319.27, and that, upon any default by the violator purchaser, the said

lienholder may foreclose its lien and take possession of the motor vehicle involved. When any illegal or illegally used seine, net, trap, or other fishing device or equipment or illegally taken, possessed, or transported saltwater products are found and taken into custody, and the owner thereof shall not be known to the officer finding the same, such officer shall immediately procure from the county court judge of the county wherein they were found an order forfeiting said saltwater products, seines, nets, traps, boats, motors, or other fishing devices to the division. All things forfeited under the provisions of this law may be destroyed, used by the division, disposed of by gift to charitable or state institutions, or sold and the proceeds derived from said sale deposited in the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund to be used for law enforcement purposes. However, forfeited boats, motors, and legal fishing devices only, may be purchased from the division for $1 by the person or persons holding title thereto at the time of the illegal act causing the forfeiture, if such person shall prove that he or she in no way participated in, gave consent to, or had knowledge of such act.

(2) CONFISCATION AND SALE OF PERISHABLE PRODUCTS; PROCEDURE.—When an arrest is made pursuant to the provisions of this chapter and illegal, perishable products or perishable products illegally taken or landed are apprehended, the defendant may post bond or cash deposit in an amount determined by the judge to be the fair value of such products, and said defendant shall have 24 hours to transport said products outside the limits of Florida for sale or other disposition. Should no bond or cash deposit be given within the time fixed by the judge, the judge shall order the sale of such products at the highest price obtainable, and, when feasible, at least three bids shall be requested. In either event, the amounts received by the judge shall be remitted to the division to be deposited into a special escrow account in the State Treasury and held in trust pending the outcome of the trial of the accused. If a bond is posted by the defendant, it shall also be remitted to the division to be held in escrow pending the outcome of the trial of the accused. In the event of acquittal, the bond or cash deposit shall be returned to the defendant, or the proceeds of the sale shall be paid over to the defendant. In the event of conviction, the proceeds of the sale, or proceeds of the bond or cash deposit, shall be deposited by said division into the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund to be used for law enforcement purposes. Such deposit into the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund shall constitute confiscation.

Section 28. Subsection (3) of section 370.062, Florida Statutes, is amended to read:

370.062 Department of Environmental Protection license program for tarpon; fees; penalties.—

(3) Proceeds from the sale of tarpon tags shall be deposited in the *Marine Resources Conservation* ~~Marine Fisheries Commission~~ Trust Fund and shall be used to gather information directly applicable to tarpon management. ~~Provided, however, upon request by the department, the commission shall transfer to the department those proceeds from the sale of tarpon tags necessary to defray the cost of administering the tag program.~~

Section 29. Subsection (7) of section 370.063, Florida Statutes, is amended to read:

370.063 Special recreational crawfish license.—There is created a special recreational crawfish license, to be issued to qualified persons as provided by this section for the recreational harvest of crawfish (spiny lobster) beginning August 5, 1994.

(7) The proceeds of the fees collected under this section must be deposited *in the Marine Resources Conservation Trust Fund and used* as follows:

(a) Thirty-five percent ~~must be deposited into the Marine Biological Research Trust Fund~~ for research and the development of reliable recreational catch statistics for the crawfish (spiny lobster) fishery.

(b) Forty-five percent ~~must be deposited into the Motorboat Revolving Trust Fund~~ to be used by the Department of Environmental Protection for administration and enforcement of this section.

(c) Twenty percent *to be used by* ~~must be deposited in~~ the Marine Fisheries Commission ~~Trust Fund to be used~~ for the purposes of this section.

Section 30. Subsection (2) and paragraphs (f) and (i) of subsection (3) of section 370.07, Florida Statutes, are amended to read:

370.07 Wholesale and retail saltwater products dealers; regulation.—

(2) LICENSES; AMOUNT, TRUST FUND.—

(a) A resident wholesale county seafood dealer is required to pay an annual license tax of $300.

(b) A resident wholesale state dealer is required to pay an annual license tax of $450.

(c) A nonresident wholesale county dealer is required to pay an annual license tax of $500.

(d) A nonresident wholesale state dealer is required to pay an annual license tax of $1,000.

(e) An alien wholesale county dealer is required to pay an annual license tax of $1,000.

(f) An alien wholesale state dealer is required to pay an annual license tax of $1,500.

(g) A resident retail dealer is required to pay an annual license tax of $25; however, if such a dealer has more than one place of business, the dealer shall designate one place of business as a central place of business, shall pay an annual license tax of $25 for such place of business, and shall pay an annual license tax of $10 for each other place of business.

(h) A nonresident retail dealer is required to pay an annual license tax of $200; however, if such a dealer has more than one place of business, the dealer shall designate one place of business as a central place of business, shall pay an annual license tax of $200 for such place of business, and shall pay an annual license tax of $25 for each other place of business.

(i) An alien retail dealer is required to pay an annual license tax of $250; however, if such a dealer has more than one place of business, the dealer shall designate one place of business as a central place of business, shall pay an annual license tax of $250 for such place of business, and shall pay an annual license tax of $50 for each other place of business.

(j) License or privilege taxes, together with any other funds derived from the Federal Government or from any other source, shall be deposited in a Florida Saltwater Products Promotion Trust Fund to be administered by the Department of Agriculture and Consumer Services for the sole purpose of promoting all fish and saltwater products produced in this state.

~~(k) All deposits heretofore made by the department into the Florida Saltwater Products Promotion Trust Fund are hereby ratified and confirmed.~~

(3) APALACHICOLA BAY OYSTER SURCHARGE.—

(f) The Department of Revenue shall collect the surcharge for transfer into the *Marine Resources* ~~Apalachicola Bay~~ Conservation Trust Fund of the Department of Environmental Protection.

(i) Collections received by the Department of Revenue from the surcharge shall be transferred quarterly to the Department of Environmental Protection *Marine Resources* ~~Apalachicola Bay~~ Conservation Trust Fund, less the costs of administration.

Section 31. Subsection (1) of section 370.12, Florida Statutes, is amended to read:

370.12 Marine animals; regulation.—

(1) PROTECTION OF MARINE TURTLES.—

(a) This subsection may be cited as the "Marine Turtle Protection Act."

(b) The Legislature intends, pursuant to the provisions of this subsection, to ensure that the Department of Environmental Protection has

the appropriate authority and resources to implement its responsibilities under the recovery plans of the United States Fish and Wildlife Service for the following species of marine turtle:

1. Atlantic loggerhead turtle (Caretta caretta caretta).

2. Atlantic green turtle (Chelonis mydas mydas).

3. Leatherback turtle (Dermochelys coriacea).

4. Atlantic hawksbill turtle (Eretmochelys imbricata imbricata).

5. Atlantic ridley turtle (Lepidochelys kempi).

(c)1. Unless otherwise provided by the federal Endangered Species Act or its implementing regulations, no person may take, possess, disturb, mutilate, destroy, cause to be destroyed, sell, offer for sale, transfer, molest, or harass any marine turtle or its nest or eggs at any time. For purposes of this subsection, "take" means an act which actually kills or injures marine turtles, and includes significant habitat modification or degradation that kills or injures marine turtles by significantly impairing essential behavioral patterns, such as breeding, feeding, or sheltering.

2. Unless otherwise provided by the federal Endangered Species Act or its implementing regulations, no person, firm, or corporation may take, kill, disturb, mutilate, molest, harass, or destroy any marine turtle.

3. No person, firm, or corporation may possess any marine turtle or parts thereof unless it is in possession of a special permit or loan agreement from the department enabling the holder to possess a marine turtle or parts thereof for scientific, educational, or exhibitional purposes.

(d) Any application for a department permit or other type of approval for an activity that affects marine turtles or their nests or habitat shall be subject to conditions and requirements for marine turtle protection as part of the permitting or approval process.

(e) The department may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting marine turtles and hatchlings and their habitat pursuant to the provisions of s. 161.053(5). When the department is considering a permit for a beach restoration, beach renourishment, or inlet sand transfer project and the applicant has had an active marine turtle nest relocation program or the applicant has agreed to and has the ability to administer a program, the department must not restrict the timing of the project. Where appropriate, the department shall require as a condition of the permit that the applicant relocate and monitor all turtle nests that would be affected by the beach restoration, beach renourishment, or sand transfer activities. Such relocation and monitoring activities shall be conducted in a manner that ensures successful hatching. This limitation on the department's authority applies only on the Atlantic coast of Florida.

(f) The department shall recommend denial of a permit application if the activity would result in a "take" as defined in this subsection, unless, as provided for in the federal Endangered Species Act and its implementing regulations, such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

(g) The department shall give special consideration to beach preservation and beach nourishment projects that restore habitat of endangered marine turtle species. Nest relocation shall be considered for all such projects in urbanized areas. When an applicant for a beach restoration, beach renourishment, or inlet sand transfer project has had an active marine turtle nest relocation program or the applicant has agreed to have and has the ability to administer a program, the department in issuing a permit for a project must not restrict the timing of the project. Where appropriate, the department shall require as a condition of the permit that the applicant relocate and monitor all turtle nests that would be affected by the beach restoration, beach renourishment, or sand transfer activities. Such relocation and monitoring activities shall be conducted in a manner that ensures successful hatching. This limitation on the department's authority applies only on the Atlantic coast of Florida.

~~(h) The Marine Turtle Protection Trust Fund is created within the department, and all funds deposited therein shall be used for the marine turtle protection, research, and recovery efforts of the Division of Marine Resources.~~

Section 32. Subsection (2) of section 370.14, Florida Statutes, is amended to read:

370.14 Crawfish; regulation.—

(2)(a) Each trap used for taking or attempting to take crawfish must have a trap number permanently attached to the trap and the buoy. This trap number may be issued by the Division of Law Enforcement upon the receipt of application by the owner of the traps and accompanied by the payment of a fee of $100. The design of the applications and of the trap number shall be determined by the division. However, effective July 1, 1988, and until July 1, 1992, no crawfish trap numbers issued pursuant to this section except those numbers that were active during the 1990-1991 fiscal year shall be renewed or reissued. No new trap numbers shall be issued during this period. Until July 1, 1992, trap number holders or members of their immediate family or a person to whom the trap number was transferred in writing must request renewal of the number prior to June 30 of each year. If a person holding an active trap number or a member of the person's immediate family or a person to whom the trap number was transferred in writing does not request renewal of the number before the applicable date as specified above, the department may reissue the number to another applicant in the order of the receipt of the application for a trap number. Any trap or device used in taking or attempting to take crawfish, other than a trap with the trap number attached as prescribed in this paragraph, shall be seized and destroyed by the division. The proceeds of the fees imposed by this paragraph shall be deposited and used as provided in paragraph (b). The Department of Environmental Protection is authorized to promulgate rules and regulations to carry out the intent of this section.

(b) Fees collected pursuant to paragraph (a) shall be deposited as follows:

1. Fifty percent of the fees collected shall be deposited in the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund for use in enforcing the provisions of paragraph (a) through aerial and other surveillance and trap retrieval.

2. Fifty percent of the fees collected shall be deposited as provided in s. 370.142(5)~~(a)2~~.

Section 33. Paragraphs (a) and (c) of subsection (2) and subsection (5) of section 370.142, Florida Statutes, are amended to read:

370.142 Spiny lobster trap certificate program.—

(2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES; PENALTIES.—The Department of Environmental Protection shall establish a trap certificate program for the spiny lobster fishery of this state and shall be responsible for its administration and enforcement as follows:

(a) Transferable trap certificates.~~ Effective April 1, 1993,~~ Each holder of a saltwater products license who uses traps for taking or attempting to take spiny lobsters shall be required to have a certificate on record for each trap possessed or used therefor, except as otherwise provided in this section.

1. The department shall initially allot such certificates to each licenseholder with a current crawfish trap number who uses traps. The number of such certificates allotted to each such licenseholder shall be based on the trap/catch coefficient established pursuant to trip ticket records generated under the provisions of s. 370.06(2)(a) over a 3-year base period ending June 30, 1991. The trap/catch coefficient shall be calculated by dividing the sum of the highest reported single license-year landings up to a maximum of 30,000 pounds for each such licenseholder during the base period by 700,000. Each such licenseholder shall then be allotted the number of certificates derived by dividing his or her highest reported single license-year landings up to a maximum of 30,000 pounds during the base period by the trap/catch coefficient. Nevertheless, no licenseholder with a current crawfish trap number shall be allotted fewer than 10 certificates. However, certificates may only be issued to individuals; therefore, all licenseholders other than individual licenseholders shall designate the individual or individuals to whom their certificates will be allotted and the number thereof to each, if more than one. After initial issuance, trap certificates are transferable on a

market basis and may be transferred from one licenseholder to another for a fair market value agreed upon between the transferor and transferee. Each such transfer shall, within 72 hours thereof, be recorded on a notarized form provided for that purpose by the department and hand delivered or sent by certified mail, return receipt requested, to the department for recordkeeping purposes. In addition, in order to cover the added administrative costs of the program and to recover an equitable natural resource rent for the people of the state, a transfer fee of $2 per certificate transferred shall be assessed against the purchasing licenseholder and sent by money order or cashier's check with the certificate transfer form. Also, in addition to the transfer fee, a surcharge of 25 percent of the fair market value given to the transferor shall be assessed the first time a certificate is transferred outside the original transferor's immediate family. No transfer of a certificate shall be effective until the department receives the notarized transfer form and the transfer fee, including any surcharge, is paid. ~~No sooner than April 1, 1994,~~ The department may establish by rule an amount of equitable rent per trap certificate that shall be recovered as partial compensation to the state for the enhanced access to its natural resources. In determining whether to establish such a rent and, if so, the amount thereof, the department shall consider the amount of revenues annually generated by certificate fees, transfer fees, surcharges, trap license fees, and sales taxes, the demonstrated fair market value of transferred certificates, and the continued economic viability of the commercial lobster industry. The proceeds of equitable rent recovered shall be deposited in the Marine *Resources Conservation* ~~Biological Research~~ Trust Fund and used by the department for research, management, and protection of the spiny lobster fishery and habitat.

2. No person, firm, corporation, or other business entity may control, directly or indirectly, more than 1.5 percent of the total available certificates in any license year.

3. The department shall maintain records of all certificates and their transfers and shall annually provide each licenseholder with a statement of certificates held.

4. ~~Beginning April 1, 1993, and applicable to the 1993-1994 season and thereafter,~~ The number of trap tags issued annually to each licenseholder shall not exceed the number of certificates held by the licenseholder at the time of issuance, and such tags and a statement of certificates held shall be issued simultaneously.

(c) Prohibitions; penalties.—

1. ~~Effective July 1, 1991,~~ It *is* ~~shall be~~ unlawful for a person to possess or use a spiny lobster trap in or on state waters or adjacent federal waters without having affixed thereto the trap tag required by this section. It is unlawful for a person to possess or use any other gear or device designed to attract and enclose or otherwise aid in the taking of spiny lobster by trapping that is not a trap as defined in rule 46-24.006(2), Florida Administrative Code.

2. ~~Effective April 1, 1993,~~ It *is* ~~shall be~~ unlawful for a person to possess or use spiny lobster trap tags without having the necessary number of certificates on record as required by this section.

3. Unless otherwise provided in this section, a commercial harvester, as defined by rule 46-24.002(1), Florida Administrative Code, who violates the provisions of this section, or the provisions of chapter 46-24, Florida Administrative Code, shall be punished as follows:

a. If the first violation is for violation of subparagraph 1. or subparagraph 2., the department shall assess a civil penalty of up to $1,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (7) may be suspended for the remainder of the current license year. For all other first violations, the department shall assess a civil penalty of up to $500.

b. For a second violation of subparagraph 1. or subparagraph 2. which occurs within 24 months of any previous such violation, the department shall assess a civil penalty of up to $2,000 and the crawfish trap number issued pursuant to s. 370.14(2) or (7) may be suspended for the remainder of the current license year.

c. For a third or subsequent violation of subparagraph 1. or subparagraph 2. which occurs within 36 months of any previous two such violations, the department shall assess a civil penalty of up to $5,000 and may suspend the crawfish trap number issued pursuant to s. 370.14(2) or (7) for a period of up to 24 months or may revoke the crawfish trap number and, if revoking the crawfish trap number, may also proceed against the licenseholder's saltwater products license in accordance with the provisions of s. 370.021(2)(e).

d. Any person assessed a civil penalty pursuant to this section shall within 30 calendar days after notification:

(I) Pay the civil penalty to the department; or

(II) Request an administrative hearing pursuant to the provisions of s. 120.60.

e. The department shall suspend the crawfish trap number issued pursuant to s. 370.14(2) or (7) for any person failing to comply with the provisions of sub-subparagraph d.

4.a. It is unlawful for any person to make, alter, forge, counterfeit, or reproduce a spiny lobster trap tag or certificate.

b. It is unlawful for any person to knowingly have in his or her possession a forged, counterfeit, or imitation spiny lobster trap tag or certificate.

c. It is unlawful for any person to barter, trade, sell, supply, agree to supply, aid in supplying, or give away a spiny lobster trap tag or certificate or to conspire to barter, trade, sell, supply, aid in supplying, or give away a spiny lobster trap tag or certificate unless such action is duly authorized by the department as provided in this chapter or in the rules of the department.

5.a. Any person who violates the provisions of subparagraph 4., or any person who engages in the commercial harvest, trapping, or possession of spiny lobster without a crawfish trap number as required by s. 370.14(2) or (7) or during any period while such crawfish trap number is under suspension or revocation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. In addition to any penalty imposed pursuant to sub-subparagraph a., the department shall levy a fine of up to twice the amount of the appropriate surcharge to be paid on the fair market value of the transferred certificates, as provided in subparagraph (a)1., on any person who violates the provisions of sub-subparagraph 4.c.

6. Any certificates for which the annual certificate fee is not paid for a period of 3 years shall be considered abandoned and shall revert to the department. During any period of trap reduction, any certificates reverting to the department shall become permanently unavailable and be considered in that amount to be reduced during the next license-year period. Otherwise, any certificates that revert to the department are to be reallotted in such manner as provided by the department.

7. The proceeds of all civil penalties collected pursuant to subparagraph 3. and all fines collected pursuant to sub-subparagraph 5.b. shall be deposited into the Marine *Resources Conservation* ~~Biological Research~~ Trust Fund.

8. All traps shall be removed from the water during any period of suspension or revocation.

(5) DISPOSITION OF FEES AND SURCHARGES.—

~~(a)~~ Transfer fees and surcharges, *annual trap certificate fees, and recreational tag fees* collected pursuant to *paragraphs* ~~paragraph~~ (2)(a) *and (2)(b)* shall be deposited *in the Marine Resources Conservation Trust Fund and used for administration of the trap certificate program, research and monitoring of the spiny lobster fishery, and enforcement and public education activities in support of the purposes of this section and shall also be for the use of the Marine Fisheries Commission in evaluating the impact of the trap reduction schedule on the spiny lobster fishery; however, at least 15 percent of the fees and surcharges collected shall be provided to the commission for such evaluation.* ~~as follows:~~

~~1. The first dollar of each certificate transfer fee collected shall be deposited into the Motorboat Revolving Trust Fund for the purposes of administering the trap certificate program.~~

~~2. The remainder of all certificate transfer fees and surcharges collected shall be deposited as follows:~~

~~a. At least 25 percent of the fees and surcharges collected shall be deposited into the Marine Biological Research Trust Fund for research and monitoring of the spiny lobster fishery.~~

~~b. At least 15 percent of the fees and surcharges collected shall be deposited into the Marine Fisheries Commission Trust Fund to be used for the purposes of this section.~~

~~c. The remainder of such fees and surcharges shall be deposited into the Motorboat Revolving Trust Fund to be used by the department for administration, enforcement, and public education activities in support of the purposes of this section and s. 370.013.~~

~~(b) Annual trap certificate fees and recreational tag fees collected pursuant to paragraphs (2)(b) and (c) shall be deposited as follows:~~

~~1. No more than 70 percent shall be deposited into the Motorboat Revolving Trust Fund to be used by the department for administrative and public education activities in support of the purposes of this section.~~

~~2. No less than 30 percent shall be deposited into the Marine Biological Research Trust Fund for research and monitoring of the spiny lobster fishery.~~

Section 34. Subsection (2) of section 370.143, Florida Statutes, is amended to read:

370.143 Retrieval of lobster and stone crab traps during closed season; department authority; fees.—

(2) A retrieval fee of $10 per trap retrieved shall be assessed trap owners. Traps recovered under this program shall become the property of the department or its contract agent and shall be either destroyed or resold to the original owner. Revenue from retrieval fees shall be deposited in the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund and used for operation of the trap retrieval program.

Section 35. Paragraph (a) of subsection (4) of section 370.153, Florida Statutes, is amended to read:

370.153 Regulation of shrimp fishing; Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.—

(4) DEAD SHRIMP PRODUCTION.—Any person may operate as a commercial dead shrimp producer provided that:

(a) A dead shrimp production permit is procured from the Department of Environmental Protection upon the receipt by the department of a properly filled out and approved application by a person intending to use a boat, not to exceed 35 feet in length in Duval, St. Johns, Putnam, and Clay Counties, and not to exceed 45 feet in length in Nassau County, for dead shrimp production within the inland waters of Nassau County and the inland waters of the St. Johns River of Duval, Putnam, St. Johns, Flagler, or Clay Counties, which permit shall cost $250 and shall be required for each vessel used for dead shrimp production. The design of the application and permit shall be determined by the Department of Environmental Protection. The proceeds of the fees imposed by this paragraph shall be deposited into the account of the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund to be used by the department for the purpose of enforcement of marine resource laws.

Section 36. Paragraph (c) of subsection (2) of section 370.1535, Florida Statutes, is amended to read:

370.1535 Regulation of shrimp fishing in Tampa Bay; licensing requirements.—

(2) The Department of Environmental Protection is authorized to issue a dead shrimp production permit to persons qualified pursuant to the following criteria:

(c) Each application for a permit shall be accompanied by a fee of $250 for each resident of the state and $1,000 for each nonresident of the state. The proceeds of the fees collected pursuant to this paragraph shall be deposited into the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund to be used by the department for the purpose of enforcement of marine resource laws.

Section 37. Subsection (4) of section 370.16, Florida Statutes, is amended; subsection (15) of said section, as amended by chapter 94-356, Laws of Florida, and subsection (18) of said section are hereby repealed; present subsections (20), (21), and (27) of said section are renumbered as subsections (18), (19), and (25), respectively, and amended; and present subsections (16), (17), (19), (22), (23), (24), (25), (26), (28), (29), and (30) of said section are renumbered as subsections (15), (16), (17), (20), (21), (22), (23), (24), (26), (27), and (28), respectively, to read:

370.16 Oysters and shellfish; regulation.—

(4) LEASES IN PERPETUITY; RENT; STIPULATIONS; TAXES; CULTIVATION, ETC.—

(a) All leases made under the provisions of this chapter shall begin on the day executed and continue in perpetuity under such restrictions as shall herein be stated. The rent for the first 10 years shall be $5 per acre, or any fraction of an acre, per year. ~~Beginning January 1, 1990,~~ The actual rate charged for all leases shall consist of the minimum rate of $15 per acre, or any fraction of an acre, per year and shall be adjusted on January 1, 1995, and every 5 years thereafter, based upon the 5-year average change in the Consumer Price Index. However, the rent for any lease currently in effect shall not be increased during the first 10 years of said lease. This rent shall be paid in advance at the time of signing the lease up to January 1 following, and annually thereafter in advance on or before January 1, whether the lease be held by the original lessee or by an heir, assignee, or transferee.

(b) ~~Beginning January 1, 1990,~~ A surcharge of $5 per acre, or any fraction of an acre, per annum shall be levied upon each lease, other than a perpetual lease granted pursuant to this subsection, and deposited into the Marine *Resources Conservation* ~~Biological Research~~ Trust Fund. ~~Funds from this surcharge shall be segregated within the Marine Biological Research Trust Fund.~~ The surcharge shall be levied until the balance of *receipts from the surcharge* ~~these segregated funds~~ equals or exceeds $30,000. For the fiscal year immediately following the year in which the balance of *receipts from the surcharge* ~~these segregated funds~~ equals or exceeds $30,000, no surcharge shall be levied unless the balance *from receipts from the surcharge* ~~in these segregated funds~~ is less than or equal to $20,000. For the fiscal year immediately following the year in which the balance *of receipts from the surcharge* ~~of such segregated funds~~ is less than or equal to $20,000, the surcharge shall be and shall remain $5 per acre, or any fraction of an acre, per annum until the balance *of receipts from the surcharge* ~~of such segregated funds~~ again is equal to or exceeds $30,000. ~~The surcharge and segregated funds shall be controlled as when the balance of such segregated funds first was equal to or exceeded $30,000.~~ The purpose of the surcharge is to provide a mechanism to have financial resources immediately available for cleanup and rehabilitation of abandoned or vacated lease sites. The department is authorized to *adopt* ~~promulgate~~ rules necessary to carry out the provisions of this subsection.

(c) Moneys in the fund that are not needed currently for cleanup and rehabilitation of abandoned or vacated lease sites shall be deposited with the Treasurer to the credit of the fund and may be invested in such manner as is provided for by statute. Interest received on such investment shall be credited to the fund.

(d) ~~Segregated~~ Funds *from receipts from the surcharge* within the Marine *Resources Conservation* ~~Biological Research~~ Trust Fund from the surcharge established by paragraph (b) shall be disbursed for the following purposes and no others:

1. Administrative expenses, personnel expenses, and equipment costs of the department related to cleanup and rehabilitation of abandoned or vacated aquaculture lease sites and enforcement of provisions of subsections (1)-(13).

2. All costs involved in the cleanup and rehabilitation of abandoned or vacated lease sites.

3. All costs and damages which are the proximate results of lease abandonment or vacation.

4. The department shall recover to the use of the fund from the person or persons abandoning or vacating the lease, jointly and severally, all sums owed or expended from the fund. Requests for reimbursement to the fund for the above costs, if not paid within 30 days of demand, shall be turned over to the Department of Legal Affairs for collection.

(e) Effective cultivation shall consist of the growing of the oysters or clams in a density suitable for commercial harvesting over the amount of bottom prescribed by law. This commercial density shall be accomplished by the planting of seed oysters, shell, and cultch of various descriptions. The Division of Marine Resources may stipulate in each individual lease contract the types, shape, depth, size, and height of cultch materials on lease bottoms according to the individual shape, depth, location, and type of bottom of the proposed lease. Each tenant leasing from the state water bottoms under the provisions of this section shall have begun, within 1 year from the date of such lease, bona fide cultivation of the same, and shall, by the end of the second year from the commencement of his or her lease, have placed under cultivation at least one-fourth of the water bottom leased and shall each year thereafter place in cultivation at least one-fourth of the water bottom leased until the whole, suitable for bedding of oysters or clams, shall have been put in cultivation by the planting thereon of not less than 200 barrels of oysters, shell, or its equivalent in cultch to the acre. When leases are granted, or when grants have heretofore been made under existing laws for the planting of oysters or clams, such lessee or grantee is authorized to plant the leased or granted bottoms both in oysters and clams.

(f) These stipulations will apply to all leases granted after the passing of this section. All leases existing prior to the passing of this section will operate under the law which was in effect when the leases were granted.

(g) When evidence is gathered by the department and such evidence conclusively shows a lack of effective cultivation, the department may revoke leases and return the bottoms in question to the public domain.

(h) The department has the authority to adopt rules and regulations pertaining to the water column over shellfish leases. All cultch materials in place 6 months after the formal adoption and publication of rules and regulations establishing standards for cultch materials on shellfish leases which do not comply with such rules and regulations may be declared a nuisance by the department. The department shall have the authority to direct the lessee to remove such cultch in violation of this section. The department may cancel a lease upon the refusal by the lessee violating such rules and regulations to remove unlawful cultch materials, and all improvements, cultch, marketable oysters, and shell shall become the property of the state. The department shall have the authority to retain, dispose of, or remove such materials in the best interest of the state.

~~(15) APALACHICOLA BAY CONSERVATION TRUST FUND.—There is created within the Department of Environmental Protection the Apalachicola Bay Conservation Trust Fund to be used as a nonlapsing, revolving fund for oyster rehabilitation in the Apalachicola Bay and for the conservation of the bay as an oyster resource. The fund shall be credited with the following:~~

~~(a) Proceeds from the Apalachicola Bay oyster harvesting license established in s. 370.06(5).~~

~~(b) Proceeds from the oyster surcharge established in s. 370.07(3).~~

~~(c) Moneys that the Legislature appropriates for oyster rehabilitation programs, research and education programs, and other programs or purposes related to the conservation of Apalachicola Bay.~~

~~(18) SEVERANCE TAX ON OYSTERS AND CLAMS; DISPOSITION.—No severance or privilege taxes on oysters and clams shall be collected after June 17, 1959, provided, all moneys in the "oyster severance tax fund" shall be transferred to the Oyster and Clam Rehabilitation Trust Fund.~~

(18)~~(20)~~ FALSE RETURNS AS TO OYSTERS OR CLAMS HANDLED.—Each packer, canner, corporation, firm, commission person, or dealer in fish shall, on the first day of each month, make a return under oath to the Division of Marine Resources, as to the number of oysters, clams, and shellfish purchased, caught, or handled during the preceding month. ~~All severance tax as provided for in subsection (18) shall be paid to the division with this report.~~ Whoever is found guilty of making any false affidavit to any such report is guilty of perjury and punished as provided by law, and any person who fails to make such report shall be punished by a fine not exceeding $500 or by imprisonment in the county jail not exceeding 6 months.

(19)~~(21)~~ DEPOSIT OF SHELLFISH LEASE RENTAL FEES.—Rental fees for shellfish leases issued under this section shall be deposited into the Marine *Resources Conservation* ~~Biological Research~~ Trust Fund and used for shellfish-related aquaculture activities, including research, lease compliance inspections, mapping, and siting.

(25)~~(27)~~ OYSTER AND CLAM SHELLS PROPERTY OF DIVISION.—

(a) Except for oysters used directly in the half-shell trade, 50 percent of all shells from oysters and clams shucked commercially in the state shall be and remain the property of the Division of Marine Resources when such shells are needed and required for rehabilitation projects and planting operations, when sufficient resources and facilities exist for handling and planting said shell, and when the collection and handling of such shell is practical and useful, except that bona fide holders of leases and grants may retain 75 percent of such shell as they produce for planting purposes by obtaining a special activity license from the division pursuant to s. 370.06. Storage, transportation, and planting of shells so retained by lessees and grantees shall be carried out under the surveillance of agents of the division and be subject to such reasonable time limits as the division may fix. In the event of an accumulation of an excess of shells, the division is authorized to sell shells only to private growers for use in oyster or clam cultivation on bona fide leases and grants. No profit shall accrue to the division in these transactions, and shells are to be sold for the estimated moneys spent by the division to gather and stockpile the shells. Planting of shells obtained from the division by purchase shall be subject to the surveillance of the division if the division chooses to exercise its right of supervision. Any shells not claimed and used by private oyster cultivators 10 years after shells are gathered and stockpiled may be sold at auction to the highest bidder for any private use.

(b) Whenever the division determines that it is unfeasible to collect oyster or clam shells, the shells become the property of the producer.

(c) Whenever oyster or clam shells are owned by the division and it is not useful or feasible to use them in the rehabilitation projects, and when no leaseholder has exercised his or her option to acquire them, the division may sell such shells for the highest price obtainable. The shells thus sold may be used in any manner and for any purpose at the discretion of the purchaser.

(d) Moneys derived from the sale of shell shall be deposited in the Marine *Resources Conservation* ~~Biological Research~~ Trust Fund for shellfish programs.

(e) The division shall annually publish notice, in a newspaper serving the county, of its intention to collect the oyster and clam shells and shall notify, by certified mail, each shucking establishment from which shells are to be collected. The notice shall contain the period of time the division intends to collect the shells in that county and the collection purpose.

Section 38. Paragraph (a) of subsection (5) of section 373.129, Florida Statutes, is amended to read:

373.129 Maintenance of actions.—The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(5) To recover a civil penalty for each offense in an amount not to exceed $10,000 per offense. Each date during which such violation occurs constitutes a separate offense.

(a) A civil penalty recovered pursuant to this subsection shall be deposited in the Water Management Lands Trust Fund established under s. 373.59 and used exclusively by the water management district that deposits the money into the fund. Any such civil penalty recovered after the expiration of such fund shall be deposited in the *Ecosystem Management and Restoration Trust* ~~Pollution Recovery~~ Fund ~~created by s. 403.165~~ and used exclusively within the water management district that deposits the money into the fund.

Section 39. Paragraph (e) of subsection (1) of section 373.309, Florida Statutes, is amended to read:

373.309 Authority to adopt rules and procedures.—

(1) The department shall adopt, and may from time to time amend, rules governing the location, construction, repair, and abandonment of water wells and shall be responsible for the administration of this part. With respect thereto, the department shall:

(e) Encourage prevention of potable water well contamination and promote cost-effective remediation of contaminated potable water supplies by use of the Water Quality Assurance Trust Fund as provided in s. 376.307*(1)(e)*~~(4)(b)3. and (c)~~ and establish by rule:

1. Delineation of areas of groundwater contamination for implementation of well location and construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2., 3., 4., 5., and 6. The department shall make available to water management districts, regional planning councils, the Department of Health and Rehabilitative Services, and county building and zoning departments, maps or other information on areas of contamination, including areas of ethylene dibromide contamination. Such maps or other information shall be made available to property owners, realtors, real estate associations, property appraisers, and other interested persons upon request and upon payment of appropriate costs.

2. Requirements for testing for suspected contamination in areas of known contamination, as a prerequisite for clearance of a water well for drinking purposes.

3. Requirements for mandatory connection to available potable water systems in areas of known contamination, wherein the department may prohibit the permitting and construction of new potable water wells.

4. Location and construction standards for public and all other potable water wells permitted in areas of contamination. Such standards shall be designed to minimize the effects of such contamination.

5. A procedure for permitting all potable water wells in areas of known contamination. Any new water well that is to be used for drinking water purposes and that does not meet construction standards pursuant to subparagraph 4. must be abandoned and plugged by the owner. Water management districts shall implement, through delegation from the department, the permitting and enforcement responsibilities of this subparagraph.

6. A procedure for clearing for use all potable water wells, except wells that serve a public water supply system, in areas of known contamination. If contaminants are found upon testing pursuant to subparagraph 2., a well may not be cleared for use without a filter or other means of preventing the users of the well from being exposed to deleterious amounts of contaminants. The Department of Health and Rehabilitative Services shall implement the responsibilities of this subparagraph.

7. Fees to be paid for well construction permits and clearance for use. The fees shall be based on the actual costs incurred by the water management districts, the Department of Health and Rehabilitative Services, or other political subdivisions in carrying out the responsibilities related to potable water well permitting and clearance for use. The fees shall provide revenue to cover all such costs and shall be set according to the following schedule:

a. The well construction permit fee may not exceed $500.

b. The clearance fee may not exceed $50.

8. Procedures for implementing well-location, construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2.-6. within areas that research or monitoring data indicate are vulnerable to contamination with nitrate, or areas in which the department provides a subsidy for restoration or replacement of contaminated drinking water supplies through extending existing water lines or developing new water supply systems pursuant to s. 376.307*(1)(e)*~~(4)(b)3. and (c)~~. The department shall consult with the Florida Ground Water Association in the process of developing rules pursuant to this subparagraph.

All fees and funds collected by each delegated entity pursuant to this part shall be deposited in the appropriate operating account of that entity.

Section 40. Subsection (7) of section 373.430, Florida Statutes, is amended to read:

373.430 Prohibitions, violation, penalty, intent.—

(7) All moneys recovered under the provisions of this section shall be allocated to the use of the water management district, the department, or the local government, whichever undertook and maintained the enforcement action. All monetary penalties and damages recovered by the department or the state under the provisions of this section shall be deposited in the *Ecosystem Management and Restoration Trust* ~~Pollution Recovery~~ Fund ~~established by s. 403.165 and shall be used by the department as provided therein~~. All monetary penalties and damages recovered pursuant to this section by a water management district shall be deposited in the Water Management Lands Trust Fund established under s. 373.59 and used exclusively within the territory of the water management district which deposits the money into the fund. Any such monetary penalties and damages recovered after the expiration of such fund shall be deposited in the *Ecosystem Management and Restoration Trust* ~~Pollution Recovery~~ Fund ~~created by s. 403.165~~ and used exclusively within the territory of the water management district which deposits the money into the fund. All monetary penalties and damages recovered pursuant to this subsection by a local government to which authority has been delegated pursuant to s. 373.103(8) shall be used to enhance surface water improvement or pollution control activities. ~~Moneys recovered by a water management district or the department under the provisions of this section shall be in addition to moneys otherwise appropriated in any general appropriation act.~~

Section 41. Subsection (8) of section 373.451, Florida Statutes, is amended to read:

373.451 Short title; legislative findings and intent.—

(8) The state, through the department, shall provide funds ~~from the Surface Water Improvement and Management Trust Fund~~ to assist with the implementation of the district plans and programs under this act. However, to achieve the goals of this act, cooperation and funding is necessary from the state, the water management districts, and local governments.

Section 42. Paragraph (a) of subsection (2) of section 373.455, Florida Statutes, is amended to read:

373.455 Review of surface water improvement and management plans.—

(2)(a) The department shall review each plan to determine:

1. Whether the costs described in the plan, as projected by the water management districts, are reasonable estimates of the actual costs;

2. The likelihood that the plan will significantly improve or protect water quality and associated natural resources; and

3. Whether the plan activities can be funded based on available *appropriations* ~~revenues within the Surface Water Improvement and Management Trust Fund~~ or other funding which may be proposed by the department, the districts, or local governments.

Section 43. Subsection (1) of section 373.457, Florida Statutes, is amended to read:

373.457 Implementation of surface water improvement and management plans and programs.—

(1) *Legislative appropriations provided for* ~~The funds in~~ the Surface Water Improvement and Management *Program* ~~Trust Fund~~ shall be available to the water management districts for detailed planning for and implementation of surface water improvement and management plans.

Section 44. Section 373.459, Florida Statutes, is amended to read:

373.459 *Funds for* surface water improvement and management ~~Trust Fund~~.—

(1) *The Ecosystem Management and Restoration* ~~There is created, within the department, the Surface Water Improvement and Management~~ Trust Fund *shall* ~~to~~ be used for the deposit of funds appropriated

by the Legislature for the purposes of ss. 373.451-373.4595. The department shall administer all funds appropriated to or received for ~~the~~ surface water improvement and management *activities* ~~Trust Fund~~. Expenditure of the moneys shall be limited to the costs of detailed planning for and implementation of programs prepared for priority surface waters. Moneys from the fund shall not be expended for planning for, or construction or expansion of, treatment facilities for domestic or industrial waste disposal.

(2) The secretary of the department shall authorize the release of money from the ~~Surface Water Improvement and Management Trust~~ fund within 30 days after receipt of a request adopted by the governing board of a water management district or by the executive director when authority has been delegated by the governing board, certifying that the money is needed for detailed planning for or implementation of plans approved pursuant to ss. 373.453, 373.455, and 373.456. A water management district may not receive more than 50 percent of the moneys *appropriated to* ~~in~~ the ~~Surface Water Improvement and Management Trust~~ fund *for the purposes of ss. 373.451-373.4595* in any fiscal year unless otherwise provided for by law. ~~Beginning in fiscal year 1990-1991, and~~ Each year after funds are appropriated, each water management district shall receive the amount requested pursuant to s. 373.453(4) or 10 percent of the money *appropriated for the purposes of ss. 373.451-373.4595* ~~in the appropriation~~, whichever is less. The department shall allocate the remaining money in the appropriation *for such purposes* annually, based upon the specific needs of the districts. The department, at its discretion, may include any funds allocated to a district *for such purposes* in previous years which remain unencumbered by the district on July 1, to the amount of money to be distributed based upon specific needs of the districts.

(3) The amount of money that may be released to a water management district from the ~~Surface Water Improvement and Management Trust~~ fund for approved plans, or continuations of approved plans, to improve and manage the surface waters described in ss. 373.451-373.4595 is limited to not more than 60 percent of the amount of money necessary for the approved plans of the South Florida Water Management District, the Southwest Florida Water Management District, and the St. Johns River Water Management District, and not more than 80 percent of the amount of money necessary for the approved plans of the Northwest Florida Water Management District and the Suwannee River Water Management District. The remaining funds necessary for the approved plans shall be provided by the district.

(4) Moneys in the ~~trust~~ fund which are not needed to meet current obligations incurred under this section shall be transferred to the State Board of Administration, to the credit of the trust fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the trust fund.

Section 45. Paragraphs (f) and (i) of subsection (4) of section 376.11, Florida Statutes, are amended to read:

376.11 Florida Coastal Protection Trust Fund.—

(4) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(f) The interest earned from investments of the balance in the Florida Coastal Protection Trust Fund shall be used ~~first~~ for funding the administrative expenses, personnel expenses, and equipment costs of the department relating to the enforcement of ss. 376.011-376.21. ~~When the balance in the trust fund is greater than $30 million, the amount from interest earnings in excess of that needed for funding the department's costs previously identified shall be transferred by the department quarterly to the Save Our State Environmental Education Trust Fund created in the department; provided that the amount transferred shall not exceed $1.5 million annually.~~

(i) To provide a temporary transfer of funds in an amount not to exceed $10 million to the *Minerals* ~~Petroleum Exploration and Production Bond~~ Trust Fund as set forth in s. 376.40.

Section 46. Subsection (3) of section 376.30, Florida Statutes, is amended to read:

376.30 Legislative intent with respect to pollution of surface and ground waters.—

(3) The Legislature intends by the enactment of ss. 376.30-376.319 to exercise the police power of the state by conferring upon the Department of Environmental Protection the power to:

(a) Deal with the environmental and health hazards and threats of danger and damage posed by such storage, transportation, disposal, and related activities;

(b) Require the prompt containment and removal of products occasioned thereby; and

(c) Establish a program which will enable the department to:

1. Provide for expeditious restoration or replacement of potable water systems or potable private wells of affected persons where health hazards exist due to contamination from pollutants (which may include provision of bottled water on a temporary basis, after which a more stable and convenient source of potable water shall be provided) and hazardous substances, subject to the following conditions:

a. For the purposes of this subparagraph, the term "restoration" means restoration of a contaminated potable water supply to a level which meets applicable water quality standards or applicable water quality criteria, as adopted by rule, for the contaminant or contaminants present in the water supply, or, where no such standards or criteria have been adopted, to a level *that* ~~which~~ is determined to be a safe, potable level by the State Health Officer in the Department of Health and Rehabilitative Services, through the installation of a filtration system and provision of replacement filters as necessary or through employment of repairs or another treatment method or methods designed to remove or filter out contamination from the water supply; and the term "replacement" means replacement of a well or well field or connection to an alternative source of safe, potable water.

b. For the purposes of the Inland Protection Trust Fund and the drycleaning facility restoration funds in the *Water Quality Assurance* ~~Hazardous Waste Management~~ Trust Fund as provided in s. 376.3078, such restoration or replacement shall take precedence over other uses of the unobligated moneys within the fund.

c. Funding for activities described in this subparagraph shall not exceed $10 million for any one county for any one year, other than for the provision of bottled water.

d. Funding for activities described in this subparagraph shall not be available to fund any increase in the capacity of a potable water system or potable private well over the capacity which existed prior to such restoration or replacement, unless such increase is the result of the use of a more cost-effective alternative than other alternatives available.

2. Provide for the inspection and supervision of activities described in this subsection.~~; and~~

3. Guarantee the prompt payment of reasonable costs resulting therefrom, including those administrative costs incurred by the Department of Health and Rehabilitative Services in providing field and laboratory services, toxicological risk assessment, and other services to the department in the investigation of drinking water contamination complaints.

Section 47. Subsection (1) of section 376.303, Florida Statutes, is amended to read:

376.303 Powers and duties of the Department of Environmental Protection.—

(1) The department has the power and the duty to:

(a) Establish rules, including, but not limited to, construction standards, permitting or registration of tanks, maintenance and installation standards, and removal or disposal standards, to implement the intent of ss. 376.30-376.319 and to regulate underground and aboveground facilities and their onsite integral piping systems. Such rules may establish standards for underground facilities which store hazardous substances or pollutants, and marine fueling facilities and aboveground facilities, not covered by chapter 377, which store pollutants. Beginning January 1, 1991, the department shall register bulk product facilities and shall issue annual renewals of such registrations. Requirements for facilities with underground storage tanks having storage capacities over

110 gallons that store hazardous substances shall not be effective until January 1, 1991. The department shall maintain a compliance verification program for this section, which may include investigations or inspections to locate improperly abandoned tanks. The department may contract with other governmental agencies or private consultants to perform compliance verification activities. The contracts may provide for an advance of working capital to local governments to expedite the implementation of the compliance verification program. Counties with permit or registration fees for storage tanks or storage tank systems are not eligible for advance funding for the compliance verification program.

(b) Establish by rule a registration fee schedule for all storage systems regulated under this act sufficient to cover all costs associated with registration.

1. Revenues derived from fees imposed upon petroleum storage systems shall be deposited in the Inland Protection Trust Fund. All other revenues derived from such fees shall be deposited into the Water Quality Assurance Trust Fund.

2. The fee schedule shall provide as follows:

a. For new facilities, an initial registration fee of $50 per tank is due and payable within 30 days after receipt of notification by the department.

b. For facilities at which tanks are replaced, a tank replacement fee of $25 per tank is due and payable within 30 days after receipt of notification by the department.

c. An annual renewal fee of $25 per tank is due and payable by July 1 of each year, except that stationary tanks of 110 gallons or less at nonresidential locations and agricultural tanks of 550 gallons or less shall not be assessed the fee.

d. Any payment made more than 30 days after the date it is due is delinquent and the registrant must pay an additional fee of $20 for each tank with respect to which any payment is delinquent.

e. Bulk product facilities shall be assessed a registration fee and an annual renewal fee not to exceed $1,000 per tank.

3. The department may also assess fees retroactively against late registrants for tanks for which a registration fee should have been paid beginning on or after July 1, 1986. Annual registration fees for all regulated tanks shall continue to accrue forward from the date of registration until tank removal or closure. Payment is due within 30 days of receipt of notification by the department.

4. The department shall notify each registrant of the annual fee requirement no later than June 1 of each year. Fees are due and payable by July 1. For each regulated facility registered with the department under this section, a registration placard shall be issued to the tank's owner listing the number of tanks registered and the amount of registration fees paid, to be displayed in plain view at the office, kiosk, or other suitable location at the facility where the tanks are located.

(c) Establish a registration program for aboveground hazardous substance tanks and compression vessels.

1. Owners or operators shall register their tanks and vessels with the department by December 31, 1992, pay initial registration fees by July 1, 1993, and pay annual renewal registration fees by July 1, 1994, in accordance with the requirements of this subsection. Flow-through process tanks, liquefied petroleum gas tanks, hydraulic lift tanks, electrical equipment tanks, storage tanks containing hazardous wastes as defined under Subtitle C of the Resource Recovery and Conservation Act, stormwater tanks, wastewater collection or discharge systems, or storage tanks located entirely within a building or portion of a building with an impervious floor that contains no valves or drains that would allow a discharge from the system are not required to register. Pollutant tanks required to be registered under s. 376.303(1)(b) or s. 376.323 shall not be required to be registered under this paragraph. The department shall, whenever possible, accept electronically transmitted registration data.

2. Registration fees.—

a. Owners of tanks or vessels shall submit to the department an initial registration fee of $50 per tank or vessel. The fee shall be paid within 30 days after receipt of billing by the department.

b. Owners of tanks or vessels shall submit an annual renewal registration fee of $25 per tank or vessel within 30 days after receipt of billing from the department.

c. Total annual registration fees for initial fees or renewals shall not exceed $2,500 per facility.

d. Revenues derived from such fees shall be deposited into the Water Quality Assurance Trust Fund.

(d) Establish a registration program for drycleaning facilities and wholesale supply facilities.

1. Owners or operators of drycleaning facilities and wholesale supply facilities and real property owners suppliers shall jointly register each facility owned and in operation with the department by June 30, 1995, pay initial registration fees by December 31, 1995, and pay annual renewal registration fees by December 31, 1996, and each year thereafter, in accordance with this subsection. If the registration form cannot be jointly submitted, then the applicant shall provide notice of the registration to other interested parties. The department shall establish reasonable requirements for the registration of such facilities. The department shall use reasonable efforts to identify and notify drycleaning facilities and wholesale supply facilities of the registration requirements by certified mail, return receipt requested. The department shall provide to the Department of Revenue a copy of each applicant's registration materials, within 30 working days of the receipt of the materials. This copy may be in such electronic format as the two agencies mutually designate.

2.a. The department shall issue an invoice for annual registration fees to each registered drycleaning facility or wholesale supply facility by December 31 of each year. Owners of drycleaning facilities and wholesale supply facilities shall submit to the department an initial fee of $100 and an annual renewal registration fee of $100 for each drycleaning facility or wholesale supply facility owned and in operation. The fee shall be paid within 30 days after receipt of billing by the department.

b. Revenues derived from registration and renewal fees shall be deposited into the *Water Quality Assurance* ~~Hazardous Waste Management~~ Trust Fund to be used as provided in s. 376.3078.

(e) Establish a technical advisory committee composed of knowledgeable participants from the department, local governments, regulated industries, and environmental interests for the purpose of recommending legislation for the regulation of aboveground storage tank systems and compression vessels containing hazardous substances and pollutants.

~~(f) Submit proposed legislation to the President of the Senate and the Speaker of the House of Representatives by January 1, 1994.~~

(f)~~(g)~~ Provide for the development and implementation of criteria and plans to prevent and meet occurrences of pollution of various kinds and degrees.

(g)~~(h)~~ Establish a requirement that any facility covered by this act be subject to complete and thorough inspections at reasonable times. Any facility which has discharged a pollutant in violation of the provisions of ss. 376.30-376.319 shall be fully and carefully monitored by the department to ensure that such discharge does not continue to occur.

(h)~~(i)~~ Keep an accurate record of the costs and expenses incurred for the removal of prohibited discharges and, except as otherwise provided by law, thereafter diligently pursue the recovery of any sums so incurred from the person responsible or from the United States Government under any applicable federal act, unless the department finds the amount involved too small or the likelihood of recovery too uncertain.

(i)~~(j)~~ Bring an action on behalf of the state to enforce the liabilities imposed by ss. 376.30-376.319. The provisions of ss. 403.121, 403.131, 403.141, and 403.161 apply to enforcement under ss. 376.30-376.319.

Section 48. Section 376.307, Florida Statutes, is amended to read:

376.307 Water Quality Assurance Trust Fund.—

(1) The Water Quality Assurance Trust Fund is intended to serve as a broad-based fund for use in responding to incidents of contamination

that pose a serious danger to the quality of groundwater and surface-water resources or otherwise pose a serious danger to the public health, safety, or welfare. Moneys in this fund may be used:

(a) To carry out the provisions of ss. 376.30-376.319, relating to assessment, cleanup, restoration, monitoring, and maintenance of any site involving spills, discharges, or escapes of pollutants or hazardous substances which occur as a result of procedures taken by private and governmental entities involving the storage, transportation, and disposal of such products.

(b) To carry out the provisions of s. 376.3078, relating to assessment, cleanup, restoration, monitoring, and maintenance of sites involving dry-cleaning products.

(c) For activities to expeditiously restore or replace potable water supplies as provided in s. 376.30(3)(c)1.

(d) For response actions under the Comprehensive Environmental Response, Compensation, and Liability Act.

(e) To restore or replace contaminated private potable water wells or water systems. However, funds used as provided in this paragraph must be expended for water supply systems or filters for contaminated potable water wells only as follows:

1. Persons who have contaminated potable water wells that were permitted and constructed after January 1, 1989, in accordance with standards adopted under s. 373.309 are eligible for:

a. Subsidies to connect to existing water supply systems or extensions thereof. However, the subsidy may not exceed the present worth of the 10-year cost of providing and maintaining filters for residents served bythe connections; or

b. Filters and filter maintenance to provide treatment for water from contaminated wells sufficient to ensure its potability. However, a filter may not be provided for a potable water well designed to provide water to a household that is part of a subdivision or development of a size that would, according to the department, be more effectively served by a water supply system, if the subdivision or development received its development order after January 1, 1989.

2. Subsidies to develop new water supply systems to be permitted and constructed after January 1, 1989, in accordance with standards adopted pursuant to s. 373.309 because of actual or potential contamination of potable water wells. However, a subsidy may not exceed one-half of the present worth of the 10-year cost of providing and maintaining filters for the residents to be served by the system.

3. The most cost-effective remedy, as determined by the department, for wells drilled before January 1, 1989.

(2) Moneys in the fund may not be expended for sites eligible for funding under ss. 376.3071 and 376.3073, relating to the Inland Protection Trust Fund.

(3) Moneys in the fund may not be expended to clean up hazardous waste that a federal agency is removing from navigable waters in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan, established pursuant to the Federal Water Pollution Control Act, Pub. L. No. 92-500, as amended, or that the department is removing from any coastal waters, estuaries, tidal flats, beaches, or lands adjoining the coastline of the state pursuant to chapter 376.

~~(1) There is created in the State Treasury the Water Quality Assurance Trust Fund, to be administered by the department.~~

~~(2) The Water Quality Assurance Trust Fund may be used to carry out the provisions of ss. 376.30-376.319, other than the provisions of ss. 376.3071 and 376.3073; for the expeditious restoration or replacement of potable water supplies as provided in s. 376.30(3)(c)1.; and for the investigation, assessment, cleanup, restoration, maintenance, and monitoring of any site contaminated with:~~

~~(a) Hazardous wastes;~~

~~(b) "Hazardous substances" as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat. 2767; or~~

~~(c) Except as otherwise provided for in ss. 376.3071 and 376.3073:~~

~~1. A pollutant;~~

~~2. A substance which is or is suspected to be carcinogenic, mutagenic, teratogenic, or toxic to human beings, or acutely toxic to indigenous species of significance to the biological community affected by the hazardous waste or substance; or~~

~~3. A substance which poses a serious danger to the public health, safety, or welfare.~~

(4)~~(3)~~ The trust fund shall be funded as follows:

(a) An annual transfer of interest funds from the Florida Coastal Protection Trust Fund pursuant to s. 376.11(4)(f).

~~(b) A monthly transfer of the interest from the State Water Pollution Control Trust Fund.~~

(b)~~(c)~~ All excise taxes levied, collected, and credited to the Water Quality Assurance Trust Fund in accordance with the provisions of ss. 206.9935(2) and 206.9945(1)(b).

(c)~~(d)~~ All penalties, judgments, recoveries, reimbursements, and other fees and charges *related to the enforcement of ss. 376.30-376.319, other than penalties, judgments, and other fees and charges related to the enforcement of ss. 376.3071 and 376.3073* ~~credited to the Water Quality Assurance Trust Fund in accordance with the provisions of subsection (4)~~.

(d)~~(e)~~ The fee on the retail sale of lead-acid batteries credited to the Water Quality Assurance Trust Fund *under* ~~pursuant to~~ s. 403.7185.

(e) All penalties, judgments, recoveries, reimbursements, loans, and other fees and charges collected under s. 376.3078; tax revenues levied, collected, and credited under ss. 376.70 and 376.75; and registration fees collected under s. 376.303(1)(d).

~~(4)(a) The trust fund shall be used by the department as a nonlapsing revolving fund for carrying out the purposes of ss. 376.30-376.319, other than those purposes for which funds in the Inland Protection Trust Fund may be used as provided in ss. 376.3071 and 376.3073. To this fund shall be credited all excise tax revenues levied, collected, and credited pursuant to ss. 206.9935(2) and 206.9945(1)(b) and all penalties, judgments, and other fees and charges related to the implementation of ss. 376.30-376.319, other than those penalties, judgments, and other fees and charges related to the implementation of ss. 376.3071 and 376.3073. Charges against the Water Quality Assurance Trust Fund shall be in accordance with this section.~~

~~(b) The department shall disburse moneys in the Water Quality Assurance Trust Fund for activities as authorized under subsection (2) according to the following priority order:~~

~~1. Emergency actions necessary to protect the public health, safety, and welfare.~~

~~2. Previous obligations.~~

~~3. Restoration or replacement of contaminated private potable wells or water systems.~~

~~4. Response actions carried out pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).~~

~~5. Other response actions carried out or authorized by the department.~~

~~6. Other authorized activities, except that, upon a determination by the secretary that sufficient unobligated funds are not available in the trust fund to adequately fund any activity or activities under this subparagraph, the secretary may elect to disburse available moneys to partially fund such activity or activities, or to withhold funding for such activity or activities.~~

~~(c) However, funds used as provided in this section shall be expended for water supply systems or filters for contaminated potable water wells only as follows:~~

~~1. Persons with contaminated potable water wells that were permitted and constructed after January 1, 1989, in accordance with standards adopted pursuant to s. 373.309 shall be eligible for:~~

~~a. Subsidies for connecting to existing water supply systems or extensions thereof, provided that no such subsidy shall exceed the present worth of the 10-year cost of providing and maintaining filters for the residents served by the connections; or~~

~~b. Filters and filter maintenance to provide treatment for water from contaminated wells sufficient to assure its potability. However, no filter shall be provided for a potable water well designed to provide water to a household that is part of a subdivision or development of a size that would, according to the department, be more effectively served by a water supply system, if such subdivision or development received its development order after January 1, 1989.~~

~~2. Subsidies to persons developing new water supply systems to be permitted and constructed after January 1, 1989, in accordance with standards adopted pursuant to s. 373.309 because of actual or potential contamination of potable water wells, provided that no such subsidy shall exceed one-half of the present worth of the 10-year cost of providing and maintaining filters for the residents to be served by said system.~~

~~3. The most cost-effective remedy, as determined by the department, for wells drilled prior to January 1, 1989.~~

(5) Except as otherwise provided by law, the department shall recover to the use of the fund from a person or persons at any time causing or having caused the discharge or from the Federal Government, jointly and severally, all sums owed or expended from the fund, pursuant to s. 376.308, except that the department may decline to pursue such recovery if it finds the amount involved too small or the likelihood of recovery too uncertain. Sums recovered as a result of damage due to discharge of a pollutant or other similar disaster shall be apportioned between the fund and the General Revenue Fund so as to repay the full costs to the General Revenue Fund of any sums disbursed therefrom as a result of such disaster. Any request for reimbursement to the fund for such costs, if not paid within 30 days of demand, shall be turned over to the department for collection.

(6) Moneys in the fund which are not needed currently to meet the obligations of the department in the exercise of its responsibilities under *this section* ~~ss. 376.30-376.319~~ shall be deposited with the Treasurer to the credit of the fund and may be invested in such manner as is provided for by statute. The interest received on such investment shall be credited to the fund. Any provisions of law to the contrary notwithstanding, such interest may be freely transferred between this trust fund and the Inland Protection Trust Fund, in the discretion of the department.

(7) Except as otherwise provided by law, ~~it is the duty of~~ the department, in administering the fund, *shall* diligently ~~to~~ pursue the reimbursement to the fund of any sum expended from the fund *in accordance with this section* for cleanup and abatement ~~in accordance with the provisions of this section~~, unless the department finds the amount involved too small or the likelihood of recovery too uncertain. For the purposes of s. 95.11, the limitation period within which to institute an action to recover such sums *commences* ~~shall commence~~ on the last date on which any such sums were expended, and not the date that the discharge occurred.

Section 49. Paragraph (a) of subsection (2), subsections (4) and (9), and paragraph (b) of subsection (10) of section 376.3078, Florida Statutes, are amended to read:

376.3078 Drycleaning facility restoration; funds; uses; liability; recovery of expenditures.—

(2) FUNDS; USES.—

(a) All penalties, judgments, recoveries, reimbursements, loans, and other fees and charges related to the implementation of this section and the tax revenues levied, collected, and credited pursuant to ss. 376.70 and 376.75, and registration fees collected pursuant to s. 376.303(1)(d), shall be deposited into the *Water Quality Assurance* ~~Hazardous Waste Management~~ Trust Fund, to be used upon appropriation as provided in this section. Charges against the funds for drycleaning facility or wholesale supply site rehabilitation shall be made in accordance with the provisions of this section.

(4) SITE SELECTION AND REHABILITATION CRITERIA.—It is the intent of the Legislature that drycleaning facility restoration funds in the *Water Quality Assurance* ~~Hazardous Waste Management~~ Trust Fund be used to fund the rehabilitation of sites that pose a significant threat to the public health, safety, or welfare.

(a) The department shall adopt rules to establish priorities for state-conducted rehabilitation at contaminated drycleaning facility or wholesale supply facility sites based upon factors that include, but need not be limited to:

1. The degree to which human health, safety, or welfare may be affected by exposure to the contamination.

2. The size of the population or area affected by the contamination.

3. The present and future uses of the affected aquifer or surface waters, with particular consideration as to the probability that the contamination is substantially affecting, or will migrate to and substantially affect, a known public or private source of potable water.

4. The effect of the contamination on the environment.

Drycleaning facility restoration funds shall then be obligated for activities described in paragraph (2)(b) at individual sites in accordance with the criteria established in this subsection. However, nothing in this paragraph shall be construed to restrict the department from modifying the priority status of a drycleaning facility or wholesale supply facility rehabilitation site where conditions warrant.

(b) Criteria for determining completion of site rehabilitation program tasks and site rehabilitation programs shall be based upon the factors set forth in paragraph (a) and the following additional factors:

1. Individual site characteristics, including natural rehabilitation processes.

2. Applicable state water quality standards.

3. Whether deviation from state water quality standards or from established criteria is appropriate, based upon the degree to which the desired rehabilitation level is achievable and can be reasonably and cost-effectively implemented within available technologies or control strategies; except that, where a state water quality standard is applicable, such deviation may not result in the application of standards more stringent than said standard.

(c) It is recognized that restoration of groundwater resources contaminated with certain drycleaning solvents, such as perchloroethylene, may not be achievable using currently available technology. In situations where the use of available technology is not anticipated to achieve water quality standards, the department, at its discretion, may use innovative technology that has been field-tested through a federal innovative technology program and that has engineering and cost data available.

(d) Nothing in this subsection shall be construed to restrict the department from temporarily postponing completion of any site rehabilitation program for which drycleaning facility restoration funds are being expended whenever such postponement is deemed necessary in order to make funds available for rehabilitation of a drycleaning facility or wholesale supply facility contamination site with a higher priority status.

(e) The department shall provide the rehabilitation of eligible drycleaning facilities and wholesale supply facilities consistent with this subsection. Nothing in this chapter shall subject the department to liability for any action that may be required of the owner, operator, or real property owner by any private party or any local, state, or federal government entity.

(9) A real property owner is authorized to conduct site rehabilitation activities at any time pursuant to department rules, either through agents of the real property owner or through responsible response action contractors or subcontractors, whether or not the facility has been determined by the department to be eligible for the drycleaning solvent cleanup program. A real property owner or any other party that conducts site rehabilitation may not seek cost recovery from the department or the *Water Quality Assurance* ~~Hazardous Waste Management~~ Trust Fund for any such rehabilitation activities. A real property owner that

voluntarily conducts such site rehabilitation, whether commenced before or on or after October 1, 1995, shall be immune from liability to any person, state or local government, or agency thereof to compel or enjoin site rehabilitation or pay for the cost of rehabilitation of environmental contamination, or to pay any fines or penalties regarding rehabilitation, so long as the real property owner:

(a) Conducts contamination assessment and site rehabilitation consistent with state and federal laws and rules;

(b) Conducts such site rehabilitation in a timely manner according to a rehabilitation schedule approved by the department; and

(c) Does not deny the department access to the site. Upon completion of such site rehabilitation activities in accordance with the requirements of this subsection, the department shall render a site rehabilitation completion order.

(10) DEPARTMENTAL DUTY TO SEEK RECOVERY AND REIMBURSEMENT.—

(b) Except as provided in subsection (3) and as otherwise provided by law, it is the duty of the department in administering the drycleaning facility restoration funds to diligently pursue the reimbursement to the *Water Quality Assurance* ~~Hazardous Waste Management~~ Trust Fund of any sum expended from the fund for rehabilitation in accordance with the provisions of this section, unless the department finds the amount involved to be too small or the likelihood of recovery too uncertain. For the purposes of s. 95.11, the limitation period within which to institute an action to recover such sums shall commence on the last date on which any such sums were expended, and not the date that the discharge occurred.

Section 50. Subsection (5) of section 376.3079, Florida Statutes, is amended to read:

376.3079 Third-party liability insurance.—

(5) It is the express intent of the Legislature that the provisions of this section shall not provide the basis for any claim against the department~~, the Hazardous Waste Management Trust Fund,~~ or ~~against~~ the Water Quality Assurance Trust Fund for bodily injury or property damages caused by an incident of contamination related to the operation of a drycleaning facility or wholesale supply facility.

Section 51. Section 376.40, Florida Statutes, is amended to read:

376.40 Petroleum exploration and production ~~Bond Trust Fund~~; ~~creation;~~ purposes; funding.—

(1) FINDINGS.—The Legislature declares that the financial resources of the state in the form of a bond trust fund, the limits of which are in excess of limits available to most operators, should be available to provide the Department of Environmental Protection the surety for any cleanup and remedial action for operations which are not conducted in a safe and environmentally compatible manner.

(2) INTENT AND PURPOSE.—It is the intent of the Legislature *that the Minerals* ~~to establish the Petroleum Exploration and Production Bond~~ Trust Fund ~~to~~ serve as a repository for funds which will enable the Department of Environmental Protection to respond without delay to incidents which affect safety or threaten to cause environmental damage or contamination as a result of incidents involving petroleum exploration and production activities and which are not otherwise handled in a timely manner by the operator or permittee. The useful life of facilities used to produce oil and natural gas in the state can be from 15 to 40 years and it is the Legislature's intent that safe and environmentally compatible operations be conducted for the economic life of any well, field, or production facility. It is the further intent of the Legislature that this trust fund make available immediately to the department funds sufficient to correct violations such as an operator's failure to adequately plug, abandon, or restore production sites or other test sites and facilities after operations cease, if the permittee or operator cannot or will not correct the violations within a reasonable time. Furthermore, it is the Legislature's intent that if an amount in excess of the funds on deposit in the trust fund is needed for remedial action, money from the *Florida* Coastal Protection Trust Fund be made available in the form of a temporary transfer of funds. The temporary transfer shall be repaid as soon as possible after the department obtains penalties, judgments, recoveries, or reimbursements.

~~(3) CREATION.—There is hereby created the Petroleum Exploration and Production Bond Trust Fund, which shall be administered by the Department of Environmental Protection. This trust fund shall be used by the department as a nonlapsing, revolving fund for carrying out the purposes of this section and s. 377.2425. All fees collected from permittees under ss. 377.24(1), 377.2408(1), and 377.2425(1)(b), and all penalties, judgments, recoveries, reimbursements, loans, and other fees and charges related to the implementation of this section shall be deposited in the trust fund.~~

(3)~~(4)~~ USES.—

(a) When the department has reason to believe that incidents of contamination related to the conduct of operations, including, but not limited to, drilling of exploratory or production wells, operation and maintenance of producing wells, pressure maintenance wells, or disposal wells, and related gathering lines, may pose a threat to the environment or the public health, safety, or welfare, or if the permittee, owner, or operator of such facility does not take immediate remedial or other approved corrective action, the department shall obligate moneys available *from fees collected and deposited pursuant to subsection (4)* in the trust fund to provide for:

1. Prompt investigation and assessment of surface or underground contamination or other permit violations;

2. Prompt remedial action to repair, replace, or restore to a safe condition test sites, wells, and facilities at the affected site or location;

3. Rehabilitation of contamination at sites, which rehabilitation shall include cleanup of contaminated soils, groundwater, and surface waters to minimize environmental damage;

4. Maintenance and monitoring of sites or facilities that have been repaired, replaced, or restored;

5. Inspection and supervision of activities described in this section;

6. Payment of expenses incurred by the department in its efforts to obtain from responsible parties the payment or recovery of reasonable costs resulting from activities described in this section; or

7. Payment of any other reasonable costs of administration.

(b) The department may also use moneys from the trust fund to conduct routine inspections of exploratory or production wells, pressure maintenance wells, disposal wells, and related gathering lines.

(4)~~(5)~~ FUNDING.—There shall be deposited in the *Minerals* ~~Petroleum Exploration and Production Bond~~ Trust Fund:

(a) All fees charged permittees under ss. 377.24(1), 377.2408(1), and 377.2425(1)(b).

(b) All penalties, judgments, recoveries, reimbursements, and other fees and charges related to the implementation of this section.

(c) Any other funds required to be deposited in the trust fund under provisions of law.

If moneys on deposit in the trust fund are not sufficient to satisfy the needed remedial or corrective action, and if the responsible party does not take remedial and corrective action in a timely manner or if a catastrophic event occurs, a temporary transfer of the required amount, or a maximum of $10 million, from the Florida Coastal Protection Trust Fund pursuant to s. 376.11(4)(i) is ~~hereby~~ authorized. The *Florida* Coastal Protection Trust Fund shall be reimbursed immediately upon deposit into the *Minerals* ~~Petroleum Exploration and Production Bond~~ Trust Fund of moneys referred to in paragraph (b).

(5)~~(6)~~ RECOVERY.—The department shall recover to the use of the trust fund from the permittee for any facilities for petroleum exploration or production, petroleum gathering, or other exploration or production activities all sums expended from the trust fund pursuant to this section. Requests for reimbursement to the trust fund for such costs, if not paid within 120 days after demand, shall be turned over to the Department of Legal Affairs for collection.

(6)~~(7)~~ INVESTMENTS; INTEREST.—Moneys in the trust fund which are not needed currently to meet the obligations of the depart-

ment in the exercise of its responsibilities under this section shall be deposited with the Treasurer to the credit of the trust fund and may be invested as provided by law.

Section 52. Subsection (3) of section 376.70, Florida Statutes, is amended to read:

376.70 Tax on gross receipts of drycleaning facilities.—

(3) The tax imposed by this section is due on the first day of the month succeeding the month in which the charge is imposed and shall be paid on or before the 20th day of each month. The tax shall be reported on forms and in the manner prescribed by the Department of Revenue by rule. The proceeds of the taxes, after deducting the administrative costs incurred by the Department of Revenue in administering, auditing, collecting, distributing, and enforcing the tax, shall be transferred by the Department of Revenue into the *Water Quality Assurance* ~~Hazardous Waste Management~~ Trust Fund and shall be used as provided in s. 376.3078. For the purposes of this section, the proceeds of the tax include all funds collected and received by the Department of Revenue, including interest and penalties on delinquent taxes.

Section 53. Subsection (8) of section 376.75, Florida Statutes, is amended to read:

376.75 Tax on production or importation of perchloroethylene.—

(8) The tax imposed by this section shall be reported to the Department of Revenue. The payment shall be accompanied by such forms as the Department of Revenue prescribes. The proceeds of the tax, after deducting the administrative costs incurred by the Department of Revenue in administering, auditing, collecting, distributing, and enforcing the tax, shall be transferred by the Department of Revenue into the *Water Quality Assurance* ~~Hazardous Waste Management~~ Trust Fund and shall be used as provided in s. 376.3078. For the purposes of this section, the proceeds of the tax include all funds collected and received by the Department of Revenue, including interest and penalties on delinquent taxes.

Section 54. Subsection (1) of section 377.2425, Florida Statutes, is amended to read:

377.2425 Manner of providing security for geophysical exploration, drilling, and production.—

(1) Prior to granting a permit to conduct geophysical operations; drilling of exploratory, injection, or production wells; producing oil and gas from a wellhead; or transporting oil and gas through a field-gathering system, the department shall require the applicant or operator to provide surety that these operations will be conducted in a safe and environmentally compatible manner.

(a) The applicant for a drilling, production, or injection well permit or a geophysical permit may provide the following types of surety to the department for this purpose:

1. A deposit of cash or other securities made payable to the *Minerals Trust Fund*. ~~"Department of Environmental Protection Petroleum Trust Account."~~ Such cash or securities so deposited shall be held at interest by the Comptroller to satisfy safety and environmental performance provisions of this chapter. The interest shall be credited to the *Minerals* ~~Petroleum Exploration and Production Bond~~ Trust Fund. Such cash or other securities shall be released by the Comptroller upon request of the applicant and certification by the department that all safety and environmental performance provisions established by the department for permitted activities have been fulfilled.

2. A bond of a surety company authorized to do business in the state in an amount as provided by rule.

3. A surety in the form of an irrevocable letter of credit in an amount as provided by rule guaranteed by an acceptable financial institution.

(b) An applicant for a drilling, production, or injection well permit, or a permittee who intends to continue participating in long-term production activities of such wells, has the option to provide surety to the department by paying an annual fee to the *Minerals* ~~Petroleum Exploration and Production Bond~~ Trust Fund. For an applicant or permittee choosing this option the following shall apply:

1. For the first year, or part of a year, of a drilling, production, or injection well permit, or change of operator, the fee is $4,000 per permitted well.

2. For each subsequent year, or part of a year, the fee is $1,500 per permitted well.

3. The maximum fee that an applicant or permittee may be required to pay into the trust fund is $30,000 per calendar year, regardless of the number of permits applied for or in effect.

4. The fees set forth in subparagraphs 1., 2., and 3. shall be reviewed by the department on a biennial basis and adjusted for the cost of inflation. The department shall establish by rule a suitable index for implementing such fee revisions.

Section 55. Paragraph (e) of subsection (1) and subsection (3) of section 377.247, Florida Statutes, are amended to read:

377.247 Designation and distribution of earnings owed to owners of mineral rights who are unknown or unlocated.—

(1) In the event that the operator of a well cannot locate the owner of a minority mineral interest within a drilling unit or the identity of the minority mineral interest owner remains unknown to the operator after reasonable and diligent attempts to locate said owner, the operator may request that the department act in a receivership capacity for these rights. These rights shall be administratively assigned to the operator and designated as "leased to the operator" by an oil and gas order of the department for the economic life of the well after satisfying the following conditions:

(e) The operator has deposited a sum equal to the bonus determined in paragraph (2)(a) into the *Minerals* ~~Petroleum Exploration and Production Bond~~ Trust Fund.

(3) Once the department has issued the order and on an annual basis, within 30 days after the anniversary date of the order, the operator shall forward funds to the oil and gas administrator in the amount of the pro rata share of royalty identified as belonging to an unknown or unlocated mineral owner. The operator may elect to pay these funds in a lump sum, annually, for one or more drilling units so long as they are accompanied by an accounting for each entity as established under paragraph (1)(d). The funds shall be deposited in the *Minerals* ~~Petroleum Exploration and Production Bond~~ Trust Fund on account for and on behalf of the unknown or unlocated mineral owner. The department shall require an annual statement from an independent certified public accountant verifying the accuracy of the royalty accounting. Annually, the oil and gas administrator shall cause to have published at the expense of the operator a notice of the value of pro rata shares on deposit in the *Minerals* ~~Petroleum Exploration and Production Bond~~ Trust Fund for all unknown or unlocated mineral owners in a newspaper of record for the county in which the producing unit is located. The published notice shall provide any information that would help to identify or locate the owner. The royalties shall continue to be sent to the oil and gas administrator for the economic life of the well unless the owner is identified.

Section 56. Section 377.41, Florida Statutes, is amended to read:

377.41 Disposition of fines.—Moneys collected as fines for violations of this part, implementing rules, or permit conditions shall be paid into the *Minerals* ~~Petroleum Exploration and Production Bond~~ Trust Fund established pursuant to s. 376.40. Moneys from these fines shall be used first to pay all amounts necessary to restore the polluted areas which were the subject of state action. Any remaining moneys shall be used in accordance with the provisions of s. 376.40.

Section 57. Subsection (12) of section 380.0555, Florida Statutes, as amended by chapter 94-356, Laws of Florida, is hereby repealed:

380.0555 Apalachicola Bay Area; protection and designation as area of critical state concern.—

~~(12) GRANTS TO APPLICANTS TO FINANCE SEWERAGE IMPROVEMENTS; APALACHICOLA BAY PROTECTION TRUST FUND. The applicants for grants from the Department of Environmental Protection to finance sewerage improvements for Apalachicola, Carrabelle, and the Eastpoint Water and Sewer District, herein referred~~

~~to as applicants, shall not be required to submit planning or design documents prior to any grant award, nor shall the applicants be required to establish a capital improvement account. The funds from any appropriation are to be held, together with any state or federal grant funds, to implement sewerage projects, subject to the requirements of chapter 17, Florida Administrative Code. Such funds shall be deposited into a trust fund, to be known as the Apalachicola Bay Protection Trust Fund, which is hereby created, until the Department of Environmental Protection determines that an applicant otherwise entitled to the funds has met all the department's requirements. Interest from moneys in the trust fund shall be deposited into the Water Pollution Control Trust Fund.~~

Section 58. Section 380.0558, Florida Statutes, is amended to read:

380.0558 *Coral reef restoration* ~~Florida Area of Critical State Concern Restoration Trust Fund~~.—

~~(1) SHORT TITLE.—This section may be cited as the "Florida Area of Critical State Concern Restoration Trust Fund Act."~~

(1)~~(2)~~ DEFINITIONS.—As used in this section, *the term*:

(a) "Coral reefs" means the assemblage of corals and other organisms that are actively building three-dimensional reef structures off the southern coast of Florida.

(b) "Damages" means money damages paid by any person, whether voluntarily or as a result of administrative or judicial action, to this state as compensation or restitution, or as punitive damages, for causing injury to, or destruction of, the coral reefs or other natural resources of the state.

(c) "Fund" means the *Ecosystem Management and Restoration* ~~Florida Area of Critical State Concern Restoration~~ Trust Fund ~~established by this section~~.

(d) "Natural resources" means land, air, water, groundwater, drinking water supplies, fish and their habitats, wildlife and their habitats, biota, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the State of Florida and situated in an area of critical state concern or offshore from an area of critical state concern.

(e) "Person" means any and all persons, natural or artificial, foreign or domestic, including any individual, firm, partnership, business, corporation, and company and the United States and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

(2)~~(3)~~ FINDINGS.—

(a) The Legislature finds that the coral reefs and natural resources within areas of critical state concern are subject to instantaneous injury or loss from a variety of negligent and willful acts, in ways that cannot be foreseen and provided for in the normal budget process. As a consequence of the unforseeability of such incidents, no funds have been available for reimbursement of extraordinary expenses incurred by the Department of Environmental Protection in seeking compensation, on behalf of the residents of the state, for such injury or destruction of these natural resources. The protection of the state's natural resources in areas of critical state concern is found to be especially important.

(b) Prior to the enactment of this section, a significant amount of monetary damages that would be recovered by the state for injury to, or destruction of, its natural resources were deposited in the general accounts of the State Treasury and were not specifically set aside for restoration or rehabilitation of the injured or destroyed natural resources in the region of the state where such injury or loss occurred.

(3)~~(4)~~ PURPOSES.—It is the purpose of this section to establish a fund for the reimbursement of actual costs incurred by the Department of Environmental Protection in obtaining payment of damages for injury to, or destruction of, the coral reefs and other natural resources of this state and to designate that damages in excess of such reimbursed costs be dedicated to the research, protection, restoration, or rehabilitation of, or substitution for, the coral reefs and other natural resources injured or destroyed.

(4)~~(5)~~ *DEPOSIT OF FUNDS* ~~CREATION OF TRUST FUND~~.—All damages recovered by or on behalf of this state for injury to, or destruction of, the coral reefs or natural resources of the state that would otherwise be deposited in the general revenue accounts of the State Treasury or in the Internal Improvement Trust Fund shall be deposited in the *Ecosystem Management and Restoration* ~~Florida Area of Critical State Concern Restoration~~ Trust Fund ~~which is hereby created~~ in the Department of Environmental Protection~~,~~ and shall remain in such account until expended by the department for the purposes of this section.

(5)~~(6)~~ TRUST FUND EXPENDITURES.—

~~(a) No moneys credited to the fund shall be available for any expenditure other than as set forth in this section.~~

~~(b)~~ Moneys in the fund *received from damages recovered for injury to, or destruction of, coral reefs or natural resources* shall be expended only for the following purposes:

(a)~~1.~~ To provide funds for the Department of Environmental Protection for reasonable costs incurred in obtaining payment of the damages for injury to, or destruction of, coral reefs and other natural resources, including administrative costs and costs of experts and consultants. Such funds may be provided in advance of recovery of damages after approval of such advances by the Board of Trustees of the Internal Improvement Trust Fund.

(b)~~2.~~ To pay for restoration or rehabilitation of the injured or destroyed coral reefs or other natural resources by a state agency or through a contract to any qualified person.

(c)~~3.~~ To pay for alternative projects selected by the Board of Trustees of the Internal Improvement Trust Fund. Any such project shall be selected on the basis of its anticipated benefits to the residents of this state who used the injured or destroyed coral reefs or other natural resources or will benefit from the alternative project.

(6)~~(7)~~ MISCELLANEOUS PROVISIONS.—

(a) All claims for trust fund reimbursements under *paragraph (5)(a)* ~~subparagraph (6)(b)1.~~ must be made within 90 days after payment of damages is made to the state.

(b) Each private recipient of fund disbursements shall be required to agree in advance that its accounts and records of expenditures of such moneys are subject to audit at any time by appropriate state officials and to submit a final written report describing such expenditures within 90 days after the funds have been expended.

(c) When payments are made to a state agency from the fund for expenses compensable under *subsection (5)* ~~paragraph (6)(b)~~, such expenditures shall be considered as being for extraordinary expenses, and no agency appropriation shall be reduced by any amount as a result of such reimbursement.

(7)~~(8)~~ RULES.—The department shall have rulemaking authority for the administration of this section.

Section 59. Subsection (2) of section 403.0615, Florida Statutes, is amended to read:

403.0615 Water resources restoration and preservation.—

(2) The department shall establish a program to assist in the restoration and preservation of bodies of water and to enhance existing public access when deemed necessary for the enhancement of the restoration effort. This program shall be funded from the General Revenue Fund, from funds available from the *Ecosystem Management and Restoration Trust* ~~Pollution Recovery~~ Fund, and from available federal moneys.

Section 60. Section 403.0871, Florida Statutes, is amended to read:

403.0871 Florida Permit Fee Trust Fund.—There is established within the department a nonlapsing trust fund to be known as the "Florida Permit Fee Trust Fund." All funds received from applicants for permits pursuant to ss. *161.041, 161.053, 161.0535,* 403.087(5), and 403.861(8) shall be deposited in the Florida Permit Fee Trust Fund and shall be used by the department with the advice and consent of the Legislature to supplement appropriations and other funds received by the department for the administration of its responsibilities under this chapter *and chapter 161.* In no case shall funds from the Florida Permit

Fee Trust Fund be used for salary increases without the approval of the Legislature.

Section 61. Paragraph (e) of subsection (3) of section 403.121, Florida Statutes, is amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(3)

(e) Fees collected pursuant to this subsection shall be deposited in the *Ecosystem Management and Restoration Trust* ~~Pollution Recovery~~ Fund. The department may use a portion of the fund to contract for services to help in the collection of the fees assessed pursuant to this subsection.

Section 62. Subsection (2) of section 403.1822, Florida Statutes, is amended to read:

403.1822 Definitions for ss. 403.1821-403.1832.—As used in ss. 403.1821-403.1832, the term:

(2) "Grants," "grant," "state grants," or "state grant" refers to disbursements from *funds provided for the purposes of ss. 403.1821-403.1832* ~~the State Water Pollution Control Trust Fund pursuant to s. 403.1825~~.

Section 63. Section 403.1832, Florida Statutes, is amended to read:

403.1832 Department to accept federal aid*; Grants and Donations Trust Fund*.—

(1) The department is designated as the administrative agency of the state to apply for and accept any funds or other aid and to cooperate and enter into contracts and agreements with the Federal Government relating to the planning, design, construction, operation, maintenance, and enforcement activities of the program to provide clean *air and* water and pollution abatement of the *air and* waters of the state*, including solid waste management, hazardous waste management, and ecosystem management and restoration,* or to any other related *environmental purposes authorized by* ~~purpose which~~ the Congress of the United States ~~has authorized or may authorize~~. The department *may*, ~~is authorized~~ in the name of the state, ~~to~~ make such applications, sign such documents, give such assurances, and do such other things as are necessary to obtain such aid from or cooperate with the United States Government or any agency thereof. The department may consent to enter into contracts and agreements and cooperate with any other state agency, local governmental agency, person, or other state when it is necessary to carry out the provisions of ss. 403.1821-403.1832.

(2) The Grants and Donations Trust Fund is to be administered by the Department of Environmental Protection. The fund is intended to serve as the depository for federal grants and funds received by the department and to assist in tracking and monitoring the use of federal funds that are not otherwise deposited directly into a separate trust fund. The Grants and Donations Trust Fund is intended to be a broad-based fund from which moneys can be used for various environmental and natural resource program purposes for which the federal funds were intended. Funds may be expended for purposes including, but not limited to:

(a) Water-quality improvement.

(b) Management of solid and hazardous wastes.

(c) Stormwater management.

(d) Air-quality improvement and management.

(e) Wetland protection and management.

(f) Marine research.

(g) Marine-habitat restoration and management.

(h) Aquatic weed control.

(i) Environmental regulatory compliance and enforcement.

(j) Local or state recreational projects.

Section 64. Subsection (2) and paragraph (a) of subsection (3) of section 403.1838, Florida Statutes, are amended to read:

403.1838 Small Community Sewer Construction Assistance Act.—

(2)~~(a) There is established within the Department of Environmental Protection the Small Community Sewer Construction Assistance Trust Fund.~~

~~(b)~~ The department shall use ~~the~~ funds *specifically appropriated to award grants under this section* to assist financially disadvantaged small communities with their needs for adequate sewer facilities. For purposes of this section, the term "financially disadvantaged small community" means a municipality with a population of 7,500 or less, according to the latest decennial census and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce.

(3)(a) In accordance with rules adopted by the Environmental Regulation Commission under this section, the department may provide grants, from *funds specifically appropriated for this purpose,* ~~the Small Community Sewer Construction Assistance Trust Fund~~ to financially disadvantaged small communities for up to 100 percent of the costs of planning, designing, constructing, upgrading, or replacing wastewater collection, transmission, treatment, disposal, and reuse facilities, including necessary legal and administrative expenses.

Section 65. Section 403.518, Florida Statutes, is amended to read:

403.518 Fees; disposition.—

(1) The department shall charge the applicant the following fees, as appropriate, which shall be paid into the *Florida Permit Fee* ~~Operating~~ Trust Fund:

(a) A fee for a notice of intent pursuant to s. 403.5065, in the amount of $2,500, to be submitted to the department at the time of filing of a notice of intent. The notice-of-intent fee shall be used and disbursed in the same manner as the application fee.

(b) An application fee, which shall not exceed $200,000. The fee shall be fixed by rule on a sliding scale related to the size, type, ultimate site capacity, increase in generating capacity proposed by the application, or the number and size of local governments in whose jurisdiction the electrical power plant is located.

1. Sixty percent of the fee shall go to the department to cover any costs associated with reviewing and acting upon the application, to cover any field services associated with monitoring construction and operation of the facility, and to cover the costs of the public notices published by the department.

2. Twenty percent of the fee or $25,000, whichever is greater, shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services.

3. Upon written request with proper itemized accounting within 90 days after final agency action by the board or withdrawal of the application, the department shall reimburse the Department of Community Affairs, the Game and Fresh Water Fish Commission, and any water management district created pursuant to chapter 373, regional planning council, and local government in the jurisdiction of which the proposed electrical power plant is to be located, and any other agency from which the department requests special studies pursuant to s. 403.507(2)(a)7. Such reimbursement shall be authorized for the preparation of any studies required of the agencies by this act, and for agency travel and per diem to attend any hearing held pursuant to this act, and for local governments to participate in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

4. If any sums are remaining, the department shall retain them for its use in the same manner as is otherwise authorized by this act; provided, however, that if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 90 days after withdrawal.

(c) A certification modification fee, which shall not exceed $30,000. The fee shall be submitted to the department with a formal petition for modification to the department pursuant to s. 403.516. This fee shall be established, disbursed, and processed in the same manner as the application fee in paragraph (b), except that the Division of Administrative Hearings shall not receive a portion of the fee unless the petition for certification modification is referred to the Division of Administrative Hearings for hearing. If the petition is so referred, only $10,000 of the fee shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services. The fee for a modification by agreement filed pursuant to s. 403.516(1)(b) shall be $10,000 to be paid upon the filing of the request for modification. Any sums remaining after payment of authorized costs shall be refunded to the applicant within 90 days of issuance or denial of the modification or withdrawal of the request for modification.

(d) A supplemental application fee, not to exceed $75,000, to cover all reasonable expenses and costs of the review, processing, and proceedings of a supplemental application. This fee shall be established, disbursed, and processed in the same manner as the certification application fee in paragraph (b), except that only $20,000 of the fee shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services.

(e) An existing site certification application fee, not to exceed $200,000, to cover all reasonable costs and expenses of the review processing and proceedings for certification of an existing power plant site under s. 403.5175. This fee must be established, disbursed, and processed in the same manner as the certification application fee in paragraph (b).

(2) Effective upon the date commercial operation begins, the operator of an electrical power plant certified under this part is required to pay to the department an annual operation license fee as specified in s. 403.0872(11) to be deposited in the *Air Pollution Control Trust Fund* ~~Florida Air-Operation License Fee Account~~.

Section 66. Section 403.5365, Florida Statutes, is amended to read:

403.5365 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which shall be paid into the *Florida Permit Fee* ~~Operating~~ Trust Fund:

(1) An application fee of $100,000, plus $750 per mile for each mile of corridor in which the transmission line right-of-way is proposed to be located within an existing electrical transmission line right-of-way or within any existing right-of-way for any road, highway, railroad, or other aboveground linear facility, or $1,000 per mile for each mile of transmission line corridor proposed to be located outside such existing right-of-way.

(a) Sixty percent of the fee shall go to the department to cover any costs associated with reviewing and acting upon the application and any costs for field services associated with monitoring construction and operation of the facility.

(b) Twenty percent of the fees specified under this section, except postcertification fees, shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services.

(c) Upon written request with proper itemized accounting within 90 days after final agency action by the board or withdrawal of the application, the department shall reimburse the expenses and costs of the Department of Community Affairs, the Game and Fresh Water Fish Commission, the water management district, regional planning council, and local government in the jurisdiction of which the transmission line is to be located. Such reimbursement shall be authorized for the preparation of any studies required of the agencies by this act, and for agency travel and per diem to attend any hearing held pursuant to this act, and for the local government to participate in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

(d) If any sums are remaining, the department shall retain them for its use in the same manner as is otherwise authorized by this section; provided, however, that if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 90 days after withdrawal.

(2) An amendment fee.

(a) If no corridor alignment change is proposed by the amendment, no amendment fee shall be charged.

(b) If a corridor alignment change is proposed by the applicant, an additional fee of a minimum of $2,000 and $750 per mile shall be submitted to the department for use in accordance with this act.

(c) If an amendment is required to address issues, including alternate corridors pursuant to s. 403.5271, raised by the department or other parties, no fee for such amendment shall be charged.

(3) A certification modification fee.

(a) If no corridor alignment change is proposed by the applicant, the modification fee shall be $4,000.

(b) If a corridor alignment change is proposed by the applicant, the fee shall be $1,000 for each mile of realignment plus an amount not to exceed $10,000 to be fixed by rule on a sliding scale based on the load-carrying capability and configuration of the transmission line for use in accordance with subsection (2).

Section 67. Subsection (21) of section 403.704, Florida Statutes, is hereby repealed, and subsections (22) through (31) of said section are renumbered as subsections (21) through (30), respectively:

403.704 Powers and duties of the department.—The department shall have responsibility for the implementation and enforcement of the provisions of this act. In addition to other powers and duties, the department shall:

~~(21) Establish an account and deposit to the Hazardous Waste Management Trust Fund and control and administer moneys it may withdraw from the fund.~~

Section 68. Subsection (2) of section 403.726, Florida Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.—

(2) The department shall take any action necessary pursuant to s. 403.121 or s. 403.131 to abate or substantially reduce any imminent hazard caused by a hazardous substance, including a spill into the environment of a hazardous substance. The department is authorized to use moneys from the ~~Hazardous Waste Management Trust Fund or the~~ Water Quality Assurance Trust Fund to finance such actions, and such expenditures from the fund shall be recoverable pursuant to s. 376.307.

Section 69. Paragraph (c) of subsection (3) of section 403.727, Florida Statutes, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

(3) Violations of the provisions of this act are punishable as follows:

(c)1. As used in this paragraph, "Class II violation" means a violation of this part, or the rules promulgated pursuant to this part, which pertains to small quantity generators as defined by applicable department rules and which does not result in a discharge or serious threat of a discharge of hazardous waste to the environment, or does not involve the failure to ensure that groundwater will be protected or that hazardous waste will be destined for and delivered to permitted facilities. Class II violations shall include, but need not be limited to, the failure to submit manifest exception reports in a timely manner, failure to provide a generator's United States Environmental Protection Agency identification number on the manifest, failure to maintain complete personnel training records, and failure to meet inspection schedule requirements for tanks and containers that hold hazardous waste.

2. In addition to any other judicial or administrative remedy authorized by this part, the department may assess a noncompliance fee for any Class II violation by a small quantity generator. For the first and second violations, the fee shall not be assessed until the generator has failed to comply after notice of noncompliance and has been given a reasonable

time to comply. If the owner or operator fails after three or more notifications to comply with the requirement to correct the Class II violation, the department may assess the fee without waiting for compliance.

3. At the time of assessment of a noncompliance fee, the department shall give the small quantity generator written notice setting forth the amount assessed, the specific provision of law, rule, or order alleged to be violated, the facts alleged to constitute the violation, the corrective action needed to bring the party into compliance, and the rights available under chapter 120 to challenge the assessment. The assessment shall be final and effective unless an administrative proceeding is requested within 20 days after receipt of the written notice, and shall be enforceable pursuant to s. 120.69. Once the assessment has become final and effective, the department shall refuse to issue, modify, transfer, or renew a permit or issue an identification number to the facility until the fee has been paid.

4. Before assessing any noncompliance fee, the department shall adopt rules to implement the provisions of this paragraph, which shall include a description of activities that constitute Class II violations and the setting of appropriate amounts for the noncompliance fees, based upon the type of violation, but not to exceed $250. Total noncompliance fees assessed shall not exceed $1,000 per assessment for all violations attributable to a specific facility during any one month.

5. The department's assessment of a noncompliance fee shall be in lieu of any civil action that may be instituted by the department in a court of competent jurisdiction to impose and recover civil penalties for any violation that resulted in the fee assessment, unless the department initiates a civil action for nonpayment of a fee properly assessed pursuant to this paragraph.

6. Noncompliance fees collected pursuant to this paragraph shall be deposited in the *Ecosystem Management and Restoration Trust* ~~Pollution Recovery~~ Fund. The department may use a portion of the fund to contract for services to help in the collection of fees assessed pursuant to this paragraph.

Section 70. Section 403.9421, Florida Statutes, is amended to read:

403.9421 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which shall be paid into the *Florida Permit Fee* ~~Operating~~ Trust Fund:

(1) An application fee of $240,000, plus $500 per mile for each mile of natural gas transmission pipeline corridor proposed to be located in an existing electrical transmission line right-of-way or in existing rights-of-way for roads, highways, railroads, gas, water, oil, sewer, or any other public purpose, and $1,000 per mile for each mile of natural gas transmission pipeline proposed to be located outside existing rights-of-way, not to exceed a total fee of $890,000.

(2) A postcertification fee determined as follows:

(a) For pipelines of 50 miles or less in total length, the fee shall be $75,000.

(b) For pipelines of between 50 and 150 miles in total length, the fee shall be $125,000.

(c) For pipelines of a total length greater than 150 miles, the fee shall be $175,000.

(3) An application amendment fee which shall apply only when a corridor alignment change is proposed by an applicant prior to the issuance of the department's written analysis as to a proposed corridor.

(a) The fee shall be $5,000 plus $500 for each mile of natural gas transmission pipeline corridor proposed to be located in an existing electrical transmission line right-of-way or in existing rights-of-way for roads, highways, railroads, gas, water, oil, sewer, or any other public purpose, and $1,000 per mile for each mile of natural gas transmission pipeline proposed to be located outside existing rights-of-way.

(b) No fee shall be required if an applicant adopts an alternate corridor alignment which is timely proposed under s. 403.9412.

(4) A certification modification fee determined as follows:

(a) If no corridor alignment change is involved, the fee shall be $10,000.

(b) If a corridor alignment change is proposed, the fee shall be $10,000 plus $500 for each mile of natural gas transmission pipeline corridor proposed to be located in an existing electrical transmission line right-of-way or in existing rights-of-way for roads, highways, railroads, gas, water, oil, sewer, or any other public purpose, and $1,000 per mile for each mile of natural gas transmission pipeline proposed to be located outside existing rights-of-way.

(5) In administering fee revenues received under this section, the department shall allocate the funds as follows:

(a) The department shall retain fee revenues to be utilized as follows:

1. Fifty percent of the fees specified under this section, except for postcertification fees, shall be retained by the department to cover its costs associated with reviewing and acting upon applications and requests for modification of certification.

2. Sixty percent of postcertification fees shall be retained by the department exclusively to cover its costs associated with postcertification review of natural gas transmission pipeline rights-of-way which are established, constructed, and maintained under certification issued under ss. 403.9401-403.9425.

(b) Sixteen percent of the fees specified under this section, except for postcertification fees, shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings to cover its costs associated with reviewing and hearing applications, amendments, modifications, and disputes related to ss. 403.9401-403.9425.

(c) The balance of fees remaining shall be used by the department to reimburse affected agencies included in s. 403.941(2)(a) for costs incurred in application and postcertification review, respectively.

1. For application processing costs, upon presentation by an affected agency of a proper itemized accounting within 90 days after the date of the board's order approving certification or the date on which a pending application is otherwise disposed of, the department shall reimburse the agencies for authorized costs from the fee balances remaining. Such reimbursement shall be authorized for studies and the preparation of any reports required of the agencies by ss. 403.9401-403.9425, for agency travel and per diem to attend any hearing held, and for participation in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis. If any sums are remaining, the department shall retain them for use in the same manner as is otherwise authorized by this section; however, if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 120 days after withdrawal.

2. For postcertification costs, an invoice may be submitted on an annual basis, commencing from the date of certification, for expenses incurred by affected agencies conducting postcertification review work pursuant to the conditions of certification. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

Section 71. Section 717.113, Florida Statutes, is amended to read:

717.113 Property held by courts and public agencies.—All intangible property held for the owner by any court, government or governmental subdivision or agency, public corporation, or public authority that has remained unclaimed by the owner for more than 1 year after it became payable or distributable is presumed abandoned. Notwithstanding the provisions of this section, funds deposited in the *Minerals* ~~Petroleum Exploration and Production Bond~~ Trust Fund pursuant to s. 377.247 are presumed abandoned only if the funds have remained unclaimed by the owner for more than 5 years from the date of first production from the well.

Section 72. Paragraph (b) of subsection (5) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(5) If the seizing agency is a state agency, all remaining proceeds shall be deposited into the General Revenue Fund. However, if the seizing agency is:

(b) The Department of Environmental Protection, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the *Marine Resources Conservation* ~~Motorboat Revolving~~ Trust Fund to be used for law enforcement purposes.

Section 73. Sections 1 and 2 of chapter 94-198, Laws of Florida, are amended to read:

Section 1. The Minerals Trust Fund is hereby created, to be administered by the Department of *Environmental Protection* ~~Revenue. Funds shall be credited to the trust fund as provided in CS/HB 1093 or similar legislation, to be used for the purposes set forth therein~~.

Section 2. (1) The Minerals Trust Fund shall, unless terminated sooner, be terminated on July 1, 1998.

(2) Prior to the regular legislative session immediately preceding the date on which the trust fund is scheduled to be terminated, the Department of *Environmental Protection* ~~Revenue~~ and the Governor shall recommend to the President of the Senate and the Speaker of the House of Representatives whether the trust fund should be allowed to terminate or should be re-created. These recommendations shall be based on a review of the purpose and use of the trust fund and a determination of whether the trust fund will continue to be necessary. A recommendation to re-create the trust fund may include suggested modifications to the purpose, sources of receipts, and allowable expenditures for the trust fund. The department's recommendation shall be made as a part of its legislative budget request to the Legislature pursuant to s. 216.023, Florida Statutes. The Governor's recommendation shall be made as a part of the recommended budget presented to the Legislature pursuant to s. 216.162, Florida Statutes.

(3) If the trust fund is terminated, the Department of *Environmental Protection* ~~Revenue~~ shall pay any outstanding debts or obligations of the trust fund as soon as practicable and the Comptroller shall close out and remove the trust fund from the various state accounting systems, using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities.

Section 74. Section 229.8064, Florida Statutes, as amended by chapters 94-356 and 95-147, Laws of Florida, is hereby repealed.

Section 75. Section 370.029, Florida Statutes, is hereby repealed.

Section 76. Section 373.495, Florida Statutes, is hereby repealed.

Section 77. Section 403.165, Florida Statutes, is hereby repealed.

Section 78. Section 403.1824, Florida Statutes, is hereby repealed.

Section 79. Section 403.1825, Florida Statutes, is hereby repealed.

Section 80. Section 403.725, Florida Statutes, as amended by chapters 94-355 and 94-356, Laws of Florida, is hereby repealed.

Section 81. Subsection (1) of section 366.82, Florida Statutes, is amended to read:

366.82 Definition; goals; plans; programs; annual reports; energy audits.—

(1) For the purposes of ss. 366.80-366.85 and 403.519, "utility" means any person or entity of whatever form which provides electricity or natural gas at retail to the public, specifically including municipalities or instrumentalities thereof and cooperatives organized under the Rural Electric Cooperative Law and specifically excluding any *municipality or instrumentality thereof, any cooperative organized under the Rural Electric Cooperative Law, or any other* person or entity providing natural gas at retail to the public whose annual sales volume is less than 100 million therms or any *municipality or instrumentality thereof and any cooperative organized under the Rural Electric Cooperative Law* ~~person or entity~~ providing electricity at retail to the public whose annual sales *as of July 1, 1993,* to end-use customers is less than *2,000* ~~500~~ gigawatt hours.

Section 82. Section 372.674, Florida Statutes, is created to read:

372.674 Environmental Education.—

(1) The Game and Fresh Water Fish Commission may establish programs and activities to develop and distribute environmental education materials that will assist the public in understanding and appreciating Florida's environment and problems and issues facing our state's unique and fragile ecological systems. Such programs shall assist school teachers, state administrators, and others in the essential mission to preserve the capability to sustain the functions of our lands, water, wildlife habitats, and other natural resources in the most healthful, enjoyable, and productive manner.

(2) There is created within the Game and Fresh Water Fish Commission the Advisory Council on Environmental Education. The council is to have up to 10 members appointed by the commission and is to be chaired by the commission's executive director or his or her designee. At a minimum, the council must include a representative of the Department of Education and a representative of the Department of Environmental Protection.

(3) Each member who is a public official shall perform the duties of a member of the council as additional duties required of that member in his or her other official capacity.

(4) A member of the council may not be compensated for his or her services but is entitled to per diem and travel expenses as provided in s. 112.061.

(5) The council shall hold meetings at least semiannually at the call of the chairperson.

(6) The advisory council shall:

(a) Serve as a forum for the discussion and study of problems that affect the environment which could be improved with environmental education.

(b) Develop a recommended priority list for projects to be funded through the Save the Manatee Trust Fund and review and evaluate projects implemented through the fund.

(c) Review and evaluate annual funding needs for educational activities and materials which will assist Florida public school students, teachers, and administrators in the perception and understanding of ecological principles and environmental problems.

(d) Cooperate with the Department of Education in evaluating annual project proposals for projects to be funded through the Save the Manatee Trust Fund to develop and distribute model instructional materials for use in environmental education to integrate environmental education into the general curriculum of public school districts, community colleges, and universities.

(e) Cooperate with the Department of Environmental Protection in evaluating annual proposals for projects to be funded through the Save the Manatee Trust Fund that can promote an understanding about environmental protection programs and activities administered by the department.

(f) Not less than 90 days prior to each regular session of the Legislature, prepare an annual report of its activities and recommendations and transmit it to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(7) The Game and Fresh Water Fish Commission shall review the recommended list of projects to be funded from the Save the Manatee Trust Fund by August of each year and make a final determination of projects to receive grants from available appropriations by the Legislature. The commission shall act upon the recommended list within 45 days after receipt of the list.

Section 83. The records, property, and unexpended balances of appropriations of the Florida Advisory Council on Environmental Education are transferred to the Game and Fresh Water Fish Commission. The commission shall determine the long-term staffing needs for environmental education project grant activities taking into account existing resources in the commission available for grants administration and environmental education.

Section 84. Notwithstanding subsection (16) of section 373.4592, Florida Statutes, to the contrary, Sections 21, 28, and 33, Township 46

South, Range 31 East shall not be included within the boundary of the C-139 Basin.

Section 85. In order to improve public service, streamline permitting, and begin implementation of the reorganization contemplated in specific appropriation proviso language 1138 through 1140, the Department of Environmental Protection shall transition positions involved in permit processing from the Environmental Resources and Water Facilities Divisions to the various district offices beginning July 1, 1996. In order to facilitate the transition of positions the department shall maintain the existing budgetary entities but may assign positions from the various divisions to the districts for supervisory purposes.

Section 86. This act shall take effect July 1, 1996.

And the title is amended as follows:

Delete the entire title and insert: A bill to be entitled An act relating to trust funds; terminating, within the Department of Environmental Protection, the Apalachicola Bay Protection Trust Fund, the Apalachicola Bay Conservation Trust Fund, the Coastal Zone Management Trust Fund, the Conservation and Recreation Bond Project Trust Fund, the Florida Area of Critical State Concern Restoration Trust Fund, the Beach Management Trust Fund, the Federal Land and Water Conservation Trust Fund, the Save Our State Environmental Education Trust Fund, the Hazardous Waste Management Trust Fund, the Industrial Siting Trust Fund, the Lake Hancock Restoration Trust Fund, the Natural Resources - Resource Management Division Land Reclamation Administration Trust Fund, the Marine Turtle Protection Trust Fund, the Marine Fisheries Commission Trust Fund, the Marine Biological Research Trust Fund, the Motorboat Revolving Trust Fund, the Environmental Regulation - Operating Trust Fund, the Petroleum Exploration and Production Bond Trust Fund, the Pollution Recovery Fund, the Florida Saltwater Products Promotion Trust Fund, the Natural Resources Parks - Save Our Coast Project Trust Fund, the Small Community Sewer Construction Assistance Trust Fund, the Surface Water Improvement and Management Trust Fund, the Oyster and Clam Rehabilitation Trust Fund, the Phosphate Research Trust Fund, the Restoration of Kissimmee River Trust Fund, the Spoil Site Trust Fund, the Replacement Trust Fund, and the State Water Pollution Control Trust Fund; providing for the transfer of current balances, the paying of outstanding debts and obligations, and for removal of the terminated trust funds from the various state accounting systems; amending s. 161.161, F.S.; providing legislative intent with respect to procedure for approval of beach management plan projects; amending ss. 161.0535, 161.054, 161.091, 161.101, 206.606, 211.31, 211.3103, 215.20, 229.8058, 270.22, 287.0595, 327.25, 327.28, 327.3521, 327.53, 328.15, 328.20, 370.021, 370.06, 370.0608, 370.0609, 370.061, 370.062, 370.063, 370.07, 370.12, 370.14, 370.142, 370.143, 370.153, 370.1535, 370.16, 373.129, 373.309, 373.430, 373.451, 373.455, 373.457, 373.459, 376.11, 376.30, 376.303, 376.307, 376.3078, 376.3079, 376.40, 376.70, 376.75, 377.2425, 377.247, 377.41, 380.0558, 403.0615, 403.0871, 403.121, 403.1822, 403.1832, 403.1838, 403.518, 403.5365, 403.726, 403.727, 403.9421, 717.113, and 932.7055, F.S., to conform to the abolition of these trust funds; correcting cross references; amending s. 320.08058, F.S.; providing for use of fees; creating s. 370.0603, F.S.; providing for purposes and proceeds of the Marine Resources Conservation Trust Fund; amending ss. 1 and 2, ch. 94-198, Laws of Florida; providing for administration of the Minerals Trust Fund by the Department of Environmental Protection; repealing s. 229.8064, F.S., relating to the Save Our State Environmental Education Trust Fund; repealing s. 370.029, F.S., relating to the Marine Fisheries Commission Trust Fund; repealing s. 370.16(15) and (18), F.S., relating to the Apalachicola Bay Conservation Trust Fund and to disposition of a severance tax on oysters and clams; repealing s. 373.495, F.S., relating to the Water Resources Development Account; repealing s. 380.0555(12), F.S., relating to the Apalachicola Bay Protection Trust Fund and sewerage improvement grants; repealing s. 403.165, F.S., relating to the Pollution Recovery Fund; repealing s. 403.1824, F.S., relating to the State Water Pollution Control Trust Fund; repealing s. 403.1825, F.S., relating to grant payments from such trust fund; repealing s. 403.704(21), F.S., relating to the duties of the department with respect to the Hazardous Waste Management Trust Fund; repealing s. 403.725, F.S., relating to the Hazardous Waste Management Trust Fund; amending s. 366.82, F.S.; modifying the definition of the term "utility"; creating s. 372.674, F.S.; authorizing the Game and Fresh Water Fish Commission to establish environmental education programs; creating the Advisory Council on Environmental Education within the Game and Fresh Water Fish Commission; establishing duties of the advisory council; transferring the records, property, and funds of the Advisory Council on Environmental Education within the Legislature to the Game and Fresh Water Fish Commission; amending s. 320.08058, F.S.; revising the distribution of funds from the Manatee and Florida Panther license plates; repealing s. 229.8056, F.S., which provides for the Office of Environmental Education within the Department of Education; providing an exception to property included in the C-139 Basin; directing the Department of Environmental Protection to decentralize certain divisions; providing an effective date.

On motion by Senator Dantzler, the Senate concurred in the House amendment.

SB 38 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 108, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 108—A bill to be entitled An act relating to the abuse of dead human bodies; creating s. 872.06, F.S.; providing a definition; prohibiting the mutilation, sexual abuse, or gross abuse of a dead human body; providing a penalty; providing that the defendant's belief that the body was alive at the time of the mutilation or abuse is not a defense; providing that the act does not prohibit an act done for a bona fide medical purpose or other lawful purpose; amending s. 921.0012, F.S., relating to the offense severity ranking chart; classifying the offense of abusing a dead human body for purposes of sentencing; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 18, delete everything after the enacting clause and insert:

Section 1. Section 872.06, Florida Statutes, is created to read:

872.06 Abuse of a dead human body; penalty.—

(1) As used in this section, the term "sexual abuse" means:

(a) Anal or vaginal penetration of a dead human body by the sexual organ of a person or by any other object;

(b) Contact or union of the penis, vagina, or anus of a person with the mouth, penis, vagina, or anus of a dead human body; or

(c) Contact or union of a person's mouth with the penis, vagina, or anus of a dead human body.

(2) A person who mutilates, commits sexual abuse upon, or otherwise grossly abuses a dead human body commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any act done for a bona fide medical purpose or for any other lawful purpose does not under any circumstance constitute a violation of this section.

Section 2. Subsection (7) of section 921.0011, Florida Statutes, is amended to read:

921.0011 Definitions.—As used in this chapter, the term:

(7)*(a)* "Victim injury" means the physical injury or death suffered by a person as a direct result of the primary offense, or any *additional* offense ~~other than the primary offense~~, for which an offender is convicted and which is pending before the court for sentencing at the time of the primary offense.

(b) Except as provided in paragraph (c);

1. If the conviction is for an offense involving sexual contact which includes sexual penetration, the sexual penetration must be scored *in*

accordance with the sentence points provided under s. 921.0014 for sexual penetration ~~as a severe injury~~ regardless of whether there is evidence of any physical injury.

2. If the conviction is for an offense involving sexual contact which does not include sexual penetration, the sexual contact must be scored *in accordance with the sentence points provided under s. 921.0014 for sexual contact* ~~as a moderate injury~~ regardless of whether there is evidence of any physical injury.

If the victim of an offense involving sexual contact suffers any physical injury as a direct result of the primary offense or any other offense committed by the offender resulting in conviction, such physical injury must be scored separately and in addition to the points scored for the sexual contact or the sexual penetration.

(c) If the conviction is for the offense described in s. 872.06, the sentence points provided under s. 921.0014 for sexual contact or sexual penetration shall not be assessed.

Section 3. Paragraph (g) of subsection (3) of section 921.0012, Florida Statutes, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
(g) LEVEL 7		
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
782.07	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071*(1)*	3rd	Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072(1)	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)*(d)*~~(c)~~	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(2)	3rd	Abusing or neglecting an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.04(1)	3rd	Deprive child of necessities causing great bodily harm or disfigurement.
872.06	*2nd*	*Abuse of a dead human body.*
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 100 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

Section 4. This act shall take effect October 1, 1996.

And the title is amended as follows:

On page 1, lines 6 through 15, delete all of said lines and insert: providing a penalty; excepting acts done for bona fide medical purposes or other lawful purposes; amending s. 921.0011, F.S.; clarifying the term "victim injury" for purposes of sentencing; providing that victim injury points for sexual contact or sexual penetration shall not be assessed in cases involving the sexual abuse of a dead human body; amending s. 921.0012, F.S.; ranking the offense of abusing a dead human body in level 7 of the offense severity ranking chart for purposes of sentencing; providing an effective date.

On motion by Senator Childers, the Senate concurred in the House amendment.

CS for SB 108 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 116, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 116—A bill to be entitled An act relating to felonies involving elderly persons or disabled adults; amending s. 782.04, F.S.; providing that the unlawful killing of a human being while perpetrating or attempting to perpetrate aggravated abuse or neglect of an elderly person or disabled adult is a capital felony rather than a second-degree felony; amending s. 825.102, F.S.; specifying actions that constitute aggravated abuse or neglect of an elderly person or disabled adult; amending s. 921.141, F.S.; providing an additional aggravating circumstance to be considered by the jury and the court in sentencing a defendant convicted of a capital felony; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 19, delete everything after the enacting clause and insert:

Section 1. Section 825.101, Florida Statutes, is amended to read:

825.101 Definitions.—As used in this chapter:

(1) ~~"Abuse" means the nonaccidental infliction of physical or psychological injury to an elderly person or disabled adult by a relative, caregiver, or adult household member, or the failure of a caregiver to take reasonable measures to prevent the occurrence of physical or psychological injury to an elderly person or disabled adult.~~

~~(2)~~ "Business relationship" means a relationship between two or more individuals or entities where there exists an oral or written contract or agreement for goods or services.

(2)~~(3)~~ "Caregiver" means a person ~~or persons~~ who *has been entrusted with or has* ~~have~~ assumed *responsibilty for* ~~or have been entrusted with~~ the care *or the property* of an elderly person or disabled adult ~~or the property of an elderly person or disabled adult~~. "Caregiver" includes, but is not limited to, relatives, court-appointed or voluntary guardians, adult household members, neighbors, *health care providers, and employees and volunteers of facilities as defined in subsection (7)* ~~day care personnel, health care providers, adult family-care home sponsors, and personnel of public and private institutions and facilities, nursing ing homes, assisted living facilities, and state institutions~~.

(3)~~(4)~~ "Deception" means*:* ~~a misrepresentation or concealment of a material fact relating to services rendered, disposition of property, or use of property, intended to benefit the elderly person or disabled adult, or the terms of a contract or agreement entered into with the elderly person or disabled adult or relating to the existing or preexisting condition of any of the property involved in such contract or agreement; or the use or employment of~~

(a) Misrepresenting or concealing a material fact relating to:

1. Services rendered, disposition of property, or use of property, when such services or property are intended to benefit an elderly person or disabled adult;

2. Terms of a contract or agreement entered into with an elderly person or disabled adult; or

3. An existing or preexisting condition of any property involved in a contract or agreement entered into with an elderly person or disabled adult; or

(b) Using any misrepresentation, false pretense, or false promise in order to induce, encourage, or solicit *an* ~~the~~ elderly person or disabled adult to enter into a contract or agreement.

(4)~~(5)~~ "Disabled adult" means a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, ~~or~~ organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person's ability to perform the normal activities of daily living.

(5)~~(6)~~ "Elderly person" means a person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for *the person's* ~~his~~ own care or protection is impaired.

(6)~~(7)~~ "Endeavor" means to attempt or try.

(7) "Facility" means any location providing day or residential care or treatment for elderly persons or disabled adults. The term "facility" may include, but is not limited to, any hospital, training center, state institution, nursing home, assisted living facility, adult family-care home, adult day care center, group home, mental health treatment center, or continuing care community.

(8) "Intimidation" means the communication by word or act to an elderly person or disabled adult that the *elderly person or disabled adult* ~~person~~ will be deprived of *food, nutrition, clothing, shelter, supervision, medicine, medical services, money, or financial support* ~~money, food, clothing, medicine, shelter, supervision, or medical services~~ or will suffer physical violence.

(9) "Lacks capacity to consent" means an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, short-term memory loss, or other cause, *that causes an elderly person or disabled adult to lack sufficient understanding or capacity to make or communicate reasonable decisions concerning the elderly person's or disabled adult's person or property* ~~to the extent that an elderly person or disabled adult lacks sufficient understanding of the nature or consequences of his decisions concerning his person or property~~.

(10) ~~"Neglect" means the failure or omission on the part of the caregiver of an elderly person or disabled adult to provide the care and services necessary to maintain the physical and mental health of the elderly person or disabled adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, that a prudent person would deem essential for the well-being of the elderly person or disabled adult. Neglect is repeated conduct or a single incident of carelessness which produces or could reasonably be expected to result in serious physical or psychological injury or a substantial risk of death.~~

~~(11)~~ "Obtains or uses" means any manner of:

(a) Taking or exercising control over property; or

(b) Making any use, disposition, or transfer of property.

(11)~~(12)~~ "Position of trust and confidence" with respect to an elderly person or a disabled adult means the position of a person who:

(a) Is a parent, spouse, adult child, or other relative by blood or marriage of the elderly person or disabled adult;

(b) Is a joint tenant or tenant in common with the elderly person or disabled adult;

(c) Has a legal or fiduciary relationship with the elderly person or disabled adult, including, but not limited to, a court-appointed or voluntary guardian, trustee, attorney, or conservator; or

(d) Is a caregiver of the elderly person or disabled adult *or is any other person who has been entrusted with or has assumed responsibility for the use or management of the elderly person's or disabled adult's funds, assets, or property.*

(12)~~(13)~~ "Property" means anything of value and includes:

(a) Real property, including things growing on, affixed to, and found in land.

(b) Tangible or intangible personal property, including rights, privileges, interests, and claims.

(c) Services.

(13)~~(14)~~ "Services" means anything of value resulting from a person's physical or mental labor or skill, or from the use, possession, or presence of property, and includes:

(a) Repairs or improvements to property.

(b) Professional services.

(c) Private, public, or governmental communication, transportation, power, water, or sanitation services.

(d) Lodging accommodations.

(e) Admissions to places of exhibition or entertainment.

(14)~~(15)~~ "Value" means value determined according to any of the following:

(a)1. The market value of the property at the time and place of the offense or, if *the market value* ~~such~~ cannot be satisfactorily ascertained, the cost of *replacing* ~~replacement of~~ the property within a reasonable time after the offense.

2. *In the case of a written instrument such as a check, draft, or promissory note, which does not have a readily ascertainable market value, the value is the amount due or collectible. The value of any other instrument that* ~~The value of a written instrument that does not have a readily ascertainable market value, in the case of an instrument such as a check, draft, or promissory note, is the amount due or collectible, or is, in the case of any other instrument which~~ creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation *is*~~,~~ the greatest amount of economic loss that the owner of the instrument might reasonably suffer by ~~virtue of~~ the loss of the instrument.

3. The value of a trade secret that does not have a readily ascertainable market value is any reasonable value representing the damage to the owner suffered by reason of losing advantage over those who do not know of or use the trade secret.

(b) If the value of the property cannot be ascertained, the trier of fact may find the value to be not less than a certain amount; if no such minimum value can be ascertained, the value is an amount less than $100.

(c) Amounts of value of separate properties involved in exploitation committed pursuant to one scheme or course of conduct, *whether the exploitation involves the same person or several persons,* may be aggregated in determining the *degree* ~~grade~~ of the offense.

Section 2. Section 825.102, Florida Statutes, is amended to read:

825.102 Abuse, *aggravated abuse,* and neglect of an elderly person or disabled adult; penalties.—

(1) "Abuse of an elderly person or disabled adult" means:

(a) Intentional infliction of physical or psychological injury upon an elderly person or disabled adult;

(b) An intentional act that could reasonably be expected to result in physical or psychological injury to an elderly person or disabled adult; or

(c) Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or psychological injury to an elderly person or disabled adult.

A person who knowingly or willfully abuses an elderly person or disabled adult without causing great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) "Aggravated abuse of an elderly person or disabled adult" occurs when a person:

(a) Commits aggravated battery on an elderly person or disabled adult;

(b) Willfully tortures, maliciously punishes, or willfully and unlawfully cages, an elderly person or disabled adult; or

(c) Knowingly or willfully abuses an elderly person or disabled adult and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult.

A person who commits aggravated abuse of an elderly person or disabled adult commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) "Neglect of an elderly person or disabled adult" means:

1. A caregiver's failure or omission to provide an elderly person or disabled adult with the care, supervision, and services necessary to maintain the elderly person's or disabled adult's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the elderly person or disabled adult; or

2. A caregiver's failure to make a reasonable effort to protect an elderly person or disabled adult from abuse, neglect, or exploitation by another person.

Neglect of an elderly person or disabled adult may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or psychological injury, or a substantial risk of death, to an elderly person or disabled adult.

(b) A person who willfully or by culpable negligence neglects an elderly person or disabled adult and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who willfully or by culpable negligence neglects an elderly person or disabled adult without causing great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(1) A person who knowingly, willfully, or by culpable negligence abuses or neglects an elderly person or disabled adult and, in so doing, causes great bodily harm, permanent disfigurement, or permanent disability to the person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(2) A person who knowingly, willfully, or by culpable negligence abuses or neglects an elderly person or disabled adult commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 3. For the purpose of incorporating the amendment to s. 825.102, Florida Statutes, in a reference thereto, paragraph (g) of subsection (2) of section 775.15, Florida Statutes, is reenacted to read:

775.15 Time limitations.—

(2) Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitation:

(g) A prosecution for a felony violation of s. 825.102 must be commenced within 4 years after it is committed.

Section 4. Section 825.1025, Florida Statutes, is created to read:

825.1025 Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.—

(1) As used in this section, "sexual activity" means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.

(2)(a) "Lewd or lascivious battery upon an elderly person or disabled adult" occurs when a person encourages, forces, or entices an elderly person or disabled adult to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity, when the person knows or reasonably should know that the elderly person or disabled adult either lacks the capacity to consent or fails to give consent.

(b) A person who commits lewd or lascivious battery upon an elderly person or disabled adult commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) "Lewd or lascivious molestation of an elderly person or disabled adult" occurs when a person intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of an elderly person or disabled adult when the person knows or reasonably should know that the elderly person or disabled adult either lacks the capacity to consent or fails to give consent.

(b) A person who commits lewd or lascivious molestation of an elderly person or disabled adult commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) "Lewd or lascivious exhibition in the presence of an elderly person or disabled adult" occurs when a person, in the presence of an elderly person or disabled adult:

1. Intentionally masturbates;

2. Intentionally exposes his or her genitals in a lewd or lascivious manner; or

3. Intentionally commits any other lewd or lascivious act that does not involve actual physical or sexual contact with the elderly person or disabled adult, including but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity,

when the person knows or reasonably should know that the elderly person or disabled adult either lacks the capacity to consent or fails to give consent to having such act committed in his or her presence.

(b) A person who commits a lewd or lascivious exhibition in the presence of an elderly person or disabled adult commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Section 825.103, Florida Statutes, is amended to read:

825.103 Exploitation of an elderly person or disabled adult; penalties.—

(1) "Exploitation of an elderly person or disabled adult" means:

(a) Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:

1. Stands in a position of trust and confidence with the elderly person or disabled adult; or

2. Has a business relationship with the elderly person or disabled adult; or

(b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent.

~~(1) A person commits the offense of exploitation of an elderly person or disabled adult when the person:~~

~~(a) Stands in a position of trust and confidence or has a business relationship, with the elderly person or disabled adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, the elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of his property, for the benefit of someone other than the elderly person or disabled adult; or~~

~~(b) Knows or should know that the elderly person or disabled adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to obtain or use, the elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of his property for the benefit of someone other than the elderly person or disabled adult.~~

(2)(a) If the funds, assets, or property *involved in the exploitation of the elderly person or disabled adult is valued at* ~~is of the value of~~ $100,000 or more, the offender commits *a felony of* ~~exploitation in~~ the first degree, punishable ~~as a felony of the first degree~~ as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the *funds, assets, or* property *involved in the exploitation of the elderly person or disabled adult are valued at* ~~is of the value of~~ $20,000 or more, but less than $100,000, the offender commits *a felony of* ~~exploitation in~~ the second degree, punishable ~~as a felony of the second degree~~ as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the *funds, assets, or* property *involved in the exploitation of an elderly person or disabled adult are valued at $100 or more, but* ~~is of the value of~~ less than $20,000, the offender commits *a felony of* ~~exploitation in~~ the third degree, punishable ~~as a felony of the third degree~~ as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult are valued at less than $100, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 6. Section 825.105, Florida Statutes, is amended to read:

825.105 Good faith assistance.~~— Nothing in~~ This chapter *is not intended* ~~may be construed~~ to impose criminal liability on a person who *makes* ~~has made~~ a good faith effort to assist *an* ~~the~~ elderly person or disabled adult in the management of *the funds, assets, or* ~~his~~ property *of the elderly person or disabled adult, which effort fails* ~~but~~ through no fault of *the person* ~~his own has been unable to provide such assistance~~.

Section 7. Section 827.01, Florida Statutes, is amended to read:

827.01 Definitions.—As used in this chapter:

(1) "Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

(2)~~(1)~~ "Child" means any person under the age of 18 years.

(3)~~(2)~~ "Placement" means the giving or transferring of possession or custody of a child by any person to another person for adoption or with the intent or purpose of surrendering the control of the child.

~~(3) "Torture" means every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused~~.

Section 8. Section 827.03, Florida Statutes, is amended to read:

827.03 *Abuse,* aggravated *abuse, and neglect of a* child*; penalties* ~~abuse.—~~

(1) "Child abuse" means:

(a) Intentional infliction of physical or mental injury upon a child;

(b) An intentional act that could reasonably be expected to result in physical or mental injury to a child; or

(c) Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or mental injury to a child.

A person who knowingly or willfully abuses a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) "Aggravated child abuse" occurs when a person:

(a) Commits aggravated battery on a child;

(b) Willfully tortures, maliciously punishes, or willfully and unlawfully cages a child; or

(c) Knowingly or willfully abuses a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child.

A person who commits aggravated child abuse commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) "Neglect of a child" means:

1. A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or

2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

(b) A person who willfully or by culpable negligence neglects a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who willfully or by culpable negligence neglects a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(1) "Aggravated child abuse" is defined as one or more acts committed by a person who:~~

~~(a) Commits aggravated battery on a child;~~

~~(b) Willfully tortures a child;~~

~~(c) Maliciously punishes a child; or~~

~~(d) Willfully and unlawfully cages a child.~~

~~(2) A person who commits aggravated child abuse is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 9. For the purpose of incorporating the amendment to s. 827.03, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

415.5018 District authority and responsibilities.—

(4) FLEXIBILITY AUTHORIZATION.—

(b) The following statutory mandates may not be subject to change or modification as part of a family services response system:

1. All reports of child abuse, neglect, or abandonment must continue to be received at the central abuse registry and tracking system.

2. All initial responses must continue to be completed as currently mandated in order to ensure face-to-face contact with the child victim.

3. The department retains responsibility for notifying the state attorney and law enforcement agency, as required by s. 415.505, immediately upon receipt of a report alleging, or immediately upon learning in the course of providing services, that:

a. A child died as a result of abuse or neglect;

b. A child is a victim of aggravated child abuse as defined in s. 827.03;

c. A child is a victim of sexual battery or of sexual abuse as defined in s. 415.503; or

d. A child is a victim of institutional abuse as defined in s. 415.503.

415.505 Child protective investigations; institutional child abuse or neglect investigations.—

(1)

(g) Immediately upon receipt of a report alleging, or immediately upon learning during the course of an investigation, that:

1. The immediate safety or well-being of a child is endangered;

2. The family is likely to flee;

3. A child died as a result of abuse or neglect;

4. A child is a victim of aggravated child abuse as defined in s. 827.03; or

5. A child is a victim of sexual battery or of sexual abuse as defined in s. 415.503,

the department shall immediately transmit such report to the county sheriff's office or local police department that is jurisdictionally responsible. The law enforcement agency shall review the report and determine whether a criminal investigation needs to be conducted and shall assume lead responsibility for all criminal fact-finding activities. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding an offense described in this paragraph may forward a statement to the state attorney as to whether prosecution is warranted and appropriate.

787.01 Kidnapping; kidnapping of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of kidnapping upon a child under the age of 13 and who, in the course of committing the offense, commits one or more of the following:

1. Aggravated child abuse, as defined in s. 827.03;

2. Sexual battery, as defined in chapter 794, against the child;

3. A lewd, lascivious, or indecent assault or act upon or in the presence of the child, in violation of s. 800.04;

4. A violation of s. 796.03 or s. 796.04, relating to prostitution, upon the child; or

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151,

commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

787.02 False imprisonment; false imprisonment of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of false imprisonment upon a child under the age of 13 and who, in the course of committing the offense, commits any offense enumerated in subparagraphs 1.-5., commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

1. Aggravated child abuse, as defined in s. 827.03;

2. Sexual battery, as defined in chapter 794, against the child;

3. A lewd, lascivious, or indecent assault or act upon or in the presence of the child, in violation of s. 800.04;

4. A violation of s. 796.03 or s. 796.04, relating to prostitution, upon the child; or

5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151.

Section 10. Section 827.04, Florida Statutes, is amended to read:

827.04 *Contributing to the delinquency or dependency of a* child*; penalty* ~~abuse~~.—

~~(1) Whoever, willfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to such child, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(2) Whoever, willfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(1)~~(3)~~ Any person who*:*

(a) Commits any act which ~~thereby~~ causes, ~~or~~ tends to cause*, encourages, or contributes to a child becoming* ~~or encourage any person under the age of 18 years to become~~ a delinquent or dependent child or a child in need of services~~, as defined under the laws of Florida, or which contributes thereto,~~*;* or

(b) Induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit ~~any person who shall, by act, threats, commands, or persuasion, induce or endeavor to induce any person under the age of 18 years to do~~ or ~~to~~ perform any act, ~~to~~ follow any course of conduct, or ~~so to~~ live *in a manner that causes or tends to cause such child*~~, as would cause or tend to cause such person under the age of 18 years~~ to become or to remain a dependent or delinquent child or a child in need of services, ~~as defined under the laws of this state,~~

commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) It *is not* ~~shall not be~~ necessary for any court exercising juvenile jurisdiction to make an adjudication that any child is delinquent or dependent or a child in need of services in order to prosecute a *violation of* ~~parent or any other person under~~ this section. An adjudication that a child is delinquent or dependent or a child in need of services shall not preclude a subsequent prosecution of a *violation of this section* ~~parent or any other person who contributes to the delinquency or dependency of the child~~.

Section 11. Section 827.05, Florida Statutes, is hereby repealed.

Section 12. Section 782.07, Florida Statutes, is amended to read:

782.07 Manslaughter*; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child.*—

(1) The killing of a human being by the act, procurement, or culpable negligence of another, without lawful justification according to the provisions of chapter 776 and in cases in which such killing shall not be excusable homicide or murder, according to the provisions of this chapter, *is* ~~shall be deemed~~ manslaughter, ~~and shall constitute~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who causes the death of any elderly person or disabled adult by culpable negligence under s. 825.102(3) commits aggravated manslaughter of an elderly person or disabled adult, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who causes the death of any person under the age of 18 by culpable negligence under s. 827.03(3) commits aggravated manslaughter of a child, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 13. Paragraphs (e), (f), (g), (h), and (i) of subsection (3) of section 921.0012, Florida Statutes, are amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(e) LEVEL 5
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(3)	3rd	Aggravated fleeing or eluding.
322.34(3)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
790.01(2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163	2nd	False report of deadly explosive.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
825.1025(4)	*3rd*	*Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.*
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
843.01	3rd	Resist officer with violence to his person; resist arrest with violence.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs) within 1,000 feet of a school.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 200 feet of university, public housing facility, or public park.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).
944.35(3)	3rd	Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
951.075	2nd	Prisoner commits assault or battery.
		(f) LEVEL 6
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
~~775.087(2)(a)2.~~		~~Battery upon law enforcement officer or firefighter while possessing firearm.~~
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.

Florida Statute	Felony Degree	Description
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful carnal intercourse with unmarried person under 18 of previous chaste character.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
825.102(1)	*3rd*	*Abuse of an elderly person or disabled adult.*
825.102(3)(c)	*3rd*	*Neglect of an elderly person or disabled adult.*
825.1025(3)	*3rd*	*Lewd or lascivious molestation of an elderly person or disabled adult.*
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at *$100 or more, but* less than $20,000.
827.03(1)	*3rd*	*Abuse of a child.*
827.03(3)(c)	*3rd*	*Neglect of a child.*
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
782.07*(1)*	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071*(1)*	3rd	Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072(1)	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)*(d)*~~(c)~~	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
~~825.102(2)~~	~~3rd~~	~~Abusing or neglecting an elderly person or disabled adult.~~
825.102(3)(b)	*2nd*	*Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.*
825.1025(2)	*2nd*	*Lewd or lascivious battery upon an elderly person or disabled adult.*
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
~~827.04(1)~~	~~3rd~~	~~Deprive child of necessities causing great bodily harm or disfigurement.~~
827.03(3)(b)	*2nd*	*Neglect of a child causing great bodily harm, disability, or disfigurement.*
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 100 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

Florida Statute	Felony Degree	Description
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
		(h) LEVEL 8
316.193(3)(c)3.	2nd	DUI manslaughter.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.071(2)	2nd	Committing vehicular homicide and willfully failing to stop; leaving scene.
782.072(2)	2nd	Committing vessel homicide and willfully failing to stop; leaving scene.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
825.102*(2)*~~(1)~~	2nd	*Aggravated abuse of an elderly person or disabled adult.* ~~Abusing or neglecting an elderly person or disabled adult and causes harm, disfigurement, or disability.~~
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $100,000 or more.
827.03(2)	2nd	~~Commits~~ Aggravated ~~battery on a~~ child *abuse.*
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135(1)(d)2.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135(1)(e)2.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135(1)(f)2.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
		(i) LEVEL 9
782.04(1)	1st	Attempted premeditated murder.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.07(2)	*1st*	*Aggravated manslaughter of an elderly person or disabled adult.*
782.07(3)	*1st*	*Aggravated manslaughter of a child.*
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
790.161	1st	Attempted capital destructive device offense.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135(1)(d)3.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135(1)(e)3.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135(1)(f)3.	1st	Trafficking in amphetamine, more than 200 grams.

Section 14. Paragraphs (b) and (c) of subsection (1) of section 775.084, Florida Statutes, are amended to read:

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; definitions; procedure; enhanced penalties.—

(1) As used in this act:

(b) "Habitual violent felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in paragraph (4)(b), if it finds that:

1. The defendant has previously been convicted of a felony or an attempt or conspiracy to commit a felony and one or more of such convictions was for:

a. Arson;

b. Sexual battery;

c. Robbery;

d. Kidnapping;

e. Aggravated child abuse;

f. Aggravated abuse of an elderly person or disabled adult;

g.~~f.~~ Aggravated assault;

h.~~g.~~ Murder;

i.~~h.~~ Manslaughter;

j. Aggravated manslaughter of an elderly person or disabled adult;

k. Aggravated manslaughter of a child;

l.~~i.~~ Unlawful throwing, placing, or discharging of a destructive device or bomb;

m.~~j.~~ Armed burglary;

n.~~k.~~ Aggravated battery; or

o.~~l.~~ Aggravated stalking;

2. The felony for which the defendant is to be sentenced was committed within 5 years of the date of the conviction of the last prior enumerated felony or within 5 years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for an enumerated felony, whichever is later;

3. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this paragraph; and

4. A conviction of a crime necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(c) "Violent career criminal" means a defendant for whom the court must impose imprisonment pursuant to paragraph (4)(c), if it finds that:

1. The defendant has previously been convicted as an adult three or more times for an offense in this state or other qualified offense that is:

a. Any forcible felony, as described in s. 776.08;

b. Aggravated stalking, as described in s. 784.048(3) and (4);

c. Aggravated child abuse, as described in s. 827.03*(2)*;

d. Aggravated abuse of an elderly person or disabled adult, as described in s. 825.102(2);

e.~~d.~~ Lewd, lascivious, or indecent conduct, as described in s. 800.04;

f.~~e.~~ Escape, as described in s. 944.40; or

g.~~f.~~ A felony violation of chapter 790 involving the use or possession of a firearm.

2. The defendant has been incarcerated in a state prison or a federal prison.

3. The primary felony offense for which the defendant is to be sentenced is a felony enumerated in subparagraph 1. and was committed on or after October 1, 1995, and within 5 years after the conviction of the last prior enumerated felony or within 5 years after the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for an enumerated felony, whichever is later.

4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this paragraph.

5. A conviction of a felony or other qualified offense necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(6) The purpose of this section is to provide uniform punishment for those crimes made punishable under this section, and to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

Section 15. Subsection (2) and paragraph (a) of subsection (3) of section 775.087, Florida Statutes, are amended to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(2) Any person who is convicted of a felony or an attempt to commit a felony and the conviction was for:

(a) Murder;

(b) Sexual battery;

(c) Robbery;

(d) Burglary;

(e) Arson;

(f) Aggravated assault;

(g) Aggravated battery;

(h) Kidnapping;

(i) Escape;

(j) Aircraft piracy;

(k) Aggravated child abuse;

(l) Aggravated abuse of an elderly person or disabled adult;

(m)~~(l)~~ Unlawful throwing, placing, or discharging of a destructive device or bomb;

(n)~~(m)~~ Carjacking;

(o)~~(n)~~ Home-invasion robbery; or

(p)~~(o)~~ Aggravated stalking

and during the commission of the offense, such person possessed a "firearm,"~~ as defined in s. 791.001(6),~~ or "destructive device," as *those terms are* defined in s. 790.001~~(4)~~, shall be sentenced to a minimum term of imprisonment of 3 years. Notwithstanding ~~the provisions of~~ s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, *and the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence.* ~~An offender sentenced under this subsection is not eligible for control release under s. 947.146.~~

(3)(a) Any person who is convicted of a felony or an attempt to commit a felony and the conviction was for:

1. Murder;

2. Sexual battery;

3. Robbery;

4. Burglary;

5. Arson;

6. Aggravated assault;

7. Aggravated battery;

8. Kidnapping;

9. Escape;

10. Sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance;

11. Aircraft piracy;

12. Aggravated child abuse;

13. Aggravated abuse of an elderly person or disabled adult;

14.~~13.~~ Unlawful throwing, placing, or discharging of a destructive device or bomb;

15.~~14.~~ Carjacking;

16.~~15.~~ Home-invasion robbery; or

17.~~16.~~ Aggravated stalking

and during the commission of the offense, such person possessed a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun as defined in s. *790.001* ~~791.001(9)~~, shall be sentenced to a minimum term of imprisonment of 8 years. Notwithstanding the provisions of s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, *and the defendant is not eligible for statutory gain-time under s. 944.275 or any form, of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence.* ~~An offender sentenced under this subsection is not eligible for control release under s. 947.146.~~

Section 16. Section 775.0877, Florida Statutes, is amended to read:

775.0877 Criminal transmission of HIV; procedures; penalties.—

(1) In any case in which a person has been convicted of or has pled nolo contendere or guilty to, regardless of whether adjudication is withheld, any of the following offenses, or the attempt thereof, which offense or attempted offense involves the transmission of body fluids from one person to another:

(a) Section 794.011, relating to sexual battery,

(b) Section 826.04, relating to incest,

(c) Section 800.04(1), (2), and (3), relating to lewd, lascivious, or indecent assault or act upon any person less than 16 years of age,

(d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d), relating to assault,

(e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b), relating to aggravated assault,

(f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c), relating to battery,

(g) Sections 784.045, 784.07(2)(d), and 784.08(2)*(a)*~~(d)~~, relating to aggravated battery,

(h) Section 827.03*(1)*, relating to ~~aggravated~~ child abuse,

(i) Section *827.03(2)* ~~827.04~~, relating to *aggravated* child abuse,

(j) Section 825.102(1), relating to abuse of an elderly person or disabled adult,

(k) Section 825.102(2), relating to aggravated abuse of an elderly person or disabled adult,

(l)~~(j)~~ Section 827.071, relating to sexual performance by person less than 18 years of age,

(m)~~(k)~~ Sections 796.03, 796.07, and 796.08, relating to prostitution, *or*

(n)~~(l)~~ Section 381.0041(11)(b), relating to donation of blood, plasma, organs, skin, or other human tissue,

the court shall order the offender to undergo HIV testing, to be performed under the direction of the Department of Health and Rehabilitative Services in accordance with s. 381.004, unless the offender has undergone HIV testing voluntarily or pursuant to procedures established in s. 381.004(3)(i)6. or s. 951.27, or any other applicable law or rule providing for HIV testing of criminal offenders or inmates, subsequent to his arrest for an offense enumerated in paragraphs *(a)-(n)*~~(a)-(l)~~ for which he was convicted or to which he pled nolo contendere or guilty. The results of an HIV test performed on an offender pursuant to this subsection are not admissible in any criminal proceeding arising out of the alleged offense.

(2) The results of the HIV test must be disclosed under the direction of the Department of Health and Rehabilitative Services, to the offender who has been convicted of or pled nolo contendere or guilty to an offense specified in subsection (1), the public health agency of the county in which the conviction occurred and, if different, the county of residence of the offender, and, upon request pursuant to the provisions of s. 960.003, to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor. The test results may not be disclosed to any other person except as expressly authorized by law or court order.

(3) An offender who has undergone HIV testing pursuant to subsection (1), and to whom positive test results have been disclosed pursuant to subsection (2), who commits a second or subsequent offense enumerated in paragraphs (1)*(a)-(n)*~~(a)-(l)~~, commits criminal transmission of HIV, a felony of the third degree, punishable as provided in subsection (7). A person may be convicted and sentenced separately for a violation of this subsection and for the underlying crime enumerated in paragraphs (1)*(a)-(n)*~~(a)-(l)~~.

(4) An offender may challenge the positive results of an HIV test performed pursuant to this section and may introduce results of a backup test performed at his own expense.

(5) Nothing in this section requires that an HIV infection have occurred in order for an offender to have committed criminal transmission of HIV.

(6) For an alleged violation of any offense enumerated in paragraphs (1)*(a)-(n)*~~(a)-(l)~~ for which the consent of the victim may be raised as a defense in a criminal prosecution, it is an affirmative defense to a charge of violating this section that the person exposed knew that the offender was infected with HIV, knew that the action being taken could result in transmission of the HIV infection, and consented to the action voluntarily with that knowledge.

(7) In addition to any other penalty provided by law for an offense enumerated in paragraphs (1)*(a)-(n)*~~(a)-(l)~~, the court may require an offender convicted of criminal transmission of HIV to serve a term of criminal quarantine community control, as described in s. 948.001.

Section 17. For the purpose of incorporating the amendment to s. 775.0877, Florida Statutes, in a reference thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

384.29 Confidentiality.—

(1) All information and records held by the department or its authorized representatives relating to known or suspected cases of sexually transmissible diseases are strictly confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Such information shall not be released or made public by the department or its authorized representatives, or by a court or parties to a lawsuit upon revelation by subpoena, except under the following circumstances:

(c) When made to medical personnel, appropriate state agencies, public health agencies, or courts of appropriate jurisdiction, to enforce the provisions of this chapter or s. 775.0877 and related rules;

(3) No employee of the department or its authorized representatives shall be examined in a civil, criminal, special, or other proceeding as to

the existence or contents of pertinent records of a person examined or treated for a sexually transmissible disease by the department or its authorized representatives, or of the existence or contents of such reports received from a private physician or private health facility, without the consent of the person examined and treated for such diseases, except in proceedings under ss. 384.27 and 384.28 or involving offenders pursuant to s. 775.0877.

948.01 When court may place defendant on probation or into community control.—

(14) The court may place a defendant who is being sentenced for criminal transmission of HIV in violation of s. 775.0877 on criminal quarantine community control. The Department of Corrections shall develop and administer a criminal quarantine community control program emphasizing intensive supervision with 24-hour-per-day electronic monitoring. Criminal quarantine community control status must include surveillance and may include other measures normally associated with community control, except that specific conditions necessary to monitor this population may be ordered.

Section 18. Subsections (1), (3), and (4) of section 782.04, Florida Statutes, are amended to read:

782.04 Murder.—

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being; or

2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:

a. Trafficking offense prohibited by s. 893.135(1),

b. Arson,

c. Sexual battery,

d. Robbery,

e. Burglary,

f. Kidnapping,

g. Escape,

h. Aggravated child abuse,

i. Aggravated abuse of an elderly person or disabled adult,

j.~~i.~~ Aircraft piracy,

k.~~j.~~ Unlawful throwing, placing, or discharging of a destructive device or bomb,

l.~~k.~~ Carjacking,

m.~~l.~~ Home-invasion robbery,

n.~~m.~~ Aggravated stalking, or

3. Which resulted from the unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,

is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

(b) In all cases under this section, the procedure set forth in s. 921.141 shall be followed in order to determine sentence of death or life imprisonment.

(3) When a person is killed in the perpetration of, or in the attempt to perpetrate, any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

(f) Kidnapping,

(g) Escape,

(h) Aggravated child abuse,

(i) Aggravated abuse of an elderly person or disabled adult,

(j)~~(i)~~ Aircraft piracy,

(k)~~(j)~~ Unlawful throwing, placing, or discharging of a destructive device or bomb,

(l)~~(k)~~ Carjacking,

(m)~~(l)~~ Home-invasion robbery, or

(n)~~(m)~~ Aggravated stalking,

by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony is guilty of murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

(f) Kidnapping,

(g) Escape,

(h) Aggravated child abuse,

(i) Aggravated abuse of an elderly person or disabled adult,

(j)~~(i)~~ Aircraft piracy,

(k)~~(j)~~ Unlawful throwing, placing, or discharging of a destructive device or bomb,

(l)~~(k)~~ Unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,

(m)~~(l)~~ Carjacking,

(n)~~(m)~~ Home-invasion robbery, or

(o)~~(n)~~ Aggravated stalking,

is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 19. For the purpose of incorporating the amendment to s. 782.04, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 943.325, Florida Statutes, is reenacted to read:

943.325 Blood specimen testing for DNA analysis.—

(1)(a) Any person convicted, or who was previously convicted and is still incarcerated, in this state for any offense or attempted offense defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s. 812.133, or s. 812.135, and who is within the confines of the legal state boundaries, shall be required to submit two specimens of blood to a Department of Law Enforcement designated testing facility as directed by the department.

Section 20. Paragraph (b) of subsection (1) of section 39.039, Florida Statutes, is amended to read:

39.039 Fingerprinting and photographing.—

(1)

(b) A child who is charged with or found to have committed the following misdemeanors shall be fingerprinted and the fingerprints shall be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(b):

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(1).

4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).

~~5. Child abuse, as defined in s. 827.04(2).~~

5.~~6.~~ Negligent treatment of children, as defined in s. 827.05.

6.~~7.~~ Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a).

7.~~8.~~ Open carrying of a weapon, as defined in s. 790.053.

8.~~9.~~ Exposure of sexual organs, as defined in s. 800.03.

9.~~10.~~ Unlawful possession of a firearm, as defined in s. 790.22(5).

10.~~11.~~ Petit theft, as defined in s. 812.014*(3)*~~(2)(d)~~.

11.~~12.~~ Cruelty to animals, as defined in s. 828.12(1).

12.~~13.~~ Arson, resulting in bodily harm to a firefighter, as defined in s. 806.031(1).

A law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed any other violation of law, as the agency deems appropriate. Such fingerprint records and photographs shall be retained by the law enforcement agency in a separate file, and these records and all copies thereof must be marked "Juvenile Confidential." Notwithstanding s. 119.14, these records shall not be available for public disclosure and inspection under s. 119.07(1), but shall be available to other law enforcement agencies, criminal justice agencies, state attorneys, the courts, the child, the parents or legal custodians of the child, their attorneys, and any other person authorized by the court to have access to such records. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

Section 21. Subsection (2) of section 435.03, Florida Statutes, is amended to read:

435.03 Level 1 screening standards.—

(2) Any person for whom employment screening is required by statute must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(a) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(b) Section 782.04, relating to murder.

(c) Section 782.07, relating to manslaughter, *aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child*.

(d) Section 782.071, relating to vehicular homicide.

(e) Section 782.09, relating to killing of an unborn child by injury to the mother.

(f) Section 784.011, relating to assault, if the victim of the offense was a minor.

(g) Section 784.021, relating to aggravated assault.

(h) Section 784.03, relating to battery, if the victim of the offense was a minor.

(i) Section 784.045, relating to aggravated battery.

(j) Section 787.01, relating to kidnapping.

(k) Section 787.02, relating to false imprisonment.

(l) Section 794.011, relating to sexual battery.

(m) *Former* section 794.041, relating to prohibited acts of persons in familial or custodial authority.

(n) Chapter 796, relating to prostitution.

(o) Section 798.02, relating to lewd and lascivious behavior.

(p) Chapter 800, relating to lewdness and indecent exposure.

(q) Section 806.01, relating to arson.

(r) Chapter 812, relating to theft, robbery, and related crimes, if the offense was a felony.

(s) Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

(t) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(u) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.

(v) Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.

(w)~~(t)~~ Section 826.04, relating to incest.

(x)~~(u)~~ Section 827.03, relating to *child abuse,* aggravated child abuse*, or neglect of a child*.

(y)~~(v)~~ Section 827.04, relating to *contributing to the delinquency or dependency of a* child ~~abuse~~.

(z)~~(w)~~ Section 827.05, relating to negligent treatment of children.

(aa)~~(x)~~ Section 827.071, relating to sexual performance by a child.

(bb)~~(y)~~ Chapter 847, relating to obscene literature.

(cc)~~(z)~~ Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.

Section 22. Subsection (2) of section 435.04, Florida Statutes, is amended to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been

found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(a) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(b) Section 782.04, relating to murder.

(c) Section 782.07, relating to manslaughter, *aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child*.

(d) Section 782.071, relating to vehicular homicide.

(e) Section 782.09, relating to killing of an unborn child by injury to the mother.

(f) Section 784.011, relating to assault, if the victim of the offense was a minor.

(g) Section 784.021, relating to aggravated assault.

(h) Section 784.03, relating to battery, if the victim of the offense was a minor.

(i) Section 784.045, relating to aggravated battery.

(j) Section 787.01, relating to kidnapping.

(k) Section 787.02, relating to false imprisonment.

(l) Section 794.011, relating to sexual battery.

(m) *Former* section 794.041, relating to prohibited acts of persons in familial or custodial authority.

(n) Chapter 796, relating to prostitution.

(o) Section 798.02, relating to lewd and lascivious behavior.

(p) Chapter 800, relating to lewdness and indecent exposure.

(q) Section 806.01, relating to arson.

(r) Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.

(s) Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

(t) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(u) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.

(v) Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.

(w)~~(t)~~ Section 826.04, relating to incest.

(x)~~(u)~~ Section 827.03, relating to *child abuse,* aggravated child abuse, *or neglect of a child*.

(y)~~(v)~~ Section 827.04, relating to *contributing to the delinquency or dependency of a* child ~~abuse~~.

(z)~~(w)~~ Section 827.05, relating to negligent treatment of children.

(aa)~~(x)~~ Section 827.071, relating to sexual performance by a child.

(bb)~~(y)~~ Chapter 847, relating to obscene literature.

(cc)~~(z)~~ Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.

Section 23. Subsection (5) of section 787.04, Florida Statutes, is amended to read:

787.04 Removing minors from state or concealing minors contrary to state agency order or court order.—

(5) It is a defense under this section that a person who leads, takes, entices, or removes a minor beyond the limits of the state reasonably believes that his action was necessary to protect the minor from child abuse as defined in s. *827.03* ~~827.04~~.

Section 24. Paragraph (a) of subsection (7) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(7)(a) There is probable cause to believe that the person has*:*

1. Committed an act of domestic violence, as defined in s. 741.28;~~, or~~

2. Contributed to the delinquency or dependency of a child ~~abuse~~, as defined in s. 827.04~~(2) and (3),~~*;* or

3. Committed any battery upon another person, as defined in s. 784.03,

and the law enforcement officer reasonably believes that there is danger of violence unless the person alleged to have committed *an offense described in this paragraph* ~~the act of domestic violence, child abuse, or battery~~ is arrested without delay.

Section 25. Paragraph (a) of subsection (4) of section 907.041, Florida Statutes, is amended to read:

907.041 Pretrial detention and release.—

(4) PRETRIAL DETENTION.—

(a) As used in this subsection, "dangerous crime" means any of the following:

1. Arson;

2. Aggravated assault;

3. Aggravated battery;

4. Illegal use of explosives;

5. Child abuse *or aggravated child abuse*;

6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;

7.~~6.~~ Hijacking;

8.~~7.~~ Kidnapping;

9.~~8.~~ Homicide;

10.~~9.~~ Manslaughter;

11.~~10.~~ Sexual battery;

12.~~11.~~ Robbery;

13.~~12.~~ Carjacking;

14.~~13.~~ Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years;

15.~~14.~~ Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority;

16.~~15.~~ Burglary of a dwelling;

17.~~16.~~ Stalking and aggravated stalking;

18.~~17.~~ Act of domestic violence as defined in s. 741.28; and

19.~~18.~~ Attempting or conspiring to commit any such crime; and home-invasion robbery.

Section 26. Section 914.16, Florida Statutes, is amended to read:

914.16 Child abuse and sexual abuse of victims under age 16 or persons with mental retardation; limits on interviews.—The chief judge of each judicial circuit, after consultation with the state attorney and the public defender for the judicial circuit, the appropriate chief law enforcement officer, and any other person deemed appropriate by the chief judge, shall provide by order reasonable limits on the number of interviews that a victim of a violation of s. 794.011, s. 800.04, *or* s. 827.03~~, or s. 827.04~~ who is under 16 years of age or a victim of a violation of s. 794.011, s. 800.02, s. 800.03, or s. 825.102 who is a person with mental retardation as defined in s. 393.063(41) must submit to for law enforcement or discovery purposes. The order shall, to the extent possible, protect the victim from the psychological damage of repeated interrogations while preserving the rights of the public, the victim, and the person charged with the violation.

Section 27. Subsection (2) of section 921.187, Florida Statutes, is amended to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(2) In addition to any other penalty provided by law for an offense enumerated in s. 775.0877(1)*(a)-(n)*~~(a)-(l)~~, if the offender is convicted of criminal transmission of HIV pursuant to s. 775.0877, the court may sentence the offender to criminal quarantine community control as described in s. 948.001.

Section 28. Paragraph (b) of subsection (3) of section 943.051, Florida Statutes, as amended by chapter 95-184, Laws of Florida, is amended to read:

943.051 Criminal justice information; collection and storage; fingerprinting.—

(3)

(b) A minor who is charged with or found to have committed the following misdemeanors shall be fingerprinted and the fingerprints shall be submitted to the department:

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(1).

4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).

~~5. Child abuse, as defined in s. 827.04(2).~~

5.~~6.~~ Negligent treatment of children, as defined in s. 827.05.

6.~~7.~~ Assault or battery on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a) and (b).

7.~~8.~~ Open carrying of a weapon, as defined in s. 790.053.

8.~~9.~~ Exposure of sexual organs, as defined in s. 800.03.

9.~~10.~~ Unlawful possession of a firearm, as defined in s. 790.22(5).

10.~~11.~~ Petit theft, as defined in s. 812.014(3).

11.~~12.~~ Cruelty to animals, as defined in s. 828.12(1).

12.~~13.~~ Arson, as defined in s. 806.031(1).

Section 29. Subsections (2) and (3) of section 960.003, Florida Statutes, are amended to read:

960.003 Human immunodeficiency virus testing for persons charged with or alleged by petition for delinquency to have committed certain offenses; disclosure of results to victims.—

(2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—In any case in which a person has been charged by information or indictment with or alleged by petition for delinquency to have committed any offense enumerated in s. 775.0877(1)*(a)-(n)*~~(a)-(l)~~, which involves the transmission of body fluids from one person to another, upon request of the victim or the victim's legal guardian, or of the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo HIV testing. The testing shall be performed under the direction of the Department of Health and Rehabilitative Services in accordance with s. 381.004. The results of an HIV test performed on a defendant or juvenile offender pursuant to this subsection shall not be admissible in any criminal or juvenile proceeding arising out of the alleged offense.

(3) DISCLOSURE OF RESULTS.—

(a) The results of the test shall be disclosed, under the direction of the Department of Health and Rehabilitative Services, to the person charged with or alleged by petition for delinquency to have committed or to the person convicted of or adjudicated delinquent for any offense enumerated in s. 775.0877(1)*(a)-(n)*~~(a)-(l)~~, which involves the transmission of body fluids from one person to another, and, upon request, to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, and to public health agencies pursuant to s. 775.0877. If the alleged offender is a juvenile, the test results shall also be disclosed to the parent or guardian. Otherwise, HIV test results obtained pursuant to this section are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall not be disclosed to any other person except as expressly authorized by law or court order. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(b) At the time that the results are disclosed to the victim or the victim's legal guardian, or to the parent or legal guardian of a victim if the victim is a minor, the same immediate opportunity for face-to-face counseling which must be made available under s. 381.004(3)(e) to those who undergo HIV testing shall also be afforded to the victim or the victim's legal guardian, or to the parent or legal guardian of the victim if the victim is a minor.

Section 30. This act shall take effect October 1, 1996.

And the title is amended as follows:

On page 1, line 1, delete the entire title and insert: A bill to be entitled An act relating to abuse, neglect, and exploitation; amending s. 825.101, F.S.; revising definitions relating to abuse, neglect, and exploitation of an elderly person or disabled adult; amending s. 825.102, F.S.; restructuring and clarifying the offenses of "abuse of an elderly person or disabled adult" and "neglect of an elderly person or disabled adult"; creating the offense of "aggravated abuse of an elderly person or disabled adult"; providing definitions; providing a penalty for aggravated abuse of an elderly person or disabled adult; reenacting s. 775.15(2)(g), F.S., relating to time limitations, to incorporate the amendment to s. 825.102, F.S., in a reference; creating s. 825.1025, F.S.; creating the offenses of "lewd or lascivious battery upon an elderly person or disabled adult," "lewd or lascivious molestation of an elderly person or disabled adult," and "lewd or lascivious exhibition in the presence of an elderly person or disabled adult"; providing definitions; providing penalties; amending s. 825.103, F.S.; revising provisions relating to exploitation of an elderly person or disabled adult; providing a definition; revising penalties; amending s. 825.105, F.S.; revising provisions relating to certain good faith assistance to an elderly person or disabled adult; amending s. 827.01, F.S.; revising definitions relating to child abuse and neglect; amending s. 827.03, F.S.; restructuring and clarifying the offenses of "child abuse," "aggravated child abuse," and "neglect of a child"; providing definitions; increasing penalties; reenacting ss. 415.5018(4)(b), 415.505(1)(g), 787.01(3)(a), and 787.02(3)(a), F.S., relating to district authority, child protective investigations, kidnapping, and false imprisonment, to incorporate the amendment to s. 827.03, F.S., in references; amending s. 827.04, F.S.; deleting provisions relating to child abuse and neglect; clarifying the offense of contributing to the delinquency or dependency of a child; repealing s. 827.05, F.S., relating to negligent treatment of children; amending s. 782.07, F.S.; defining and providing penalties for the offenses of "aggravated manslaughter of an elderly person or disabled adult" and "aggravated manslaughter of a child"; amending s. 921.0012, F.S., the sentencing guidelines offense severity ranking chart; ranking lewd or lascivious exhibition in presence of elderly person or disabled adult in level 5; ranking abuse or neglect of an elderly person, disabled adult, or child and lewd or lascivious molestation of an elderly person or disabled adult in level 6; ranking neglect of an elderly person, disabled adult, or child that results in great bodily harm and lewd or lascivious battery upon an elderly person or disabled adult in level 7; ranking aggravated abuse of an elderly person, disabled adult, or child in level 8; ranking aggravated manslaughter of an elderly person, disabled adult, or child in level 9; making technical corrections; amending s. 775.084, F.S.; expanding offenses subject to an enhanced sentence as

a habitual violent felony offender to include aggravated abuse of an elderly person or disabled adult, aggravated manslaughter of an elderly person or disabled adult, and aggravated manslaughter of a child; expanding offenses subject to an enhanced sentence as a violent career criminal to include aggravated abuse of an elderly person or disabled adult; amending s. 775.087, F.S.; providing penalties for aggravated abuse of an elderly person or disabled adult involving a weapon; amending s. 775.0877, F.S.; providing penalties for criminal transmission of HIV involving abuse or aggravated abuse of an elderly person or disabled adult; reenacting ss. 384.29(1)(c) and (3), and 948.01(14), F.S., relating to confidentiality and criminal quarantine community control, to incorporate the amendment to s. 775.0877, F.S., in references; amending s. 782.04, F.S.; providing penalties for murder involving aggravated abuse of an elderly person or disabled adult; reenacting s. 943.325(1)(a), F.S., relating to DNA blood specimen testing, to incorporate the amendment to s. 782.04, F.S., in a reference; amending ss. 39.039, 435.03, 435.04, 787.04, 901.15, 907.041, 914.16, 921.187, 943.051, and 960.003, F.S., to conform to the act and correct cross references; providing an effective date.

On motion by Senator Burt, the Senate concurred in the House amendment.

SB 116 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 156, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 156—A bill to be entitled An act relating to the Florida Violent Crime Council; abrogating the repeal of s. 943.031, F.S., relating to the council; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 8, delete everything after the enacting clause and insert:

Section 1. Section 775.0121, Florida Statutes, is created to read:

775.0121 Continuous revision cycle.—The Legislature shall conduct a systematic and continuing study of the laws relating to the public safety system for the purposes of resolving inconsistencies; removing redundancies and unnecessary repetitions; improving clarity and facilitating correct and proper interpretation; maintaining adequate and appropriate definitional bases; clearly establishing elements of crimes; ensuring that criminal penalties are uniformly applicable; addressing judicial holdings; and providing appropriate and efficient arrangement and placement of provisions of law relating to public safety. The Legislature shall conduct its study of the laws on an 8-year cycle, as follows:

(1) Criminal penalties, 1998. The study of criminal penalties must include a review of the feasibility of a single criminal fines, fees, and costs collection mechanism.

(2) Justice process, 1999.

(3) Law enforcement, 2000.

(4) Corrections, 2001.

(5) Prevention, intervention, and substance abuse, 2002.

(6) Justice information, 2003.

(7) Community punishment and victim services, 2004.

(8) Juvenile justice, 2005.

Section 2. Subsection (7) of section 187.201, Florida Statutes, is amended to read:

187.201 State Comprehensive Plan adopted.—The Legislature hereby adopts as the State Comprehensive Plan the following specific goals and policies:

(7) PUBLIC SAFETY.—

(a) Goal.—Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

(b) Policies.—

~~1. By 1995, protect the public from crimes by lowering the recidivism rate by at least 15 percent, and by expanding proven alternative corrections programs and increasing the ex-offenders' employment rate by at least 10 percent.~~

1.~~2.~~ Maintain safe and secure prisons and other correctional facilities with the required number of well-trained staff.

2.~~3.~~ Provide effective alternatives to incarceration for appropriate offenders and encourage victim restitution.

3.~~4.~~ Make the corrections system as financially cost-effective as possible through prison industries and other inmate work programs and through contractual agreements with public and private vendors.

4.~~5.~~ Continue to monitor educational and vocational training of inmates to *increase* ~~assure that our goal of increasing~~ the likelihood of successful reintegration into the community ~~is being accomplished~~.

5.~~6.~~ *Provide* ~~Ensure that~~ all inmates *with* ~~have~~ access to *adequate* ~~comprehensive~~ health care, including ~~effective~~ diagnostic and treatment programs for offenders suffering from substance abuse or psychological disorders.

6.~~7.~~ Provide incentives *to* ~~which will~~ attract and retain high-quality law enforcement and correctional officers.

~~8. By 1995, reduce the serious crime rate by 25 percent and reduce the volume of illegal drugs entering the state.~~

7.~~9.~~ Emphasize the reduction of serious crime, particularly violent, organized, economic, and drug-related crimes.

8.~~10.~~ Increase the level of training and technical assistance provided to law enforcement agencies.

9.~~11.~~ Increase crime prevention efforts to enhance the protection of individual personal safety and property~~, especially for those individuals who are most vulnerable~~.

10.~~12.~~ *Emphasize and protect* ~~Ensure that~~ the rights of crime victims ~~are emphasized and protected~~.

11.~~13.~~ Continue to implement coordinated and integrated strategies to combat organized crime, economic crime, and drug trafficking.

12.~~14.~~ Expand the state's provisions for the protection of witnesses in criminal cases, especially organized crime cases.

13.~~15.~~ Strengthen the state's commitment to pursue, both criminally and civilly, those individuals who profit from economic crimes, *in a manner that* ~~and assure that the commitment~~ keeps pace with the level and sophistication of these criminal activities.

14.~~16.~~ Improve the efficiency of law enforcement through the establishment of a close communication and coordination system among agencies and a comprehensive reporting system for such types of criminal activities as forcible felonies and organized, economic, and drug crimes.

15.~~17.~~ Improve the effectiveness of the delinquent juvenile justice system commitment programs to reduce recidivism of juveniles who would otherwise be recommitted to state supervision.

16.~~18.~~ Utilize alternative sentencing and dispute resolution when appropriate, particularly in civil disputes and minor criminal violations.

17.~~19.~~ Increase the state's commitment to stringent enforcement of laws against drunken or drugged driving.

18.~~20.~~ Expand public awareness campaigns that will emphasize the dangers of driving while under the influence of alcohol or drugs.

19.~~21.~~ Promote efforts to encourage the use of personal safety restraint devices for all persons traveling in motor vehicles.

20.~~22.~~ Improve the enforcement of and compliance with safe highway speed limits.

21.~~23.~~ Provide effective and efficient driver licensing systems, including a reliable testing system *designed to preclude unqualified* ~~that will help ensure that only qualified~~ drivers *from receiving* ~~receive~~ driver's licenses.

22.~~24.~~ Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.

23.~~25.~~ Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.

Section 3. Subsection (1) of section 943.06, Florida Statutes, is amended to read:

943.06 Criminal and Juvenile Justice Information Systems Council.—There is created a Criminal and Juvenile Justice Information Systems Council within the department.

(1) The council shall be composed of *14* ~~13~~ members, consisting of the Attorney General or a designated assistant; *the executive director of the Department of Law Enforcement or a designated assistant;* the secretary of the Department of Corrections or a designated assistant; the *chair* ~~chairman~~ of the Parole Commission or a designated assistant; the Secretary of Juvenile Justice or a designated assistant; the executive director of the Department of Highway Safety and Motor Vehicles or a designated assistant; the State Courts Administrator or a designated assistant; *1 public defender appointed by the Florida Public Defender Association, Inc.; 1 state attorney appointed by the Florida Prosecuting Attorneys Association, Inc.;* and *5* ~~7~~ members, to be appointed by the Governor, consisting of 2 sheriffs, 2 police chiefs, ~~1 public defender, 1 state attorney,~~ and 1 clerk of the circuit court.

Section 4. Section 943.08, Florida Statutes, is amended to read:

943.08 Duties; Criminal and Juvenile Justice Information Systems Council.—

(1) The council shall facilitate the identification, standardization, sharing, and coordination of criminal and juvenile justice data and other public safety system data among federal, state, and local agencies.

(2) The council shall review proposed rules and operating policies and procedures, and amendments thereto, of the Division of Criminal Justice Information Systems and make recommendations to the executive director which shall be represented in the meeting minutes of the council. In addition, the council shall review proposed policies, rules, and procedures relating to the information system of the Department of Juvenile Justice and make recommendations to the Secretary of Juvenile Justice or designated assistant who shall attend council meetings. ~~The council shall also facilitate the identification, standardization, sharing, and coordination of criminal and juvenile justice data among federal, state, and local agencies.~~ Those recommendations shall relate to the following areas:

(a)~~(1)~~ The management control of criminal justice information systems, criminal intelligence information systems, and criminal investigative information systems maintained by the department.

(b)~~(2)~~ The installation and operation of criminal justice information systems, criminal intelligence information systems, and criminal investigative information systems by the department and the exchange of such information with other criminal justice agencies of this state and other states, including federal agencies.

(c)~~(3)~~ The operation and maintenance of computer hardware and software within criminal justice information systems, criminal intelligence information systems, and criminal investigative information systems maintained by the department.

(d)~~(4)~~ The operation, maintenance, and use of an automated fingerprint identification system, including interfacing with existing automated systems.

(e)~~(5)~~ The physical security of the system, to prevent unauthorized disclosure of information contained in the system and to ensure that the criminal justice information in the system is currently and accurately revised to include subsequently revised information.

(f)~~(6)~~ The security of the system, to ensure that criminal justice information, criminal intelligence information, and criminal investigative information will be collected, processed, stored, and disseminated in such manner that it cannot be modified, destroyed, accessed, changed, purged, or overlaid by unauthorized individuals or agencies.

(g)~~(7)~~ The purging, expunging, or sealing of criminal justice information upon order of a court of competent jurisdiction or when authorized by law.

(h)~~(8)~~ The dissemination of criminal justice information to persons or agencies not associated with criminal justice when such dissemination is authorized by law.

(i)~~(9)~~ The access to criminal justice information maintained by any criminal justice agency by any person about whom such information is maintained for the purpose of challenge, correction, or addition of explanatory material.

(j)~~(10)~~ The training, which may be provided pursuant to s. 943.25, of employees of the department and other state and local criminal justice agencies in the proper use and control of criminal justice information.

(k)~~(11)~~ The characteristics, structures, and linkages needed to allow the access and utilization of information among the various state, local, private, and federal agencies, organizations, and institutions in the *public safety* ~~criminal and juvenile justice~~ system, including, but not limited to, recommendations regarding:

1.~~(a)~~ The management control and administration of juvenile justice data and information.

2.~~(b)~~ The installation and operation of local area networks.

3.~~(c)~~ The installation and operation of statewide area networks.

4.~~(d)~~ Electronic mail and file transport.

5.~~(e)~~ The operation and maintenance of hardware and software.

6.~~(f)~~ Access to juvenile justice information.

7.~~(g)~~ The security and integrity of the information system.

8.~~(h)~~ Training of information system users and user groups.

(l)~~(12)~~ Such other areas as relate to the collection, processing, storage, and dissemination of criminal *and juvenile* justice *and other public safety system* information, criminal intelligence information, and criminal justice investigative information, including the development of criteria, policies, and procedures for the standardization of criminal justice data and electronic transmission of such data.

Section 5. Section 943.081, Florida Statutes, is created to read:

943.081 Public safety system information technology resources; guiding principles.—The following guiding principles adopted by the Criminal and Juvenile Justice Information Systems Council are hereby adopted as guiding principles for the management of public safety system information technology resources:

(1) Cooperative planning by public safety system entities is a prerequisite for the effective development of systems to enable sharing of data.

(2) The planning process, as well as coordination of development efforts, should include all principals from the outset.

(3) Public safety system entities should be committed to maximizing information sharing and moving away from proprietary positions taken relative to data they capture and maintain.

(4) Public safety system entities should maximize public access to data, while complying with legitimate security, privacy, and confidentiality requirements.

(5) Public safety system entities should strive for electronic sharing of information via networks versus a reliance on magnetic and other media.

(6) The practice by public safety system entities of charging each other for data should, insofar as possible, be eliminated. Further, when the capture of data for mutual benefit can be accomplished, the costs for the development, capture, and network for access to that data should be shared.

(7) The redundant capture of data should, insofar as possible, be eliminated.

(8) With respect to statewide databases:

(a) Only data that can best be compiled, preserved, and shared through a central database should be captured at the state level.

(b) Remote access to distributed databases should be considered and provided for, instead of central repositories.

(c) Statistical data that may be required infrequently or on a one-time basis should be captured via sampling or other methods.

(d) Only data that are auditable, or that otherwise can be determined to be accurate, valid, and reliable should be maintained.

(9) Methods of sharing data among different protocols must be developed without requiring major redesign or replacement of individual systems.

Section 6. Subsections (17) and (23) of section 20.315, Florida Statutes, are amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(17) INFORMATION SYSTEMS.—

(a) The secretary, *in consultation with the Criminal and Juvenile Justice Information Systems Council,* shall implement a priority program aimed at the design, testing, and integration of automated information systems necessary for effective and efficient management of the department. These systems shall contain, as a minimum, management data, offender data, and program data deemed essential for the ongoing administration of programs, as well as for the purpose of management decisions. It is the intent of the Legislature that these systems be developed with the idea of providing maximum administrative support to program operations. It is also essential that these systems comply with federal program requirements and ensure confidentiality of client information.

(b) For the purpose of funding this effort, the department shall include in its annual budget request a comprehensive summary of costs involved, as well as human resources saved, in the establishment of these automated systems. This budget request shall also include a complete inventory of current staff, equipment, and facility resources available for completion of the desired systems. The department shall review all forms for duplicative content and, to the maximum extent possible, reduce, consolidate, and eliminate such duplication to provide for a uniform and concise information collection system. *The budget request shall be submitted to the Criminal and Juvenile Justice Information Systems Council for purposes of determining compliance with the council's guiding principles.*

(23) SINGLE INFORMATION AND RECORDS SYSTEM.—There shall be only one offender-based information and records system maintained by the Department of Corrections for the joint use of the department and the Parole Commission. The department shall develop, in consultation with the *Criminal and Juvenile Justice Information Systems Council* ~~commission~~, such offender-based information system designed to serve the needs of both *the department and the Parole Commission* ~~agencies~~. The department shall notify the commission of all violations of parole and the circumstances thereof.

Section 7. Paragraph (f) of subsection (6) of section 20.316, Florida Statutes, is amended, to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(6) INFORMATION SYSTEMS.—

(f) The department shall provide an annual report on the juvenile justice information system to the Joint Information Technology Resources Committee *and the Criminal and Juvenile Justice Information Systems Council*. The committee *and the council* shall review *and reach consensus on* the report and shall forward the report, along with *the consensus* ~~its~~ comments, to the appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding policy formulation.

Section 8. Subsection (3) of section 186.022, Florida Statutes, is amended to read:

186.022 State agency strategic plans; preparation, form, and review.—

(3) The Executive Office of the Governor shall review the state agency strategic plans to ensure that they are consistent with the state comprehensive plan and other requirements as specified in the written instructions. In its review, the Executive Office of the Governor shall consider all comments received in formulating required revisions. This shall include*:*

(a) The findings of the Statewide Health Council's review of the consistency of the health components of agency strategic plans with the health element of the state comprehensive plan*;* ~~and~~

(b) The findings of the review of the Information Resource Commission with respect to the strategic information resources management issues *not covered under paragraph (d); and*

(c) The findings of the Criminal and Juvenile Justice Information Systems Council's review with respect to public safety system strategic information technology resources management issues.

Within 60 days, reviewed plans shall be returned to the agency, together with any required revisions.

Section 9. Subsection (5) is added to section 216.0445, Florida Statutes, to read:

216.0445 Budget evaluation by the Information Resource Commission.—

(5) The chair of the Criminal and Juvenile Justice Information Systems Council shall identify and make recommendations regarding related public safety system information technology resources management issues that affect multiple agencies.

Section 10. Paragraph (a) of subsection (2) of section 282.1095, Florida Statutes, is amended to read:

282.1095 Mutual aid channel.—

(2)(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of *seven* ~~six~~ members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Game and Fresh Water Fish Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Criminal and Juvenile Justice Information Systems Council who shall be appointed by the chair of the council.

Section 11. Subsection (5) of section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(5) No law enforcement communications system shall be established or present system expanded after July 1, 1972, without the prior approval of the Division of Communications. *After January 1, 1997, the Division of Communications shall consult with the Criminal and Juvenile Justice Information Systems Council before approving any law enforcement communications system or system expansion.*

Section 12. Subsections (3) and (4) of section 282.3061, Florida Statutes, are amended to read:

282.3061 State Strategic Plan for Information Resources Management.—

(3) Prior to the approval of the State Strategic Plan for Information Resources Management, or amendments thereto, the executive director shall seek the advice of and consult with the *Criminal and Juvenile Justice Information Systems Council,* appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, the Executive Office of the Governor, the Supreme Court, the Board of Regents, the Division of Communications of the Department of Management Services, and the Information Resources Management Advisory Council.

(4) The Executive Office of the Governor and the Division of Communications of the Department of Management Services shall review the proposed State Strategic Plan for Information Resources Management and provide recommendations to the executive director. A copy of such recommendations shall also be provided to the commission *and the Criminal and Juvenile Justice Information Systems Council.*

Section 13. Subsection (3) of section 282.3062, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to said section, to read:

282.3062 Annual Report on Information Resources Management.—

(3) By February 1 of each year, the Criminal and Juvenile Justice Information Systems Council shall prepare an annual report on information technology resources management within the state's public safety system.

Section 14. Section 282.309, Florida Statutes, is amended to read:

282.309 Judicial branch information resources management plans.—

(1) The Supreme Court, district courts of appeal, and circuit courts shall each prepare a Strategic Plan for Information Resources Management that reflects its projected 2-year information resources management needs. The format, content, and review criteria of the plans shall be prescribed by the Supreme Court. However, at a minimum, the plans shall address the planning components described in s. 282.307(1). The Supreme Court shall develop instructions, in consultation with, *as applicable,* the commission, *the Criminal and Juvenile Justice Information Systems Council,* the Division of Communications of the Department of Management Services, the Executive Office of the Governor, and the appropriations committees of the Legislature, that describe the planning components, specify format, and specify the criteria upon which the plans will be reviewed and evaluated. These instructions shall be transmitted to each court no later than February 1 of each even-numbered year. The plans shall be submitted to the Supreme Court no later than May 1 of each even-numbered year. The Supreme Court shall review and approve or disapprove the plans of the courts no later than August 1 of each even-numbered year. A copy of each approved plan shall be provided to the commission, *the Criminal and Juvenile Justice Information Systems Council,* the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and the Auditor General. A copy of the communications components of each plan shall be provided to the Division of Communications of the Department of Management Services.

(2) The Justice Administrative Commission, each state attorney, and each public defender shall prepare a Strategic Plan for Information Resources Management that reflects the projected 2-year information resources management needs of their respective offices. The format, content, and review criteria of the plan shall be *consistent with the principles established by the Criminal and Juvenile Justice Information Systems Council and as* prescribed by the Information Resource Commission. The plan shall comply with the requirements of s. 282.307. The Information Resource Commission shall transmit its instructions to the Justice Administrative Commission, each state attorney, and each public defender no later than February 1 of each even-numbered year. The plan shall be submitted to the Information Resource Commission no later than May 1 of each even-numbered year. Upon request, the Justice Administrative Commission may assist any state attorney or public defender in the preparation of his or her plan. The Information Resource Commission shall review and approve or disapprove each plan no later than August 1 of each even-numbered year. A copy of each approved plan shall be provided to the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, *the Criminal and Juvenile Justice Information Systems Council,* the Executive Office of the Governor, and the Auditor General. A copy of the communications components of each plan shall be provided to the Division of Communications of the Department of Management Services.

Section 15. Section 282.311, Florida Statutes, is amended to read:

282.311 Information resource managers.—Each department executive director, secretary, or Cabinet officer; the executive director of the Justice Administrative Commission; and the state attorney and public defender for each judicial circuit, or their designees, shall serve as the information resource managers who are responsible for developing information resources management and paperwork reduction policies for their respective agencies in conformance with policies, standards, and rules established by the commission and shall coordinate all agency information resources management activities of their agencies. In addition, each information resource manager is responsible for the preparation of the Strategic Plan for Information Resources Management and the Annual Performance Report required in this chapter; shall serve as a liaison with the commission *or the Criminal and Juvenile Justice Information Systems Council* and the Division of Communications of the Department of Management Services; and must approve all information resources management procurements of his or her agency which have a purchase price in excess of the threshold amount for CATEGORY THREE purchases provided in s. 287.017. The Chief Justice of the Supreme Court and the Chancellor of the Board of Regents or their designees shall serve as the managers for the state courts system and the State University System, respectively.

Section 16. Subsection (2) of section 282.314, Florida Statutes, is amended to read:

282.314 Information Resources Management Advisory Council.—

(2) The Governor and Cabinet members shall each appoint one information resource manager to serve on the council. Additional members shall be: the chairs of the Florida Fiscal Accounting Management Information System coordinating council, the Florida Growth Management Data Network Coordinating Council, *the Criminal and Juvenile Justice Information Systems Council,* and the Florida Information Resource Network Coordinating Council; the information resource managers for the state courts system and the State University System; one information resource manager selected by the state attorneys; one information resource manager selected by the public defenders; and three other information resource managers selected by the information resource managers within the state to represent the needs of the remaining departments.

Section 17. Section 39.039, Florida Statutes, is amended to read:

39.039 Fingerprinting and photographing.—

(1)(a) A child who is charged with or found to have committed an offense that would be a felony if committed by an adult shall be fingerprinted and the fingerprints must be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(a).

(b) A child who is charged with or found to have committed *one of* the following misdemeanors shall be fingerprinted and the fingerprints shall be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(b):

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(1).

4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).

5. Child abuse, as defined in s. 827.04(2).

6. Negligent treatment of children, as defined in s. 827.05.

7. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a).

8. Open carrying of a weapon, as defined in s. 790.053.

9. Exposure of sexual organs, as defined in s. 800.03.

10. Unlawful possession of a firearm, as defined in s. 790.22(5).

11. Petit theft, as defined in s. 812.014~~(2)(d)~~.

12. Cruelty to animals, as defined in s. 828.12(1).

13. Arson, resulting in bodily harm to a firefighter, as defined in s. 806.031(1).

A law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed any other violation of law, as the agency deems appropriate. Such fingerprint records and photographs shall be retained by the law enforcement agency in a separate file, and these records and all copies thereof must be marked "Juvenile Confidential." Notwithstanding s. 119.14, these records shall not be available for public disclosure and inspection under s. 119.07(1) *except as provided in ss. 39.045(9) and 943.053*, but shall be available to other law enforcement agencies, criminal justice agencies, state attorneys, the courts, the child, the parents or legal custodians of the child, their attorneys, and any other person authorized by the court to have access to such records. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

(c) The court shall be responsible for the fingerprinting of any child at the disposition hearing if the child has been adjudicated or had adjudication withheld for any felony in the case currently before the court.

(2) If the child is not referred to the court, or if the child is found not to have committed a violation of law, the court may, after notice to the law enforcement agency involved, order the originals and copies of the fingerprints and photographs destroyed. Unless otherwise ordered by the court, if the child is found to have committed an offense which would be a felony if it had been committed by an adult, then the law enforcement agency having custody of the fingerprint and photograph records shall retain the originals and immediately thereafter forward adequate duplicate copies to the court along with the written offense report relating to the matter for which the child was taken into custody. Except as otherwise provided by this subsection, the clerk of the court, after the disposition hearing on the case, shall forward duplicate copies of the fingerprints and photographs, together with the child's name, address, date of birth, age, and sex, to:

~~(a) The Department of Law Enforcement.~~

(a)~~(b)~~ The sheriff of the county in which the child was taken into custody, in order to maintain a central child identification file in that county.

(b)~~(c)~~ The law enforcement agency of each municipality having a population in excess of 50,000 persons and located in the county of arrest, if so requested specifically or by a general request by that agency.

~~(d) A news media office or a news organization that specifically requests the information for a particular child.~~

~~(3) All law enforcement agencies and the Department of Law Enforcement shall use these fingerprint and photograph records only for identification purposes. If an identification is made, the Department of Law Enforcement shall advise the forwarding law enforcement agency of this fact and of the name and last known address of the child. Fingerprint and photograph records received pursuant to this section by the Department of Law Enforcement shall be retained and purged in the same manner as other information under s. 39.045(2). Records relating to children shall not be commingled with records of adult offenders.~~

(3)~~(4)~~ This section does not prohibit the fingerprinting or photographing of child traffic violators. All records of such traffic violations shall be kept in the full name of the violator and shall be open to inspection and publication in the same manner as adult traffic violations. This section does not apply to the photographing of children by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services.

Section 18. Subsections (3), (4), and (5), paragraph (e) of subsection (7), paragraph (a) of subsection (8), and subsections (9) and (11) of section 39.045, Florida Statutes, are amended, and subsection (12) is added to said section, to read:

39.045 Oaths; records; confidential information.—

(3) Records maintained by the Department of Juvenile Justice, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 110.1127, 393.0655, 394.457, 397.451, 402.305*(2)*~~(1)~~, 409.175, and 409.176 may not be destroyed pursuant to this section, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or pursuant to departmental rule*; however, current criminal history information must be obtained from the Department of Law Enforcement in accordance with s. 943.053*. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

(4) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. Except as provided in subsection (9) *and s. 943.053*, official records required by this part are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, the Parole Commission, and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(5) Except as provided in subsections (3), ~~and~~ (8), *(9), and (10), and s. 943.053*, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the Parole Commission, the Juvenile Justice Advisory Board, the Department of Corrections, the district juvenile justice boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, the Juvenile Justice Advisory Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency represent-

ative participating in the assessment or treatment of a juvenile, and others entitled under this part to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

(7) A court record of proceedings under this part is not admissible in evidence in any other civil or criminal proceeding, except that:

(e) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 39.076, 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, and 409.176, and for proof in a chapter 120 proceeding pursuant to *s.* ~~ss.~~ 415.1075 ~~and 415.504~~.

(8)(a) Records *in the custody of the Department of Juvenile Justice* regarding children are not open to inspection by the public. Such records may be inspected only upon order of the Secretary of Juvenile Justice or his or her authorized agent by persons who have sufficient reason and upon such conditions for their use and disposition as the secretary or his or her authorized agent deems proper. The information in such records may be disclosed only to other employees of the Department of Juvenile Justice who have a need therefor in order to perform their official duty; to other persons as authorized by rule of the Department of Juvenile Justice; and, upon request, to the Juvenile Justice Advisory Board and the Department of Corrections. The secretary or his or her authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his or her authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.

(9) Notwithstanding any other provisions of this part, ~~a law enforcement agency may release for publication~~ the name, photograph, ~~and~~ address*, and crime or arrest report* of a child*:*

(a) Taken into custody if the child has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;~~,~~ or ~~the name, photograph, and address of any child who has been~~

(b) Found by a court to have committed three or more violations of law which, if committed by an adult, would be misdemeanors

shall not be considered confidential and exempt from the provisions of s. 119.07(1) solely because of the child's age.

(11)*(a)* Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act.

(b) Notwithstanding paragraph (a) or any other provision of this section, when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult, the state attorney shall notify the superintendent of the child's school that the child has been charged with such felony or delinquent act. ~~Upon notification, the principal is authorized to begin disciplinary actions pursuant to s. 232.26.~~ The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the child. The principal must immediately notify the child's immediate classroom teachers. *Upon notification, the principal is authorized to begin disciplinary actions pursuant to s. 232.26.*

(12) Criminal history information made available to governmental agencies by the Department of Law Enforcement or other criminal justice agencies shall not be used for any purpose other than that specified in the provision authorizing the releases.

Section 19. Paragraph (a) of subsection (2) of section 39.0585, Florida Statutes, is amended to read:

39.0585 Information systems.—

(2)(a) Notwithstanding any provision of law to the contrary, confidentiality of records information does not apply to juveniles who have been arrested for an offense that would be a crime if committed by an adult, regarding the sharing of the information on the juvenile with the law enforcement agency or county and any agency or person providing information for the development of the multiagency information sheet as well as the courts, the child, the parents or legal custodians of the child, their attorneys, or any other person authorized by the court to have access. ~~Upon consent of the child's parent or legal custodian,~~ A public or private educational agency shall provide pertinent records to and cooperate with the law enforcement agency or county in providing needed information and developing the multiagency information sheet to the greatest extent possible. Neither these records provided to the law enforcement agency or county nor the records developed from these records for serious habitual juvenile offenders nor the records provided or developed from records provided to the law enforcement agency or county on juveniles at risk of becoming serious habitual juvenile offenders shall be available for public disclosure and inspection under s. 119.07.

Section 20. Paragraph (b) of subsection (2) of section 943.0515, Florida Statutes, is amended to read:

943.0515 Retention of criminal history records of minors.—

(2)

(b) If, at any time, a minor is adjudicated as an adult for a forcible felony, the minor's criminal history record prior to the time of his adjudication as an adult must be merged with his record as an adjudicated adult. ~~That portion of the criminal history record which relates to the minor's offenses prior to his adjudication as an adult may only be released as provided under s. 943.054(4).~~

Section 21. Subsections (3) and (4) of section 943.053, Florida Statutes, are amended to read:

943.053 Dissemination of criminal justice information; fees.—

(3) Criminal history information*, including information relating to juveniles,* compiled by the Division of Criminal Justice Information Systems from intrastate sources shall be available on a priority basis to criminal justice agencies for criminal justice purposes free of charge and, otherwise, to governmental agencies not qualified as criminal justice agencies on an approximate-cost basis. After providing the division with all known identifying information, persons in the private sector may be provided criminal history information upon tender of fees as established by rule of the Department of Law Enforcement. Such fees shall approximate the actual cost of producing the record information. Fees may be waived by the Executive Director of the Department of Law Enforcement for good cause shown.

~~(4) The division shall provide, free of charge, a minor's criminal history record to a criminal justice agency that requests such record for criminal justice purposes. The division shall provide, on an approximate-cost basis, a minor's criminal history record to a governmental agency that requests such record for purposes of screening an applicant for employment or licensing under s. 39.001, s. 39.076, s. 110.1127, s. 242.335, s. 393.0655, s. 394.457, s. 397.451, s. 400.512, s. 402.305, or s. 409.175. In addition, the division shall provide, on an approximate-cost basis, a minor's criminal history record to a school principal who requests such information. The school principal may release information in a minor's criminal history record only to the assistant principal and the minor's guidance counselor and teachers.~~

Section 22. Effective October 1, 1997, subsections (3), (4), and (5) of section 921.0014, Florida Statutes, are amended to read:

921.0014 Sentencing guidelines; worksheet computations; scoresheets.—

(3) A single guidelines scoresheet shall be prepared for each defendant, except that if the defendant is before the court for sentencing for more than one felony and the felonies were committed under more than

one version or revision of the guidelines, separate scoresheets must be prepared pursuant to s. 921.001(4)(b). The scoresheet or scoresheets must cover all the defendant's offenses pending before the court for sentencing. ~~Either the office of the state attorney or~~ The Department of Corrections~~, or both where appropriate,~~ shall prepare the scoresheet or scoresheets, which must be presented to *the state attorney and* the defense counsel for review for accuracy in all cases unless the judge directs otherwise. The defendant's scoresheet or scoresheets must be approved and signed by the sentencing judge.

(4) The Department of Corrections shall develop and submit the revised sentencing guidelines scoresheet to the Sentencing Commission by June 15 of each year, as necessary. Following the Supreme Court's approval of the revised procedures, the Department of Corrections shall produce ~~and provide sufficient copies of~~ the revised scoresheets ~~to the clerks of the circuit courts~~ by no later than *December 31* ~~September 30~~ of each year, as necessary. *To facilitate the purposes of this subsection, all legislation that affects the sentencing guidelines scoresheet shall have an effective date of January 1.*

~~(5) The clerks of the circuit courts for the individual counties shall distribute sufficient copies of the sentencing guidelines scoresheets to those persons charged with the responsibility for preparing sentencing guidelines scoresheets, either the office of the state attorney or the Department of Corrections, or both where appropriate.~~

Section 23. Section 6 of chapter 94-209, Laws of Florida, as amended by chapter 95-267, Laws of Florida, is hereby repealed.

Section 24. The Justice Administrative Commission, established in section 43.16, Florida Statutes, shall report to the Legislature no later than January 1, 1997, itemizing and explaining each of its duties and functions.

Section 25. Subsection (4) of section 27.34, Florida Statutes, is amended to read:

27.34 Salaries and other related costs of state attorneys' offices; limitations.—

(4) Notwithstanding s. 27.25, the Insurance Commissioner may contract with the state attorney of any judicial circuit of the state ~~or the Justice Administrative Commission~~ for the prosecution of criminal violations of the Workers' Compensation Law and related crimes and may contribute funds for such purposes. Such contracts may provide for the training, salary, and expenses of one or more assistant state attorneys used in the prosecution of such crimes.

Section 26. Section 27.37, Florida Statutes, as amended by chapter 95-147, Laws of Florida, is hereby repealed.

Section 27. Section 282.501, Florida Statutes, and section 282.502, Florida Statutes, as amended by chapter 95-148, Laws of Florida, are hereby repealed.

Section 28. Subsection (2) of section 648.25, Florida Statutes, and sections 648.265 and 648.266, Florida Statutes, are hereby repealed.

Section 29. Subsections (1) and (4) of section 648.26, Florida Statutes, are amended to read:

648.26 Department of Insurance ~~and Bail Bond Advisory Council~~; administration.—

(1) The department ~~and the council~~ shall administer the provisions of this chapter as provided in this chapter.

(a) The department may adopt rules necessary and proper to effect any of the duties or powers of the department provided in this chapter.

(b) The department may employ and discharge such employees, examiners, counsel, and other assistants as shall be deemed necessary, and it shall prescribe their duties; their compensation shall be the same as other state employees receive for similar services.

~~(c) The council may adopt rules necessary and proper to effect any of the duties or powers of the council provided in this chapter.~~

~~(4) The department shall:~~

~~(a) Provide all necessary personnel and administrative support to the council, as determined by the department, in order for the council to perform its duties under this chapter.~~

~~(b) With the advice of the council, submit an annual budget for the council to the Legislature, as part of the budget of the department, in the manner provided by law.~~

~~(c) Develop a training program for persons newly appointed to membership on the council. The program shall familiarize such persons with the laws and rules which relate to the regulation of bail bondsmen and with the structure of the department.~~

~~(d) Establish procedures by which it shall use the expert or technical advice of the council for the purpose of carrying out its duties and powers under this chapter.~~

Section 30. Sections 953.001, 953.002, 953.003, 953.004, 953.005, 953.006, 953.007, 953.11, 953.15, 953.16, 953.25, 953.26, 953.27, 953.35, 953.36, 953.45, and 953.52, Florida Statutes, and section 953.008, Florida Statutes, as amended by chapter 95-153, Laws of Florida, are hereby repealed.

Section 31. Section 827.05, Florida Statutes, is hereby repealed.

Section 32. Effective upon this act becoming a law, subsection (6) of section 943.031, Florida Statutes, as created by section 1 of chapter 93-204, Laws of Florida, is repealed.

Section 33. Effective October 1, 1996, paragraphs (d) and (e) of subsection (4) and subsection (6) of section 39.052, Florida Statutes, are amended to read:

39.052 Hearings.—

(4) DISPOSITION HEARING FOR DELINQUENCY CASES.— When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(d) The first determination to be made by the court is a determination of the suitability or nonsuitability for adjudication and commitment of the child to the department. This determination shall be based upon the predisposition report which shall include, whether as part of the child's multidisciplinary assessment, classification, and placement process components or separately, evaluation of the following criteria:

1. The seriousness of the offense to the community. *If the court determines that the child was a member of a criminal street gang at the time of the commission of the offense, which determination shall be made pursuant to chapter 874, the seriousness of the offense to the community shall be given great weight.*

2. Whether the protection of the community requires adjudication and commitment to the department.

3. Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

4. Whether the offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

5. The sophistication and maturity of the child.

6. The record and previous criminal history of the child, including without limitations:

a. Previous contacts with the department, the Department of Health and Rehabilitative Services, the Department of Corrections, other law enforcement agencies, and courts;

b. Prior periods of probation or community control;

c. Prior adjudications of delinquency; and

d. Prior commitments to institutions.

7. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child if committed to a community services program or facility.

(e)1. If the court determines that the child should be adjudicated as having committed a delinquent act and should be committed to the department, such determination shall be in writing or on the record of the hearing. The determination shall include a specific finding of the reasons for the decision to adjudicate and to commit the child to the department, *including any determination that the child was a member of a criminal street gang.*

2. If the court determines that commitment to the department is appropriate, the intake counselor or case manager shall recommend to the court the most appropriate placement and treatment plan, specifically identifying the restrictiveness level most appropriate for the child. *If the court has determined that the child was a member of a criminal street gang, that determination shall be given great weight in identifying the most appropriate restrictiveness level for the child.* The court shall consider the department's recommendation in making its commitment decision.

3. The court shall commit the child to the department at the restrictiveness level identified or may order placement at a different restrictiveness level. The court shall state for the record the reasons which establish by a preponderance of the evidence why the court is disregarding the assessment of the child and the restrictiveness level recommended by the department. Any party may appeal the court's findings resulting in a modified level of restrictiveness pursuant to this subparagraph.

4. The court may also require that the child be placed in a community control program following the child's discharge from commitment. Community-based sanctions pursuant to paragraph (f) may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

5. The court shall be responsible for the fingerprinting of any child at the disposition hearing if the child has been adjudicated or had adjudication withheld for any felony in the case currently before the court.

(6) PLACEMENT OF A SERIOUS OR HABITUAL JUVENILE OFFENDER.—Following a delinquency adjudicatory hearing pursuant to subsection (1) and a delinquency disposition hearing pursuant to subsection *(4)* ~~(3)~~ which results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best served by a program for serious or habitual juvenile offenders as provided in s. 39.058. The determination shall be made pursuant to s. 39.01(62) and paragraph *(4)*~~(3)~~(e).

Section 34. Effective October 1, 1996, section 874.01, Florida Statutes, is amended to read:

874.01 Short title.—This chapter may be cited as the "*Criminal Street Gang* ~~Terrorism Enforcement and~~ Prevention Act of *1996* ~~1990~~."

Section 35. Effective October 1, 1996, section 874.02, Florida Statutes, is amended to read:

874.02 Legislative findings and intent.—

(1) The Legislature finds that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, sexual orientation, or handicap, to be secure and protected from fear, intimidation, and physical harm caused by the activities of *criminal street gangs and their members* ~~violent groups and individuals~~. It is not the intent of this chapter to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The Legislature recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

(2) The Legislature finds, however, that the state is facing a mounting crisis caused by criminal street gangs whose members threaten and terrorize peaceful citizens and commit a multitude of crimes. These *criminal street gang* activities, both individually and collectively, present a clear and present danger. *The state has a compelling interest in preventing criminal street gang activity, and the Legislature finds that the provisions of this act are necessary to maintain the* ~~to~~ public order and safety ~~and are not constitutionally protected~~.

(3) It is the intent of the Legislature to eradicate the terror created by criminal street gangs and *their* ~~criminal street gang~~ members by providing enhanced penalties and by eliminating the patterns, profits, proceeds, instrumentalities, *and* ~~or~~ property *facilitating* ~~which facilitates~~ criminal street gang activity*, including criminal street gang recruitment.*

Section 36. Effective October 1, 1996, section 874.03, Florida Statutes, is amended to read:

874.03 Definitions.—As used in this chapter:

(1) "Criminal street gang" means a formal or informal ongoing organization, association, or group *that has as one of its primary activities the commission of criminal or delinquent acts, and that consists* of three or more persons who~~:~~

~~(a)~~ have a common name or common identifying signs, colors, or symbols *and*~~;~~

~~(b)~~ have *two or more* members ~~or associates~~ who, individually or collectively, engage in or have engaged in a pattern of criminal street gang activity.

(2) "Criminal street gang member" is a person who *is a member of a criminal street gang as defined in subsection (1)* ~~engages in a pattern of criminal street gang activity~~ *and who* meets two or more of the following criteria:

(a) Admits to criminal street gang membership.

(b) Is ~~a youth under the age of 21 years who is~~ identified as a criminal street gang member by a parent or guardian.

(c) Is identified as a criminal street gang member by a documented reliable informant.

(d) Resides in or frequents a particular criminal street gang's area and adopts their style of dress, their use of hand signs, or their tattoos, and associates with known criminal street gang members.

(e) Is identified as a criminal street gang member by an informant of previously untested reliability and such identification is corroborated by independent information.

(f) Has been arrested more than once in the company of identified criminal street gang members for offenses which are consistent with usual criminal street gang activity.

(g) Is identified as a criminal street gang member by physical evidence such as photographs or other documentation.

(h) Has been stopped in the company of known criminal street gang members four or more times.

(3) "Pattern of criminal street gang activity" means the commission *or*~~,~~ attempted commission *of*, or solicitation *or conspiracy to commit*, ~~by any member or members of a criminal street gang, of~~ two or more felony or *three or more* ~~violent~~ misdemeanor offenses, or *one felony and two misdemeanor offenses, or the comparable number of* ~~two or more~~ delinquent acts or violations of law which would be felonies or ~~violent~~ misdemeanors if committed by an adult, on separate occasions within a 3-year period.

(4) For purposes of law enforcement identification and tracking only:

(a) "Criminal street gang associate" means a person who:

1. Admits to criminal street gang association; or

2. Meets any single defining criterion for criminal street gang membership described in subsection (2).

(b) "Gang-related incident" means an incident that, upon investigation, meets any of the following conditions:

1. The participants are identified as criminal street gang members or criminal street gang associates, acting, individually or collectively, to further any criminal purpose of the gang;

2. A reliable informant identifies an incident as criminal street gang activity; or

3. An informant of previously untested reliability identifies an incident as criminal street gang activity and it is corroborated by independent information.

Section 37. Effective October 1, 1996, section 874.04, Florida Statutes, is amended to read:

874.04 ~~Pattern of~~ Criminal street gang activity; *enhanced* ~~reclassified~~ penalties.—*Upon a finding by the court at sentencing that the defendant is a member of a criminal street gang,* the penalty for any felony or ~~violent~~ misdemeanor, or any delinquent act or violation of law which would be a felony or ~~violent~~ misdemeanor if committed by an adult, *may* ~~shall~~ be *enhanced* ~~reclassified~~ if the offender was a member of a criminal street gang at the time of the commission of such offense. ~~that meets the criteria of a pattern of criminal street gang activity:~~ *Each of the findings required as a basis for such sentence shall be found by a preponderance of the evidence. The enhancement will be as follows:*

(1)(a) A misdemeanor of the second degree *may* ~~shall~~ be *punished* ~~punishable~~ as if it were a misdemeanor of the first degree.

(b) A misdemeanor of the first degree *may* ~~shall~~ be *punished* ~~punishable~~ as if it were a felony of the third degree. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, such offense is ranked in level *1* ~~2~~ of the offense severity ranking chart. *The criminal street gang multiplier in s. 921.0014 does not apply to misdemeanors enhanced under this paragraph.*

(2)(a) A felony of the third degree *may* ~~shall~~ be *punished* ~~punishable~~ as if it were a felony of the second degree.

(b) A felony of the second degree *may* ~~shall~~ be *punished* ~~punishable~~ as if it were a felony of the first degree.

(c) A felony of the first degree *may* ~~shall~~ be *punished* ~~punishable~~ as if it were a life felony.

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, such felony offense is ranked as provided in s. 921.0012 or s. 921.0013, and without regard to the penalty enhancement in this subsection. For purposes of this section, penalty enhancement affects the applicable statutory maximum penalty only.

Section 38. Effective October 1, 1996, section 874.05, Florida Statutes, is created to read:

874.05 Causing, encouraging, soliciting, or recruiting criminal street gang membership.—

(1) A person who intentionally causes, encourages, solicits, or recruits another person to join a criminal street gang that requires as a condition of membership or continued membership the commission of any crime commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Upon a second or subsequent offense, the person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 39. Effective October 1, 1996, section 874.06, Florida Statutes, is amended to read:

874.06 Civil cause of action.—*A* ~~Any~~ person or organization *establishing,* ~~which establishes~~ by clear and convincing evidence, *coercion, intimidation, threats,* ~~that it has been coerced, intimidated, threatened,~~ or *other harm to that person or organization* ~~otherwise harmed~~ in violation of this chapter *has* ~~shall have~~ a civil cause of action for treble damages, an injunction, or any other appropriate relief in law or equity. Upon prevailing ~~in such civil action~~, the plaintiff may recover reasonable attorney's fees and costs.

Section 40. Effective October 1, 1996, section 874.08, Florida Statutes, is amended to read:

874.08 Profits, proceeds, and instrumentalities of criminal street gangs *or criminal street gang recruitment*; forfeiture.—*All* ~~Any~~ profits, proceeds, *and* ~~or~~ instrumentalities of criminal *street gang* activity *and all* ~~or any~~ property used *or*~~,~~ intended~~,~~ or attempted to be used to facilitate *the* criminal activity of any criminal street gang or *of any* criminal street gang member*; and all profits, proceeds, and instrumentalities of criminal street gang recruitment and all property used or intended or attempted to be used to facilitate criminal street gang recruitment are* ~~shall be~~ subject to seizure and forfeiture under the Florida Contraband Forfeiture Act, ~~under~~ s. 932.704.

Section 41. Effective October 1, 1996, section 874.09, Florida Statutes, is amended to read:

874.09 Crime data information.—*The Department of Law Enforcement may develop and manage a statewide criminal street gang database to facilitate the exchange of information pursuant to the intent and purpose of this chapter.* ~~Crime information obtained pursuant to this chapter shall be reported to the Department of Law Enforcement for purposes of the statewide youth gang database established in s. 943.0572.~~

Section 42. Effective October 1, 1996, section 893.138, Florida Statutes, is amended to read:

893.138 Local administrative action to abate drug-related or prostitution-related public nuisances and *criminal* ~~youth and~~ street gang activity.—

(1) Any place or premises that has been used on more than two occasions, within a 6-month period:

(a) As the site of a violation of s. 796.07;

(b) As the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(c) On one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance; or

(d) Any place or building used by a *criminal* ~~youth and~~ street gang for the purpose of conducting a pattern of *criminal* ~~youth and~~ street gang activity

may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

(2) Any county or municipality may, by ordinance, create an administrative board to hear complaints regarding the nuisances described in subsection (1). Any employee, officer, or resident of the county or municipality may bring a complaint before the board after giving not less than 3 days' written notice of such complaint to the owner of the place or premises at his last known address. After a hearing in which the board may consider any evidence, including evidence of the general reputation of the place or premises, and at which the owner of the premises shall have an opportunity to present evidence in his defense, the board may declare the place or premises to be a public nuisance as described in subsection (1).

(3) If the board declares a place or premises to be a public nuisance, it may enter an order requiring the owner of such place or premises to adopt such procedure as may be appropriate under the circumstances to abate any such nuisance or it may enter an order immediately prohibiting:

(a) The maintaining of the nuisance;

(b) The operating or maintaining of the place or premises, including the closure of the place or premises or any part thereof; or

(c) The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

(4) An order entered under subsection (3) shall expire after 1 year or at such earlier time as is stated in the order.

(5) An order entered under subsection (3) may be enforced pursuant to the procedures contained in s. 120.69. This subsection does not subject a municipality that creates a board under this section, or the board so created, to any other provision of chapter 120.

(6) The board may bring a complaint under s. 60.05 seeking temporary and permanent injunctive relief against any nuisance described in subsection (1).

(7) This section does not restrict the right of any person to proceed under s. 60.05 against any public nuisance.

(8) As used in this section, the term "controlled substance" includes any substance sold in lieu of a controlled substance in violation of s. 817.563 or any imitation controlled substance defined in s. 817.564.

Section 43. Effective October 1, 1996, for the purpose of incorporating the amendment to s. 874.03, Florida Statutes, in a reference thereto, subsection (3) of section 895.02, Florida Statutes, is reenacted to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(3) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental, as well as other, entities. A criminal street gang, as defined in s. 874.03, constitutes an enterprise.

Section 44. Effective October 1, 1996, paragraphs (a), (b), and (c) of subsection (1), and subsections (2), (3), and (4) of section 775.084, Florida Statutes, are amended, and subsection (6) of said section is reenacted, to read:

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; definitions; procedure; enhanced penalties.—

(1) As used in this act:

(a) "Habitual felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in paragraph (4)(a), if it finds that:

1. The defendant has previously been convicted of any combination of two or more felonies in this state or other qualified offenses.~~;~~

2. The felony for which the defendant is to be sentenced was committed*:*

a. While the defendant was serving a prison sentence or other commitment imposed as a result of a prior conviction for a felony or other qualified offense; or

b. Within 5 years of the date of the conviction of the defendant's last prior felony or other qualified offense, or within 5 years of the defendant's release~~, on parole or otherwise,~~ from a prison sentence or other commitment imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later.~~;~~

3. The felony for which the defendant is to be sentenced, and one of the two prior felony convictions, is not a violation of s. 893.13 relating to the purchase or the possession of a controlled substance.~~;~~

4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this paragraph.~~; and~~

5. A conviction of a felony or other qualified offense necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(b) "Habitual violent felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in paragraph (4)(b), if it finds that:

1. The defendant has previously been convicted of a felony or an attempt or conspiracy to commit a felony and one or more of such convictions was for:

a. Arson;

b. Sexual battery;

c. Robbery;

d. Kidnapping;

e. Aggravated child abuse;

f. Aggravated assault;

g. Murder;

h. Manslaughter;

i. Unlawful throwing, placing, or discharging of a destructive device or bomb;

j. Armed burglary;

k. Aggravated battery; or

l. Aggravated stalking.~~;~~

2. The felony for which the defendant is to be sentenced was committed*:*

a. While the defendant was serving a prison sentence or other commitment imposed as a result of a prior conviction for an enumerated felony; or

b. Within 5 years of the date of the conviction of the last prior enumerated felony, or within 5 years of the defendant's release~~, on parole or otherwise,~~ from a prison sentence or other commitment imposed as a result of a prior conviction for an enumerated felony, whichever is later.~~;~~

3. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this paragraph.~~; and~~

4. A conviction of a crime necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(c) "Violent career criminal" means a defendant for whom the court must impose imprisonment pursuant to paragraph (4)(c), if it finds that:

1. The defendant has previously been convicted as an adult three or more times for an offense in this state or other qualified offense that is:

a. Any forcible felony, as described in s. 776.08;

b. Aggravated stalking, as described in s. 784.048(3) and (4);

c. Aggravated child abuse, as described in s. 827.03;

d. Lewd, lascivious, or indecent conduct, as described in s. 800.04;

e. Escape, as described in s. 944.40; or

f. A felony violation of chapter 790 involving the use or possession of a firearm.

2. The defendant has been incarcerated in a state prison or a federal prison.

3. The primary felony offense for which the defendant is to be sentenced is a felony enumerated in subparagraph 1. and was committed on or after October 1, 1995, and*:*

a. While the defendant was serving a prison sentence or other commitment imposed as a result of a prior conviction for an enumerated felony; or

b. Within 5 years after the conviction of the last prior enumerated felony, or within 5 years after the defendant's release~~, on parole or otherwise,~~ from a prison sentence or other commitment imposed as a result of a prior conviction for an enumerated felony, whichever is later.

4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this paragraph.

5. A conviction of a felony or other qualified offense necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(2) For the purposes of this section, the placing of a person on probation without an adjudication of guilt shall be treated as a prior conviction if the subsequent offense for which *the person* ~~he~~ is to be sentenced was committed during such probationary period.

(3)(a) In a separate proceeding, the court shall determine if the defendant is a habitual felony offender or a habitual violent felony offender. The procedure shall be as follows:

1. The court shall obtain and consider a presentence investigation prior to the imposition of a sentence as a habitual felony offender or a habitual violent felony offender.

2. Written notice shall be served on the defendant and the defendant's attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence in order to allow the preparation of a submission on behalf of the defendant.

3. Except as provided in subparagraph 1., all evidence presented shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

4. Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable to the extent normally applicable to similar findings.

5. For the purpose of identification of a habitual felony offender or a habitual violent felony offender, the court shall fingerprint the defendant pursuant to s. 921.241.

6. For an offense committed on or after October 1, 1995, *if the state attorney pursues a habitual felony offender sanction or a habitual violent felony offender sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction,* the court must sentence *the* ~~a~~ defendant *as* ~~who meets the criteria for~~ a habitual felony offender or a habitual violent felony offender, *subject* to imprisonment pursuant to *this section* ~~paragraph (4)(a) or paragraph (4)(b)~~ unless the court finds that such sentence is not necessary for the protection of the public. If the court finds that it is not necessary for the protection of the public to sentence *the* ~~a~~ defendant ~~who meets the criteria for sentencing~~ as a habitual felony offender or a habitual violent felony offender ~~to imprisonment pursuant to paragraph (4)(a) or paragraph (4)(b)~~, the court shall provide written reasons; a written transcript of orally stated reasons is permissible, if filed by the court within 7 days after the date of sentencing. *Each month,* the court shall submit ~~monthly reports~~ to the Sentencing Commission ~~regarding habitual felony offender or habitual violent felony offender sentencing under this section, and the reports shall include~~ the written reasons or transcripts in each case in which the court determines not to impose *a habitual felony offender sanction or a habitual violent felony offender sanction* ~~such sentence~~.

(b) In a separate proceeding, the court shall determine *whether* ~~if~~ the defendant is a violent career criminal~~,~~ with respect to a primary offense committed on or after October 1, 1995. The procedure shall be as follows:

1. Written notice shall be served on the defendant and the defendant's attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence in order to allow the preparation of a submission on behalf of the defendant.

2. All evidence presented shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

3. Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable only as provided in paragraph (c).

4. For the purpose of identification, the court shall fingerprint the defendant pursuant to s. 921.241.

5. For an offense committed on or after October 1, 1995, *if the state attorney pursues a violent career criminal sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction,* the court must sentence *the* ~~a~~ defendant *as* ~~who meets the criteria for~~ a violent career criminal, *subject* to imprisonment pursuant to *this section* ~~paragraph (4)(c)~~ unless the court finds that such sentence is not necessary for the protection of the public. If the court finds that it is not necessary for the protection of the public to sentence *the* ~~a~~ defendant ~~who meets the criteria for sentencing~~ as a violent career criminal ~~to imprisonment pursuant to paragraph (4)(c)~~, the court shall provide written reasons; a written transcript of orally stated reasons is permissible, if filed by the court within 7 days after the date of sentencing. *Each month,* the court shall submit ~~monthly reports~~ to the Sentencing Commission ~~regarding violent career criminal sentencing under this section, and the reports shall include~~ the written reasons or transcripts in each case in which the court determines not to impose *a violent career criminal sanction* ~~such sentence~~.

(c)1. A person sentenced under paragraph (4)(c) as a violent career criminal has the right of direct appeal, and either the state or the defendant may petition the trial court to vacate an illegal sentence at any time. However, the determination of the trial court to impose or not to impose a violent career criminal sentence is presumed appropriate and no petition or motion for collateral or other postconviction relief may be considered based on an allegation either by the state or the defendant that such sentence is inappropriate, inadequate, or excessive.

2. It is the intent of the Legislature that, with respect to both direct appeal and collateral review of violent career criminal sentences, all claims of error or illegality be raised at the first opportunity and that no claim should be filed more than 2 years after the judgment and sentence became final, unless it is established that the basis for the claim could not have been ascertained at the time by the exercise of due diligence. Technical violations and mistakes at trials and sentencing proceedings involving violent career criminals that do not affect due process or fundamental fairness are not appealable by either the state or the defendant.

3. It is the intent of the Legislature that no funds, resources, or employees of the state or its political subdivisions be used, directly or indirectly, in appellate or collateral proceedings based on violent career criminal sentencing, except when such use is constitutionally or statutorily mandated.

(4)(a) The court, in conformity with the procedure established in paragraph (3)(a), *may* ~~shall~~ sentence the habitual felony offender as follows:

1. In the case of a life felony or a felony of the first degree, for life.

2. In the case of a felony of the second degree, for a term of years not exceeding 30.

3. In the case of a felony of the third degree, for a term of years not exceeding 10.

(b) The court, in conformity with the procedure established in paragraph (3)(a), may sentence the habitual violent felony offender as follows:

1. In the case of a life felony or a felony of the first degree, for life, and such offender shall not be eligible for release for 15 years.

2. In the case of a felony of the second degree, for a term of years not exceeding 30, and such offender shall not be eligible for release for 10 years.

3. In the case of a felony of the third degree, for a term of years not exceeding 10, and such offender shall not be eligible for release for 5 years.

(c) The court, in conformity with the procedure established in paragraph (3)(b), shall sentence the violent career criminal as follows:

1. In the case of a life felony or a felony of the first degree, for life.

2. In the case of a felony of the second degree, for a term of years not exceeding 40, with a mandatory minimum term of 30 years' imprisonment.

3. In the case of a felony of the third degree, for a term of years not exceeding 15, with a mandatory minimum term of 10 years' imprisonment.

~~An offender sentenced under this paragraph is not eligible for any form of discretionary early release except conditional medical release under s. 947.149.~~

(d) If the court finds, pursuant to *paragraph* ~~subparagraph~~ (3)(a)~~6.~~ or *paragraph* ~~subparagraph~~ (3)(b)~~5.~~, that it is not necessary for the protection of the public to sentence a defendant who meets the criteria for sentencing as a habitual felony offender, a habitual violent felony offender, or a violent career criminal, with respect to an offense committed on or after October 1, 1995, sentence shall be imposed without regard to this section.

(e) At any time when it appears to the court that the defendant is eligible for sentencing under this section, the court shall make that determination as provided in paragraph (3)(a) or paragraph (3)(b).

(f) A sentence imposed under this section shall not be increased after such imposition.

(g) A sentence imposed under this section is not subject to s. 921.001.

(h) The provisions of this section do not apply to capital felonies, and a sentence authorized under this section does not preclude the imposition of the death penalty for a capital felony.

(i) The provisions of s. 947.1405 shall apply to persons sentenced as habitual felony offenders and persons sentenced as habitual violent felony offenders.

(j)1. A defendant sentenced under this section as a habitual felony offender, ~~or~~ a habitual violent felony offender, *or a violent career criminal* is ~~not~~ eligible for gain-time granted by the Department of Corrections~~, except that the department may grant up to 25 days of incentive gain-time each month~~ as provided in s. 944.275(4).

2. For an offense committed on or after October 1, 1995, a defendant sentenced under this section as a violent career criminal is not eligible for *any form of* ~~gain-time granted by the Department of Corrections, except the department may grant up to 5 days of incentive gain-time each month as provided in s. 944.275(4)(b)3. An inmate is not eligible to earn any type of gain-time that would cause the inmate's sentence to expire, end, or terminate, or that would result in the inmate's release, prior to serving a minimum of 85 percent of the court-imposed sentence. The department shall not grant further gain-time awards to an inmate whose tentative release date is the same as the date at which the inmate will have served 85 percent of the court-imposed sentence.~~ discretionary early release, other than pardon *or*~~,~~ executive clemency, or conditional medical release granted pursuant to s. 947.149~~, is expressly prohibited~~.

(6) The purpose of this section is to provide uniform punishment for those crimes made punishable under this section, and to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

Section 45. Effective October 1, 1996, for the purpose of incorporating the amendment to s. 775.084, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

790.235 Possession of firearm by violent career criminal unlawful; penalty.—

(1) Any person who meets the violent career criminal criteria under s. 775.084(1)(c), regardless of whether such person is or has previously been sentenced as a violent career criminal, who owns or has in his or her care, custody, possession, or control any firearm or electric weapon or device, or carries a concealed weapon, including a tear gas gun or chemical weapon or device, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person convicted of a violation of this section shall be sentenced to a mandatory minimum of 15 years' imprisonment; however, if the person would be sentenced to a longer term of imprisonment under s. 775.084(4)(c), the person must be sentenced under that provision. A person convicted of a violation of this section is not eligible for any form of discretionary early release, other than pardon, executive clemency, or conditional medical release under s. 947.149.

(2) For purposes of this section, the previous felony convictions necessary to meet the violent career criminal criteria under s. 775.084(1)(c) may be convictions for felonies committed as an adult or adjudications of delinquency for felonies committed as a juvenile. In order to be counted as a prior felony for purposes of this section, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense, and sentenced or adjudicated separately from any other felony that is to be counted as a prior felony.

Section 46. Section 775.0842, Florida Statutes, is amended to read:

775.0842 Persons subject to career criminal prosecution efforts.—A person who is under arrest for the commission, attempted commission, or conspiracy to commit any felony in this state shall be the subject of career criminal prosecution efforts provided that such person qualifies as a habitual felony offender, ~~or~~ a habitual violent felony offender, or a violent career criminal, under s. 775.084.

Section 47. Effective October 1, 1996, subsection (2) of section 810.011, Florida Statutes, is amended to read:

810.011 Definitions.—As used in this chapter:

(2) "Dwelling" means a building or conveyance of any kind, *including any attached porch, whether such building or conveyance is* ~~either~~ temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night, together with the curtilage thereof. However, during the time of a state of emergency declared by executive order or proclamation of the Governor under chapter 252 and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08 only, the term includes such portions or remnants thereof as exist at the original site, regardless of absence of a wall or roof.

Section 48. Effective October 1, 1996, section 810.09, Florida Statutes, is amended to read:

810.09 Trespass on property other than structure or conveyance.—

(1)*(a) A person who* ~~Whoever~~, without being authorized, licensed, or invited, willfully enters upon or remains in any property other than a structure or conveyance*:*

1. As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in s. 810.011*; or*

2. If the property is the unenclosed curtilage of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass,

commits the offense of trespass on property other than a structure or conveyance.

(b) As used in this section, the term "unenclosed curtilage" means the unenclosed land or grounds, and any outbuildings, that are directly and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling.

(2)(a) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offender defies an order to leave, personally communicated to *the offender* ~~him~~ by the owner of the premises or by an authorized person, or if the offender willfully opens any door, fence, or gate or does any act that exposes animals, crops, or other property to waste, destruction, or freedom*;*~~,~~ unlawfully dumps litter on property*;*~~,~~ or trespasses on property other than a structure or conveyance, *the offender commits* ~~he is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) If the offender is armed with a firearm or other dangerous weapon during the commission of the offense of trespass on property other than a structure or conveyance, he is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any owner or person authorized by the owner may, for prosecution purposes, take into custody and detain, in a reasonable manner, for a reasonable length of time, any person when he *or she* reasonably believes that a violation of this paragraph has been or is being committed, and ~~he~~

~~reasonably believes~~ that the person to be taken into custody and detained has committed or is committing such violation. In the event a person is taken into custody, a law enforcement officer shall be called as soon as is practicable after the person has been taken into custody. The taking into custody and detention ~~by such person, if done~~ in compliance with the requirements of this paragraph *does*~~, shall~~ not *result in criminal or civil liability* ~~render such person criminally or civilly liable~~ for false arrest, false imprisonment, or unlawful detention.

(d) The offender *commits* ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed is a construction site that is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE *WHO TRESPASSES* ~~trespassing~~ ON THIS PROPERTY *COMMITS* ~~shall, upon conviction, be guilty of~~ A FELONY."

(e) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is commercial horticulture property and the property is legally posted and identified in substantially the following manner: "THIS AREA IS DESIGNATED COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

Section 49. Effective October 1, 1996, subsections (2) and (3) of section 812.014, Florida Statutes, are amended to read:

812.014 Theft.—

(2)(a) If the property stolen is valued at $100,000 or more, the offender commits grand theft in the first degree, punishable as a felony of the first degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the property stolen is valued at $20,000 or more, but less than $100,000, the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:

1. Valued at $300 or more, but less than $5,000.

2. Valued at $5,000 or more, but less than $10,000.

3. Valued at $10,000 or more, but less than $20,000.

4. A will, codicil, or other testamentary instrument.

5. A firearm.

6. A motor vehicle.

7. Any commercially farmed animal, including any animal of the equine, bovine, or swine class, or other grazing animal, and including aquaculture species raised at a permitted aquaculture facility.

8. Any fire extinguisher.

9. Any amount of citrus fruit consisting of 2,000 or more individual pieces of fruit.

10. Taken from a designated construction site identified by the posting of a sign as provided for in s. 810.09(2)(d).

(d) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at $100 or more, but less than $300, and is taken from a dwelling as defined in s. 810.011(2) or from the unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

(e) Except as provided in paragraph (d), if the property stolen is valued at $100 or more, but less than $300, the offender commits petit theft of the first degree, punishable as a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(3)(a) Theft of any property not specified in subsection (2) is petit theft *of the second degree* and a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who commits petit theft and who has previously been convicted of any theft commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A person who commits petit theft and who has previously been convicted two or more times of any theft commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(d)1. Every judgment of guilty or not guilty of a petit theft shall be in writing, signed by the judge, and recorded by the clerk of the circuit court. The judge shall cause to be affixed to every such written judgment of guilty of petit theft, in open court and in the presence of such judge, the fingerprints of the defendant against whom such judgment is rendered. Such fingerprints shall be affixed beneath the judge's signature to such judgment. Beneath such fingerprints shall be appended a certificate to the following effect:

"I hereby certify that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, ____, and that they were placed thereon by said defendant in my presence, in open court, this the ____ day of ____, 19____."

Such certificate shall be signed by the judge, whose signature thereto shall be followed by the word "Judge."

2. Any such written judgment of guilty of a petit theft, or a certified copy thereof, is admissible in evidence in the courts of this state as prima facie evidence that the fingerprints appearing thereon and certified by the judge are the fingerprints of the defendant against whom such judgment of guilty of a petit theft was rendered.

Section 50. Effective October 1, 1996, subsection (7) of section 921.0011, Florida Statutes, is amended to read:

921.0011 Definitions.—As used in this chapter, the term:

(7) "Victim injury" means the physical injury or death suffered by a person as a direct result of the primary offense, or any *additional* offense ~~other than the primary offense~~, for which an offender is convicted and which is pending before the court for sentencing at the time of the primary offense. If the conviction is for an offense involving sexual contact *that* ~~which~~ includes sexual penetration, the sexual penetration must be scored *in accordance with the sentence points provided under s. 921.0014 for sexual penetration,* ~~as a severe injury~~ regardless of whether there is evidence of any physical injury. If the conviction is for an offense involving sexual contact *that* ~~which~~ does not include sexual penetration, the sexual contact must be scored *in accordance with the sentence points provided under s. 921.0014 for sexual contact,* ~~as a moderate injury~~ regardless of whether there is evidence of any physical injury. If the victim of an offense involving sexual contact suffers any physical injury as a direct result of the primary offense or any *additional* ~~other~~ offense committed by the offender resulting in conviction, such physical injury must be scored separately and in addition to the points scored for the sexual contact or the sexual penetration.

Section 51. Effective October 1, 1996, subsections (1) and (2) and paragraphs (b), (c), (d), (e), (f), (g), (h), and (i) of subsection (3) of section 921.0012, Florida Statutes, are amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(1) *The* ~~A single~~ offense severity ranking chart must be used *with the sentencing guidelines worksheet* to compute a sentence score for each felony offender.

(2) The offense severity ranking chart has 10 offense levels, ranked from least severe to most severe, and each felony offense is assigned to a level according to the severity of the offense. *For purposes of determining which felony offenses are specifically listed in the offense severity ranking chart and which severity level has been assigned to each of these offenses, the numerical statutory references in the left column of the chart and the felony degree designations in the middle column of the chart are controlling; the language in the right column of the chart is provided solely for descriptive purposes. Reclassification of the degree of the felony through the application of s. 775.0845, s. 775.087, s. 775.0875, or s. 794.023, to any offense listed in the offense severity ranking chart in this section shall not cause the offense to become unlisted and is not subject to the provisions of s. 921.0013.*

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(b) LEVEL 2
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.
590.28(1)	3rd	Willful, malicious, or intentional burning.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage $1,000 or more to public communication or any other public service.
810.09(2)(e)	3rd	Trespassing on posted commerical horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; $300 or more but less than $5,000.
812.014(2)(d)	*3rd*	*Grand theft, 3rd degree; $100 or more but less than $300, taken from unenclosed curtilage of dwelling.*
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over $300.
817.52(3)	3rd	Failure to redeliver hired vehicle.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
817.60(5)	3rd	Dealing in credit cards of another.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
817.61	3rd	Fraudulent use of credit cards over $100 or more within 6 months.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills or promissory note.
831.08	3rd	Possession of 10 or more forged notes.
831.09	3rd	Uttering forged bills; passes as bank bill or promissory note.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	Falsely impersonating an officer.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c), (3), or (4) drugs other than cannabis.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
		(c) LEVEL 3
39.061	3rd	Escapes from juvenile facility (secure detention or residential commitment facility).
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)*2.*~~1.~~	3rd	Grand theft; $5,000 or more but less than $10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c), (3), or (4) drugs within 200 feet of university, public housing facility, or public park.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
		(d) LEVEL 4
231.06(2)	3rd	Battery of school employee.
240.381(2)	3rd	Battery of community college security officer.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer resulting in high-speed pursuit.

Florida Statute	Felony Degree	Description
381.0025(4)(b)	3rd	Battery of HRS employee.
401.41(2)(b)	3rd	Battery on emergency medical services personnel.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.075	3rd	Battery on detention or commitment facility staff.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
874.05(1)	*3rd*	*Encouraging or recruiting another to join a criminal street gang.*
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), or (2)(a) or (b) drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(3)	3rd	Aggravated fleeing or eluding.
322.34(3)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
790.01(2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163	2nd	False report of deadly explosive.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.16(2)	*3rd*	*Owning, operating, or conducting a chop shop.*
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
843.01	3rd	Resist officer with violence to ~~his~~ person; resist arrest with violence.
874.05(2)	*2nd*	*Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.*
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs) within 1,000 feet of a school.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 200 feet of university, public housing facility, or public park.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).
944.35(3)	3rd	Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
951.075	2nd	Prisoner commits assault or battery.

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
~~775.087(2)(a)2.~~		~~Battery upon law enforcement officer or firefighter while possessing firearm.~~
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.

Florida Statute	Felony Degree	Description
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful carnal intercourse with unmarried person under 18 of previous chaste character.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $20,000.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
782.07	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071*(1)*	3rd	Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072(1)	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)*(d)*~~(c)~~	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(2)	3rd	Abusing or neglecting an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.04(1)	3rd	Deprive child of necessities causing great bodily harm or disfigurement.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than *50* ~~100~~ lbs., less than 2,000 lbs.
893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
		(h) LEVEL 8
316.193(3)(c)3.*a.*	2nd	DUI manslaughter.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.071(2)	2nd	Committing vehicular homicide and willfully failing to stop; leaving scene.

Florida Statute	Felony Degree	Description
782.072(2)	2nd	Committing vessel homicide and willfully failing to stop; leaving scene.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
825.102(1)	2nd	Abusing or neglecting an elderly person or disabled adult and causes harm, disfigurement, or disability.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $100,000 or more.
827.03(2)	2nd	Commits aggravated battery on a child.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135(1)(d)2.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135(1)(e)2.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135(1)(f)2.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
		(i) LEVEL 9
316.193(3)(c)3.b.	*1st*	*DUI manslaughter; failing to render aid or give information.*
782.04(1)	1st	*Attempt, conspire, or solicit to commit* ~~Attempted~~ premeditated murder.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
790.161	1st	Attempted capital destructive device offense.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135(1)(d)3.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135(1)(e)3.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135(1)(f)3.	1st	Trafficking in amphetamine, more than 200 grams.

Section 52. Effective October 1, 1996, section 921.0013, Florida Statutes, is amended to read:

921.0013 Sentencing guidelines; ranking unlisted felony offenses.—A felony offense not listed in s. 921.0012 is ranked with respect to offense severity level by the Legislature, commensurate with the harm or potential harm that is caused by the offense to the community. *Until* ~~Prior to the time~~ the Legislature *specifically assigns* ~~ranks~~ an offense *to a severity level in the offense severity ranking chart* ~~which has not been ranked~~, the severity level is within the following parameters:

(1) A felony of the third degree within offense level 1.

(2) A felony of the second degree within offense level 4.

(3) A felony of the first degree within offense level 7.

(4) A felony of the first degree punishable by life within offense level 9.

(5) A life felony within offense level 10.

For purposes of determining whether a felony offense has been specifically listed in the offense ranking chart provided in s. 921.0012(3), and the severity level that has been assigned to an offense listed in the chart, the

numerical statutory reference in the left column of the chart, and the felony degree designation in the middle column of the chart, are controlling; the language in the right column of the chart is provided solely for descriptive purposes.

Section 53. Effective October 1, 1996, subsection (1) of section 921.0014, Florida Statutes, is amended to read:

921.0014 Sentencing guidelines; worksheet computations; scoresheets.—

(1)*(a)* The sentencing guidelines worksheet is used to compute the subtotal and total sentence points as follows:

FLORIDA SENTENCING GUIDELINES WORKSHEET

OFFENSE SCORE

Primary Offense

Level	Sentence Points		Total
10	116	=	_____
9	92	=	_____
8	74	=	_____
7	56	=	_____
6	36	=	_____
5	28	=	_____
4	22	=	_____
3	16	=	_____
2	10	=	_____
1	4	=	_____
		Total	_____

Additional Offenses

Level	Sentence Points		Counts		Total
10	58	x	_____	=	_____
9	46	x	_____	=	_____
8	37	x	_____	=	_____
7	28	x	_____	=	_____
6	18	x	_____	=	_____
5	5.4	x	_____	=	_____
4	3.6	x	_____	=	_____
3	2.4	x	_____	=	_____
2	1.2	x	_____	=	_____
1	0.7	x	_____	=	_____
M	0.2	x	_____	=	_____
				Total	_____

Victim Injury

Level	Sentence Points		Number		Total
2nd degree murder-death	240	x	_____	=	_____
Death	120	x	_____	=	_____
Severe	40	x	_____	=	_____
Sexual penetration	80	x	_____	=	_____
Moderate	18	x	_____	=	_____
Sexual contact	40	x	_____	=	_____
Slight	4	x	_____	=	_____
				Total	_____

Primary Offense + Additional Offenses + Victim Injury =

TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

Level	Sentence Points		Number		Total
10	29	x	_____	=	_____
9	23	x	_____	=	_____
8	19	x	_____	=	_____
7	14	x	_____	=	_____
6	9	x	_____	=	_____
5	3.6	x	_____	=	_____
4	2.4	x	_____	=	_____
3	1.6	x	_____	=	_____
2	0.8	x	_____	=	_____
1	0.5	x	_____	=	_____
M	0.2	x	_____	=	_____
				Total	_____

TOTAL OFFENSE SCORE_____

TOTAL PRIOR RECORD SCORE_____

LEGAL STATUS_____

COMMUNITY SANCTION VIOLATION_____

PRIOR SERIOUS FELONY_____

PRIOR CAPITAL FELONY_____

FIREARM OR SEMIAUTOMATIC WEAPON_____

SUBTOTAL_____

VIOLENT CAREER CRIMINAL (no)(yes)_____

VIOLENT HABITUAL OFFENDER (no)(yes)_____

HABITUAL OFFENDER (no)(yes)_____

DRUG TRAFFICKER (no)(yes) (x multiplier)_____

LAW ENF. PROTECT. (no)(yes) (x multiplier)_____

MOTOR VEHICLE THEFT (no)(yes) (x multiplier)_____

*CRIMINAL STREET GANG MEMBER (no)(yes) (x multiplier)*_____

TOTAL SENTENCE POINTS_____

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender's legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation, and each successive community sanction violation; however, if the community sanction violation includes a new felony conviction before the sentencing court, twelve (12) community sanction violation points are assessed for such violation, and for each successive community sanction violation involving a new felony conviction. *Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.*

Prior serious felony points: If the offender has a primary offense *or any additional offense* ranked in level 8, level 9, or level 10, and one or more prior serious felonies, *a single assessment of* ~~an additional~~ 30 points shall be *added* ~~assessed~~. For purposes of this section, a prior serious felony is an offense *in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0012 or s. 921.0013 and* for which the offender *is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is* ~~has been found guilty; which was committed~~ within 3 years before the date the primary offense *or* ~~and~~ any additional offense was committed~~; and which is ranked in level 8, level 9, or level 10 under s. 921.0012 or s. 921.0013, or would be ranked in level 8, level 9, or level 10 under s. 921.0012 or s. 921.0013, if the offense were committed in this state~~.

Prior capital felony points: If the offender has one or more prior capital felonies, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony is *a capital felony* ~~an~~ offense for which the offender has been found guilty; or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his possession: a firearm as defined in s. 790.001(6), an additional 18 sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his possession a semiautomatic firearm as defined in s. 775.087(3) or a machine gun as defined in s. 790.001(9), an additional 25 sentence points are assessed.

Sentencing multipliers:

Drug trafficking: If the primary offense is drug trafficking under s. 893.135, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5. The state attorney may

move the sentencing court to reduce or suspend the sentence of a person convicted of a level 7 or level 8 offense, if the offender provides substantial assistance as described in s. 893.135(4).

Law enforcement protection: If the primary offense is a violation of the Law Enforcement Protection Act under s. 775.0823(2), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(3), (4), (5), (6), (7), or (8), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement Protection Act under s. 775.0823(9) or (10), ~~then~~ the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Criminal street gang member: If the offender is convicted of the primary offense and is found to have been a member of a criminal street gang at the time of the commission of the primary offense pursuant to s. 874.04, the subtotal sentence points are multiplied by 1.5.

Section 54. Subsection (1) of section 893.135, Florida Statutes, is amended to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(a) Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of *50* ~~100~~ pounds of cannabis commits a felony of the first degree, which felony shall be known as "trafficking in cannabis." If the quantity of cannabis involved:

1. Is in excess of *50* ~~100~~ pounds, but less than 2,000 pounds, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $25,000.

2. Is 2,000 pounds or more, but less than 10,000 pounds, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $50,000.

3. Is 10,000 pounds or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $200,000.

(b)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine, as described in s. 893.03(2)(a)4., or of any mixture containing cocaine, but less than 150 kilograms of cocaine or any such mixture, commits a felony of the first degree, which felony shall be known as "trafficking in cocaine." If the quantity involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $50,000.

b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $100,000.

c. Is 400 grams or more, but less than 150 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 150 kilograms or more, *but less than 300 kilograms,* of cocaine, as described in s. 893.03(2)(a)4., commits the first degree felony of trafficking in cocaine. A person who has been convicted of the first degree felony of trafficking in cocaine under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except *pardon or executive clemency or* conditional medical release under s. 947.149. However, if *the court determines that,* in addition to *committing* ~~the commission of~~ any act specified in this paragraph~~, that person~~:

a. *The person* intentionally *killed* ~~kills~~ an individual or *counseled, commanded, induced, procured, or caused* ~~counsels, commands, induces, procures, or causes~~ the intentional killing of an individual and such killing *was the result* ~~results~~; or

b. *The person's conduct in committing* ~~Is determined, with respect to the commission of~~ that act~~, to have had a highly culpable mental state and, as a result of that act, the defendant's conduct~~ led to a natural, though not inevitable, lethal result, ~~which state may be taken into account in any capital sentencing judgment,~~

such person commits the capital felony of trafficking in cocaine, punishable as provided in ss. 775.082 and 921.142. *Any* ~~Such~~ person *sentenced for a capital felony under this paragraph* shall also be sentenced to pay the maximum fine provided under subparagraph 1. ~~For the purposes of this paragraph, a "highly culpable mental state" is represented by a reckless disregard for human life implicit in knowingly engaging in criminal activities known to carry a grave risk of death.~~

3. Any person who knowingly brings into this state 300 kilograms or more of cocaine, as described in s. 893.03(2)(a)4., and who knows that the probable result of such importation would be the death of any person, commits capital importation of cocaine, a capital felony punishable as provided in s. 775.082 and s. 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(c)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or (2)(a), or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as "trafficking in illegal drugs." If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $100,000.

c. Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of $500,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more, *but less than 60 kilograms,* of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or (2)(a), or 30 kilograms or more, *but less than 60 kilograms,* of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except *pardon or executive clemency or* conditional medical release under s. 947.149. However, if *the court determines that,* in addition to *committing* ~~the commission of~~ any act specified in this paragraph~~, that person~~:

a. *The person* intentionally *killed* ~~kills~~ an individual or *counseled, commanded, induced, procured, or caused* ~~counsels, commands, induces, procures, or causes~~ the intentional killing of an individual and such killing *was the result* ~~results~~; or

b. *The person's conduct in committing* ~~Is determined, with respect to the commission of~~ that act~~, to have had a highly culpable mental state and, as a result of that act, the defendant's conduct~~ led to a natural, though not inevitable, lethal result, ~~which state may be taken into account in any capital sentencing judgment,~~

such person commits the capital felony of trafficking in illegal drugs, punishable as provided in ss. 775.082 and 921.142. *Any* ~~Such~~ person

sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1. ~~For the purposes of this paragraph, a "highly culpable mental state" is represented by a reckless disregard for human life implicit in knowingly engaging in criminal activities known to carry a grave risk of death.~~

3. Any person who knowingly brings into this state 60 kilograms or more of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or (2)(a), or 60 kilograms or more of any mixture containing any such substance, and who knows that the probable result of such importation would be the death of any person, commits capital importation of illegal drugs, a capital felony punishable as provided in s. 775.082 and s. 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(d)*1.* Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of phencyclidine or of any mixture containing phencyclidine, as described in s. 893.03(2)(b), commits a felony of the first degree, which felony shall be known as "trafficking in phencyclidine." If the quantity involved:

a.~~1.~~ Is 28 grams or more, but less than 200 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $50,000.

b.~~2.~~ Is 200 grams or more, but less than 400 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $100,000.

c.~~3.~~ Is 400 grams or more, *but less than 800 grams,* such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

2. Any person who knowingly brings into this state 800 grams or more of phencyclidine or of any mixture containing phencyclidine, as described in s. 893.03(2)(b), and who knows that the probable result of such importation would be the death of any person commits capital importation of phencyclidine, a capital felony punishable as provided in s. 775.082 and s. 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(e)*1.* Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 200 grams or more of methaqualone or of any mixture containing methaqualone, as described in s. 893.03(1)(d), commits a felony of the first degree, which felony shall be known as "trafficking in methaqualone." If the quantity involved:

a.~~1.~~ Is 200 grams or more, but less than 5 kilograms, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $50,000.

b.~~2.~~ Is 5 kilograms or more, but less than 25 kilograms, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $100,000.

c.~~3.~~ Is 25 kilograms or more, *but less than 50 kilograms,* such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

2. Any person who knowingly brings into this state 50 kilograms or more of methaqualone or of any mixture containing methaqualone, as described in s. 893.03(1)(d), and who knows that the probable result of such importation would be the death of any person commits capital importation of methaqualone, a capital felony punishable as provided in s. 775.082 and s. 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(f)*1.* Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of amphetamine, as described in s. 893.03(2)(c)2., or methamphetamine, as described in s. 893.03(2)(c)4., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, or ephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine, commits a felony of the first degree, which felony shall be known as "trafficking in amphetamine." If the quantity involved:

a.~~1.~~ Is 14 grams or more, but less than 28 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $50,000.

b.~~2.~~ Is 28 grams or more, but less than 200 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of $100,000.

c.~~3.~~ Is 200 grams or more, *but less than 400 grams,* such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

2. Any person who knowingly brings into this state 400 grams or more of amphetamine, as described in s. 893.03(2)(c)2., or methamphetamine, as described in s. 893.03(2)(c)4., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, or ephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine, and who knows that the probable result of such importation would be the death of any person commits capital importation of amphetamine, a capital felony punishable as provided in s. 775.082 and s. 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

Section 55. Subsections (2) and (3) of section 775.087, Florida Statutes, are amended to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(2) Any person who is convicted of a felony or an attempt to commit a felony and the conviction was for:

(a) Murder;

(b) Sexual battery;

(c) Robbery;

(d) Burglary;

(e) Arson;

(f) Aggravated assault;

(g) Aggravated battery;

(h) Kidnapping;

(i) Escape;

(j) Aircraft piracy;

(k) Aggravated child abuse;

(l) Unlawful throwing, placing, or discharging of a destructive device or bomb;

(m) Carjacking;

(n) Home-invasion robbery; or

(o) Aggravated stalking

and during the commission of the offense, such person possessed a "firearm~~,~~" ~~as defined in s. 791.001(6),~~ or "destructive device~~,~~" as *those terms are* defined in s. 790.001~~(4)~~, shall be sentenced to a minimum term of imprisonment of 3 years. Notwithstanding ~~the provisions of~~ s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, *and the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence.* ~~An offender sentenced under this subsection is not eligible for control release under s. 947.146.~~

(3)(a) Any person who is convicted of a felony or an attempt to commit a felony and the conviction was for:

1. Murder;

2. Sexual battery;

3. Robbery;

4. Burglary;

5. Arson;

6. Aggravated assault;

7. Aggravated battery;

8. Kidnapping;

9. Escape;

10. Sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance;

11. Aircraft piracy;

12. Aggravated child abuse;

13. Unlawful throwing, placing, or discharging of a destructive device or bomb;

14. Carjacking;

15. Home-invasion robbery; or

16. Aggravated stalking

and during the commission of the offense, such person possessed a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun as defined in *s. 790.001* ~~s. 791.001(9)~~, shall be sentenced to a minimum term of imprisonment of 8 years. Notwithstanding ~~the provisions of~~ s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, *and the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence.* ~~An offender sentenced under this subsection is not eligible for control release under s. 947.146.~~

(b) As used in this subsection, the term:

1. "High-capacity detachable box magazine" means any detachable box magazine, for use in a semiautomatic firearm, which is capable of being loaded with more than 20 centerfire cartridges.

2. "Semiautomatic firearm" means a firearm which is capable of firing a series of rounds by separate successive depressions of the trigger and which uses the energy of discharge to perform a portion of the operating cycle.

Section 56. Section 775.0875, Florida Statutes, is amended to read:

775.0875 Unlawful taking, possession, or use of law enforcement officer's firearm; crime reclassification; penalties.—

(1) A person who, without authorization, takes a firearm from a law enforcement officer lawfully engaged in law enforcement duties commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) If a person violates subsection (1) and commits any other crime involving the firearm taken from the law enforcement officer, such crime shall be reclassified as follows:

(a)1. In the case of a felony of the first degree, to a life felony.

2. In the case of a felony of the second degree, to a felony of the first degree.

3. In the case of a felony of the third degree, to a felony of the second degree.

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense *that* ~~which~~ is reclassified under this paragraph is ranked one level above the ranking under *s. 921.0012* ~~s. 92.0012~~ or s. 921.0013 of the felony offense committed.

(b) In the case of a misdemeanor, to a felony of the third degree. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, such offense is ranked in level 2 of the offense severity ranking chart.

(3) A person who possesses a firearm *that he or she* ~~which he~~ knows was unlawfully taken from a law enforcement officer commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 57. Subsection (3) of section 784.07, Florida Statutes, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, or other specified officers; reclassification of offenses; minimum sentences.—

(3) Any person who is convicted of a battery under paragraph (2)(b) and, during the commission of the offense, such person possessed:

(a) A "firearm~~,~~" ~~as defined in s. 791.001(6),~~ or "destructive device~~,~~" as *those terms are* defined in s. 790.001~~(4)~~, shall be sentenced to a minimum term of imprisonment of 3 years.

(b) A semiautomatic firearm and its high-capacity detachable box magazine, as defined in s. 775.087(3), or a machine gun as defined in s. *790.001* ~~791.001(9)~~, shall be sentenced to a minimum term of imprisonment of 8 years.

Notwithstanding the provisions of s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, *and the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence.* ~~An offender sentenced under this subsection is not eligible for control release under s. 947.146.~~

Section 58. Subsection (1) of section 921.187, Florida Statutes, is amended to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(1) The alternatives provided in this section for the disposition of criminal cases shall be used in a manner *that* ~~which~~ will best serve the needs of society, ~~which will~~ punish criminal offenders, and ~~which will~~ provide the opportunity for rehabilitation.

(a) If the offender does not receive a state prison sentence, *the* ~~a~~ court may:

1. Impose a split sentence whereby the offender is to be placed on probation upon completion of any specified period of such sentence, which period may include a term of years or less.

2. Make any other disposition that is authorized by law.

3. Place the offender on probation with or without an adjudication of guilt pursuant to s. 948.01.

4. Impose a fine and probation pursuant to s. 948.011 when the offense is punishable by both a fine and imprisonment and probation is authorized.

5. Place the offender into community control requiring intensive supervision and surveillance pursuant to chapter 948.

6. Impose, as a condition of probation or community control, a period of treatment which shall be restricted to a county facility, a Department of Corrections probation and restitution center, a probation program drug punishment treatment community, or a community residential or nonresidential facility, excluding a community correctional center as defined in s. 944.026, which is owned and operated by any qualified public or private entity providing such services. Before admission to such a facility, the court shall obtain an individual assessment and

recommendations on the appropriate treatment needs, which shall be considered by the court in ordering such placements. Placement in such a facility, except for a county residential probation facility, may not exceed 364 days. Placement in a county residential probation facility may not exceed 3 years. Early termination of placement may be recommended to the court, when appropriate, by the center supervisor, the supervising probation officer, or the probation program manager.

7. Sentence the offender pursuant to s. 922.051 to imprisonment in a county jail when a statute directs imprisonment in a state prison, if the offender's cumulative sentence, whether from the same circuit or from separate circuits, is not more than 364 days.

8. Sentence the offender who is to be punished by imprisonment in a county jail to a jail in another county if there is no jail within the county suitable for such prisoner pursuant to s. 950.01.

9. Require the offender to participate in a work-release or educational or vocational training program pursuant to s. 951.24 while serving a sentence in a county jail, if such a program is available.

10. Require the offender to perform a specified public service pursuant to s. 775.091.

11. Require the offender who violates chapter 893 or violates any law while under the influence of a controlled substance or alcohol to participate in a substance abuse program.

12.a. Require the offender who violates any criminal provision of chapter 893 to pay an additional assessment in an amount up to the amount of any fine imposed, pursuant to ss. 893.13(8)(a) and 893.16.

b. Require the offender who violates any provision of s. 893.13 to pay an additional assessment in an amount of $100, pursuant to ss. 893.13(8)(b) and 943.361.

13. Impose a split sentence whereby the offender is to be placed in a county jail or county work camp upon the completion of any specified term of community supervision.

14. Impose split probation whereby upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation pursuant to s. 948.01 for the remainder of the term of supervision.

15. Require residence in a state probation and restitution center or private drug treatment program for offenders on community control or offenders who have violated conditions of probation.

16. Impose any other sanction which is provided within the community and approved as an intermediate sanction by the county public safety coordinating council as described in s. 951.26.

17. Impose, as a condition of community control, probation, or probation following incarceration, a requirement that an offender who has not obtained a high school diploma or high school equivalency diploma or who lacks basic or functional literacy skills, upon acceptance by an adult education program, make a good faith effort toward completion of such basic or functional literacy skills or high school equivalency diploma, as defined in s. 229.814, in accordance with the assessed adult general education needs of the individual offender.

(b)1. Notwithstanding any provision of s. 921.001 to the contrary, on or after October 1, 1993, *the court may* require any defendant who violates s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a), and meets the criteria described in s. 893.13(10), to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(1), in lieu of serving a term of imprisonment.

2. Notwithstanding any provision of s. 921.001 to the contrary, on or after October 1, 1993, *the court may* require any defendant who violates s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), and meets the criteria described in s. 893.13(11), to successfully complete a term of probation pursuant to the terms and conditions set forth in s. 948.034(2), in lieu of serving a term of imprisonment.

Section 59. Paragraphs (b) and (d) of subsection (4) of section 944.275, Florida Statutes, are amended to read:

944.275 Gain-time.—

(4)

(b) For each month in which an inmate works diligently, participates in training, uses time constructively, or otherwise engages in positive activities, the department may grant incentive gain-time in accordance with this paragraph. The rate of incentive gain-time in effect on the date the inmate committed the offense which resulted in his or her incarceration shall be the inmate's rate of eligibility to earn incentive gain-time throughout the period of incarceration and shall not be altered by a subsequent change in the severity level of the offense for which the inmate was sentenced.

1. For sentences imposed for offenses committed prior to January 1, 1994, up to 20 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.

2. For sentences imposed for offenses committed on or after January 1, 1994, and before October 1, 1995:

a. For offenses ranked in offense severity levels 1 through 7, under s. 921.0012 or s. 921.0013, up to 25 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.

b. For offenses ranked in offense severity levels 8, 9, and 10, under s. 921.0012 or s. 921.0013, up to 20 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.

3. For sentences imposed for offenses committed on or after October 1, 1995, the department may grant up to 10 days per month of incentive gain-time, except that no prisoner is eligible to earn any type of gain-time in an amount that would cause a sentence to expire, end, or terminate, or that would result in a prisoner's release, prior to serving a minimum of 85 percent of the sentence imposed. *For purposes of this subparagraph, credits awarded by the court for time physically incarcerated shall be credited toward satisfaction of 85 percent of the sentence imposed.* Except as provided by this section, a prisoner shall not accumulate further gain-time awards at any point when the tentative release date is the same as that date at which the prisoner will have served 85 percent of the sentence imposed. State prisoners sentenced to life imprisonment shall be incarcerated for the rest of their natural lives, unless granted pardon or clemency.

(d) Notwithstanding *subparagraphs (b)1. and 2.* ~~paragraph (b) and subparagraph (c)1.~~, the education program manager shall recommend, and the Department of Corrections may grant, a one-time award of 60 additional days of incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for and is awarded a general educational development certificate or vocational certificate. Under no circumstances may an inmate receive more than 60 days for educational attainment pursuant to this section.

Section 60. Sections 61 through 67 of this act may be cited as the "Jimmy Ryce Act."

Section 61. Section 775.21, Florida Statutes, is amended to read:

775.21 The Florida Sexual Predators Act; *definitions;* legislative findings, *purpose,* and intent*; criteria; designation; registration; community and public notification; immunity; penalties.*—

(1) SHORT TITLE.—*This section* ~~Sections 775.21-775.23~~ may be cited as "The Florida Sexual Predators Act."

(2) *DEFINITIONS.—As used in this section:*

(a) "Chief of police" means the chief law enforcement officer of a municipality.

(b) "Community" means any county where the sexual predator lives or otherwise establishes temporary or permanent residence.

(c) "Department" means the Department of Law Enforcement.

(d) "Entering the county" includes being discharged from a correctional facility or jail or secure treatment facility within the county or

being under supervision within the county for the commission of a violation enumerated in subsection (4).

(e) "Temporary residence" means a stay of 2 or more weeks.

(3) LEGISLATIVE FINDINGS *AND PURPOSE; LEGISLATIVE INTENT.*~~— The Legislature finds that:~~

(a) *Repeat sex offenders, sex offenders who use physical violence, and sex offenders who prey on children are sexual predators who present an extreme threat to the public safety.* Sex offenders are extremely likely to use physical violence and to repeat their offenses, and most sex offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society at large, while incalculable, clearly exorbitant.

(b) The high level of threat that a *sexual predator* ~~violent or repeat sex offender~~ presents to the public safety, and the long-term effects *suffered by victims of* ~~that~~ sex offenses ~~cause victims~~, provide the state with sufficient justification to ~~design and~~ implement ~~innovative mechanisms as part of a strategy to achieve a significant reduction in the commission of violent and repeat sex offenses,~~ a strategy that includes:

1. *Incarcerating sexual predators and* maintaining adequate facilities to ensure that decisions to release sexual predators into the community are not made on the basis of inadequate space.

2. Providing for *specialized* ~~postincarceration~~ supervision *of sexual predators who are in the community by specially trained probation officers with low caseloads, as described in ss. 948.03(5) and 947.1405(7).* ~~for~~ The sexual predator *is* ~~population,~~ subject to specified terms and conditions ~~established by the Parole Commission as set forth in s. 947.1405(2),~~ implemented at *sentencing or at* the time of release from incarceration, with a requirement that those who are financially able must pay all or part of the costs of supervision. ~~When the commission has reasonable grounds to believe that a sexual predator has violated the terms and conditions of release, such offender shall be subject to the provisions of s. 947.141 and shall be subject to forfeiture of gain-time pursuant to s. 944.28(1)~~.

3. ~~Providing for supervision of sexual predators who are released into the community, by an adequate number of well-trained probation officers with low caseloads, with terms and conditions which may include electronic monitoring and which must include the special conditions as required in s. 947.1405(7).~~

~~4.~~ Requiring the registration of sexual predators, with a requirement that complete and accurate information be maintained and accessible for use by law enforcement authorities, *communities, and the public.*

4.~~5.~~ Providing for *community and public* notification ~~of the community~~ concerning the presence of ~~certain~~ sexual predators.

5. Prohibiting sexual predators from working with children, either for compensation or as a volunteer.

(c) ~~The public is not adequately protected from violent or repeat sex offenses. The nature of sex offenses, the devastation to the victims, the likelihood of violent and repeat offenses, and the costs of victimization are compelling reasons to focus state resources on addressing the problem of sexual predators.~~

~~(d)~~ The state has a compelling interest in protecting the public from *sexual predators and in protecting children from predatory sexual activity* ~~serious sex offenses~~, and there is sufficient justification for requiring *sexual predators to register and for requiring community and public notification* ~~that the public be notified~~ of the presence of ~~certain~~ sexual predators.

(d) It is the purpose of the Legislature that, upon the court's written finding that an offender is a sexual predator, in order to protect the public, it is necessary that the sexual predator be registered with the department and that the community and the public be notified of the sexual predator's presence.

(e)~~(3) LEGISLATIVE INTENT.—~~It is the intent of the Legislature to address the problem of sexual predators by*:*

1. Requiring sexual predators supervised in the community to have special conditions of supervision and to be supervised by ~~providing~~ probation officers with low caseloads*;* ~~and special conditions pursuant to the conditional release program,~~

2. Requiring *sexual predators to register with the Florida Department of Law Enforcement, as provided in this section; and* ~~registration and the maintenance of access by law enforcement to locator and other registration information, and~~

3. Requiring community and public notification of the presence of a sexual predator, as provided in this section ~~requiring the sheriff or chief of police to notify the public if, after a hearing, the circuit court finds that a sexual predator poses a threat to the public~~.

(4) SEXUAL PREDATOR CRITERIA.—

(a) For a current offense committed on or after October 1, 1993, and before October 1, 1995:

1. An offender who was found by the court under former s. 775.22 or former s. 775.23 to be a sexual predator is a "sexual predator" if the court made a written finding that the offender was a sexual predator at the time of sentencing, as required by former s. 775.23. Such sexual predator must register or be registered as a sexual predator with the department, but is not subject to community and public notification.

2. If an offender has been registered as a sexual predator by the Department of Corrections, the department, or any other law enforcement agency and:

a. The court did not, for whatever reason, make a written finding at the time of sentencing that the offender was a sexual predator, or

b. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information which indicated that the offender met the sexual predator criteria based on a violation of a similar law in another jurisdiction,

the department shall remove that offender from the department's sexual predator list, and shall notify the state attorney who prosecuted the offense that triggered the administrative sexual predator designation for offenders described in sub-subparagraph a., or the state attorney of the county where the offender permanently or temporarily resides on October 1, 1996, for offenders described in sub-subparagraph b. The state attorney may bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the court then makes a written finding that the offender is a sexual predator, the offender is designated as a sexual predator and must register or be registered as a sexual predator with the department, but is not subject to community and public notification. If the court does not make a written finding that the offender is a sexual predator, the offender is not designated as a sexual predator with respect to that offense, is not required to register or be registered as a sexual predator with the department, and is not subject to community and public notification.

(b) For a current offense committed on or after October 1, 1995, and before October 1, 1996:

1. An offender who was found by the court under former s. 775.22 or former s. 775.23 to be a sexual predator is a "sexual predator" if the court made a written finding that the offender was a sexual predator at the time of sentencing, as required by former s. 775.23. Such sexual predator must register or be registered with the department, and is subject to the community and public notification provisions of former s. 775.225.

2. If an offender has been registered as a sexual predator by the Department of Corrections, the department, or any other law enforcement agency and:

a. The court did not, for whatever reason, make a written finding at the time of sentencing that the offender was a sexual predator, or

b. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information which indicated that the offender met the sexual predator criteria based on a violation of a similar law in another jurisdiction,

the department shall remove that offender from the department's sexual predator list, and shall notify the state attorney who prosecuted the offense that triggered the administrative sexual predator designation for offenders described in sub-subparagraph a., or the state attorney of the county where the offender permanently or temporarily resides on October 1, 1996, for offenders described in sub-subparagraph b. The state attorney may bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the court makes a written finding that the offender is a sexual predator, the offender is designated as a sexual predator, must register or be registered as a sexual predator with the department, and is subject to the community and public notification provisions under former s. 775.225. If the court does not make a written finding that the offender is a sexual predator, the offender is not designated as a sexual predator with respect to that offense, is not required to register or be registered as a sexual predator with the department, and is not subject to the community and public notification provisions under former s. 775.225.

(c) For a current offense committed on or after October 1, 1996, upon conviction, an offender shall be designated as a "sexual predator" under subsection (5), and subject to registration under subsection (6) and community and public notification under subsection (7) if:

1. The felony meets the criteria of former ss. 775.22(2) and 775.23(2), specifically, the felony is:

a. A capital, life, or first degree felony violation of chapter 794 or s. 847.0145, or of a similar law of another jurisdiction; or

b. Any second degree or greater felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 794.011(2), (3), (4), (5), or (8), s. 794.023, s. 800.04, s. 827.071, s. 847.0133, or s. 847.0145, or of a similar law of another jurisdiction;

2. The offender has not received a pardon for any felony or similar law of another jurisdiction that is necessary for the operation of this paragraph; and

3. A conviction of a felony or similar law of another jurisdiction necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(d) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony. If the offender's prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony under this subsection if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later.

(e) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.

(5) SEXUAL PREDATOR DESIGNATION.—For a current offense committed on or after October 1, 1996, an offender is designated as a sexual predator as follows:

(a)1. An offender who meets the sexual predator criteria described in paragraph (c) of subsection (4) who is before the court for sentencing for a current offense committed on or after October 1, 1996, is a sexual predator, and the sentencing court must make a written finding at the time of sentencing that the offender is a sexual predator; or

2. If the Department of Corrections, the department, or any other law enforcement agency obtains information which indicates that an offender who permanently or temporarily resides in this state meets the sexual predator criteria described in paragraph (c) of subsection (4) because the offender committed a similar violation in another jurisdiction on or after October 1, 1996, the Department of Corrections, the department, or the law enforcement agency shall notify the state attorney of the county where the offender permanently or temporarily resides of the offender's presence in the community. The state attorney shall file a petition with the criminal division of the circuit court for the purpose of holding a hearing to determine if the offender's criminal record from another jurisdiction meets the sexual predator criteria. If the court finds that the offender meets the sexual predator criteria because the offender has violated a similar law or similar laws in another jurisdiction, the court shall make a written finding that the offender is a sexual predator.

When the court makes a written finding that an offender is a sexual predator, the court shall inform the sexual predator of the registration and community and public notification requirements described in this section. Within 48 hours of the court designating an offender as a sexual predator, the clerk of the circuit court shall transmit a copy of the court's written sexual predator finding to the department. If the offender is sentenced to a term of imprisonment or supervision, a copy of the court's written sexual predator finding must be submitted to the Department of Corrections.

(b) If the Department of Corrections, the department, or any other law enforcement agency obtains information which indicates that an offender meets the sexual predator criteria but the court did not make a written finding that the offender is a sexual predator as required in paragraph (a), the Department of Corrections, the department, or the law enforcement agency shall notify the state attorney who prosecuted the offense for offenders described in subparagraph (a)1., or the state attorney of the county where the offender temporarily or permanently resides upon first entering the state for offenders described in subparagraph (a)2. The state attorney shall bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the state attorney fails to establish that an offender meets the sexual predator criteria and the court does not make a written finding that an offender is a sexual predator, the offender is not required to register with the department as a sexual predator, and the department and other law enforcement agencies are not authorized to inform the community and the public of the offender's presence. The offender must comply with the convicted felon registration requirements under s. 775.13. The Department of Corrections, the department, or any other law enforcement agency shall not administratively designate an offender as a sexual predator without a written finding from the court that the offender is a sexual predator.

(6) REGISTRATION.—

(a) A sexual predator must register with the department by providing the following information to the department:

1. Name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, photograph, address of legal residence, address of any current temporary residence, date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the offender.

2. Any other information determined necessary by the department, including criminal and corrections records, nonprivileged personnel, treatment, and abuse registry records, and evidentiary genetic markers when available.

The sexual predator may register directly with the department, or the Department of Corrections or any law enforcement agency may register the sexual predator with the department. The sexual predator is not required to make any further registration as a convicted felony offender in any county.

(b) Each sexual predator who is residing permanently or temporarily in the state outside of a correctional facility, jail, or secure treatment facility must register or be registered with the department within 48 hours after entering the county of permanent or temporary residence. A sexual predator who is registered with the department must provide written notification to the department of any change in permanent or temporary residence within 48 hours after arrival at the new place of permanent or temporary residence.

(c) The department must notify the sheriff and the state attorney of the county and, if applicable, the police chief of the municipality, where the sexual predator permanently or temporarily resides within 48 hours after the sexual predator registers with the department or provides change of location information to the department.

(d)1. The department is responsible for the on-line maintenance of current information regarding each registered sexual predator. The department must maintain hotline access for state, local, and federal law

enforcement agencies to obtain instantaneous locator file and offender characteristics information on all released registered sexual predators for purposes of monitoring, tracking, and prosecution. The photograph and fingerprints do not have to be stored in a computerized format.

2. The department's sexual predator registration list, containing the information described in subparagraph (a)1., is a public record. The department is authorized to disseminate this public information by any means deemed appropriate, including operating a "900" telephone number for this purpose. When the department provides information regarding a registered sexual predator to the public, department personnel must advise the person making the inquiry that positive identification of a person believed to be a sexual predator cannot be established unless a fingerprint comparison is made, and that it is illegal to use public information regarding a registered sexual predator to facilitate the commission of a crime.

3. The department shall adopt guidelines as necessary regarding the registration of sexual predators and the dissemination of information regarding sexual predators as required by this section.

(e) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has had his or her civil rights restored, or has received a full pardon or has had a conviction set aside in a postconviction proceeding for any felony sex offense which met the criteria for the sexual predator designation; however, a sexual predator who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court for the purpose of removing the sexual predator designation. The court has the discretion to grant or deny such relief.

(7) COMMUNITY AND PUBLIC NOTIFICATION.—

(a) Law enforcement agencies must inform the community and the public of a sexual predator's presence. Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police. Information provided to the community and the public regarding a sexual predator must include:

1. The name of the sexual predator;

2. A description of the sexual predator, including a photograph;

3. The sexual predator's current address, including the name of the county or municipality;

4. The circumstances of the sexual predator's offense or offenses; and

5. The age of the victim of the sexual predator's offense or offenses.

This paragraph does not authorize the release of the name of any victim of the sexual predator.

(b) The sheriff or the police chief may coordinate the community and public notification efforts with the department. Statewide notification to the public is authorized, as deemed appropriate by local law enforcement personnel and the department.

(c) The department shall adopt a protocol to assist law enforcement agencies in their efforts to notify the community and the public of the presence of sexual predators. The department, in consultation and cooperation with the Department of Highway Safety and Motor Vehicles, shall determine the feasibility of requiring sexual predators to have a special designation on any drivers license, identification card, or license tag issued in this state.

(8) IMMUNITY.—When the court has made a written finding that an offender is a sexual predator, an elected or appointed official, public employee, or agency is immune from civil liability for damages resulting from the release of information under this section.

(9) PENALTIES.—

(a) A sexual predator who fails to register or be registered or who fails, after registration, to provide required location information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 794.011(2), (3), (4), (5), or (8), s. 794.023, s. 800.04, s. 827.071, s. 847.0133, or s. 847.0145, or of a similar law of another jurisdiction, when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 62. Sections 775.22, 775.225, and 775.23, Florida Statutes, are hereby repealed.

Section 63. Subsection (5) of section 775.13, Florida Statutes, is amended to read:

775.13 Registration of convicted felons, exemptions; penalties.—

(5) The provisions of this law do not apply to *an offender* ~~any person~~:

(a) Who has had his *or her* civil rights restored;

(b) Who has received a full pardon for the offense for which convicted;

(c) Whose conviction of a felony was more than 10 years prior to the time provided for registration under the provisions of this law and who has been lawfully released from incarceration under a felony conviction and sentence for more than 5 years prior to such time for registration, unless *the offender* ~~such person~~ is a fugitive from justice on a felony charge;

(d) Who is a parolee or probationer under the supervision of the Department of Corrections or is a probationer under the supervision of any county probation officer of the state or who has been lawfully discharged from such parole or probation; ~~or~~

(e) Who is a parolee or probationer under the supervision of the United States Parole Commission if the commission knows of and consents to the presence of *the offender* ~~such person~~ in Florida or is a probationer under the supervision of any federal probation officer in the state or who has been lawfully discharged from such parole or probation*; or*

(f) Who is a sexual predator and has registered as required under s. 775.21.

Section 64. Subsections (2) and (7) of section 947.1405, Florida Statutes, are amended to read:

947.1405 Conditional release program.—

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender pursuant to s. 775.084; or

(c) Is found to be a sexual predator under *former* s. 775.23 *or s. 775.21*,

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical

care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If an inmate has received a term of probation or community control supervision to be served after release from incarceration, the period of probation or community control must be substituted for the conditional release supervision. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(7) Any inmate who is convicted of a crime committed on or after October 1, 1995, or has been previously convicted of a crime committed on or after October 1, 1995, and who meets the criteria of *former* s. 775.23(2)(a) or (b) *or s. 775.21* shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

(a) A curfew, if appropriate, during hours set by the commission.

(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate.

(c) Active participation in and successful completion of a sex offender treatment program, at the releasee's own expense, unless one is not available within a 50-mile radius of the releasee's residence.

(d) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the commission.

(e) If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, on unsupervised contact with a child under the age of 18, unless authorized by the commission without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the commission.

(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the commission.

(g) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually explicit material.

(h) A requirement that the releasee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA data *base* ~~bank~~.

Section 65. Section 944.606, Florida Statutes, is amended to read:

944.606 *Sexual offenders* ~~Sex offender~~; notification upon release.—

(1) *As used in this section:*

(a) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.

(b) "Sexual offender" means a person who has been convicted of a felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or a violation of a similar law of another jurisdiction, when the department has received verified information regarding such conviction; an offender's computerized criminal history record is not, in and of itself, verified information.

(2) The Legislature finds that *sexual* ~~sex~~ offenders pose a high risk of engaging in *sexual* ~~sex~~ offenses even after being released from incarceration or commitment and that protection of the public from *sexual* ~~sex~~ offenders is a paramount governmental interest. *Sexual offenders* ~~Persons found to have committed a sex offense described in subsection (2)~~ have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. *Releasing sexual offender* ~~Release of~~ information ~~about sexual offenders described in subsection (2)~~ to *law enforcement agencies and to persons who request such information* ~~public agencies~~ will further the governmental interests of public safety.

(3)~~(2)~~(a) The department~~, the Parole Commission, and the Control Release Authority~~ *must provide* ~~shall submit the~~ information *regarding any sexual offender who is being released after serving a period of incarceration for any offense, as follows:* ~~about any sex offender as provided by this section to the sheriff of the county from which the person was sentenced, to the sheriff of the county in which the person plans to reside and, if applicable, to the chief of police of the municipality in which the inmate plans to reside. The information shall be submitted for any sex offender who is being released after having served one or more sentences for a felony conviction of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or a prior conviction for a similar offense in this state or another jurisdiction if such prior conviction information is contained in department records.~~

~~(b) The information shall include, but not be limited to:~~

1. The department must provide: the *sexual* offender's name, social security number, race, sex, date of birth, height, weight, and hair and eye color; date and county of sentence and each crime for which the offender was sentenced; a copy of the offender's fingerprints and a photograph taken within 90 days of release; and the offender's intended residence address, if known.

2. The department may provide any other information deemed necessary, including criminal and corrections records, nonprivileged personnel and treatment records, when available ~~The department, the Parole Commission, or the Control Release Authority shall release this information within 6 months prior to the discharge from the custody of the department~~.

(b) The department must provide the information described in subparagraph (a)1. to:

1. The sheriff of the county from where the sexual offender was sentenced;

2. The sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender plans to reside; and

3. Any person who requests such information,

either within 6 months prior to the anticipated release of a sexual offender, or as soon as possible if an offender is released earlier than anticipated.

(c) Upon request, the department must provide the information described in subparagraph (a)2. to:

1. The sheriff of the county from where the sexual offender was sentenced; and

2. The sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender plans to reside,

either within 6 months prior to the anticipated release of a sexual offender, or as soon as possible if an offender is released earlier than anticipated.

(d) Upon receiving information regarding a sexual offender from the department, the sheriff or the chief of police shall provide the information described in subparagraph (a)1. to any individual who requests such information.

(3) *This section does not authorize the department or any law enforcement agency to notify the community and the public of a sexual offender's presence in the community. However, with respect to a sexual offender who has been found to be a "sexual predator" under chapter 775, the Florida Department of Law Enforcement or any other law enforcement agency must inform the community and the public of the sexual predator's presence in the community, as provided in chapter 775.* ~~The department or any law enforcement agency that receives verified information,~~

~~regardless of the source, about persons found to have committed a sexual offense described in subsection (2) is authorized to publicly release such information in the interest of public safety.~~

(4) *An elected or appointed official, public employee, or agency is immune from civil liability for damages resulting from the release of information under this section.* ~~Any information received by the department or a law enforcement agency under subsections (1) and (2) is verified per se, and the department, a law enforcement agency, or an officer or employee of the department or a law enforcement agency who releases such information is immune from civil liability. The department, a law enforcement agency, or an officer or employee of the department or a law enforcement agency who releases information about persons found to have committed a sexual offense described in subsection (2), when such information was received from sources other than those described in subsections (1) and (2) but was verified by a copy of a judgment of conviction or similar court order, is deemed to have acted in good faith and is immune from civil liability. A computerized criminal history, by itself, is not sufficient verification for a grant of civil immunity under this section.~~

Section 66. Subsections (2), (3), and (4) of section 937.024, Florida Statutes, are amended to read:

937.024 Birth records of missing children; registrars' duties.—

(2)(a) ~~Neither the State Registrar nor any local registrar shall provide, in response to any inquiry,~~ A copy of the birth certificate or information concerning the birth record of any child whose record has been flagged or recalled pursuant to paragraph (1)(c) or paragraph (1) (d) *may not be provided by the State Registrar or any local registrar in response to any inquiry*, unless the flag has been removed pursuant to paragraph (1)(e).

(b) When a copy of the birth certificate or information concerning the birth record of a child whose record has been flagged or recalled is requested in person, the person accepting the request shall immediately notify his *or her* supervisor. The person making the request shall complete a form supplying his *or her* name, address, telephone number, social security number, and relationship to the missing child and the name, address, and birth date of the missing child. The driver's license of the person making the request, if available, or some other proper form of identification, shall be photocopied and returned to *the person* ~~him~~. *The person* ~~He~~ shall be informed that a copy of the certificate will be *delivered to the person by mail* ~~mailed to him~~. The registrar's personnel shall note the physical description of the person making the request, and, *when the person leaves* ~~upon the latter's departure from~~ the registrar's office, the supervisor shall immediately notify the *Department of Law Enforcement's Missing Children Information Clearinghouse, which must then notify the* local law enforcement agency *of* ~~as to~~ the request and the information obtained *under* ~~pursuant to~~ this paragraph. The registrar shall retain the form completed by the person making the request.

(c) When a copy of the birth certificate of a child whose record has been flagged or recalled is requested in writing, the person receiving the request shall immediately notify his *or her* supervisor. The supervisor shall immediately notify the *Department of Law Enforcement's Missing Children Information Clearinghouse, which must then notify the* local law enforcement agency *of* ~~as to~~ the request. *If requested, the registrar* ~~and~~ shall provide a copy of the written request *to law enforcement*. The registrar shall retain the original written request.

(3) ~~Nothing in~~ This section *does not* ~~shall~~ preclude the Office of Vital Statistics from flagging and recalling birth certificates or birth records of children reported missing directly to the office by a local law enforcement agency *or* ~~nor~~ from removing such flags from certificates or records based upon notification *from the Department of Law Enforcement's Missing Children Information Clearinghouse or* ~~of~~ local law enforcement.

(4) Upon notification by a local law enforcement agency or by the Department of Law *Enforcement* ~~Enforcement's Florida Crime Information Center~~ that a child born outside the state is missing, the State Registrar of Vital Statistics shall notify the corresponding officer in the state where the child was born that the child has been reported missing.

Section 67. Section 937.025, Florida Statutes, is created to read:

937.025 Missing children; student records; reporting requirements; penalties.—

(1) Notwithstanding any law that provides for the confidentiality of student records maintained by a public or private school, upon notification by the Department of Law Enforcement that a child is listed or reported as a missing child, the school in which the child is currently enrolled, or was previously enrolled, shall flag the student records in such a manner that whenever a copy of or information concerning the records of the missing child is requested, the person authorized to provide such copy or information is alerted to the fact that the child has been listed or reported as missing.

(2) The school shall immediately report to the local law enforcement agency and the Department of Law Enforcement any request concerning flagged student records, and shall report any information regarding the request that may assist law enforcement agencies in locating the missing child.

(3) The school or any employee of the school who provides such notification and information in good faith is immune from civil liability for reporting and providing the information.

(4) Upon notification by the Department of Law Enforcement that the records no longer need to be flagged, the school shall remove the flag from the student records.

(5) Notwithstanding any other law, an employee of the state or a local governmental agency, a person who is employed under a contract with the state or a local governmental agency, or an employee of a public or private school within the state shall promptly report to the local law enforcement agency and the Department of Law Enforcement any information received or possessed that could assist in:

(a) Locating a child who has been reported as missing.

(b) Ascertaining the identity of the person who has actual custody of a missing child.

(c) Determining whether a missing child is in danger of physical injury or death.

(6) Any person who makes a report in good faith to a law enforcement agency as required by this section is immune from civil liability for such action.

(7) A person who knowingly provides false information concerning a missing child or the efforts to locate and return a missing child to a parent, family member, or guardian of a child who has been reported missing commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 68. Effective upon this act becoming a law, subsection (2) of section 943.125, Florida Statutes, is amended, and a new subsection (3) is added to said section, to read:

943.125 Law enforcement agency accreditation.—

(2) FEASIBILITY AND STATUS REPORT.—The Florida Sheriffs Association and the Florida Police Chiefs Association, either jointly or separately, shall report to the Speaker of the House of Representatives and the President of the Senate regarding the feasibility of a law enforcement agency accreditation program and the status of the efforts of the Florida Sheriffs Association and the Florida Police Chiefs Association to develop a law enforcement agency accreditation program as provided *in this section* ~~herein~~. ~~Such report shall be provided by November 1, 1993.~~

(3) ARREST AND SECURITY PROTOCOLS REPORT.—No later than October 1, 1996, the Florida Sheriffs Association and the Florida Police Chiefs Association, either jointly or separately, and in consultation with the Association of Voluntary Hospitals of Florida, Inc. and the Statutory Teaching Hospital Council, shall develop protocols establishing when injured apprehendees will be placed under arrest and how security will be provided during any hospitalization of such apprehendees, and shall report to the Legislature by January 1, 1997, on the protocols that have been established. The report developed pursuant to this section shall also address the cost to hospitals of providing unreimbursed medical services to persons who are injured in the course of or at the time of apprehension.

Section 69. Effective October 1, 1996, paragraph (a) of subsection (1) of section 16.56, Florida Statutes, is amended to read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of:

1. Bribery, burglary, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, robbery, carjacking, and home-invasion robbery;

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

4. Any violation of the provisions of the Florida Anti-Fencing Act;

5. Any violation of the provisions of the Florida Antitrust Act of 1980, as amended; ~~or~~

6. Any crime involving, or resulting in, fraud or deceit upon any person; *or*

7. Any violation of s. 847.0135, relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135,

or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits.

Section 70. Effective October 1, 1996, subsection (1) of section 847.001, Florida Statutes, is amended to read:

847.001 Definitions.—When used in this chapter:

(1) "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions and includes any data storage facility or communications facility directly related to or operating in conjunction with such device. *The term also includes: any on-line service, internet service, or local bulletin board; any electronic storage device, including a floppy disk or other magnetic storage device; or any compact disc that has read-only memory and the capacity to store audio, video, or written materials.*

Section 71. Effective October 1, 1996, section 847.0135, Florida Statutes, is amended to read:

847.0135 Computer pornography; penalties.—

(1) SHORT TITLE.—This section shall be known and may be cited as the "Computer Pornography and Child Exploitation Prevention Act of 1986."

(2) COMPUTER PORNOGRAPHY.—A person *who:* ~~is guilty of a violation of this section if he~~

(a) Knowingly compiles, enters into, or transmits by means of computer*;* ~~, or~~

(b) Makes, prints, publishes, or reproduces by other computerized means*;* ~~, or~~

(c) Knowingly causes or allows to be entered into or transmitted by means of computer*;* ~~,~~ or

(d) Buys, sells, receives, exchanges, or disseminates,

any notice, statement, or advertisement, or any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information, for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any minor, or the visual depiction of such conduct. *The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this section shall not constitute a defense to a prosecution under this section.*

~~(3) PENALTIES.—~~Any person who violates the provisions of this *subsection commits* ~~section is guilty of~~ a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided for in s. 775.082, ~~or~~ s. 775.083*, or s. 775.084.*

(3) CERTAIN USES OF COMPUTER SERVICES PROHIBITED.—Any person who knowingly utilizes a computer on-line service, internet service, or local bulletin board service to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit any illegal act described in chapter 794, relating to sexual battery, chapter 800, relating to lewdness and indecent exposure, or chapter 827, relating to child abuse, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) OWNERS OR OPERATORS OF COMPUTER SERVICES LIABLE.—It is unlawful for any owner or operator of a computer on-line service, internet service, or local bulletin board service knowingly to permit a subscriber to utilize the service to commit a violation of this section. Any person who violates this section commits a misdemeanor of the first degree, punishable by a fine not exceeding $2,000.

(5) STATE CRIMINAL JURISDICTION.—A person is subject to prosecution in this state pursuant to chapter 910 for any conduct proscribed by this section which the person engages in, while either within or outside this state, if by such conduct the person commits a violation of this section involving a child residing in this state, or another person believed by the person to be a child residing in this state.

Section 72. Subsection (4) is added to section 776.085, Florida Statutes, to read:

776.085 Defense to civil action for damages; party convicted of forcible or attempted forcible felony.—

(4) In any civil action where a party prevails based on the defense created by this section:

(a) The losing party, if convicted of and incarcerated for the crime or attempted crime, shall, as determined by the court, lose any privileges provided by the correctional facility, including, but not limited to:

1. Canteen purchases;

2. Telephone access;

3. Outdoor exercise;

4. Use of the library; and

5. Visitation.

(b) The court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney; however, the losing party's attorney is not personally responsible if he or she has acted in good faith, based on the representations of his or her client. If the losing party is incarcerated for the crime or attempted crime and has insufficient assets to cover payment of the costs of the action and the award of fees pursuant to this paragraph, the party shall, as determined by the court, be required to pay by deduction from any payments the prisoner receives while incarcerated.

(c) If the losing party is incarcerated for the crime or attempted crime, the court shall issue a written order containing its findings and ruling pursuant to paragraphs (a) and (b) and shall direct that a certified copy be forwarded to the appropriate correctional institution or facility.

Section 73. Notwithstanding the effective date of CS/HB 793, sections 3, 12, 13, and 15 of CS/HB 793 shall take effect upon CS/HB 793

becoming a law, sections 16, 17, and 18 of CS/HB 793 shall take effect January 1, 1997, and all other provisions of CS/HB 793 shall take effect October 1, 1996.

Section 74. Except as otherwise provided herein, this act shall take effect July 1, 1996.

And the title is amended as follows:

On page 1, line 1, delete the entire title and insert: A bill to be entitled An act relating to public safety; creating s. 775.0121, F.S.; establishing an 8-year continuous revision cycle for the criminal code and other public safety system statutes; amending s. 187.201, F.S., relating to the State Comprehensive Plan, to delete obsolete language; amending s. 943.06, F.S.; revising membership of the council to the Criminal and Juvenile Justice Information Systems Council; amending s. 943.08, F.S.; enhancing the scope of the Criminal and Juvenile Justice Information Systems Council; creating s. 943.081, F.S.; establishing guiding principles for public safety information technology resources; amending ss. 20.315, 20.316, 186.022, 216.0445, 216.1095, 282.111, 282.3061, 282.3062, 282.309, 282.311, and 282.314, F.S., relating to the Departments of Corrections and Juvenile Justice, agency strategic plan reviews, information technology resources budgets, mutual aid channel, statewide regional law enforcement communications, state strategic plan for information resources management, annual reports on information technology resources, judicial branch information systems, information resource managers, and the Information Resources Management Advisory Council, to conform to the changes in s. 943.08, F.S.; amending s. 39.039, F.S., relating to fingerprinting and photographing juveniles, to clarify provisions and to allow juvenile information to be used for specified purposes; amending s. 39.045, F.S., relating to confidential information, to conform to the act and to clarify provisions relating to juvenile criminal history records; amending s. 39.0585, F.S., relating to information systems, to conform to the act and delete a parental consent requirement; amending s. 943.0515, F.S., relating to retention of criminal history records, to clarify the content of certain criminal history records; amending s. 943.053, F.S., relating to dissemination of criminal history records, to clarify the applicability of provisions to juvenile criminal history records; amending s. 921.0014, F.S., relating to sentencing guidelines scoresheets; requiring scoresheet preparation by the Department of Corrections effective October 1, 1997; revising dates relating to scoresheets; repealing s. 6 of ch. 94-209, Laws of Florida, relating to a youthful offender study; requiring a report relating to the Justice Administrative Commission; amending s. 27.34, F.S., relating to state attorneys' offices, to provide that the Justice Administrative Commission shall not contract with the Insurance Commissioner for the prosecution of specific crimes; repealing ss. 27.37, 282.501 and 282.502, F.S., relating to the Council on Organized Crime, crime prevention information, and the Risk Assessment Information Systems Coordinating Council; repealing ss. 648.25(2), 648.265, and 648.266, F.S., relating to the Bail Bond Advisory Council, and amending s. 648.26, F.S., relating to the Department of Insurance, to conform to the repeal; repealing ch. 953, F.S., relating to a drug punishment program that was never funded or operationalized; repealing s. 827.05, F.S., relating to negligent treatment of children; amending s. 943.031, F.S.; repealing the repeal of the Florida Violent Crime Council; amending s. 39.052, F.S., relating to disposition hearings for delinquency cases, to conform to the changes to ch. 874, F.S.; amending ch. 874, F.S., relating to street terrorism enforcement and prevention; amending s. 874.01, F.S.; revising the short title; creating the "Criminal Street Gang Prevention Act of 1996"; amending s. 874.02, F.S., relating to legislative intent; clarifying language; amending s. 874.03, F.S.; revising and adding definitions relating to criminal street gangs; amending s. 874.04, F.S.; revising penalty enhancement provisions and clarifying language; creating s. 874.05, F.S.; providing penalties for criminal street gang recruitment; amending s. 874.06, F.S., relating to civil cause of action; clarifying language; amending ss. 874.08 and 874.09, F.S., relating to forfeiture and crime data information, to conform to the act; amending s. 893.138, F.S., relating to local administrative action to abate street gang activity; conforming language; reenacting s. 895.02(3), F.S., relating to the definition of "enterprise," to incorporate the amendment to s. 874.03, F.S., in a reference; amending s. 775.084, F.S.; redefining "habitual felony offender," "habitual violent felony offender," and "violent career criminal" to include specified felons who have committed felonies while serving prison sentences or other commitments imposed as a result of prior convictions for felonies or other qualified offenses; providing enhanced penalties with respect to sentencing of such felons; clarifying procedures for sentencing a defendant as a habitual felony offender, a habitual violent felony offender, or a violent career criminal; clarifying when a habitual felony offender, a habitual violent felony offender, or a violent career criminal is subject to imprisonment; clarifying terms of imprisonment; providing that a defendant sentenced as a violent career criminal is not eligible for any form of discretionary release, except pardon, executive clemency, or conditional medical release; reenacting s. 790.235(1) and (2), F.S., relating to unlawful possession of firearm by violent career criminal, to incorporate said amendment in references; amending s. 775.0842, F.S.; correcting a grammatical error; amending s. 810.011, F.S., to clarify the definition of "dwelling"; amending s. 810.09, F.S.; revising language and adding the offense of trespass of the unenclosed curtilage of a dwelling to the crime of trespass on property other than a structure or conveyance, for which criminal penalties are provided; providing a definition of "unenclosed curtilage" for purposes of the trespass offense; amending s. 812.014, F.S.; adding a grand theft offense with respect to stolen property of specified value taken from a dwelling or unenclosed curtilage of a dwelling, and providing penalties therefor; enhancing certain penalties for petit theft; amending s. 921.0011, F.S.; clarifying the definition of the term "victim injury" for purposes of sentencing; amending ss. 921.0012 and 921.0013, F.S.; clarifying the purpose of numerical statutory references, felony degree designations, and descriptive language in the offense severity ranking chart; correcting statutory references; ranking s. 812.16(2), F.S., relating to chop shops, in level 5 of the offense severity ranking chart; ranking the offenses of criminal street gang recruitment on the offense severity ranking chart; ranking offenses enhanced under s. 812.014, F.S.; providing for incorporation of references to s. 810.09, F.S., as amended; ranking DUI manslaughter, failing to render aid or give information, in level 9 of the offense severity ranking chart; amending s. 921.0014, F.S.; providing a multiplier on the sentencing guidelines worksheet for offenders who are criminal street gang members; clarifying requirements for assessing points under the sentencing guidelines for a violation of community sanctions and a prior capital felony; revising requirements for assessing points under the sentencing guidelines for a prior serious felony; amending s. 893.135, F.S.; lowering the amount of cannabis necessary to constitute the offense of trafficking in cannabis; providing eligibility for pardon or executive clemency for a defendant convicted of certain drug trafficking offenses; revising the elements of the offense of trafficking in cocaine or illegal drugs to delete the necessity of a determination that the defendant had a highly culpable mental state in committing the offense; creating capital felony offenses for trafficking in large quantities of cocaine, illegal drugs, phencyclidine, methaqualone, and amphetamine; amending s. 775.087, F.S.; providing that a defendant convicted of a felony that involved the use of a weapon or firearm is not eligible for any form of discretionary early release, except pardon, executive clemency, or conditional medical release, or gain-time prior to serving the minimum sentence; amending s. 775.0875, F.S.; correcting a cross reference; amending s. 784.07, F.S.; providing that a defendant convicted of committing a battery against a law enforcement officer or other specified officer while possessing a firearm or semiautomatic firearm is not eligible for any form of discretionary early release, except pardon, executive clemency, or conditional medical release, or gain-time prior to serving the minimum sentence; correcting a cross reference; amending s. 921.187, F.S.; correcting grammar; amending s. 944.275, F.S.; clarifying provisions under which an inmate may be granted gain-time; providing a definition for "sentence imposed"; creating the "Jimmy Ryce Act"; revising and restructuring the "Florida Sexual Predators Act"; amending s. 775.21, F.S.; providing a short title; providing definitions; providing legislative findings and purpose, and legislative intent; providing criteria for sexual predator designation, registration, and community and public notification requirements; requiring sexual predator registration and community and public notification; providing that a "sexual predator" is a person found by the court to be a sexual predator based on an offense committed on or after October 1, 1993, and before October 1, 1996, or a person who meets the criteria pursuant to s. 775.21, F.S., based on an offense committed on or after October 1, 1996; providing for immunity under certain circumstances; providing a penalty for certain sexual predators who work in situations involving children; repealing ss. 775.22, 775.225, and 775.23, F.S., relating to sexual predator registration, public notice of presence of sexual predator, and sexual predators, to conform to the act; amending s. 775.13, F.S., relating to registration of convicted felons, to provide an exception for felons registered as sexual predators; amending s. 947.1405, F.S., relating to the conditional release program, to conform to the act; amending s. 944.606, F.S., relating to sex offender notification; clarifying language and clarifying distinction between release of information about sexual offenders under ch. 944 and community and public notification regarding sexual predators under ch. 775; amending s. 937.024, F.S.; requiring registrar's offices to notify the

Department of Law Enforcement of a request for birth records; requiring the Department of Law Enforcement to notify the local law enforcement agency of such request; authorizing registrar's offices to remove flags from records upon notification from the Department of Law Enforcement; creating s. 937.025, F.S.; requiring schools to flag student records and assist law enforcement regarding missing students; providing immunity from civil liability; requiring certain reporting and providing immunity; providing criminal penalties for false reporting; amending s. 943.125, F.S.; requiring protocols for when injured apprehendees will be arrested and how security will be provided during any hospitalization; requiring a report to the Legislature regarding such protocols and the fiscal responsibility for unreimbursed medical services; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution within the Department of Legal Affairs to investigate and prosecute specified computer pornography and child exploitation offenses, and other related offenses; amending s. 847.0135, F.S.; revising specified computer pornography and child exploitation offenses to include the element of facilitating, encouraging, offering, or soliciting sexual conduct of or with a person believed to be a minor, and providing third degree felony penalties therefor; defining the third degree felony offense of knowingly utilizing a computer on-line service, internet service, or local bulletin board service to seduce, solicit, lure, entice, or attempt to seduce, solicit, lure, or entice, a child or person believed to be a child to commit an act described in chapter 794, F.S., relating to sexual battery; chapter 800, F.S., relating to lewdness and indecent exposure; or chapter 827, F.S., relating to child abuse; providing penalties for such offense; prohibiting the owner or operator of a computer on-line service, internet service, or local bulletin board service knowingly to permit a subscriber to commit such offense, and providing criminal penalties for violating such prohibition; providing jurisdictional guidelines; specifying applicability; amending s. 776.085, F.S., relating to the defense in a civil action for damages that the injury that is the subject of the action was sustained during the commission or attempted commission of a forcible felony; providing for the loss of privileges by a losing party who is incarcerated and for the payment of attorney's fees by the losing party when a party prevails based on the defense; providing effective dates for CS for HB 793, relating to security alarm systems; providing effective dates.

On motion by Senator Burt, the Senate concurred in the House amendment.

SB 156 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 248, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 248—A bill to be entitled An act relating to state parks; amending s. 212.08, F.S.; exempting nonprofit citizen support organizations designated to support state parks and the Florida Folk Festival held at the Stephen Foster State Folk Culture Center from the tax on sales, use, and other transactions imposed under ch. 212, F.S.; amending s. 258.015, F.S.; providing a reserve appropriation from the Land Acquisition Trust Fund to be used as a state match for private funding to enhance the use and potential of state parks; authorizing the Department of Environmental Protection to honor a private donor with a plaque; amending s. 370.0205, F.S.; exempting citizen support organizations with annual expenditures of less than a certain amount from certain auditing requirements; providing for future legislative review and repeal; providing an effective date.

House Amendment 1 (with title amendment)—On page 4, line 28, through page 5, line 2, delete all of said lines and insert:

Section 4. The exemptions provided by the creation of section 212.08(7)(ii) and (jj), Florida Statutes, by this act shall be repealed five years from their effective date. Prior to this repeal, the economic benefits of such exemptions shall be reviewed and quantified by the Legislature.

Section 5. Effective April 1, 1997, section 201.01, Florida Statutes, is amended to read:

201.01 Documents taxable, generally.—There shall be levied, collected, and paid the taxes specified in this chapter, for and in respect to the several documents, bonds, debentures or certificates of stock and indebtedness, and other documents, instruments, matters, writings, and things described in the following sections, or for or in respect of the vellum, parchment, or paper upon which such document, instrument, matter, writing, or thing, or any of them, is written or printed by any person who makes, signs, executes, issues, sells, removes, consigns, assigns, records, or ships the same, or for whose benefit or use the same are made, signed, executed, issued, sold, removed, consigned, assigned, recorded, or shipped in the state. Unless exempt under s. 201.24 or under any state or federal law, if the United States, the state, or any political subdivision of the state is a party to a document taxable under this chapter, any tax specified in this chapter shall be paid by a nonexempt party to the document. The documentary stamp taxes ~~required under this chapter~~ shall be *paid* ~~affixed to and placed~~ on all recordable instruments requiring documentary *stamp tax* ~~stamps~~ according to law, prior to recordation. With respect to mortgages or trust deeds which do not incorporate the certificate of indebtedness, a notation shall be made on the note or certificate that the tax has been paid *on* ~~and that the proper stamps have been affixed to~~ the mortgage or trust deed.

Section 6. Effective April 1, 1997, subsection (3) of section 201.022, Florida Statutes, is amended to read:

201.022 Consideration for realty; filing of return condition precedent to recordation; penalty; compensation of clerks; failure to file does not impair validity.—

(3) If the return required by this section is not executed and filed, the clerk of the circuit court is required to execute and file the return with the department. The clerk shall be compensated 1.0 percent of the *tax paid on* ~~value of the stamps sold for~~ deeds as the cost of processing the return required by this section in the form of a deduction from the amount of the tax due and remitted by the clerk, and the department shall allow the deduction to the clerk paying and remitting the tax in the manner provided by the department. However, no deduction or allowance shall be granted when there is a manifest failure to maintain proper records or make proper reports. The compensation provided herein shall be in addition to that provided in s. 201.11(2).

Section 7. Effective April 1, 1997, subsection (1) of section 201.05, Florida Statutes, is amended to read:

201.05 Tax on stock certificates.—

(1) On each original issue, whether organization or reorganization, of certificates of stock or shares however designated issued in the state or of certificates of profits or of interest in property or accumulations, by any corporation or by any joint stock company or other association as set forth in subsection (2), on each $100 of face value or fraction thereof the tax shall be 35 cents; provided that when a certificate is issued without face value, the tax shall be 35 cents on each $100 of actual value or fraction thereof. The ~~stamps representing the~~ tax imposed by this section shall be *shown on* ~~attached to~~ the stock books and not *on* ~~to~~ the certificates issued. The provisions of this section do not apply to any stock or share issued in this state of an open-end or closed-end management company or a unit investment trust registered under the Investment Company Act of 1940, as amended.

Section 8. Effective April 1, 1997, subsections (1), (2), and (3) of section 201.08, Florida Statutes, are amended to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(1) On promissory notes, nonnegotiable notes, written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, the tax shall be 35 cents on each $100 or fraction thereof of the indebtedness or obligation evidenced thereby. On mortgages, trust deeds, security agreements, or other evidences of indebtedness filed or recorded in this state, and for each renewal of the same, the tax shall be 35 cents on each $100 or fraction thereof of the indebtedness or obligation evidenced thereby. Mortgages, including, but

not limited to, mortgages executed without the state and recorded in the state, which incorporate the certificate of indebtedness, not otherwise shown in separate instruments, are subject to the same tax at the same rate. When there is both a mortgage, trust deed, or security agreement and a note, certificate of indebtedness, or obligation, the tax shall be paid on the mortgage, trust deed, or security agreement at the time of recordation. A notation shall be made on the note, certificate of indebtedness, or obligation that the tax has been paid *on* ~~and the proper stamps affixed to~~ the mortgage, trust deed, or security agreement. If the mortgage, trust deed, security agreement, or other evidence of indebtedness subject to the tax levied by this section secures future advances, as provided in s. 697.04, the tax shall be paid at the time of recordation on the initial debt or obligation secured, excluding future advances; at the time and so often as any future advance is made, the tax shall be paid on all sums then advanced regardless of where such advance is made. Notwithstanding the aforestated general rule, any increase in the amount of original indebtedness caused by interest accruing under an adjustable rate note or mortgage having an initial interest rate adjustment interval of not less than 6 months shall be taxable as a future advance only to the extent such increase is a computable sum certain when the document is executed. Failure to pay the tax shall not affect the lien for any such future advance given by s. 697.04, but any person who fails or refuses to pay such tax due by him *or her* is guilty of a misdemeanor of the first degree. The mortgage, trust deed, or other instrument shall not be enforceable in any court of this state as to any such advance unless and until the tax due thereon upon each advance that may have been made thereunder has been paid.

(2) On promissory notes, nonnegotiable notes, written obligations to pay money, or other compensation, made, executed, delivered, sold, transferred, or assigned in the state, in connection with sales made under retail charge account services, incident to sales which are not conditional in character and which are not secured by mortgage or other pledge of purchaser, the tax shall be 35 cents on each $100 or fraction thereof of the gross amount of the indebtedness evidenced by such instruments, payable quarterly on such forms and under such rules and regulations as may be promulgated by the Department of Revenue. ~~No documentary stamps shall be required to be attached to instruments under the provisions of this subsection.~~

(3) No *tax* ~~documentary stamps~~ shall be required on promissory notes executed for students to receive financial aid from federal or state educational assistance programs, from loans guaranteed by the Federal Government or the state when federal regulations prohibit the assessment of such taxes against the borrower, or for any financial aid program administered by a state university or community college, and the holders of such promissory notes shall not lose any rights incident to the payment of such *tax* ~~stamp costs~~.

Section 9. Effective April 1, 1997, subsection (1) of section 201.09, Florida Statutes, is amended to read:

201.09 Renewal of existing promissory notes and mortgages; exemption.—

(1) When any promissory note is given in renewal of any existing promissory note, which renewal note only extends or continues the identical contractual obligations of the original promissory note and evidences part or all of the original indebtedness evidenced thereby, not including any accumulated interest thereon and without enlargement in any way of the original contract and obligation, such renewal note shall not be subject to taxation under this chapter if such renewal note has attached to it the original promissory note with *the proper notation thereon as required by s. 201.133* ~~canceled stamps affixed thereon showing full payment of the tax due thereon~~. In order to be exempt from taxation under this section, a renewal note shall not be executed by any person other than the original obligor and must renew and extend only the unpaid balance of the original contract and obligation.

Section 10. Effective April 1, 1997, subsection (2) of section 201.11, Florida Statutes, is amended to read:

201.11 Administration of law by Department of Revenue.—

(2) The county comptroller or, if there be none, then the clerk of the circuit court, shall serve ex officio, and the Department of Revenue may appoint others, as agents for the collection of the tax imposed by this chapter. The department may adopt rules and regulations requiring the agents to meet certain standards, including, without limitation, a demonstrated volume of business or a geographical distribution. All agents shall be subject to audit and shall post a bond as may be required by the Department of Revenue. The Department of Revenue may purchase a blanket bond; however, all costs associated with such a bond shall be allocated by department regulation to those agents so bonded. An agent shall be compensated 0.5 percent of the *tax collected* ~~value of the stamps sold~~ as collection costs in the form of a deduction from the amount of the tax due and remitted by the agent, and the department shall allow the said deduction to the agent paying and remitting the tax in the manner as provided for by the department. However, no deduction or allowance shall be granted when there is a manifest failure to maintain proper records or make proper reports.

Section 11. Effective April 1, 1997, section 201.12, Florida Statutes, is amended to read:

201.12 Duties of clerks of the circuit court.—Clerks of the circuit court shall report to the Department of Revenue the names and addresses of any and all individuals, firms, or corporations, who shall fail to have affixed either the required amount of stamps or a notation that the proper stamps and the amount of same have been paid or will be paid directly to the department on any conveyance or taxable instrument or document which may be recorded in their respective offices; and any such clerk who knowingly fails to report any such violation within 30 days after recording of any taxable instrument or document, without such stamps *or notation*, shall be deemed guilty of a misdemeanor and upon conviction punished accordingly.

Section 12. Effective April 1, 1997, section 201.13, Florida Statutes, is amended to read:

201.13 Department of Revenue to furnish stamps for tax *for specified period*.—Except as otherwise provided in ss. ~~201.131,~~ 201.132~~,~~ and 201.133, *through March 31, 1997*, the Department of Revenue shall cause to be prepared and distributed for the payment of the taxes prescribed in this chapter suitable stamps denoting the tax on the documents to which same are required to be affixed and shall prescribe such method for the affixing of the stamps as shall be necessary to carry out and comply with the intent and purpose of this chapter. *Persons holding documentary stamps after March 31, 1997, may continue to use those stamps to pay the tax.*

Section 13. Effective April 1, 1997, section 201.131, Florida Statutes, is hereby repealed.

Section 14. Effective April 1, 1997, section 201.133, Florida Statutes, is amended to read:

201.133 *Payment of tax* ~~Exceptions to use of stamps~~ on documents not to be recorded; certificates of registration.—

(1) *Except as provided in s. 201.132, any person who has averaged or will average at least 5 taxable transactions per month shall register with the department and remit to the department all taxes due for documents not to be recorded.* ~~Any person who uses an average of at least $150 worth of stamps per month or who engages in an average of at least 50 taxable transactions per month for a period of 6 months prior to making application for a certificate of registration as provided in subsection (2) and who has adequate records to show that the qualifications have been met may collect the tax in any such transaction not to be recorded with the clerk of the circuit court without affixing any stamps upon any documents to which such stamps are otherwise required to be affixed.~~

(2) *Each* ~~Any~~ person described in subsection (1) shall *apply* ~~file with the Department of Revenue an application~~ for a certificate of registration *with the department* for each ~~place of~~ business *location*. The application shall include the name and address of the applicant together with such other information as the department may require.

(3) The department shall issue certificates of registration to qualified applicants *who are required to register under this section* ~~in a manner provided by rule adopted by the department~~.

(4) Any person described in subsection (1) who *is required to register and remit* ~~collects the~~ tax imposed by this chapter ~~without affixing stamps to the documents involved in a transaction~~ shall file a report with the department not later than the 20th day of each month certifying the amount of tax payable for the preceding month, and a remittance

shall be submitted with the report to cover the amount of tax payable for the preceding month. *Any person who fails to timely report and pay any tax as required under this section shall be subject to penalties and interest imposed by this chapter.* ~~A report and remittance mailed after the 20th day of the month following the month the tax is payable shall subject the person to the penalties imposed by this chapter.~~ Report forms shall be furnished by the department.

(5) ~~In addition to meeting the required standards and qualifications,~~ All persons *described in subsection (1)* ~~using or desiring to use the procedure authorized by this section~~ shall be subject to audit and shall make their records available for ready inspection by the department and shall post a bond at their own expense as may be required by the department.

(6) ~~Such~~ Persons *described in subsection (1)* shall keep a journal, or other account book or record of original entry, showing a listing of all documents executed and delivered. The journal shall show a daily listing of such documents unless another time period is required by the department. The journal shall show every transaction and the amount, whether the transaction is taxable or not. In the case of taxable transactions, the journal shall show the amount of tax payable with respect to each transaction. In the case of nontaxable transactions, the journal shall disclose the basis on which the exemption from tax is claimed. Such records shall be kept in permanent form and retained indefinitely in the files subject to verification by the representative of the department. The following notation or similar language along with the certificate of registration number shall be made on each individual document requiring tax: "Florida documentary stamp tax required by law in the amount of $____ has been paid or will be paid directly to the Department of Revenue. Certificate of Registration #____."

(7) Except as provided in s. 201.132, any person engaged in an average of less than 5 taxable transactions per month is required to remit tax imposed by this chapter to the department not later than the 20th day of the month for tax due for the preceding month for documents not to be recorded. Any person who fails to timely report and pay any tax as required under this subsection shall be subject to penalties and interest imposed by this chapter. Report forms shall be furnished by the department.

(8) Notwithstanding any other provision of this chapter, the department may require:

(a) A quarterly return and payment when the tax remitted for the preceding four calendar quarters did not exceed $1,000.

(b) A semiannual return and payment when the tax remitted for the preceding four calendar quarters did not exceed $500.

(c) An annual return and payment when the tax remitted for the preceding four calendar quarters did not exceed $100.

~~(7) The authority of any person described in subsection (1) to use the procedure authorized by this section may be canceled by the department if such person:~~

~~(a) Knowingly files a false monthly report of the data required by subsection (4);~~

~~(b) Fails, refuses, or neglects to file the report required by subsection (4);~~

~~(c) Fails to remit the tax collected; or~~

~~(d) Fails to adequately maintain the records required by subsection (6).~~

Section 15. Effective April 1, 1997, subsection (2) of section 201.17, Florida Statutes, is amended to read:

201.17 Penalties for failure to pay tax required.—

(2) *If* any document, instrument, or paper upon which the tax under this chapter is imposed ~~and which~~, upon audit or at time of recordation, does not show the proper amount of tax paid*, or if the tax imposed by this chapter on any document, instrument, or paper is not timely reported and paid as required by s. 201.133,* ~~shall subject~~ the person or persons liable for the tax upon the document, instrument, or paper *shall be subject* to:

(a) Payment of the tax not paid.

(b) *A specific penalty added to the tax in the amount of 10 percent of any unpaid tax if the failure is for not more than 30 days, with an additional 10 percent of any unpaid tax for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed a total penalty of 50 percent, in the aggregate, of any unpaid tax. In no event shall the penalty be less than $10 for failure to timely file a tax return required.* ~~Payment of a penalty to the Department of Revenue equal to 50 percent of the tax not paid.~~ If it is determined by clear and convincing evidence that any part of a deficiency is due to fraud, there shall be added to the tax as a civil penalty, in lieu of the aforementioned penalty under this paragraph, an amount equal to 200 percent of the deficiency. These penalties are to be in addition to, and not in lieu of, any other penalties imposed by law.

(c) Payment of interest to the Department of Revenue, accruing from the date the tax is due until paid, at the rate of 1 percent per month, based on the amount of tax not paid.

Section 16. Effective April 1, 1997, section 201.22, Florida Statutes, is amended to read:

201.22 Financing statements under chapter 679 of the Uniform Commercial Code.—The excise tax on documents provided by this chapter shall be applicable to transactions covered by the Uniform Commercial Code to the same extent that it would be if the code had not been enacted. The clerk or filing officer shall not accept for filing or filing and recording any financing statement under chapter 679, unless there appears thereon *a* ~~the~~ notation that the *taxes* ~~stamps~~ required by this chapter have been *paid* ~~placed~~ on the promissory instruments secured by said financing statement and will be *paid* ~~placed~~ on any additional promissory instruments, advances, or similar instrument that may be secured by said financing statement. The failure to pay the tax required by this chapter, as so stated, shall be subject to the penalties provided by this chapter.

Section 17. Effective January 1, 1997, paragraphs (c) and (d) of subsection (1) of section 212.11, Florida Statutes, are amended, and paragraph (f) is added to said subsection, to read:

212.11 Tax returns and regulations.—

(1)

(c) However, the department may *require:*

1. ~~authorize~~ A quarterly return and payment when the tax remitted by the dealer for the preceding four *calendar* quarters did not exceed $1,000.

2. ~~and may authorize~~ A semiannual return and payment when the tax remitted by the dealer for the preceding four *calendar* quarters did not exceed $500.

3. An annual return and payment when the tax remitted by the dealer for the preceding four calendar quarters did not exceed $100.

4. A quarterly return and monthly payment when the tax remitted by the dealer for the preceding four calendar quarters exceeded $1,000 but did not exceed $12,000.

(d) The department ~~of Revenue~~ may authorize dealers who are newly *required to file returns and pay tax quarterly* ~~eligible for quarterly filing under this subsection~~ to file returns *and remit the tax* for the 3-month periods ending in February, May, August, and November, and may authorize dealers who are newly *required to file returns and pay tax semiannually* ~~eligible for semiannual filing under this subsection~~ to file returns *and remit the tax* for the 6-month periods ending in May and November.

(f)1. A taxpayer who is required to remit taxes by electronic funds transfer shall make a return in a form that is initiated through an electronic data interchange. The acceptable method of transfer, the method, form, and content of the electronic data interchange, giving due regard to developing uniform standards for formats as adopted by the American National Standards Institute, the circumstances under which an electronic data interchange shall serve as a substitute for the filing of another form of return, and the means, if any, by which taxpayers will

be provided with acknowledgments, shall be as prescribed by the department.

2. The department may waive the requirement to make a return through an electronic data interchange due to problems arising from the taxpayer's computer capabilities, data systems changes, and taxpayer operating procedures. To obtain a waiver, the taxpayer shall demonstrate in writing to the department that such circumstances exist.

Section 18. Effective upon this act becoming a law, subsection (4) of section 213.22, Florida Statutes, is amended to read:

213.22 Technical assistance advisements.—

(4) The department shall collect a fee from any person who requests disclosure of a technical assistance advisement issued under this section. A schedule of fees shall be provided by the department by rule. The fee schedule shall provide for a minimum fee of $5 for each technical assistance advisement disclosed or a maximum of 50 cents per page, whichever is greater. *However, any person who uses the department's tax information retrieval system, known as the Tax Law Library, may view or print a technical assistance advisement without paying the fee imposed under this subsection.*

Section 19. (1) There is created the Sale For Resale Exemption Revision Committee. The committee shall consist of 12 members, 3 members appointed by the Governor, 3 members appointed by the Speaker of the House of Representatives, 3 members appointed by the President of the Senate, and 3 members appointed by the executive director of the Department of Revenue. Membership of the committee shall include retail and wholesale business persons, including persons from small, medium, and large businesses. The Governor shall designate one member to serve as chair. Members of the committee shall receive no salary for their service, but are entitled to receive travel and per diem under s. 112.061, Florida Statutes.

(2) The committee shall meet as soon as practicable after the members are appointed and shall meet as often as is necessary at the call of the chair. At the first meeting, a schedule shall be established for the meetings of the committee.

(3) The Department of Revenue shall provide administrative and staff support to the committee.

(4) The committee shall develop legislative and administrative recommendations for revising the sale for resale exemption system as applied to the tax on sales, use, and other transactions under chapter 212, Florida Statutes, in order to eliminate the improper use of the resale exemption and provide for more efficient and effective administration and enforcement.

(5) No later than November 15, 1996, the committee shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives its recommendations for statutory and administrative revisions to the sale for resale exemption.

Section 20. No tax imposed by chapter 212, Florida Statutes, on sales of food, books, and other tangible personal property before November 15, 1993, and not collected by a private college with an enrollment of less than 2,500 full-time students, which college is accredited by the Southern Association of Colleges and Schools and registered as a not-for-profit entity pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall be due. No credit shall be allowed for any overpayment of such taxes made prior to November 15, 1993, to the extent that such credits would have offset any liability imposed but for the passage of this section.

Section 21. The state corporate income tax liability resulting from unrelated business income earned in this state for the period January 1, 1988, through December 31, 1995, shall be waived for any corporation qualified under s. 501(c)(3) of the Internal Revenue Code as an educational institution which has an enrollment in excess of 1,000 students for the kindergarten through grade 12 program and which receives no state or federal dollars for operations.

Section 22. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete the entire title and insert: A bill to be entitled An act relating to financial matters; amending s. 212.08, F.S.; exempting nonprofit citizen support organizations designated to support state parks and the Florida Folk Festival held at the Stephen Foster State Folk Culture Center from the tax on sales, use, and other transactions imposed under ch. 212, F.S.; providing for future legislative review and repeal; amending s. 258.015, F.S.; providing a reserve appropriation from the Land Acquisition Trust Fund to be used as a state match for private funding to enhance the use and potential of state parks; authorizing the Department of Environmental Protection to honor a private donor with a plaque; amending s. 370.0205, F.S.; exempting citizen support organizations with annual expenditures of less than a certain amount from certain auditing requirements; amending s. 201.13, F.S.; providing that the Department of Revenue shall discontinue furnishing stamps for payment of the excise tax on documents after a specified date; authorizing use of stamps held by persons on that date; repealing s. 201.131, F.S., which authorizes payment of the tax through use of metering machines; amending s. 201.133, F.S.; revising provisions relating to payment of the tax on documents not to be recorded; requiring persons engaged in a certain number of transactions to register and remit the tax to the department; providing that persons below that threshold shall remit the tax to the department but need not register; providing for application of penalties; authorizing the department to require quarterly, semiannual, or annual returns under certain circumstances; amending s. 201.17, F.S.; revising penalty provisions; amending ss. 201.01, 201.022, 201.05, 201.08, 201.09, 201.11, 201.12, and 201.22, F.S., to conform; amending s. 212.11, F.S.; providing conditions under which sales tax dealers may make an annual return and payment or a quarterly return and monthly payment; authorizing the department to prescribe requirements relating to taxpayers required to remit sales and use taxes by electronic funds transfer and to waive that requirement under certain circumstances; amending s. 213.22, F.S.; authorizing access to technical assistance advisements through the department's tax information retrieval system without a fee; creating the Sale For Resale Exemption Revision Committee; providing for appointment and qualifications of members; providing duties; requiring a report; providing that no tax imposed under ch. 212, F.S., on certain sales by certain private colleges and not actually collected before a specified date shall be due; disallowing certain credit for overpayment of such taxes; providing for waiver of corporate income tax liability resulting from certain unrelated business income for certain educational institutions; providing effective dates.

On motion by Senator Williams, the Senate concurred in the House amendment.

SB 248 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 330, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 330—A bill to be entitled An act relating to taxation; amending s. 196.199, F.S.; providing that property owned by port authorities and leasehold interests in such property are exempt from ad valorem taxes to the extent that county property is immune from such taxes; amending s. 206.01, F.S.; revising definitions and defining the term "blender"; amending s. 206.02, F.S.; providing for blenders' licenses; providing fees; revising license application requirements; providing for temporary licenses; amending ss. 206.022 and 206.095, F.S.; providing for application of licensing and reporting requirements to terminal operators; amending s. 206.9925, F.S., relating to a definition of the term "storage facility," to conform; amending s. 206.404, F.S.; removing provisions relating to temporary licenses for retailers; amending s. 206.41, F.S.; revising provisions relating to the application of state taxes on motor fuel and exemptions therefrom; amending s. 206.46, F.S., and repealing s. 50, ch. 95-417, Laws of Florida, correcting references to the Gas Tax Collection Trust Fund; revising the amount distributed to the Right-of-Way Acquisition and Bridge Construction Trust Fund from the State Transportation Trust Fund; amending ss. 206.43, 206.48, F.S.;

requiring blenders to make certain reports; revising certain reporting requirements; amending s. 206.59, F.S.; revising provisions relating to powers of the Department of Revenue; exempting discrepancies due to normal temperature gains from application of taxes; amending s. 206.86, F.S.; revising a definition; amending s. 206.873, F.S.; specifying that backup tax applies to motor fuel; amending s. 206.874, F.S., relating to exemptions; revising provisions relating to application of backup tax and allowed uses of dyed diesel fuel; specifying that diesel fuel in the fuel tanks of a motor vehicle used to propel the vehicle into this state and certain diesel fuel supplied by a vehicle manufacturer is exempt from the tax on diesel fuel; amending s. 206.8745, F.S.; providing for a refund for certain diesel fuel consumed by a power takeoff or engine exhaust; amending s. 206.89, F.S.; providing for a wholesaler of alternative fuel license; providing requirements with respect thereto, including application of penalties, bonding, and fees; amending s. 206.92, F.S.; providing for cancellation of registrant's license; amending ss. 206.9815, 206.9825, F.S; defining the terms "kerosene" and "aviation gasoline" and providing requirements for application of the aviation fuel tax thereto; providing for exemptions and refunds; providing for application of backup tax; amending s. 206.9915, F.S.; specifying additional provisions applicable to pt. IV of ch. 206, F.S., relating to tax on fuel and other pollutants; amending s. 212.08, F.S.; specifying the motor and diesel fuels that are exempt from sales and use tax; providing for application of the tax to certain fuels used in interstate or foreign commerce; amending s. 320.20, F.S.; providing for additional funding of the Florida Seaport Transportation and Economic Development Program; specifying the use of the funds; granting ports municipal and county authority as provided in s. 163.01(7)(d), F.S., the Florida Interlocal Cooperation Act of 1969; amending ss. 336.021, 336.025, F.S., relating to the ninth-cent fuel tax and the local option tax for county transportation systems; removing provisions relating to an allowance for services and expenses; revising provisions relating to a distribution formula; amending s. 337.276, F.S.; deleting restrictions on expenditures of certain bond proceeds; amending s. 115, ch. 95-417, Laws of Florida; removing the repeal of s. 6, ch. 94-146, Laws of Florida; repealing s. 962, ch. 95-148, Laws of Florida, which provides a future amendment to text removed by ch. 95-417, Laws of Florida; providing licensing periods and fees; directing that a reviser's bill be prepared; providing effective dates.

House Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (10) is added to section 196.199, Florida Statutes, to read:

196.199 Government property exemption.—

(10) Notwithstanding any other provision of law to the contrary, property held by a port authority and any leasehold interest in such property are exempt from ad valorem taxation to the same extent that county property is immune from taxation, provided such property is located in a county described in Section 9, Article VIII of the State Constitution (1885), as restated in Section 6(e), Article VIII of the State Constitution (1968).

Section 2. Subsections (4) and (25) of section 206.01, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended, and subsection (30) is added to that section, to read:

206.01 Definitions.—As used in this chapter:

(4) "Wholesaler" means any person who holds a valid wholesaler of taxable fuel license issued by the department ~~and has a business location in this state~~.

(25) "Exchange agreement" means an agreement between two licensed terminal suppliers whereby a position holder in a terminal agrees to deliver ~~diesel~~ fuel to the other party or the other party's customer at the loading rack of the terminal where the delivering party holds an inventory position.

(30) "Blender" means any person who blends any product with motor or diesel fuel and who has been licensed or authorized by the department as a blender.

Section 3. Section 206.02, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.02 Application for license; *temporary* ~~provisional~~ license; terminal suppliers, importers, exporters, *blenders,* and wholesalers.—

(1) It is unlawful for any person to engage in business as a terminal supplier, importer, exporter, *blender,* or wholesaler of motor fuel within this state unless such person is the holder of an unrevoked license issued by the department to engage in such business. A person is engaging in such business if he or she:

(a) Imports or causes any motor fuel to be imported and sells such fuel at wholesale, retail, or otherwise within this state.

(b) Imports and withdraws for use within this state by himself or herself or others any motor fuel from the tank car, truck, or other original container or package in which such motor fuel was imported into this state.

(c) Manufactures, refines, produces, or compounds any motor fuel and sells such fuel at wholesale or retail, or otherwise within this state for use or consumption within this state.

(d) Imports into this state from any other state or foreign country, or receives by any means into this state, any motor fuel which is intended to be used for consumption in this state and keeps such fuel in storage in this state for a period of 24 hours or more after it loses its interstate or foreign commerce character as a shipment in interstate or foreign commerce.

(e) Is primarily liable under the fuel tax laws of this state for the payment of motor fuel taxes.

(f) Purchases or receives in this state motor fuel upon which the tax has not been paid.

(g) Exports taxable motor or diesel fuels either from substorage at a bulk facility or directly from a terminal rack to a destination outside the state.

(2) To procure a terminal supplier license, a person shall file with the department an application under oath, and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state and that person's registration number under s. 4101 of the Internal Revenue Code.

(b) The location, with street number address, of his or her principal office or place of business ~~within this state~~ and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he or she shall also file with the application a certified copy of the certificate or license issued by the Department of State showing that such corporation is authorized to transact business in the state.

~~(d) The location or locations of the refinery owned by such person, if applicable, and the volume of each refined petroleum product produced at such refinery.~~

The application shall require a $30 license tax. Each license shall be renewed annually through application, including an annual $30 license tax.

(3) To procure an importer, ~~or~~ exporter, *or blender* of motor fuels license, a person shall file with the department an application under oath, and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state.

(b) The location, with street number address, of his or her principal office or place of business and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he or she shall also file with the application

a certified copy of the certificate or license issued by the Department of State showing that such corporation is authorized to transact business in the state.

~~(d) A statement that such person's business is not located in the state.~~

The application shall require a $30 license tax. Each license shall be renewed annually through application, including an annual $30 license tax.

(4) To procure a wholesaler of motor fuel license, a person shall file with the department an application under oath and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state.

(b) The location, with street number address, of his or her principal office or place of business within this state and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he or she shall also file with the application a certified copy of the certificate or license issued by the Department of State showing that such corporation is authorized to transact business in the state.

The application shall require a $30 license tax. Each license shall be renewed annually through application, including an annual $30 license fee.

(5) Any importer who establishes a business location in this state must, prior to beginning business in the state, apply for and be issued a wholesaler's license. An importer's license becomes invalid on the date business operations begin from a location within this state.

(6) Upon the filing of an application for a license and concurrently therewith, a bond of the character stipulated and in the amount provided for shall be filed with the department. No license shall issue upon any application unless accompanied by such a bond, except as provided in s. 206.05(1).

(7)(a) *If all applicants for a license hold a current license in good standing of the same type and kind, the department shall issue a temporary license upon the filing of a completed application, payment of all fees, and the posting of adequate bond. A temporary license shall automatically expire 90 days after its effective date or, prior to the expiration of 90 days or the period of any extension, upon issuance of a permanent license or of a notice of intent to deny a permanent license. A temporary license may be extended once for a period not to exceed 60 days, upon written request of the applicant, subject to the restrictions imposed by this subsection.* ~~A person, partnership, or private corporation which is beginning a new business and which applies for a license as a terminal supplier, importer, exporter, or wholesaler shall be issued a provisional license. Once the department's background investigation is completed and the department has determined that the applicant is of good moral character and has not been convicted of any offense specified in s. 206.026(1)(b), a permanent license shall be issued.~~

(b) A publicly held corporation, the securities of which are regularly traded on a national securities exchange and not over the counter, which begins a new business and which applies for a license as a terminal supplier, importer, exporter, or wholesaler shall be issued ~~such~~ a license without the department's background investigation.

Section 4. Section 206.022, Florida Statutes, is amended to read:

206.022 Application for license; terminal *operators* ~~facilities~~.—

(1) It is unlawful for any terminal *operator* ~~facility~~ to operate within this state unless *he or she* ~~it~~ is the holder of an unrevoked license issued by the department to engage in such business. To procure such license, a person shall file with the department an application under oath and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state.

(b) The location, with street number address, of his or her principal office or place of business within this state and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he or she shall also file with the application a certified copy of the certificate or license issued by the Department of State showing that such corporation is authorized to transact business in the state.

(d) The storage capacity of the facility.

(e) Any other information which the department may deem necessary.

(2) The application shall require a $30 license tax. Each license shall be renewed annually through application, including an annual $30 license tax.

Section 5. Subsection (9) of section 206.9925, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.9925 Definitions.—As used in this part:

(9) "Storage facility" means a location ~~licensed under s. 206.022 and~~ owned, operated, or leased by a licensed terminal *operator* ~~supplier~~, which location contains any stationary tank or tanks for holding petroleum products.

Section 6. Section 206.095, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.095 Reports from terminal *operators* ~~facilities~~.—

(1) Every terminal *operator who* ~~facility which~~ stores, handles, or transfers motor fuel, casinghead gasoline, natural gasoline, naphtha, diesel fuel, kerosene, or other middle distillates shall file a report on forms prescribed by the department. The report shall be filed on a monthly basis within 20 days after the close of the month covered by the report and shall show:

(a) The name, address, and license number of the terminal supplier, importer, or exporter storing or transferring such product.

(b) The name of the boat, barge, or vessel transporting the product to the terminal.

(c) The number of gallons and type of product which is being stored.

(d) Such other additional information relative to shipments and storage of products as the department may require.

(2) If any terminal *operator* fails to make a complete report, the department shall impose, in addition to any other penalty and interest due, a penalty in the amount of $100.

Section 7. Section 206.404, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.404 License requirements for retail dealers and resellers; ~~temporary licensure;~~ penalty.—

(1)(a) It is unlawful to engage in the business of selling motor or diesel fuel at retail without first obtaining the license required by this section.

(b) It is unlawful to engage in the business of reselling tax-paid fuel to retailers or end users without first obtaining the license required by this section.

(c) Every person engaging in the business of selling motor or diesel fuel at retail or engaging in business as a reseller shall, prior to engaging in business, register with the department pursuant to chapter 212.

(d) No license shall be transferred.

(e) Each business location shall have a separate license.

(f) Each application shall include the federal employer identification number or, if such number is not available, the social security number of the applicant and the Department of Environmental Protection storage tank facility number.

(g) Each applicant shall declare his or her primary business activity as either the sale of motor fuel at retail, the sale of diesel fuel at retail, or acting as a reseller.

(h) Any person who violates this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(2) If all applicants for a license hold a current license in good standing of the same type and kind, the department shall issue a temporary license upon the filing of a completed application, payment of all fees, and the posting of adequate bond. A temporary license shall automatically expire 90 days after its effective date or, prior to the expiration of 90 days or the period of any extension, upon issuance of a permanent license or of a notice of intent to deny a permanent license. A temporary license may be extended once for a period not to exceed 60 days, upon written request of the applicant, subject to the restrictions imposed by this subsection.~~

(2)~~(3)~~(a) Each person required to be licensed by this section shall maintain all records required under s. 206.12 and shall make those records available to the department for inspection or audit upon request.

(b) Any person required to register under this section who fails to make records available to the department within the time specified in s. 206.12 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and the department shall estimate such person's tax liability and make a jeopardy assessment for the estimated tax due. In addition to any estimated tax, delinquency penalty, and interest found to be due, the licensee shall be subject to a civil penalty of $500 and the department shall revoke such person's registration under chapter 212.

(3)~~(4)~~ Any retail dealer or reseller in violation of the provisions of this chapter shall be subject to revocation of his or her license under chapter 212.

Section 8. Subsections (2), (3), and (4) of section 206.41, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended to read:

206.41 State taxes imposed on motor fuel.—

(2) Revenues from these taxes become state funds at the time of collection by the terminal supplier, importer, or wholesaler, who shall act as agent for the state in the collection of such taxes whether he or she is the ultimate seller or not. For purposes of this chapter, the term "first sale" or "first removal" shall be the net amount of motor fuel pumped from the loading rack ~~or first storage~~. The term "first sale" does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed terminal suppliers before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed terminal supplier storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed terminal supplier who owned the motor fuel immediately prior to removal of such fuel from storage.

(3) Motor fuel *contained* in the fuel tanks *of* ~~in~~ any motor vehicle entering this state *and* used to propel such motor vehicle *into Florida from another state* shall be exempt from the taxes imposed by this part. *Motor fuel supplied by a vehicle manufacturer and contained in the fuel tanks of a new and untitled motor vehicle shall be exempt from the taxes imposed by this part.* "Fuel tanks" shall mean the reservoir or receptacle attached to the motor vehicle by the manufacturer as the container for fuel used to propel the vehicle.

(4)(a) *Nothing in this part shall be construed to change the legal incidence of the tax and the right to a refund by a qualifying ultimate consumer. The legal incidence of the tax shall be on the ultimate consumer; however, the tax shall be precollected for administrative convenience prior to the sale to the ultimate consumer.*

(b) Any person who uses motor fuel on which the taxes imposed by paragraph (1)(e), paragraph (1)(f), or paragraph (1)(g) have been paid for any system of mass public transportation authorized to operate within any city, town, municipality, county, or transit authority region in this state, as distinguished from any over-the-road or charter system of public transportation, is entitled to a refund of such taxes. However, such transit system shall be entitled to take a credit on the monthly diesel fuel tax return not to exceed the tax imposed under said paragraphs on those gallons which would otherwise be eligible for refund, when such transit system is licensed as a mass transit system. A public transportation system or transit system as defined in this paragraph may operate outside its limits when such operation is found necessary to adequately and efficiently provide mass public transportation services for the city, town, or municipality involved. A transit system as defined in this paragraph includes demand service that is an integral part of a city, town, municipality, county, or transit or transportation authority system but does not include independent taxicab or limousine operations. The terms "city," "county," and "authority" as used in this paragraph include any city, town, municipality, county, or transit or transportation authority organized in this state by virtue of any general or special law enacted by the Legislature.

(c)~~(b)~~1. Any person who uses any motor fuel for agricultural, aquacultural, or commercial fishing purposes on which fuel the tax imposed by paragraph (1)(e), paragraph (1)(f), or paragraph (1)(g) has been paid is entitled to a refund of such tax.

2. For the purposes of this paragraph, "agricultural and aquacultural purposes" means motor fuel used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm, and no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of this state. This restriction does not apply to the movement of a farm vehicle or farm equipment between farms. The transporting of bees by water and the operating of equipment used in the apiary of a beekeeper shall be also deemed an agricultural purpose.

3. For the purposes of this paragraph, "commercial fishing and aquacultural purposes" means motor fuel used in the operation of boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oysters, shrimp, or sponges from salt or fresh waters under the jurisdiction of the state for resale to the public, and no part of which fuel is used in any vehicle or equipment driven or operated upon the highways of this state; however, the term may in no way be construed to include fuel used for sport or pleasure fishing.

(d)~~(c)~~ The portion of the tax imposed by paragraph (1)(g) which results from the collection of such taxes paid by a municipality or county on motor fuel or diesel fuel for use in a motor vehicle operated by it shall be returned to the governing body of such municipality or county for the construction, reconstruction, and maintenance of roads and streets within the municipality or county. A municipality or county, when licensed as a local government user, shall be entitled to take a credit on the monthly diesel fuel tax return not to exceed the tax imposed under paragraphs (1)(b) and (g) on those gallons which would otherwise be eligible for refund.

(e)~~(d)~~1. The portion of the tax imposed by paragraph (1)(g) which results from the collection of such tax paid by a school district or a private contractor operating school buses for a school district or by a nonpublic school on motor fuel or diesel fuel for use in a motor vehicle operated by such district, private contractor, or nonpublic school shall be returned to the governing body of such school district or to such nonpublic school. A school district, when licensed as a local government user, shall be entitled to take a credit on the monthly *diesel fuel tax* return not to exceed the tax imposed under paragraphs (1)(b) and (g) on those gallons which would otherwise be eligible for refund.

2. Funds returned to school districts shall be used to fund construction, reconstruction, and maintenance of roads and streets within the school district required as a result of the construction of new schools or the renovation of existing schools. The school board shall select the projects to be funded; however, the first priority shall be given to projects required as the result of the construction of new schools, unless a waiver is granted by the affected county or municipal government. Funds returned to nonpublic schools shall be used for transportation-related purposes.

Section 9. Section 206.43, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.43 Terminal supplier, importer, exporter, *blender,* and wholesaler to report to department monthly; deduction.—The taxes levied and assessed as provided in this part shall be paid to the department monthly in the following manner:

(1)(a) Taxes are due on the first day of the succeeding month and shall be paid on or before the 20th day of each month. The terminal supplier, importer, exporter, *blender,* or wholesaler shall mail to the department verified reports on forms prescribed by the department and shall at the same time pay to the department the amount of tax computed to be due. However, if the 20th day falls on a Saturday, a Sunday, or a federal or state legal holiday, returns shall be accepted if postmarked on the next succeeding workday. The terminal supplier or importer shall deduct from the amount of tax shown by the report to be payable an amount equivalent to .2 percent of the tax on motor fuels imposed by s. 206.41(1)(a), (b), (c), and (g), which deduction is hereby allowed to the terminal supplier or importer on account of services and expenses in complying with the provisions of the law. The allowance on taxable gallons of motor fuel sold to persons licensed under this chapter shall not be deductible unless the terminal supplier or importer has allowed 50 percent of the allowance provided by this section to the licensed purchaser. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as herein required. The United States post-office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the department. Nothing in this subsection shall be construed to authorize a deduction from the constitutional fuel tax or fuel sales tax.

(b) In addition to the allowance authorized by paragraph (a), every terminal supplier and wholesaler shall be entitled to a deduction of 1.1 percent of the tax imposed under s. 206.41(1)(d) and the first 6 cents of tax imposed under s. 206.41(1)(e), which deduction is hereby allowed on account of services and expenses in complying with the provisions of this part. This allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as herein required.

(2) Such report *may* ~~shall~~ show in detail the number of gallons so sold and delivered by the terminal supplier, importer, exporter, *blender,* or wholesaler in the state, and the destination as to the county in the state to which the motor fuel was delivered for resale at retail or use shall be specified in the report. The total taxable gallons sold shall agree with the total gallons reported to the county destinations for resale at retail or use. All gallons of motor fuel sold shall be invoiced and shall name the county of destination for resale at retail or use.

(3) All terminal suppliers, importers, exporters, *blenders,* and wholesalers shall report monthly:

(a) The consumption of motor fuel by the licensee and the county or counties in which the gallons of motor fuel were consumed.

(b) All sales to the ultimate consumer and the county or counties to which the gallons of motor fuel were delivered.

(c) All sales to retail dealers and service stations and the county or counties to which the gallons of motor fuel were delivered.

(4) The taxes herein levied and assessed shall be in addition to any and all other taxes authorized, imposed, assessed, or levied on motor fuel under any laws of this state.

(5)(a) A licensed wholesaler may, after obtaining written consent of the executive director of the department, remit the taxes imposed by s. 206.41 to its supplier by electronic funds transfer or other approved methods, no later than the last business day prior to the 20th day of the succeeding month following the date of the transaction. Consent of the department shall be conditioned solely upon a wholesaler having a license currently in good standing and shall be subject to the bond required pursuant to s. 206.05(1).

(b) If a terminal supplier or position holder sells motor fuel to a licensed wholesaler with electronic funds transfer authority from the department and is unable to collect the taxes imposed pursuant to this part by the end of the last day of the succeeding month following the date of the transaction, the terminal supplier or position holder shall be entitled to a refund or credit of taxes which it has been unable to collect from the wholesaler and which were reported and remitted to the department on fuel sold to the wholesaler through the end of the last day of such succeeding month.

(c) A terminal supplier or position holder which is unable to collect the taxes imposed pursuant to this part from a licensed wholesaler by the 10th day after the funds are due pursuant to paragraph (a) shall immediately notify the department of the wholesaler's failure to pay such taxes. The department shall immediately notify all terminal suppliers and position holders that any sales of motor fuel to the wholesaler after the last day of the month following the date of the transaction shall not qualify for the refund or credit provided under paragraph (b), until the wholesaler shall have paid the amount of all applicable tax, penalties, and interest due to the department on the transaction, in which event the department shall immediately notify all terminal suppliers and position holders that sales to the wholesaler will thereafter qualify for the refund or credit provided under paragraph (b).

(d) Any terminal supplier or position holder which fails to timely notify the department as required pursuant to paragraph (c) shall not be entitled to the refund or credit provided under paragraph (b). However, nothing contained in this section shall be construed to impose liability upon the terminal supplier or position holder for taxes due on fuel sold to the wholesaler by any other terminal supplier or position holder.

(6)(a) A licensed wholesaler shall self-accrue and remit to the department the tax on motor fuel imposed by s. 206.41(1)(d), (e), and (f) in accordance with subsections (1)-(3).

(b) All motor fuel local option taxes required to be returned pursuant to this section by a licensed wholesaler shall be reported to the department on a consolidated fuel tax return. A wholesaler may, in lieu of applying for a refund, take a credit against any motor fuel local option taxes due to the department on said return for any motor fuel taxes, including local option taxes, paid by the wholesaler on fuel subsequently sold by it in a transaction which is exempt from fuel tax or eligible for a refund of fuel tax under this chapter.

(c) A terminal supplier or wholesaler that has paid the tax required under s. 206.41(1)(d), (e), and (f) upon sales to a retail dealer or reseller may take credit for any unpaid tax due on worthless accounts within 12 months after the month the bad debt was written off for federal income tax purposes, if the debt for the fuel upon which the tax was paid was also written off and if the credit for taxes paid is limited to the sales of fuel and taxes remitted within the first 60 days of nonpayment, not to exceed 120 percent of the 60-day average based on the prior 12 months of business. Any taxes due on sales to retailers and resellers resulting in worthless accounts receivable following the first 60 days of nonpayment shall not be credited or refunded. If any accounts so charged off for which a credit or refund has been obtained are thereafter in whole or in part paid to the licensee, the amount so paid shall be included in the first return filed after such collection and the tax paid accordingly.

(7)(a) Any terminal supplier or wholesaler who inadvertently reports a sale or use of motor fuel in a county other than the county in which such sale or use occurred shall have the right, prior to being contacted by the department concerning such liability, to correct the reporting error by filing an amended return and paying the correct amount of tax due, plus any applicable interest due on the difference between the correct tax due and the amount of tax originally reported. However, interest shall not be due if the amended return is filed with the department on or before the due date of the next return. The terminal supplier or wholesaler shall be entitled to a credit or refund of the amount, if any, by which the amount of tax originally reported exceeds the correct tax due.

(b) Any terminal supplier or wholesaler who fails to correct a reporting error under the circumstances provided in paragraph (a) within 180 days after making the error and prior to any request made by the department to examine the records of the licensee shall be liable for all the additional taxes due, applicable delinquency penalty and interest, a specific penalty of 100 percent of the additional tax due, and an additional specific penalty, for improper reporting, of 10 percent of the tax due to any county without benefit of credit for taxes paid in error.

Section 10. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other provisions of law, from the revenues deposited into the State Transportation Trust Fund a maximum of *6* ~~5~~ percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605,

as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the *6* ~~5~~ percent annual transfer authorized in this subsection, the annual amount transferred under this subsection shall not exceed *$115* ~~$100~~ million. Such transfer shall be payable from the motor and *diesel* ~~special~~ fuel taxes transferred to the State Transportation Trust Fund from the *Fuel* ~~Gas~~ Tax Collection Trust Fund.

Section 11. Section 50 of chapter 95-417, Laws of Florida, is repealed.

Section 12. Section 206.48, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.48 Reports required of terminal suppliers, importers, exporters, *blenders,* and wholesalers.—

(1) Each terminal supplier, importer, *blender,* or wholesaler of motor fuels, when making a report to the Department of Revenue of the amount of such products sold in this state upon which the tax provided is due and payable by him or her to the department, shall at the same time report to the department each and every sale made by such person of any quantity of motor fuel which shall not have been at the time of such sale divested of its interstate or foreign character, which report shall show the name and business location of the person to whom the same is sold in this state. Every terminal supplier, importer, *blender,* or wholesaler shall, at the time other reports are required to be made to the department, report to the department each and every purchase of such products not theretofore divested of their interstate or foreign character made by such person upon which the tax is shown by the invoice thereof to have been assumed for report and payment by the terminal supplier, importer, *blender,* or wholesaler selling to him or her.

(2) Each importer of taxable motor or diesel fuels, when making a report to the department of the amount of such product brought into this state upon which the tax provided is due and payable by him or her directly to the department, shall at the same time report to the department each and every sale or storage, other than in a bulk facility, made by such person of any quantity of motor fuel in net gallons, the county to which said fuel was delivered, the terminal supplier of the imported fuel, the shipping paper number, the import authorization number required by s. 206.051, and any other information necessary as specified by the department.

(3) A licensed exporter shall file a report each month disclosing all gallons exported, including the following information: supplier name, terminal location, destination state, shipping manifest number, carrier name, carrier federal employer identification number, mode of transportation, destination address, state of destination, origin terminal identification, purchaser's name, purchaser's federal employer identification number or, if such number is not available, social security number, shipping paper number, invoice number, net gallons, gross gallons, billed gallons, product identification, and a copy of the return accounting for the import of these fuels to the destination state.

Section 13. Section 206.59, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.59 Department to make rules; powers.—

(1) The department shall make rules and regulations, which shall have the force and effect of law, to govern reports and accounts by all persons dealing in or handling ~~motor~~ fuel for the purpose of enabling the department to ascertain whether or not any ~~motor~~ fuels are being dealt with, handled, or stored in this state under such circumstances as to become liable to the tax imposed by any law relating to a tax on ~~motor~~ fuel.

(2) The department is further given power to investigate, or cause to be investigated under its authority, all cases involving dealing in ~~motor~~ fuel by persons receiving, handling, or storing the same and to determine from such investigation whether or not any section in this chapter relating to the fuel tax is being evaded or illegally avoided. The determination of the department in any case shall be prima facie valid and authentic in all courts in this state and in all actions involving the validating of taxes on persons subject to the provisions of part I or part II of this chapter.

(3) The department may investigate and audit inventories, receipts, and disposals of ~~motor~~ fuel to ascertain the validity of all taxes collected and remitted to the department. Any ~~motor~~ fuel which cannot be accounted for, *except for normal temperature gains,* by a terminal supplier, importer, exporter, *blender,* or wholesaler is subject to all taxes levied under this *chapter* ~~part~~. *As used in this subsection, "normal temperature gains" shall be limited to 1.5 percent of the total disposals in any month, unless the terminal supplier, importer, exporter, blender, or wholesaler demonstrates to the reasonable satisfaction of the department that temperature gains occurred in excess of 1.5 percent of total disposals for the month.* ~~Any terminal supplier, importer, exporter, wholesaler, or person who collects more tax on the sale of motor fuel than was remitted to the department or paid to his or her supplier is liable for the difference in tax plus all applicable interest and penalties.~~

Section 14. Subsection (6) of section 206.86, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.86 Definitions.—As used in this part:

(6) "Removal" means any physical transfer of diesel fuel and any use of diesel fuel other than as a material in the production of diesel fuel. ~~However, diesel fuel is not removed when it evaporates or is otherwise lost or destroyed.~~

Section 15. Section 206.873, Florida Statutes, is amended to read:

206.873 Backup tax.—The taxes imposed by *s. 206.41 or* s. 206.87 are imposed as a backup tax on the delivery *or receipt* in this state for any use which is not exempt under *s. 206.42, s. 206.62, or* s. 206.874 of any of the following:

(1) Any diesel fuel that contains a dye.

(2) Any diesel fuel on which a credit or claim for refund has been allowed.

(3) Any diesel fuel on which tax has not been imposed by this part.

(4) Any motor fuel on which tax has not been imposed by this chapter.

Section 16. Subsection (2) and paragraphs (b), (i), and (k) of subsection (3) of section 206.874, Florida Statutes, are amended, paragraph (l) is added to subsection (3), and subsection (6) is added to that section, to read:

206.874 Exemptions.—

(2) Backup tax does not apply to delivery in this state of diesel fuel into the fuel tank of a diesel-powered motor vehicle as provided in s. 206.873 for ~~either of the following:~~

~~(a)~~ use on a farm for farming purposes.

~~(b) Use in an exempt bus operation.~~

(3) Dyed diesel fuel may be purchased and used only for the following purposes:

(b) Exclusive use of a ~~state or~~ local government.

(i) Use in a motor vehicle owned by the United States Government that is not used on *a highway* ~~motor~~.

(k) Use of diesel fuel for home heating ~~or other off-highway purposes~~.

(l) Use in self-propelled off-road equipment or stationary equipment subject to tax under s. 212.0501.

(6) Diesel fuel contained in the fuel tanks of any motor vehicle entering this state and used to propel such motor vehicle into Florida from another state shall be exempt from the taxes imposed by this part, but may be taxed under the provisions of chapter 207. Diesel fuel supplied by a vehicle manufacturer and contained in the fuel tanks of a new and untitled motor vehicle shall be exempt from the taxes imposed by this part. "Fuel tanks" means the reservoir or receptacle attached to the motor vehicle by the manufacturer as the container for fuel used to propel the vehicle.

Section 17. Subsection (6) is added to section 206.8745, Florida Statutes, to read:

206.8745 Credits and refund claims.—

(6) Undyed, tax-paid diesel fuel consumed by a power takeoff or engine exhaust for the purpose of unloading bulk cargo by pumping or turning a concrete mixer drum used in the manufacturing process, or for the purpose of compacting solid waste, which is mounted on a motor vehicle and which has no separate fuel tank or power unit, is subject to a refund as provided by rule.

Section 18. Subsections (1), (2), (3), (6), and (7) of section 206.89, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended to read:

206.89 Licenses; necessity; prerequisites; issuance; nonassignability.—

(1)(a) No person shall act as a *wholesaler of alternative fuel* ~~dealer~~ unless he or she holds a valid *wholesaler of alternative fuel* ~~dealer's~~ license issued by the department. ~~However, a service station shall not be required nor be eligible to be licensed as a dealer.~~ A person who has no facilities for placing diesel fuel into the supply system of a motor vehicle and who sells into containers of 5 gallons or less shall not be required to be licensed as a *wholesaler of alternative fuel* ~~dealer~~.

(b) Any person who acts as a *wholesaler of alternative fuel* ~~dealer~~ and does not hold a valid *wholesaler of alternative fuel* ~~dealer's~~ license shall pay a penalty of 25 percent of the tax assessed on the total purchases.

(2) To procure a *wholesaler of alternative fuel* ~~dealer's~~ license, a person shall file with the department an application in such form as the department may prescribe, with a bond. No license shall be issued upon any application unless accompanied by such bond, except as provided in s. 206.90(1).

(3) When an application for a *wholesaler of alternative fuel* ~~dealer's~~ license is filed by a person whose license has been canceled for cause by the department or when the department is of the opinion that such application is not filed in good faith or is filed by some person as a subterfuge for the real person in interest whose license has theretofore been canceled, the department shall have authority, if the evidence warrants, to refuse to issue to that person a license.

(6) Such license shall not be assignable and shall be valid only for the *wholesaler of alternative fuel* ~~dealer~~ in whose name *it is* issued. It shall be displayed conspicuously by the *wholesaler of alternative fuel* ~~dealer~~ in the principal place of business for which it was issued.

(7) Every person as defined in this part, *except those licensed under this chapter,* including, but not limited to, a state agency, federal agency, municipality, county, or special district, which operates ~~or acts under the provisions of s. 206.86(10) is required to obtain a license~~ as a *wholesaler of alternative fuel* ~~dealer of diesel fuel~~ and report monthly to the department, or pay tax on all fuel purchases.

Section 19. Subsections (1) and (3) of section 206.92, Florida Statutes, are amended to read:

206.92 Surrender of bond or license.—

(1) Upon receipt of a written request from any *registrant* ~~dealer~~ to cancel the license, the department shall have the power to cancel such license, effective 60 days from the date of such written request. No such license shall be canceled unless the *registrant* ~~dealer~~ has, prior to the date of such cancellation, paid to this state all taxes due and payable, together with all penalties and interest accruing under any of the provisions of this part, and unless the *registrant* ~~dealer~~ has surrendered to the department the license certificate issued to him or her.

(3) If any license is canceled by the department as provided in this section, and if the *registrant* ~~dealer~~ has paid to this state all taxes due and payable, together with any and all penalties and interest accruing under this part, the department shall cancel and surrender the bond theretofore filed by said *registrant* ~~dealer~~.

Section 20. Section 206.9815, Florida Statutes, is amended to read:

206.9815 *Definitions* ~~Definition~~.—As used in this part:~~,~~

(1) "Aviation fuel" means fuel for use in aircraft, and includes aviation gasoline and aviation turbine fuels *and kerosene,* as determined by the American Society for Testing Materials specifications D-910 or D-1655 or current specifications.

(2) "Kerosene" means all aviation turbine fuels and any distillate known as diesel #1, K-1, or any product suitable for use as a substitute for kerosene not taxed as a diesel fuel under part II. Any kerosene meeting the definition of diesel under s. 206.86(1) shall be taxed under part II.

(3) "Aviation gasoline" means any motor fuel blended or produced specifically for use in aircraft which has been dyed in accordance with federal regulations. Aviation gasoline does not include any such fuel used in any manner other than being placed in the storage tank of an aircraft.

Section 21. Section 206.9825, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.9825 Aviation fuel tax.—

(1)*(a) Except as otherwise provided in this part,* an excise tax of 6.9 cents per gallon of aviation fuel is imposed upon every gallon of aviation fuel sold in this state, or brought into this state for use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. Fuel taxed pursuant to this part shall not be subject to the taxes imposed by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).

(b) Any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996, increases the air carrier's Florida workforce by more than 1000 percent and by 250 or more full-time equivalent employee positions, may receive a credit or refund as the ultimate vendor of the aviation fuel for the 6.9 cents excise tax previously paid, provided that the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. In calculating the new or additional Florida full-time equivalent employee positions, any full-time equivalent employee positions of parent or subsidiary corporations which existed before January 1, 1996, shall not be counted toward reaching the Florida employment increase thresholds. The refund allowed under this paragraph is in furtherance of the goals and policies of the State Comprehensive Plan set forth in paragraph (17)(a), subparagraphs (17)(b)1. and 2., paragraph (18)(a), subparagraphs (18)(b)1. and 4., paragraph (20)(a), subparagraph (20)(b)5., paragraph (22)(a), and subparagraphs (22)(b)1., 2., 4., 7., 9., and 12. of section 187.201, Florida Statutes. This paragraph will expire on July 1, 2001.

(c) If, before July 1, 2001, the number of full-time equivalent employee positions created or added to the air carrier's Florida workforce falls below 250, the exemption granted pursuant to this section shall not apply during the period in which the air carrier has fewer than the 250 additional employees.

(d) The exemption taken by credit or refund pursuant to paragraph (b) shall apply only under the terms and conditions set forth therein. If any part of that paragraph is judicially declared to be unconstitutional or invalid, the validity of any provisions taxing aviation fuel shall not be affected and all fuel exempted pursuant to paragraph (b) shall be subject to tax as if the exemption was never enacted. Every person benefiting from such exemption shall be liable for and make payment of all taxes for which a credit or refund was granted.

(2)(a) Notwithstanding the tax rate established in subsection (1), any air carrier making the election pursuant to s. 212.0598 shall be subject to a tax rate of 8 percent of the retail sales price of its purchases of each gallon of aviation fuel. However, in no event shall the tax on aviation fuel pursuant to this subsection be lower than 4.4 cents per gallon. The tax levied pursuant to this subsection shall qualify for the special apportionment formula for air carriers as provided in s. 212.0598.

(b) Any air carrier making the election pursuant to s. 212.0598 shall not be entitled to the refund provided in s. 206.9855.

(c) Any person who is licensed by the department as an aviation fuel dealer and who has an inventory of aviation fuel on which the tax provided in subsection (1) has been paid and upon which the person has collected the tax imposed under this subsection may apply to the department for a refund of the tax imposed under subsection (1) pursuant to s. 206.41.

(d) This subsection shall expire and be void on July 1, 2000. This repeal shall not be construed to relieve any person from the obligation to remit the tax imposed by this subsection or to report as required under s. 206.9865.

(3)(a) An excise tax of 6.9 cents per gallon is imposed on each gallon of kerosene in the same manner as prescribed for diesel fuel under ss. 206.87(2) and 206.872.

(b) The exemptions provided by s. 206.874 shall apply to kerosene if the dyeing and marking requirements of s. 206.8741 are met.

(c) Kerosene prepackaged in containers of 5 gallons or less and labeled "Not for Use in a Motor Vehicle" is exempt from the taxes imposed by this part when sold for home heating and cooking. Packagers may qualify for a refund of taxes previously paid, as prescribed by the department.

(d) Sales of kerosene in quantities of 5 gallons or less by a person not licensed under this chapter who has no facilities for placing kerosene in the fuel supply system of a motor vehicle may qualify for a refund of taxes paid. Refunds of taxes paid shall be limited to sales for use in home heating or cooking and shall be documented as prescribed by the department.

(4) An excise tax of 6.9 cents per gallon is imposed on each gallon of aviation gasoline in the manner prescribed by paragraph (3)(a). However, the exemptions allowed by paragraph (3)(b) do not apply to aviation gasoline.

(5) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a residence for home heating or cooking may receive a credit or refund as the ultimate vendor of the kerosene for the 6.9 cents excise tax previously paid.

(6) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a retail dealer not licensed as a wholesaler or terminal supplier for sale as a home heating or cooking fuel may receive a credit or refund as the ultimate vendor of the kerosene for the 6.9 cents excise tax previously paid, provided the retail dealer has no facility for fueling highway vehicles from the tank in which the kerosene is stored.

(7) Any person who fails to meet the requirements of this section is subject to a backup tax as provided by s. 206.873.

Section 22. Subsection (3) of section 206.9915, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.9915 Legislative intent and general provisions.—

(3) The provisions of ss. 206.01, 206.02, 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.416, *206.42, 206.425,* 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.86, *206.87,* 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.8745, 206.94, 206.945, and 206.9815 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part and made expressly applicable to the taxes imposed herein.

Section 23. Paragraph (a) of subsection (4) of section 212.08, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water (not exempting mineral water or carbonated water).

2. All ~~motor and diesel~~ fuels *used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale.* Fuel other than motor fuel and diesel fuel is taxable as provided in this part with the exception of fuel expressly exempt herein. *Motor fuels and diesel fuels are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.*

3. The transmission or wheeling of electricity.

Section 24. Subsection (7) is added to section 213.21, Florida Statutes, to read:

213.21 Informal conferences; compromises.—

(7) In order to determine whether the pilot certified audit program available to taxpayers and provided by independent certified public accountants licensed under chapter 473 is an effective tool in the overall state tax collection effort, the executive director of the department or his or her designee shall settle or compromise penalty liabilities of taxpayers who utilize the program during the trial period. As further incentive for participating in the program, the department shall compromise the first $25,000 of interest liability and 25 percent of any additional interest due if the department determines that the noncompliance is due to reasonable cause and not due to willful negligence, willful neglect or fraud. A settlement or compromise of penalties or interest pursuant to this subsection shall not be subject to the provisions of paragraph (3)(a). The department may consider an additional compromise of tax or interest pursuant to the provisions of paragraph (3)(a). This subsection does not apply to any liability related to taxes collected but not remitted to the department. Notwithstanding any provision of law to the contrary, this subsection is repealed July 1, 1999, or upon completion of the pilot program, whichever date comes first.

Section 25. Paragraphs (b) and (c) of subsection (1) of section 336.021, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended to read:

336.021 County transportation system; levy of ninth-cent gas tax on motor fuel and special fuel.—

(1)

(b) The governing body of the county may, by joint agreement with one or more of the municipalities located therein, provide for the transportation purposes authorized under paragraph (a) and the distribution of the proceeds of this tax within both the unincorporated and incorporated areas of the county. The provisions for refund provided in ss. 206.625 and 206.64 shall not be applicable to such tax levied by any county. ~~Any terminal supplier or wholesaler licensed under part I or part II of chapter 206 who uses motor fuel or diesel fuel or who engages in selling motor fuel or diesel fuel under circumstances described in s. 206.41 or s. 206.87 shall deduct from the amount of tax shown by the report to be payable an amount equivalent to .67 percent of the tax on motor or diesel fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post-office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the department.~~

(c) Local option taxes collected on sales or use of diesel fuel in this state shall be distributed in the following manner:

1. The fiscal year of July 1, 1995, through June 30, 1996, shall be the base year for all distributions.

2. Each year the tax collected on the number of gallons reported, up to the total number of gallons reported in the base year, shall be distributed to each county using the distribution percentage calculated for the base year.

3. Additional gallons reported shall be distributed using a formula, the numerator of which shall be the number of truck stops located in the county, and the denominator of which shall be the number of truck stops located within the state. For the purposes of this section, a "truck stop" is any retail dealer registered pursuant to chapter 212, *excluding marinas,* that has declared its primary fuel business to be the sale of diesel fuel.

Section 26. Paragraph (b) of subsection (1) and paragraph (c) of subsection (2) of section 336.025, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended to read:

336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—

(1)

(b) In addition to other taxes allowed by law, there may be levied as provided in *s. 206.41(1)(e)* ~~ss. 206.41(1)(e) and 206.87(1)(c)~~ a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum.

1. The tax shall be levied before July 1, to be effective January 1 of the following year.

2. The county may, prior to levy of the tax, establish by interlocal agreement with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county. If no interlocal agreement is adopted before the effective date of the tax, tax revenues shall be distributed pursuant to the provisions of subsection (4). If no interlocal agreement exists, a new interlocal agreement may be established prior to June 1 of any year pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial levy of the tax or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this paragraph, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

3. County and municipal governments shall utilize moneys received pursuant to this paragraph only for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan.

(2)

(c) The provisions for refund provided in s. 206.625 are not applicable to the tax levied pursuant to paragraph (1)(a) or paragraph (1)(b) by any county. ~~Any person licensed under part I or part II of chapter 206 who uses motor fuel or diesel fuel or who engages in selling motor fuel or diesel fuel under the circumstances described in paragraph (a) shall deduct from the amount of tax shown by the report to be payable an amount equivalent to .67 percent of the tax on motor or diesel fuels imposed by paragraph (1)(a), which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. However, this allowance shall not be deductible unless payment of the taxes levied pursuant to this section is made on or before the 20th day of the month as required. The United States post-office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the Department of Revenue.~~

Section 27. Section 337.276, Florida Statutes, is amended to read:

337.276 ~~Advanced acquisition of right-of-way;~~ Issuance of bonds for right-of-way land acquisition and state bridge construction.—

~~(1) The department shall identify right-of-way parcels for acquisition as far in advance of project construction as is practical, including access rights and right-of-way necessary for intersection improvements and grade separations, and shall include in its annual budget request specific allocations of funds from bond proceeds and other department revenues for advanced right-of-way acquisition in each fiscal year. Department records shall clearly support the projected cost savings or other bases used by the department to select parcels for advanced acquisition.~~

~~(2) The amounts allocated for advanced right-of-way acquisition shall be divided between the following programs:~~

~~(a) A program for acquiring right-of-way necessary to support project construction phases planned 3 to 4 years from the date of the acquisition.~~

~~(b) A program for acquiring right-of-way necessary for future transportation corridors for which construction phases are planned a minimum of 5 years from the date of acquisition. Priority shall be given to acquiring right-of-way for projects contained in the Florida Intrastate Highway System.~~

~~For the purposes of this subsection, the term "planned" means the department's good faith estimate, at the time the advanced right-of-way acquisition is programmed, of when a project's construction phase will be undertaken.~~

(1)~~(3)~~ The Division of Bond Finance of the State Board of Administration is authorized, in accordance with s. 215.605, to issue state bonds on behalf of the department to finance right-of-way land acquisition and to finance state bridge construction. The total amount of bonds to be issued under this section shall be limited by the debt service requirements of the bonds issued, and such requirements shall not exceed 90 percent of the pledged revenue authorized to be transferred pursuant to s. 206.46(2). ~~The proceeds from the sale of these bonds shall be allocated by the department to fund advanced right-of-way projects identified pursuant to the programs contained in subsection (2) and to fund state bridge construction. If the total amount of bonds issued under this section exceeds $500 million, then no less than $200 million of the total bond proceeds shall be allocated to fund projects identified pursuant to the program contained in paragraph (2)(b).~~

(2)~~(4)~~ If right-of-way purchased from the proceeds of such bonds is used for a revenue-producing facility, the owner of that facility may reimburse the Right-of-Way Acquisition and Bridge Construction Trust Fund in an amount equal to the cost of acquiring that right-of-way.

~~(5)(a) Notwithstanding subsections (2) and (3), the department is authorized to expend bond proceeds pursuant to this section to acquire right-of-way for a project in the department's adopted work program that does not fall within the parameters established in subsection (2), if:~~

~~1. The acquisition of such right-of-way is necessary to ensure the continued availability of previously donated right-of-way for such project;~~

~~2. The majority of the costs for the construction phase of a project will be financed by local or private funds;~~

~~3. A local government enters into an agreement to advance the construction phase in accordance with the provisions set forth in s. 339.12; or~~

~~4. Any funds become available for the project, and it is in the public interest to provide for the expeditious completion of the project.~~

~~(b) Any use of bond proceeds pursuant to this subsection must be specifically and separately identified in the tentative work program.~~

Section 28. Section 115 of chapter 95-417, Laws of Florida, is amended to read:

Section 115. Sections 212.60, 212.61, 212.6201, 212.635, 212.637, 212.64, 212.65, 212.655, and 212.66, Florida Statutes, section 212.62, Florida Statutes, as amended by chapter 92-184, Laws of Florida, *and* section 212.67, Florida Statutes, as amended by chapters 93-260 and 94-353, Laws of Florida, ~~and section 6 of chapter 94-146, Laws of Florida,~~ are hereby repealed.

Section 29. Section 962 of chapter 95-148, Laws of Florida, is repealed.

Section 30. (1) Notwithstanding the provisions of chapter 206, Florida Statutes, any license issued pursuant to chapter 206, Florida Statutes, for conducting fuel business for the period beginning January

1, 1996, through June 30, 1996, shall expire June 30, 1996. The cost of any such license issued pursuant to chapter 206, Florida Statutes, shall be $30.

(2) Notwithstanding the provisions of chapter 206, Florida Statutes, all licenses issued pursuant to chapter 206, Florida Statutes, for conducting fuel business for the period beginning July 1, 1996, through December 31, 1997, shall expire on December 31, 1997. The cost of any such license issued pursuant to chapter 206, Florida Statutes, shall be $30.

(3) Beginning January 1, 1998, the licensing period under chapter 206, Florida Statutes, shall be a calendar year, or any part thereof. The cost of any such license issued pursuant to chapter 206, Florida Statutes, shall be $30.

(4) This section shall take effect upon this act becoming a law.

Section 31. The Division of Statutory Revision of the Joint Legislative Management Committee is directed to prepare a reviser's bill for introduction at the 1997 regular legislative session to conform the Florida Statutes to the repeal of part II of chapter 212, Florida Statutes, by chapter 95-417, Laws of Florida.

Section 32. Section 334.045, Florida Statutes, is amended and reenacted to read:

334.045 Transportation performance and productivity standards; development; measurement; application.—

(1) The Florida Transportation Commission shall develop and adopt measures for evaluating the performance and productivity of the department. The measures may be both quantitative and qualitative and *must* ~~shall~~, to the maximum extent practical, assess those factors that are within the department's control. The measures *must* ~~shall~~, at a minimum, assess performance in the following areas:

(a) Production;

(b) Finance and administration;

(c) Preservation of the current state system;

(d) Safety of the current state system;

(e) Capacity improvements: highways and all public transportation modes; and

(f) Disadvantaged business enterprise and minority business programs.

(2) The commission shall establish annual performance objectives and standards that can be used to evaluate the department's performance and productivity.

(3) The commission shall evaluate the department's performance and productivity ~~on a~~ quarterly, ~~basis~~ using the measures adopted *under* ~~pursuant to~~ this section.

(4) As soon as *is* practical after each annual evaluation, the commission shall submit its findings to the Governor and *to the* legislative transportation and appropriation committees. If the commission finds that the department failed to perform satisfactorily *under these* ~~pursuant to the~~ measures, the commission *must* ~~shall~~ recommend actions to be taken to improve the department's performance.

Section 33. Subsection (12) of section 118 of chapter 90-136, Laws of Florida, is repealed.

Section 34. Subsection (1) of section 337.02, Florida Statutes, is amended to read:

337.02 Purchases by department subject to competitive bids; advertisement; emergency purchases; bid specifications.—

(1) Except as provided herein, purchase by the Department of Transportation of commodities, including the advertising and awarding of competitive bids, shall be governed by chapters 283 and 287 and rules adopted by the Department of Management Services pursuant thereto. However, the provisions of s. 287.057 notwithstanding, the department may purchase parts and repairs valued at *up to the threshold amount provided in s. 287.017 for CATEGORY TWO* ~~$5,000 or less without receiving competitive bids~~ for the repair of mobile road maintenance equipment, marine vessels, permanent vehicle scales, and mechanical and electrical equipment for movable bridges, toll facilities including the Florida Turnpike, *and up to the threshold amount provided in s. 287.017 for CATEGORY THREE for* treatment plants *and lift stations* for water and sewage, and major heating and cooling systems *without receiving competitive bids*.

Section 35. Section 337.025, Florida Statutes, is created to read:

337.025 Innovative highway projects; department to establish program.—The department is authorized to establish a program for highway projects demonstrating innovative techniques of highway construction and finance which have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, prior to using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than $60 million in contracts annually for the purposes authorized by this section.

Section 36. Section 337.105, Florida Statutes, is amended to read:

337.105 Qualifications of professional consultants and other providers of contractual services; performance bonds*; and audits of indirect costs*.—

(1) Before the employment of a professional consultant or other provider of service, the department shall make a finding that the person to be employed is fully qualified to render the desired service. Among the factors to be considered in making this finding are the professional reputation, past performance record, and experience of the candidate and the adequacy of the personnel making up his or her organization. The department may suspend for a specified period of time a person or firm from consideration for award of a professional service contract because of unsatisfactory performance of a previously awarded professional services contract. The department shall adopt rules to implement this section.

(2) For any contractual service, except a contractual service provided to the department under s. 287.055, the department may require a performance bond equal to the full contract value if such requirement is deemed to be in the best interest of the state.

(3) The department may require providers of professional services acquired under s. 287.055 to submit annual audits of their indirect costs performed in accordance with department guidelines. The department may establish limits on the indirect cost rates it will accept.

Section 37. Paragraphs (a) and (b) of subsection (3), subsection (4), and paragraph (b) of subsection (6) of section 337.11, Florida Statutes, are amended, present subsections (11), (12), and (13) of that section are redesignated as subsections (12), (13), and (14), respectively, and new subsections (11), (15), and (16) are added to that section to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(3)(a) On all construction ~~and maintenance~~ contracts of $250,000 or less, the department shall advertise for bids in a newspaper having general circulation in the county where the proposed work is located. Publication shall be at least once a week for no less than 2 consecutive weeks, and the first publication shall be no less than 14 days prior to the date on which bids are to be received.

(b) On all construction ~~and maintenance~~ contracts greater than $250,000, the department shall provide a bid solicitation notice to all prequalified contractors at least 2 weeks before the date bids are scheduled to be received.

(4) The department may award the proposed *construction and maintenance* work to the lowest responsible bidder, *or in the instance of a time-plus-money contract, the lowest evaluated responsible bidder,* or it may reject all bids and proceed to rebid the work in accordance with subsection (2) or otherwise perform the work.

(6)

(b) If the secretary determines that delays on a contract for maintenance exist due to administrative challenges, ~~or~~ bid protests, *defaults or terminations* and the further delay would reduce safety on the transportation facility or seriously hinder the department's ability to preserve the state's investment in that facility, competitive bidding provisions may be waived and the department may enter into a contract for maintenance on the facility. However, contracts for maintenance executed under the provisions of this paragraph shall be interim in nature and shall be limited in duration to a period of time not to exceed the length of the delay necessary to complete the competitive bidding process and have the contract in place.

(11) Notwithstanding any other provision of law to the contrary, the department has unilateral authority to pay the contractor the sums the department determines to be due to the contractor for work performed on a project. This unilateral authority to pay by the department does not preclude or limit the rights of the department and the contractor to negotiate and agree to the amounts to be paid to the contractor. By acceptance of any such unilateral payment, the contractor does not waive any rights the contractor may have against the department for payment of any additional sums the contractor claims are due for the work.

(15) The department shall have the authority to develop procedures for the administration of maintenance contracts. In addition to the other contract administration matters, the procedures shall address advertising and bid solicitation for maintenance contracts and each bid solicitation notice shall contain specific requirements, if any are deemed necessary by the department for maintenance contractor eligibility.

(16) The department is authorized to undertake and contract to provide an owner controlled insurance plan (OCIP) on any construction project or group of related construction projects if the head of the department determines that an OCIP will be both cost effective for the department and otherwise in its best interests. Such OCIP may provide insurance coverage for the department and for worker's compensation and employers liability and general liability and builders risk for contractors and subcontractors, for and in conjunction with any or all work performed on such projects. The department may directly purchase such coverage in the manner provided for the purchase of commodities pursuant to s. 287.057, or self-insure, or use a combination thereof, any other statutory provisions or limitations on self-insurance or purchase of insurance notwithstanding. The department's authority hereunder includes the purchase of risk management, risk and loss control, safety management, investigative and claims adjustment services, advancement of funds for payment of claims and other services reasonably necessary to process and pay claims under and administer the OCIP. In addition to any prequalification required under s. 337.14, no contractor shall be prequalified to bid on an OCIP project unless the contractor's casualty and loss experience and safety record meets the minimum requirements for OCIP coverage issuance on the project, were the contractor to be awarded the project. Exercise of the department's authority under this subsection shall not be deemed a waiver of sovereign immunity.

Section 38. Subsection (8) is added to section 337.14, Florida Statutes, to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(8) This section does not apply to maintenance contracts.

Section 39. Subsection (3) of section 337.251, Florida Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(3) A proposal must be selected by the department based on competitive bidding, except that the department may consider other relevant factors specified in the request for proposals. The department may consider such factors as the value of property exchanges, the cost of construction, and other recurring costs for the benefit of the department by the lessee in lieu of direct revenue to the department if such other factors are of equal value including innovative proposals to involve minority businesses. ~~When the value of monetary payments or other benefits in the proposal is expected to exceed $1 million,~~ The department *may* ~~shall~~ name a board of advisers which may be composed of accountants, real estate appraisers, design engineers, or other experts experienced in the type of development proposed. The board of advisers shall review the feasibility of the proposals, recommend acceptance or rejection of each proposal, and rank each feasible proposal in the order of technical feasibility and benefit provided to the department. The board of advisers shall be reasonably compensated for the services provided *and all department costs for evaluating the proposals shall be reimbursed* from a ~~reasonable~~ proposal application fee to be set by the department and paid by the applicants. The board of advisers shall not be subject to selection under the provisions of chapter 287. ~~Prior to entering into any lease which provides for monetary payments or other benefits with a value of $1 million or more for the term of the lease, the department shall submit the proposal for review and approval by the Governor and the Cabinet.~~

Section 40. Subsection (3) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(3) All obligations and expenses incurred by the department under this section shall be paid by the department and charged to the appropriate turnpike project. The department shall keep proper records and accounts showing each amount that is so charged. All obligations and expenses so incurred shall be treated as part of the cost of such project and shall be reimbursed to the department out of turnpike revenues or out of the bonds authorized under ss. 338.22-338.244 except when such reimbursement is prohibited by state or federal law. However, the department is authorized, with the approval of the Legislature, to use federal and state transportation funds to *lend or* pay a portion of the *operating, maintenance, and* capital *costs* ~~cost~~ of toll projects as necessary to meet the requirements of paragraph (1)(a). Federal and state transportation funds included in an adopted work program, *or the General Appropriations Act,* for a proposed turnpike project do not have to be reimbursed to the State Transportation Trust Fund, or used in determining the economic feasibility of the proposed project.

Section 41. Paragraph (g) of subsection (2) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(2) These rules must restrict the use of such moneys to the following purposes:

(g) To lend or pay a portion of the *operating, maintenance, and* capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.

Section 42. Paragraph (c) of subsection (3) and subsection (4) of section 339.0805, Florida Statutes, is amended to read:

339.0805 Funds to be expended with certified disadvantaged business enterprises; specified percentage to be expended; construction management development program; bond guarantee program.—It is the policy of the state to meaningfully assist socially and economically disadvantaged business enterprises through a program that will provide for the development of skills through construction and business management training, as well as by providing contracting opportunities and financial assistance in the form of bond guarantees, to primarily remedy the effects of past economic disparity.

(3) The head of the department is authorized to expend up to 6 percent of the funds specified in subsection (1) which are designated to be expended on small business firms owned and controlled by socially and economically disadvantaged individuals to conduct, by contract or otherwise, a construction management development program. Participation in the program will be limited to those firms which are certified under the provisions of subsection (1) by the department or the federal

Small Business Administration or to any firm which has annual gross receipts not exceeding 2 million dollars averaged over a 3-year period. The program will consist of classroom instruction and on-the-job instruction. To the extent feasible, the registration fee shall be set to cover the cost of instruction and overhead. No salary will be paid to any participant.

(c) Contractors who have demonstrated satisfactory project performance, as defined by the department, can be exempted from the provisions of paragraphs (a) and (b)~~, but shall pay the registration fee~~ and be validated as meeting the minimum curriculum standards of proficiency, in the same manner as participants who successfully complete the construction management development program only if they intend to apply for funds provided for in subsection (4).

(4) The head of the department is authorized to expend up to 4 percent of the funds specified in subsection (1) on a bond guarantee program for participants who are certified under subsection (1) and who meet the minimum curriculum standards of proficiency. The state will guarantee up to 90 percent of a bond amount of $250,000, or less, and 80 percent of a bond amount greater than $250,000, which bond is provided by an approved surety. However, in addition to the requirements of paragraph (3)(c), *the department shall retain 5 percent of the total contract amount designated for the disadvantaged business enterprise* ~~a person participating in the bond guarantee program must place 5 percent of the contract amount in reserve with the department~~ until final acceptance of the project, in order to receive a bond guarantee. The department shall not commit funds for this program which are in excess of those funds appropriated specifically for this purpose.

Section 43. Sections 341.401, 341.402, 341.403, 341.404, 341.405, 341.406, 341.4065, 341.407, 341.408, 341.409, 341.411, 341.412, 341.413, 341.414, 341.415, 341.416, 341.417, 341.418, 341.421, and 341.422, Florida Statutes, are repealed.

Section 44. Section 12 of chapter 90-227, Laws of Florida, is repealed.

Section 45. Paragraph (q) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(q) All positions not otherwise exempt under this subsection which require as a prerequisite to employment: licensure as a physician pursuant to chapter 458, licensure as an osteopathic physician pursuant to chapter 459, licensure as a chiropractic physician pursuant to chapter 460, including those positions which are occupied by employees who are exempted from licensure pursuant to s. 409.352; licensure as an engineer pursuant to chapter 471, which are supervisory positions *except for such positions in the Department of Transportation*; or for 12 calendar months, which require as a prerequisite to employment that the employee have received the degree of Bachelor of Laws or Juris Doctor from a law school accredited by the American Bar Association and thereafter membership in The Florida Bar, except for any attorney who serves as a hearing officer pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Unless otherwise fixed by law, the department shall set the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

Section 46. Subsection (3) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(3) Through fiscal year 1999-2000, a minimum of 14.3 percent of all state revenues deposited into the State Transportation Trust Fund shall be committed annually by the department for public transportation projects in accordance with *with chapter 311*, ss. 332.003-332.007, and chapter 341. Beginning in fiscal year 2000-2001, and each year thereafter, a minimum of 15 percent of all state revenues deposited into the State Transportation Trust Fund shall be committed annually by the department for public transportation projects in accordance with *chapter 311*, ss. 332.002-332.007, and chapter 341.

Section 47. Paragraph (c) of subsection (6) of section 332.007, Florida Statutes, is amended to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(6) Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible public airport and aviation development projects in accordance with the following rates, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act:

(c) When federal funds are not available, the department *may* ~~is authorized to~~ fund up to *80* ~~90~~ percent of master planning and *eligible aviation development* ~~capital~~ projects at ~~any~~ publicly owned, publicly operated *airports* ~~Florida resource airport identified by the statewide aviation system plan as a facility needed to meet future state aviation system demands~~. Such funding is limited to airports that have no scheduled commercial *service* ~~services; that are owned by a city, county, or airport authority that does not have an airport with scheduled commercial service; and that have not received a federal capital grant in the last 4 years~~.

Section 48. Subsections (1) and (2) of section 316.187, Florida Statutes, are amended to read:

316.187 Establishment of state speed zones.—

(1) Whenever the Department of Transportation determines, upon the basis of an engineering and traffic investigation, that any speed ~~hereinafter set forth in s. 316.183(2) or (3),~~ is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of a highway outside of a municipality or upon any state roads, connecting links or extensions thereof within a municipality, the Department of Transportation may determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at the intersection or other place or part of the highway.

(2)(a) The maximum *allowable* speed limit *on limited access highways* ~~on highways on the interstate system located outside an urbanized area of 50,000 population or more~~ is *70* ~~65~~ miles per hour. ~~For purposes of setting speed limits under this section, the urbanized area is that defined by the original boundary established April 1, 1990, by the Bureau of the Census based on population density, and in accordance with federal regulations defining the application of speed limits above 55 miles per hour.~~

~~(b) The maximum speed limit on other limited access highways, including the Florida Turnpike, is 65 miles per hour. These speed limits shall take effect upon the posting of appropriate signs. Should the United States Department of Transportation take final action to apply sanctions under federal law or federal regulation involving the loss of federal highway funding to the State of Florida as a result of the increase in speed limits, then the Department of Transportation shall return the maximum speed limit to 55 miles per hour.~~

(b)~~(c)~~ The maximum allowable speed limit on any *other* highway which is outside *an* ~~the~~ urban area of 5,000 or more persons and which has at least four lanes divided by a median strip ~~at least 20 feet wide~~ is 65 miles per hour ~~, provided such speed limit is approved by the Congress~~.

(c)~~(d)~~ The Department of Transportation is authorized to set such maximum and minimum speed limits for travel over other roadways under its authority as it deems safe and advisable, not to exceed as a maximum limit *60* ~~55~~ miles per hour.

~~(e) The maximum limit shall be increased to not more than 70 miles per hour on limited access highways in the event the Congress approves such limits.~~

Section 49. Subsections (1) and (2) of section 316.189, Florida Statutes, are amended to read:

316.189 Establishment of municipal and county speed zones.—

(1) MUNICIPAL SPEED.—The maximum speed within any municipality is 30 miles per hour. With respect to residence districts, a municipality may set a maximum speed limit of 25 miles per hour on local streets and highways after an investigation determines that such a limit is reasonable. It shall not be necessary to conduct a separate investigation for each residence district. A municipality may set speed zones altering the speed limit, both as to maximum, not to exceed *60* ~~55~~ miles per hour, and minimum, after investigation determines such a change is reasonable and in conformity to criteria promulgated by the Department of Transportation, except that no changes shall be made on state highways or connecting links or extensions thereof, which shall be changed only by the Department of Transportation.

(2) SPEED ON COUNTY ROADS.—The maximum speed on any county-maintained road is:

(a) In any business or residence district, 30 miles per hour in the daytime or nighttime; provided that with respect to residence districts a county may set a maximum speed limit of 25 miles per hour after an investigation determines that such a limit is reasonable; and it shall not be necessary to conduct a separate investigation in each residence district.

(b) On any other part of a county road not a business or residence district, as set forth in s. 316.183.

However, the board of county commissioners may set speed zones altering such speeds, both as to maximum and minimum, after investigation determines such a change is reasonable and in conformity to criteria promulgated by the Department of Transportation, except that no such speed zone shall permit a speed of more than *60* ~~55~~ miles per hour.

Section 50. Section 334.27, Florida Statutes, is created to read;

334.27 Governmental transportation entities; property acquired for transportation purposes; limitation on soil or groundwater contamination liability.—

(1) For the purposes of this section, the term "governmental transportation entity" means the department; an authority created pursuant to chapter 343, 348, or 349; a county; or a municipality.

(2) When a governmental transportation entity acquires property for a transportation facility or in a transportation corridor through the exercise of eminent domain authority, or by purchase or donation, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. A governmental transportation entity and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the department.

Section 51. Paragraph (a) of subsection (4) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds; requirement with respect to contract award; defaults; damage assessments.—

(4)(a) If the department determines and adequately documents that the timely completion of any project is essential to the public health, safety, or welfare, or is cost beneficial on a revenue-producing project, the contract for such project may provide for an incentive payment payable to the contractor for early completion of the project or critical phases of the work and for additional damages to be assessed against the contractor for the completion of the project or critical phases of the work in excess of the time specified. All contracts containing such provisions shall be approved by the head of the department or his or her designee. The amount of such incentive payment or such additional damages shall be established in the contract but shall not exceed $10,000 per calendar day ~~for a maximum period of 60 days~~, except that for revenue-producing projects the amounts and periods of the incentive may be greater if an analysis indicates that additional revenues projected to be received upon completion of the project will exceed the cost of the incentive payments. Any liquidated damages provided for under subsection (2) and any additional damages provided for under this subsection shall be payable to the department because of the contractor's failure to complete the contract work within the time stipulated in the contract or within such additional time as may have been granted by the department.

Section 52. Subsection (4) of section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(4) The department may sell, in the name of the state, any land, building, or other property, real or personal, which was acquired under the provisions of subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility. *With the exception of any parcel governed by paragraph (c), paragraph (d), paragraph (f), paragraph (g), or paragraph (i), the department shall afford first right of refusal to the local government in the jurisdiction of which the parcel is situated.* When such a determination has been made, property may be disposed of in the following manner:

(a) If the value of the property is $10,000 or less as determined by department estimate, the department may negotiate the sale.

(b) If the value of the property exceeds $10,000 as determined by department estimate, such property may be sold to the highest bidder through receipt of sealed competitive bids, after due advertisement, or by public auction held at the site of the improvement which is being sold.

(c) If, in the discretion of the department, public sale would be inequitable, properties may be sold by negotiation to the owner holding title to the property abutting the property to be sold, provided such sale is at a negotiated price not less than fair market value as determined by an independent appraisal, the cost of which shall be paid by the owner of the abutting land. If negotiations do not result in the sale of the property to the owner of the abutting land and the property is sold to someone else, the cost of the independent appraisal shall be borne by the purchaser; and the owner of the abutting land shall have the cost of the appraisal refunded to him or her. If, however, no purchase takes place, the owner of the abutting land shall forfeit the sum paid by him or her for the independent appraisal. If, due to action of the department, the property is removed from eligibility for sale, the cost of any appraisal prepared shall be refunded to the owner of the abutting land.

(d) If property acquired for use as a borrow pit is no longer needed, the department may sell such property to the owner of the parcel of abutting land from which the borrow pit was originally acquired, provided the sale is at a negotiated price not less than fair market value as determined by an independent appraisal, the cost of which shall be paid by the owner of such abutting land.

(e) If the department begins the process for disposing of the property on its own initiative, either by negotiation under the provisions of paragraph (a), paragraph (c), paragraph (d), or paragraph (i), or by receipt of sealed competitive bids or public auction under the provisions of paragraph (b) or paragraph (i), a department staff appraiser may determine the fair market value of the property by an appraisal.

(f) Any property which was acquired by a county or by the department using constitutional gas tax funds for the purpose of a right-of-way or borrow pit for a road on the State Highway System, State Park Road System, or county road system and which is no longer used or needed by the department may be conveyed without consideration to that county. The county may then sell such surplus property upon receipt of competitive bids in the same manner prescribed in this section.

(g) If a property has been donated to the state for transportation purposes and the facility has not been constructed for a period of at least 5 years and no plans have been prepared for the construction of such facility and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives.

(h) If property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.

(i) If property was originally acquired specifically to provide replacement housing for persons displaced by federally assisted transportation

projects, the department may negotiate for the sale of such property as replacement housing. As compensation, the state shall receive no less than its investment in such properties or fair market value, whichever is lower. It is expressly intended that this benefit be extended only to those persons actually displaced by such project. Dispositions to any other persons must be for fair market value.

Section 53. Subsection (2) of section 349.10, Florida Statutes, is amended to read:

349.10 Acquisition of lands and property.—

(2) *The authority may acquire such rights, title, interest, or easements in such lands as it may deem necessary for any of the purposes of this chapter* ~~All property rights acquired under the provisions of this law shall be in fee simple~~.

Section 54. Paragraph (a) of subsection (3) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will maximize the mobility of people and goods within and through urbanized areas of this state and minimize, to the maximum extent feasible, and together with applicable regulatory government agencies, transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state, transportation plans and programs for metropolitan areas. Such plans and programs must provide for the development of transportation facilities that will function as an intermodal transportation system for the metropolitan area. The process for developing such plans and programs shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems.

(3) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting *that an alternate member attends in place of a regular member* ~~at which the regular members in attendance do not comprise a quorum~~. An appointed alternate member must be an elected official serving the same governmental entity or *a general-purpose local government with jurisdiction within all or part of the* area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership at least every 5 years and reapportion it as necessary to comply with subsection (2).

Section 55. (1) In Dade County, that portion of State Road 985, known locally as Southwest 107th Avenue, from Southwest 24th Street to State Road 90, known locally as Southwest 8th Street, is designated "F.I.U. Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating "F.I.U. Avenue" as described in subsection (1).

Section 56. (1) In Dade County, that portion of State Road 90, known locally as Southwest 8th Street, from State Road 985, known locally as Southwest 107th Avenue, to Southwest 112th Avenue is designated "Golden Panther Trail."

(2) The Department of Transportation is directed to erect suitable markers designating "Golden Panther Trail" as described in subsection (1).

Section 57. (1) From funds appropriated to the Center for Urban Transportation Research from the State Transportation Trust Fund, the center must perform a review of the current functions of the expressway authorities, transportation authorities, and other transportation special districts or entities created by or pursuant to law that own or operate roadways or bridges or toll facilities. This review should not include dependent special districts or departments of any city or county government performing transportation functions.

(2) For each entity, the review should identify what projects or systems are currently within the control of the entity and the authority and function of each entity in the funding, planning, constructing, operating and maintaining of those transportation facilities. The review should address how each entity interacts with local government, other entities of a similar type, M.P.O.'s, the state Department of Transportation, including the turnpike district and the federal government. In addition, the report should address any other issues related to the current functions of these entities which will assist in providing a thorough review of actual performance. The report may include information related to future plans of any entity examined but should not provide independent recommendations related to future roles and responsibilities of the entities reviewed.

(3) The center must provide progress reports to the Senate and House Transportation Committees upon request and must provide a completed report to the President of the Senate, the Speaker of the House of Representatives, the House Transportation Committee and, the Senate Transportation Committee by October 15, 1996.

Section 58. Paragraph (f) of subsection (1) of section 341.3334, Florida Statutes, is amended to read:

341.3334 Franchise review process.—

(1) In assessing an application for franchise, the department shall consider, but is not limited to, the following:

(f) The extent to which the high-speed rail transportation system impacts on, connects with, and complements other transportation facilities and services, including airports, commuter rail systems, ~~the magnetic levitation demonstration project certified pursuant to ss. 341.401-341.422,~~ and other public transit systems, and the type, location, and financing of any transit connections with associated developments or joint developments in which the franchisee has an interest;

Section 59. Section 341.501, Florida Statutes, is amended to read:

341.501 High-technology transportation systems; joint project agreement or assistance.—Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, private or public entities, or consortia thereof, to facilitate the research, development, and demonstration of high-technology transportation systems, including, but not limited to, systems using magnetic levitation technology. The provisions of the Florida High-Speed Rail Act, ss. 341.3201-341.386~~, and the Magnetic Levitation Demonstration Project Act, ss. 341.401-341.422,~~ do not apply to actions taken under this section, and the department may, subject to s. 339.135, provide funds to match any available federal aid for effectuating the research, development, and demonstration of high-technology transportation systems.

Section 60. Section 343.68, Florida Statutes, is hereby repealed.

Section 61. Notwithstanding section 496.425, Florida Statutes, a governmental entity or authority that owns or operates an airport, as defined in section 332.01, Florida Statutes, may not be required to issue a permit or grant any person access to airport property for the purpose of soliciting funds.

Section 62. Section 705.17, Florida Statutes, is amended to read:

705.17 Exceptions.—The provisions of ss. 705.101-705.106 of this chapter shall not be applied to any personal property lost or abandoned on the campus of any institution in the State University System *or on premises owned or controlled by the operator of a public-use airport having regularly scheduled international passenger service.*

Section 63. Section 705.18, Florida Statutes, is amended to read:

705.18 Disposal of personal property lost or abandoned on university or community college campuses *or certain public-use airports*; disposition of proceeds from sale thereof.—

(1) Whenever any lost or abandoned personal property shall be found on a campus of an institution in the State University System or a campus of a state-supported community college, *or on premises owned or*

controlled by the operator of a public-use airport having regularly scheduled international passenger service, the president of the institution or his designee *or the director of the airport or his designee* shall take charge thereof and make a record of the date such property was found. If, within 30 days after such property is found, *or a longer period of time as may be deemed appropriate by the president or the director under the circumstances,* it is not claimed by the owner, the president *or director* shall order it sold at public outcry after giving notice of the time and place of sale in a publication of general circulation on the campus *of such institution or within the county where the airport is located* and written notice to the owner if known. The rightful owner of such property may reclaim same at any time prior to sale.

(2) All moneys realized from such *institution's* sale shall be placed in an appropriate fund and used solely for student scholarship and loan purposes. *All moneys realized from such sale by an airport, less its costs of storage, transportation, and publication of notice, shall, unless another use is required by federal law, be deposited into the state school fund.*

Section 64. Subsection (3) of section 337.408, Florida Statutes, is amended to read:

337.408 Regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way.—

(3) The department has the authority to direct the immediate relocation or removal of any bench, transit shelter, or waste disposal receptacle which endangers life or property, except that transit bus benches which have been placed in service prior to April 1, 1992, do not have to comply with bench size and advertising display size requirements which have been established by the department prior to March 1, 1992. *Any transit bus bench that was in service prior to April 1, 1992, may be replaced with a bus bench of the same size or smaller, if the bench is damaged or destroyed or otherwise becomes unusable.*

Section 65. Subsection (1) of section 316.0741, Florida Statutes, is amended to read:

316.0741 High occupancy vehicle lanes.—

(1) "High occupancy vehicle lane" or "HOV lane" means a lane of a public roadway designated for use by vehicles in which there is more than one occupant *unless otherwise authorized by federal law.*

Section 66. Section 334.075, Florida Statutes, is repealed.

Section 67. Paragraph (h) is added to subsection (1) of section 206.41, Florida Statutes, as amended by chapter 95-417, Laws of Florida, to read:

206.41 State taxes imposed on motor fuel.—

(1) The following taxes are imposed on motor fuel under the circumstances described in subsection (6):

(h) An additional tax is imposed on each net gallon of motor fuel and is designated as the Federal Replacement Fuel Tax. Such tax shall be levied only on a contingent basis under the following circumstances:

1. Each time the Federal Government reduces the federal tax on gasoline imposed in s. 4081(a)(2)(A)(i) of Title 26, U.S.C., excepting that portion directed to the General Fund for deficit reduction.

2. Imposition of each increment of the Federal Replacement Fuel Tax shall occur on the effective date of the federal tax reduction, and shall be at a rate equal to the amount of such reduction.

3. Distribution of the proceeds of the tax shall be as provided in s. 206.606.

Section 68. Subsection (1) of section 206.606, Florida Statutes, as created by chapter 95-417, Laws of Florida, is amended to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) *and (h)* and 206.87(1)(e) *and (f)* shall be deposited in the Fuel Tax Collection Trust Fund created by s. 206.875. Such moneys, exclusive of the service charges imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 206.41, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) $7,550,000 shall be transferred to the Department of Environmental Protection in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. $1,250,000 of the amount transferred shall be deposited annually in the Motorboat Revolving Trust Fund and must be used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be deposited in the Aquatic Plant Control Trust Fund and must be used for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least $1 million of such funds to the eradication of melaleuca.

(b) $1,250,000 shall be transferred to the State Game Trust Fund in the Game and Fresh Water Fish Commission in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year, and must be used for recreational boating activities of a type consistent with projects eligible for funding under the Florida Boating Improvement Program administered by the Department of Environmental Protection, and freshwater fisheries management and research.

(c) $1.5 million per year shall be transferred to the Board of Regents and shall be spent solely for purposes of s. 334.065.

Section 69. Paragraph (f) is added to subsection (1) of section 206.87, Florida Statutes, as amended by chapter 95-417, Laws of Florida, to read:

206.87 Levy of tax.—

(1)(a) An excise tax of 4 cents per gallon is hereby imposed upon each net gallon of diesel fuel subject to the tax under subsection (2), except alternative fuels which are subject to the fee imposed by s. 206.877.

(f) An additional tax is imposed on each net gallon of diesel fuel and is designated as the Federal Replacement Fuel Tax. Such tax shall be levied only on a contingent basis under the following circumstances:

1. Each time the Federal Government reduces the federal tax on diesel fuel imposed in s. 4081(a)(2)(A)(ii) of Title 26, U.S.C., excepting that portion directed to the General Fund for deficit reduction.

2. Imposition of each increment of the Federal Replacement Fuel Tax shall occur on the effective date of the federal tax reduction, and shall be at a rate equal to the amount of such reduction.

3. Distribution of the proceeds of the tax shall be as provided in s. 206.606.

Section 70. Paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on March 1, *1996* ~~1995~~.

(2)

(b) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material is exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest, and following the required initial motor vehicle inspection, be permitted to drive any part of the first 15 on-duty hours in any 24-hour period, but may not be permitted to operate a commercial motor vehicle after that until the requirement of another 8 hours' rest has been fulfilled. *The provisions of this paragraph do not apply to drivers of public utility vehicles or*

authorized emergency vehicles during periods of severe weather or other emergencies.

Section 71. Subsections (3) and (4) and paragraph (b) of subsection (7) of section 316.515, Florida Statutes, are amended to read:

316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 65 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional *6 feet* ~~4 feet~~ beyond the rear of the trailer. The 50-feet length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon. For purposes of this subsection, a "stinger-steered automobile or boat transporter" is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided said trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

(a) Straight trucks.—No straight truck may exceed a length of 40 feet in extreme overall dimension, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Any straight truck, excluding recreational vehicles, in excess of 35 feet in length may have no fewer than three load-bearing axles. A straight truck may tow no more than one trailer, and such trailer may not exceed a length of 28 feet. However, such trailer limitation does not apply if the overall length of the truck-trailer combination is 65 feet or less, including the load thereon. Notwithstanding any other provisions of this section, a truck-trailer combination engaged in the transportation of boats shall not exceed the length limitations of this paragraph exclusive of the load; however, the load may extend up to an additional *6 feet* ~~4 feet~~ beyond the rear of the trailer.

(b) Semitrailers.—

1. A semitrailer operating in a truck tractor-semitrailer combination may not exceed 48 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads, unless it complies with subparagraph 2. A semitrailer which exceeds 48 feet in length and is used to transport divisible loads may operate in this state only if issued a permit under s. 316.550 and if such trailer meets the requirements of this chapter relating to vehicle equipment and safety. Except for highways on the tandem trailer truck highway network, public roads deemed unsafe for longer semitrailer vehicles or those roads on which such longer vehicles are determined not to be in the interest of public convenience shall, in conformance with s. 316.006, be restricted by the Department of Transportation or by the local authority to use by semitrailers not exceeding a length of 48 feet, inclusive of the load carried thereon but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Truck tractor-semitrailer combinations shall be afforded reasonable access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

2. A semitrailer which is more than 48 feet but not more than 53 feet in extreme overall outside dimension, as measured pursuant to subparagraph 1., may operate on public roads, except roads on the State Highway System which are restricted by the Department of Transportation or other roads restricted by local authorities, if:

a. The distance between the kingpin or other peg which locks into the fifth wheel of a truck tractor and the center of the rear axle or rear group of axles does not exceed 41 feet; and

b. It is equipped with a substantial rear-end underride protection device meeting the requirements of 49 C.F.R. s. 393.86, "Rear End Protection."

(c) Tandem trailer trucks.—

1. Except for semitrailers and trailers of up to 28½ feet in length which existed on December 1, 1982, and which were actually and lawfully operating on that date, no semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination may exceed a length of 28 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the Department of Transportation for use on vehicles using public roads.

2. Tandem trailer trucks conforming to the weight and size limitations of this chapter and in immediate transit to or from a terminal facility as defined in this chapter may operate on the public roads of this state except for residential neighborhood streets restricted by the Department of Transportation or local jurisdictions. In addition, the Department of Transportation or local jurisdictions may restrict these vehicles from using streets and roads under their maintenance responsibility on the basis of safety and engineering analyses, provided that the restrictions are consistent with the provisions of this chapter. The Department of Transportation shall develop safety and engineering standards to be used by all jurisdictions when identifying public roads and streets to be restricted from tandem trailer truck operations.

3. Except as otherwise provided in this section, within 5 miles of the Federal National Network for large trucks, tandem trailer trucks shall be afforded access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

4. Notwithstanding the provisions of any general or special law to the contrary, all local system tandem trailer truck route review procedures must be consistent with those adopted by the Department of Transportation.

5. Tandem trailer trucks employed as household goods carriers and conforming to the weight and size limitations of this chapter shall be afforded access to points of loading and unloading on the public streets and roads of this state, except for streets and roads that have been restricted from use by such vehicles on the basis of safety and engineering analyses by the jurisdiction responsible for maintenance of the streets and roads.

(d) Maxi-cube vehicles.—Maxi-cube vehicles shall be allowed to operate on routes open to tandem trailer trucks under the same conditions applicable to tandem trailer trucks as specified by this section.

(4) LOAD EXTENSION LIMITATION.—The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, may not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a bumper. *The limitations of this subsection do not apply to bicycle racks carrying bicycles on public sector transit vehicles.*

(7) FIRE OR EMERGENCY VEHICLES, UTILITY VEHICLES, AND OTHER VEHICLES TRANSPORTING NONDIVISIBLE LOADS.—The length limitations imposed by this section do not apply to:

(b) Utility vehicles owned or operated by governmental entities or public utility corporations, or operated under contract with such entities or corporations:

1. When transporting poles during daytime, except on weekends and holidays, as defined in the rules of the Department of Transportation,

and when the vehicle and load do not exceed 120 feet in overall length, provided proper flags are located at the rearmost end of the load. However, such movements with an overall length in excess of 75 feet:

a. Shall be equipped with a working warning light device.

b. Shall be accompanied by a company-provided flasher-equipped escort vehicle when making turns within corporate city limits.

2. When transporting poles during nighttime and when the vehicle and load do not exceed 120 feet in overall length. Such movements shall be equipped with a working warning light device and shall be accompanied by one leading and one trailing company-provided flasher-equipped escort vehicle.

3. When transporting poles during emergencies or required maintenance. Such movements may be made on all days and at all hours, provided the respective daytime or nighttime requirements are otherwise met.

4. When operating flasher-equipped straight truck utility vehicles that have permanently mounted equipment that extends up to 9 feet beyond the front bumper provided:

a. Such equipment, when in the travel position, is supported in such a manner that it has a minimum of 80 inches clearance above the roadway;

b. Such equipment is illuminated on the forward most sides with high visibility reflective tape;

c. The respective daytime and nighttime requirements for operation are otherwise met;

d. Nighttime emergency or required maintenance operation of such utility vehicles with overall lengths in excess of 50 feet are led by a company-provided flasher-equipped escort vehicle; and

e. Trailers are not pulled by utility vehicles over 50 feet in length.

A flasher-equipped escort vehicle is defined as an automobile or truck that closely accompanies an overdimensional vehicle or load carried thereon to alert approaching traffic of that vehicle or load. Such escort vehicles shall be equipped with a working warning light device, as defined in this subsection, except that such device shall be located on top of the escort vehicle. Warning light devices required in this subsection shall be consistent with size, color, type, intensity, and mounting requirements developed by the Department of Transportation.

Section 72. Subsection (4) of section 316.516, Florida Statutes, is amended to read:

316.516 Width, height, and length; inspection; penalties.—

(4) ~~Penalties for violation of the width, height, and length limits contained in this chapter shall be as provided in the rules of the Department of Transportation, except that no such individual penalty shall exceed $1,000.00 per width, height, or length violation.~~ *Notwithstanding other provisions of this chapter, penalties for violation of the maximum limits for width, height, and length provided for in s. 316.515 are as follows:*

(a) $250 per foot of violation or any portion thereof for width and height limit violations.

(b)1. $40 for length limit violations not exceeding 2 feet over the length limit;

2. $100 for length limit violations of greater than 2 feet but not exceeding 10 feet over the length limit; or

3. $250 for length limit violations of greater than 10 feet, plus $250 for every additional foot or any portion thereof that exceeds 11 feet over the length limit.

(c) No individual penalty issued under the provisions of this subsection shall exceed $1,000 for each width, height, or length violation.

Section 73. Effective October 1, 1996, section 337.19, Florida Statutes, is amended to read:

337.19 Suits by and against department; limitation of actions; forum.—

(3) Any action or suit brought against the department shall be brought in the county or counties where the cause of action accrued, *or in the county of the department's district headquarters responsible for the work*, or in Leon County.

Section 74. (1) That portion of State Road 869 presently known as the Sawgrass Expressway is hereby designated as the "Donald E. Jennings Expressway."

(2) The Department of Transportation is authorized to erect suitable markers bearing the designation made by subsection (1).

Section 75. Subsection (1) of section 337.408, Florida Statutes, is amended to read:

337.408 Regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way.—

(1) Benches or transit shelters, including advertising displayed on benches or transit shelters, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that such benches or transit shelters are for the comfort or convenience of the general public, or at designated stops on official bus routes; and, provided further, that written authorization has been given to a qualified private supplier of such service by the municipal government within whose incorporated limits such benches or transit shelters are installed, or by the county government within whose unincorporated limits such benches or transit shelters are installed. A municipality or county may authorize the installation, without public bid *or limit in duration*, of benches and transit shelters together with advertising displayed thereon, within the right-of-way limits of such roads. Any contract for the installation of benches or transit shelters or advertising on benches or transit shelters which was entered into before April *30, 1996* ~~8, 1992~~, without public bidding *or limit in duration*, is ratified and affirmed. Such benches or transit shelters may not interfere with right-of-way preservation and maintenance. Any bench or transit shelter located on a sidewalk within the right-of-way limits of any road on the State Highway System or the county road system shall be located so as to leave at least 36 inches clearance for pedestrians and persons in wheelchairs. Such clearance shall be measured in a direction perpendicular to the centerline of the road.

Section 76. Subsection (3) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the Division of Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to *July 1, 1996* ~~July 1, 1988~~, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, *or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 50,000 or less that creates new employment opportunities or expands or retains employment in the county*. The Division of Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities.

Section 77. Subsection (5) of section 3 of chapter 74-400, Laws of Florida, is amended to read:

Section 3. No signs may be erected within three hundred feet of either side of the paved surface of the road, except the following:

(5) Signs advertising only the name or nature of the business being conducted upon or the products, facilities, goods or services being sold, supplied, or distributed upon or from the premises where the signs are located, if such signs do not exceed a total of thirty square feet in area for any one business. *A local government may grant an exception to this*

sign size limitation only to an owner of a contiguous parcel of property which contains a commercial development with business premises located both inside the restricted area and outside the restricted area.

Section 78. Paragraph (a) of subsection (3) of section 336.025, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—

(3) The tax authorized pursuant to paragraph (1)(a) shall be levied using either of the following procedures:

(a) The tax may be levied by an ordinance adopted by a majority vote of the governing body or upon approval by referendum. Such ordinance shall be adopted in accordance with the requirements imposed under one of the following circumstances, whichever is applicable:

1. The county may, prior to June 1, establish by interlocal agreement with one or more of the municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the local option fuel tax among the county government and all eligible municipalities within the county. If no interlocal agreement exists, a new interlocal agreement may be established prior to August 1, 1986, or June 1 of any year thereafter pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial imposition of the tax, extension of the tax, or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

2. If an interlocal agreement has not been executed pursuant to subparagraph 1., the county may, prior to June 10, adopt a resolution of intent to levy the tax allowed in paragraph (1)(a).

3. Notwithstanding subparagraphs 1. and 2., any inland county with a population greater than 500,000 as of July 1, 1996, with an interlocal agreement with one or more of the incorporated areas within the county established pursuant to subparagraph 1. must utilize the population estimates of local governmental units as of April 1 of each year pursuant to s. 186.901, for dividing the proceeds of the local option fuel tax contained in such interlocal agreement. However, any interlocal agreement agreed to under this subparagraph after the initial imposition of the tax, extension of the tax, or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

Section 79. Paragraph (d) is added to subsection (1) of section 216.301, Florida Statutes, to read:

216.301 Appropriations; undisbursed balances.—

(1)

(d) For the 1996-1997 fiscal year only, the Executive Office of the Governor shall certify forward on July 1, 1996, 50 percent of the unexpended and unobligated funds appropriated to the Department of Revenue for fiscal year 1995-1996, based on the department's overall performance under performance-based budgeting in fiscal year 1994-1995. This paragraph is repealed on July 1, 1997.

Section 80. (1) Subsection (19) is added to section 192.001, Florida Statutes, to read:

192.001 Definitions.—All definitions set out in chapters 1 and 200 that are applicable to this part are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(19) "Computer software" means any information, program, or routine, or any set of one or more programs, routines, or collections of information used or intended for use to convey information or to cause one or more computers or pieces of computer-related peripheral equipment, or any combination thereof, to perform a task or set of tasks. Without limiting the generality of the definition provided in this subsection, the term includes operating and applications programs and all related documentation. Computer software constitutes personal property only to the extent of the value of the unmounted or uninstalled medium on or in which the information, program, or routine is stored or transmitted, and, after installation or mounting, computer software does not increase the value of the computer or computers or pieces of computer-related peripheral equipment, or any combination thereof.

(2) This section shall take effect January 1, 1997, apply to the 1997 tax roll, and shall expire July 1, 1998.

Section 81. Except as otherwise provided herein, this act shall take effect July 1, 1996.

And the title is amended as follows:

Delete the entire title and insert: A bill to be entitled An act relating to transportation; amending s. 196.199, F.S.; providing that property owned by port authorities and leasehold interests in such property are exempt from ad valorem taxes to the extent that county property is immune from such taxes; amending s. 206.01, F.S.; revising definitions and defining the term "blender"; amending s. 206.02, F.S.; providing for blenders' licenses; providing fees; revising license application requirements; providing for temporary licenses; amending ss. 206.022 and 206.095, F.S.; providing for application of licensing and reporting requirements to terminal operators; amending s. 206.9925, F.S., relating to a definition of the term "storage facility," to conform; amending s. 206.404, F.S.; removing provisions relating to temporary licenses for retailers; amending s. 206.41, F.S.; revising provisions relating to the application of state taxes on motor fuel and exemptions therefrom; amending s. 206.46, F.S., and repealing s. 50, ch. 95-417, Laws of Florida, correcting references to the Gas Tax Collection Trust Fund; revising the amount distributed to the Right-of-Way Acquisition and Bridge Construction Trust Fund from the State Transportation Trust Fund; amending ss. 206.43, 206.48, F.S.; requiring blenders to make certain reports; revising certain reporting requirements; amending s. 206.59, F.S.; revising provisions relating to powers of the Department of Revenue; exempting discrepancies due to normal temperature gains from application of taxes; amending s. 206.86, F.S.; revising a definition; amending s. 206.873, F.S.; specifying that backup tax applies to motor fuel; amending s. 206.874, F.S., relating to exemptions; revising provisions relating to application of backup tax and allowed uses of dyed diesel fuel; specifying that diesel fuel in the fuel tanks of a motor vehicle used to propel the vehicle into this state and certain diesel fuel supplied by a vehicle manufacturer is exempt from the tax on diesel fuel; amending s. 206.8745, F.S.; providing for a refund for certain diesel fuel consumed by a power takeoff or engine exhaust; amending s. 206.89, F.S.; providing for a wholesaler of alternative fuel license; providing requirements with respect thereto, including application of penalties, bonding, and fees; amending s. 206.92, F.S.; providing for cancellation of registrant's license; amending ss. 206.9815, 206.9825, F.S; defining the terms "kerosene" and "aviation gasoline" and providing requirements for application of the aviation fuel tax thereto; providing for exemptions and refunds; providing for application of backup tax; amending s. 206.9915, F.S.; specifying additional provisions applicable to pt. IV of ch. 206, F.S., relating to tax on fuel and other pollutants; amending s. 212.08, F.S.; specifying the motor and diesel fuels that are exempt from sales and use tax; providing for application of the tax to certain fuels used in interstate or foreign commerce; amending s. 213.21, F.S.; directing the executive director of the Department of Revenue to settle or compromise certain penalty and interest liabilities of taxpayers who utilize the pilot certified audit program; providing for repeal; amending ss. 336.021, 336.025, F.S., relating to the ninth-cent fuel tax and the local option tax for county transportation systems; removing provisions relating to an allowance for services and expenses; revising provisions relating to a distribution formula; amending s. 337.276, F.S.; deleting restrictions on expenditures of certain bond proceeds; amending s. 115, ch. 95-417, Laws of Florida; removing the repeal of s. 6, ch. 94-146, Laws of Florida; repealing s. 962, ch. 95-148, Laws of Florida, which provides a future amendment to text removed by ch. 95-417, Laws of Florida; providing licensing periods and fees; directing that a reviser's bill be prepared; reenacting and amending s. 334.045, F.S.; providing for performance and productivity standards

for evaluating the Department of Transportation; repealing s. 118(12), ch. 90-136, Laws of Florida; abrogating the repeal of s. 334.045, F.S.; amending s. 337.02, F.S.; revising provisions relating to purchases by the department which are subject to competitive bids; creating s. 337.025, F.S.; authorizing the Department of Transportation to establish a program for highway projects demonstrating innovative techniques of highway construction and finance; providing criteria; providing limitations; amending s. 337.105, F.S.; requiring audits for providers of professional services; authorizing the department to set limits on indirect costs; amending s. 337.11, F.S.; authorizing the department to develop procedures for the administration of maintenance contracts; providing for bids to the lowest evaluated responsible bidder with respect to time-plus-money contracts; granting the department unilateral authority to pay contractors for work performed on a project; providing for the effect of such unilateral authority; authorizing the use of owner controlled insurance plans on construction projects; amending s. 337.14, F.S.; conforming the act to exclude maintenance contracts from the application of the section; amending s. 337.251, F.S.; revising provisions relating to the lease of property for joint public-private development and areas above or below department property; amending s. 338.223, F.S.; authorizing the department, with the approval of the Legislature, to use federal and state transportation funds to lend or pay a portion of the operating, maintenance, and capital costs of certain toll projects; amending s. 339.08, F.S.; revising provisions relating to the use of moneys in the State Transportation Trust Fund to conform to the act; amending s. 339.0805, F.S.; eliminating the requirement of a registration fee for certain contractors who have demonstrated satisfactory project performance; directing the department to retain certain contract amounts designated for the disadvantaged business enterprises; repealing ss. 341.401-341.422, F.S.; repealing the Magnetic Levitation Demonstration Project Act; repealing s. 12 of ch. 90-227, Laws of Florida; abrogating the repeal of ss. 339.12, 339.121, F.S., which provide for aid and contributions by governmental entities for rights-of-way, construction, or maintenance of roads and bridges on the State Highway System and public transportation; amending s. 110.205, F.S.; providing that certain positions in the Department of Transportation are not exempt from career service; amending s. 206.46, F.S.; authorizing port projects to be considered public transportation projects; amending s. 332.007, F.S.; authorizing the department to participate in eligible aviation development projects; amending s. 316.187, F.S.; raising the maximum speed on limited access highways and the interstate system; amending s. 316.189, F.S.; raising the maximum speed on municipal and county roads; creating s. 334.27, F.S.; providing a definition; providing that a governmental transportation entity is not liable for preexisting soil or groundwater contamination; amending s. 337.18, F.S.; to remove the cap from incentive payments; amending s. 337.25, F.S.; providing for the right of first refusal when the department disposes of certain parcels of property; amending s. 349.10, F.S.; authorizing the Jacksonville Transportation Authority to acquire rights, title, interest or easements; amending s. 339.175, F.S.; providing criteria for when alternate members of metropolitan planning organizations may vote; providing standards for appointment of alternate members; designating a portion of State Road 985 in Dade County as "F.I.U. Avenue"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 90 in Dade County as "Golden Panther Trail"; directing the Department of Transportation to erect suitable markers; directing the Center for Urban Transportation Research to review functions of expressway authorities, transportation authorities, and other entities that own or operate roadways or bridges or toll facilities; amending s. 341.3334, F.S.; correcting a cross reference; amending s. 341.501, F.S.; correcting a cross reference; repealing s. 343.68, F.S.; providing that a governmental entity that owns or operates an airport may not be required to allow solicitation on airport property; amending s. 705.17, F.S.; providing that specified provisions of ch. 705, F.S., shall not apply to personal property lost or abandoned on the premises of certain public-use airports; amending s. 705.18, F.S.; providing procedure for disposal of personal property lost or abandoned on the premises of such airports; amending s. 337.408, F.S.; authorizing replacement of same size or smaller bus benches; amending s. 316.0741, F.S.; providing that other vehicles may travel in HOV lanes if authorized by federal law; repealing s. 334.075, F.S., relating to establishing qualifications for employment of drawbridge operators; amending s. 206.41, F.S.; providing for a Federal Replacement Fuel Tax on motor fuel; amending s. 206.606, F.S.; conforming references; amending s. 206.87, F.S.; providing for a Federal Replacement Fuel Tax on diesel fuel; amending s. 316.302, F.S.; providing an updated reference to federal rules and regulations with respect to certain commercial motor vehicles; providing an exemption for drivers of certain utility and emergency vehicles from daily hours of operation requirements; amending s. 316.515, F.S.; revising language with respect to length limitations on certain commercial motor vehicles; providing for an exemption to load extension limitations for bicycle racks on public transit vehicles; exempting certain utility vehicles from length limitations under certain conditions; amending s. 316.516, F.S.; revising penalties for vehicle width, height, and length violations; designating a portion of State Road 869 in Broward County as the "Donald E. Jennings Expressway"; providing for the erection of markers; amending s. 337.19, F.S.; providing that suits or actions brought against the department may be brought in the county of the department's district headquarters responsible for the work, in addition to other locations; amending s. 337.408, F.S., relating to regulation of benches, transit shelters, and waste disposal recepticals within rights-of-way; amending s. 288.063, F.S.; revising language with repect to contracts for transportation projects; redefining the term "transportation project"; amending chapter 74-400, Laws of Florida; revising sign size provisions along the "Old Cutler Road" state historic highway; amending s. 336.025, F.S.; revising language with respect to the division of local option fuel taxes; amending s. 216.301, F.S.; providing for certification forward of certain funds appropriated to the Department of Revenue; amending s. 192.001, F.S.; defining the term "computer software" for purposes of imposing ad valorem taxes; specifying circumstances under which computer software constitutes personal property; providing an effective date.

House Amendment 2 (with title amendment)—On page 45, between lines 23 and 24, insert:

Section 28. Subsection (1) of section 849.161, Florida Statutes, is amended to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(1)*(a)1.* Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

2. Nothing contained in this chapter shall be taken or construed as applicable to any retail dealer who operates as a truck stop, as defined in chapter 336 and which operates a minimum of 6 functional diesel fuel pumps, having amusement games or machines which operate by means of the insertion of a coin or other currency and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise limited to noncash prizes, toys, novelties, and Florida Lottery products, excluding alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played. This subparagraph applies only to games and machines which are operated for the entertainment of the general public and tourists as bona fide amusement games or machines. This subsection shall not apply, however, to any game or device defined as a gambling device in Chapter 24 of the United States Code, under section 1171, which requires identification of each device by permanently affixing seriatim numbering and name, trade name, and date of manufacture under section 1173, and registration with the United States Attorney General, unless excluded from applicability of the chapter under section 1178. This subsection shall not be construed to authorize video poker games.

(b) Nothing in this subsection shall be taken or construed as applicable to a coin-operated game or device designed and manufactured only for bona fide amusement purposes which game or device may by application of skill entitle the player to replay the game or device at no additional cost, if the game or device: can accumulate and react to no more than 15 free replays; can be discharged of accumulated free replays only by reactivating the game or device for one additional play for such accumulated free replay; can make no permanent record, directly or indirectly, of free replays; and is not classified by the United States as *a gambling service in Chapter 24 of the United States Code, under section 1171, which requires identification of each device by permanently affixing seriatim numbering and name, trade name, and date of manufacture under section 1173, and registration with the United States Attorney General, unless excluded from applicability of the chapter under section*

1178 ~~requiring a federal gambling tax stamp under applicable provisions of the Internal Revenue Code~~. *This subsection shall not be construed to authorize video poker games.* (Renumber subsequent section.)

And the title is amended as follows:

On page 3, line 22, insert: amending s. 849.161, F.S.; authorizing the use of certain amusement games or machines at specified locations; providing application;

House Amendment 3 (with title amendment)—On page 84, between lines 6 and 7, insert:

Section 28. Subsection (1) of section 849.161, Florida Statutes, is amended to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(1)*(a)1.* Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

2. Nothing contained in this chapter shall be taken or construed as applicable to any retail dealer who operates as a truck stop, as defined in chapter 336, having amusement games or machines which operate by means of the insertion of a coin or other currency and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise limited to noncash prizes, toys, novelties, and Florida Lottery products, excluding alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played. This subparagraph applies only to games and machines which are operated for the entertainment of the general public and tourists as bona fide amusement games or machines. This subsection shall not apply, however, to any game or device classified by the United States as requiring a federal gaming stamp under applicable provisions of the Internal Revenue Code.

(b) Nothing in this subsection shall be taken or construed as applicable to a coin-operated game or device designed and manufactured only for bona fide amusement purposes which game or device may by application of skill entitle the player to replay the game or device at no additional cost, if the game or device: can accumulate and react to no more than 15 free replays; can be discharged of accumulated free replays only by reactivating the game or device for one additional play for such accumulated free replay; can make no permanent record, directly or indirectly, of free replays; and is not classified by the United States as requiring a federal gambling tax stamp under applicable provisions of the Internal Revenue Code. (Renumber subsequent section[s])

And the title is amended as follows:

On page 92, between lines 17 and 18, after the semicolon (;) insert: amending s. 849.161, F.S.; authorizing the use of certain amusement games or machines at specified locations; providing application;

House Amendment 4 (with title amendment)—On page 84, between lines 6 and 7, insert:

Section 31. Section 211.01, Florida Statutes, is amended to read:

211.01 Definitions.—As used in this part:

(1) "Barrel" means a unit of measurement for oil production and is 42 U.S. gallons of 231 cubic inches per gallon, computed at a temperature of 60 degrees Fahrenheit, after deduction for the full percent of basic sediment, water, and other impurities as ascertained by centrifugal or other recognized and customary tests.

(2) "Casinghead gas" means gas produced with oil from oil wells, the gas being taken from the well through the casinghead, or the liquid hydrocarbons in solution which may be separated in part by a reduction in pressure at the wellhead and separated more completely in a separator or absorption plant or by another manufacturing process.

(3) "Completion date" means the day, month, and year that a new productive well, a previously shut in well, or a temporarily abandoned well is completed, repaired, or recompleted and the operator begins producing oil or gas in commercial quantities.

(4)~~(3)~~ "Cubic foot" means a unit of measurement for gas production and is the volume of gas contained in one cubic foot of space at a base temperature of 60 degrees Fahrenheit and a base pressure of 14.65 pounds per square inch absolute, pressure and specific gravity corrections to be made according to Boyle's Law and a test made by the balance method, respectively.

(5)~~(4)~~ "Day" means the standard calendar period of 24 consecutive hours ending at 12 o'clock midnight.

(6)~~(5)~~ "Department" means the Department of Revenue.

(7)~~(6)~~ "Gas" means all natural gas, including casinghead gas, and all hydrocarbons not defined as oil, but excludes any hydrogen sulfide gas or sulfur contained, produced, or recovered from such hydrogen sulfide gas.

(8) "Horizontal well" means a well completed with the wellbore in a horizontal or nearly horizontal orientation within 10 degrees of horizontal within the producing formation.

(9)~~(7)~~ "Long ton" means 2240 pounds and is the unit of measurement in the production of sulfur.

(10)~~(8)~~ "Mcf" means 1000 cubic feet and is the unit of measurement in the production of gas.

(11)~~(9)~~ "Month" means a calendar month.

(12) "New field well" means an oil or gas well completed after July 1, 1997, in a new field as designated by the Department of Environmental Protection.

(13)~~(10)~~ "Oil" means crude petroleum oil or other hydrocarbon, regardless of gravity, which is produced at the well in liquid form by ordinary production methods and which is not the result of condensation of gas after it leaves the reservoir.

(14)~~(11)~~ "Operator" means the person in charge of a production operation by which taxable oil, gas, or sulfur products are severed.

(15)~~(12)~~ "Person" means any individual, firm, partnership, joint adventure, syndicate, association, business trust, estate, trust, fiduciary, corporation, group, or combination.

(16)~~(13)~~ "Producer" means any person who owns, controls, manages, or leases any oil or gas property or oil or gas well or any person who produces in any manner any taxable product, including any person owning any royalty or other interest in any taxable product or its value, whether the taxable product is produced by, or on behalf of, such person under a lease contract or otherwise.

(17)~~(14)~~ "Production" means the total gross quantity of each taxable product severed during a month, measured as required by this part.

(18)~~(15)~~ "Purchaser" means any person who directly or indirectly buys, takes, transports, or otherwise removes any production of a taxable oil, gas, or sulfur product to his or her account from a well, lease, or source of supply.

(19)~~(16)~~ "Sever" means to extract or withdraw any taxable oil, gas, or sulfur product from below the surface of the soil or water of this state by natural or mechanically enforced flow; to produce or recover sulfur from hydrogen sulfide gas; to withdraw from any natural or artificial surface reservoir or water surface, by any means whatsoever, any taxable product upon which tax imposed under this part has not been paid; or to recover any escaped taxable product upon which tax imposed under this part has not been paid.

(20) "Shut-in well" means an oil or gas well that has been taken out of service for economic reasons or mechanical repairs.

(21)~~(17)~~ "Small well oil" means oil produced from a well from which less than 100 barrels of oil per day are severed, considering only those

days of the month during which production of oil from the well actually occurred.

(22)~~(18)~~ "Sulfur" means any sulfur produced or recovered from hydrogen sulfide gas contained in oil or gas production.

(23)~~(19)~~ "Taxable product" means the oil, gas, or sulfur severed by a producer during a month.

(24)~~(20)~~ "Taxable production" means the quantity of a taxable product severed during a month by a producer, measured as required by this part.

(25)~~(21)~~ "Taxpayer" means the person liable for any tax imposed under this part.

(26) "Temporarily abandoned well" means a permitted well or wellbore that has been abandoned by plugging in a manner that allows reentry and redevelopment in accordance with oil or gas rules of the Department of Environmental Protection.

Section 32. Section 211.027, Florida Statutes, is amended to read:

211.027 Exemptions.—The following *on-shore* production is not subject to any tax imposed under this part:

(1) Oil or gas production used for lease operations on the lease or unit where produced;

(2) Gas returned to a horizon or horizons in the field where produced, either through wells on the lease from which produced or wells on other leases; or

(3) Gas vented or flared directly into the atmosphere, provided such gas is not otherwise sold.

(4) Oil and gas produced from new field wells, completed after July 1, 1997, for a period of 60 months after the completion date.

(5) Oil and gas produced after July 1, 1997, for a period of 48 months after the completion date from:

(a) Any new producing well in an existing field that was established by the Department of Environmental Protection before July 1, 1997.

(b) A shut-in well that has been out-of-service for a period of at least 24 months, prior to July 1, 1997, and through workover and mechanical repair is returned to commercial production.

(c) A temporarily abandoned well or wellbore that has been out-of-service for a period of at least 24 months, prior to July 1, 1997, that is brought into commercial production by redrilling and recompletion.

(6) Oil and gas produced after July 1, 1997, for a period of 60 months after the completion date from any horizontal well or any well having a total measured depth in excess of 15,000 feet.

(7) No new exemptions as provided in subsections (4), (5), and (6) shall be granted after June 30, 2002.

(8) Subsections (4), (5), and (6) are repealed effective June 30, 2007.

Section 33. Section 377.075, Florida Statutes, is amended to read:

377.075 Division of *Technical Services* ~~Resource Management~~; geological functions.—

(1) PERSONNEL.—The Department of Environmental Protection shall, through the Division of *Technical Services* ~~Resource Management~~, establish the Florida Geological Survey and employ such suitable persons as in the judgment of the department may be necessary to conduct the geological survey of the state.

(2) DISBURSEMENTS; SURVEY EXPENSES.—For the purpose of expeditiously and thoroughly carrying out the geological survey, there shall be included a sufficient appropriation in the annual General Appropriations Act. ~~The Comptroller shall, upon the requisition of the Division of Resource Management, when approved by the Governor, draw his or her warrant on the Treasurer for the amount so appropriated in such sums as may be needed from time to time for the purpose of the survey as herein set forth; and for all such expenditures, the consent and approval of the Governor shall be obtained, and the vouchers for all such expenditures made from this fund shall be filed with the Comptroller; a statement of his or her receipts and expenditures shall be printed in the annual report of the division.~~ The amount annually appropriated, or so much thereof as may be necessary, shall be expended for the salaries and for the contingent expenses of the survey, including compensation of all temporary and permanent assistance; travel expenses of the division, purchase of materials, or other necessary expenses for outfit; expenses incurred in providing for the transportation, arrangement, and proper exhibition of the geological and other collections made under the provisions of this law and for postage, stationery, and printing and the printing and engraving of maps and sections to illustrate the annual reports.

(3) STATE GEOLOGIST.—The geological functions of the division shall be under the direction of a full-time professional geologist who is registered in this state, who shall be of established reputation, and who shall be known as the state geologist.

(4)~~(3)~~ DUTIES.—The *Florida Geological Survey* ~~Division of Resource Management~~ shall make *periodic reports* ~~annually to the Governor a report~~ of the progress of its surveys and explorations of minerals, water supply, and other natural resources of the state and shall include in such *reports a* ~~report~~ full description of such surveys and explorations, occurrences and location of mineral and other deposits of value, surface and subterranean water supply ~~and power and mineral waters~~, and the best and most economical method of development, together with analyses of *sediments,* ~~soils,~~ minerals, and mineral waters, with maps, charts, and drawings of the same.

(a) The state geologist and his professional staff shall conduct field and laboratory investigations of the geologic structure of this state, the nature and composition of the igneous, metamorphic, and sedimentary rocks and economic minerals, the nature of physiographic features, and other aspects of geology and hydrology which may lead to a better understanding of the geology of this state, with special reference to the practical bearing of the subjects of such investigations on the well-being of this state and the citizens of this state.

(b) The state geologist shall provide technical assistance to, and consult and cooperate with, the general public, other agencies of federal, state, and local government, and industry. The state geologist shall also consider scientific, educational, and economic questions related to the geology and hydrology of the state which are of value to the people of this state.

(c) The state geologist shall prepare and publish Florida Geological Survey reports, with necessary illustrations and maps, which provide general and detailed descriptions of the geology and earth resources of this state, shall maintain a comprehensive research library, open to the public, of published and unpublished geological information, and shall otherwise disseminate geological information to the citizens of this state.

(d) The department may contract with the government of the United States, or any agency or instrumentality thereof, or with this state or any county, municipality, district authority, or political subdivision of this state, or with any private person, to assist in providing this state with geologic information or to accomplish the purposes of this act. The department may receive and accept from any federal agency, state agency, or other public body grants or loans for or in aid of the purposes of this act and the department may receive and accept aid, contributions, or loans from any other source of money, property, labor, or other thing of value to be held, used, and applied only for the purposes for which such aid, grants, or loans were made.

(e) The Florida Geological Survey shall cooperate or coordinate with, or act as a clearinghouse for, other agencies funded by the state who contribute to the study or revision of geologic interpretations and nomenclature. The state geologist, through the Division of Technical Services, shall designate areas as "state geological sites" or "state invertebrate paleontological sites" pursuant to the provisions of this section, which areas are determined to be of great and continuing significance to the scientific study and public understanding of the geological history of this state. No privately owned site shall be so designated without the express written consent of the private surface and mineral owners of the site. The state geologist shall provide written notice to the surface and mineral owners and occupants of a site designated by the state geologist as a state

geological or invertebrate paleontological site. Once such a site has been so designated, no person may conduct geological or paleontological field investigations on the site without first securing a consent letter from the division.

(f) The state geologist shall cooperate or coordinate with various federal agencies, including, but not limited to, the United States Geological Survey, Bureau of Mines, and the Minerals Management Service, and various state and local agencies to collect and maintain data on the economic mineral industry of this state. Data shall include commodities mined, amount extracted, reserves, market and market trends, estimated value, and any other parameters determined necessary by the state geologist to comply with this section. Such information shall be periodically updated and company data may be maintained confidential subject to the same requirements as that required by the federal agency of jurisdiction or, if no specific language exists in federal law, the confidential period shall not exceed 10 years.

(g) The Florida Geological Survey shall prepare, maintain, and make available, in both paper and electronic or computer-based formats, maps identifying the location in latitude and longitude of all oil field wells and gas field wells, oil test wells and gas test wells, non-oil test wells and nongas test wells, and stratigraphic test wells, and seismic line recording points, or any other deep, geologic information that may provide useful subsurface information for industry and other public agencies. When available, fluid levels in any oil, gas, or other test well shall be measured or obtained from the operator or owner and shall be tested for water chemistry. The department may use for such tasks such funds from the Petroleum Exploration and Production Bond Trust Fund as may be appropriated by the Legislature.

(5)~~(4)~~ COLLECTION OF GEOLOGICAL SPECIMENS.—The Division of *Technical Services* ~~Resource Management~~ shall*, through the geological staff,* make collections of specimens illustrating the geological and mineral features of the state*, including lands beneath the sovereign water of this state* ~~one suite of which shall be deposited in the office of the division at Tallahassee and duplicate suites of which shall be deposited in the libraries of each of the state colleges. Each suite shall be correctly labeled for convenient use and study~~*. The staff shall operate and maintain a central, state-wide repository for such specimens, for well cuttings and cores and related surface and subsurface samples, and associated supplemental data.*

(6)~~(5)~~ NOTIFYING OWNER OF DEPOSITS LOCATED.—The *state geologist* ~~person in charge of the Division of Resource Management~~ and his or her assistants, when they discover any mineral deposits or other *geologic* substance of value, shall *make a reasonable attempt to* notify the owner of the land upon which such deposits occur. ~~The failure to notify the owner of such deposit before disclosing the same to any other person constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 34. Section 377.42, Florida Statutes, is created to read:

377.42 Big Cypress Swamp Advisory Committee.—

(1) For purposes of this section, the Big Cypress watershed is defined as the area in Collier County and the adjoining portions of Hendry, Broward, Dade, and Monroe Counties which is designated as the Big Cypress Swamp in U.S. Geological Survey Open-File Report No. 70003.

(2) The Big Cypress Swamp Advisory Committee is hereby created in the Department of Environmental Protection. The Big Cypress Swamp Advisory Committee shall be appointed by and serve at the pleasure of the Secretary of Environmental Protection. To ensure compliance with all requirements for obtaining a permit to explore for hydrocarbons in the Big Cypress Swamp area, each application for such permit shall be reviewed by the Big Cypress Swamp Advisory Committee. The committee shall have no final authority on approval or denial of permits but shall make recommendations to the department. The committee shall meet at the call of the chair to evaluate a pending application for a permit to drill in the Big Cypress watershed and may make other evaluations requested by the department. The membership of the committee shall be as follows:

(a) The state geologist, who shall serve as chair.

(b) A representative from the oil industry.

(c) A representative from an organized conservation group.

(d) A botanist.

(e) A hydrologist.

(3) The committee shall administer this section pursuant to the laws of the state, and the rules and orders of the department which apply generally to oil and gas. If site-specific conditions require, the committee may recommend that additional procedures, safeguards, or conditions which are necessary to protect the integrity of the Big Cypress area be required as a condition to the issuance of a permit to drill and produce.

Section 35. Subsections (21), (22), (23), (24), and (25) are added to section 377.19, Florida Statutes, to read:

377.19 Definitions.—Unless the context otherwise requires, the words defined in this section shall have the following meanings when found in ss. 377.06, 377.07, and 377.10-377.40:

(21) "Completion date" means the day, month, and year that a new productive well, a previously shut in well, or a temporarily abandoned well is completed, repaired, or recompleted and the operator begins producing oil or gas in commercial quantities.

(22) "Shut-in well" means an oil or gas well that has been taken out of service for economic reasons or mechanical repairs.

(23) "Temporarily abandoned well" means a permitted well or wellbore that has been abandoned by plugging in a manner that allows reentry and redevelopment in accordance with oil or gas rules of the Department of Environmental Protection.

(24) "New field well" means an oil or gas well completed after July 1, 1997, in a new field as designated by the Department of Environmental Protection.

(25) "Horizontal well" means a well completed with the wellbore in a horizontal or nearly horizontal orientation within 10 degrees of horizontal within the producing formation.

Section 36. Subsection (3) is added to section 377.242, Florida Statutes, to read:

377.242 Permits for drilling or exploring and extracting through well holes or by other means.—The department is vested with the power and authority:

(3) To issue permits to construct wells for the injection and recovery of any natural gas for temporary storage in subsurface reservoirs.

Each permit shall contain an agreement by the permitholder that the permitholder will not prevent inspection by division personnel at any time. The provisions of this section prohibiting permits for drilling or exploring for oil in coastal waters do not apply to any leases entered into before June 7, 1991.

Section 37. Subsection (3) of section 377.25, Florida Statutes, is amended to read:

377.25 Production pools; drilling units.—

(3) Each well permitted to be drilled upon any drilling unit shall be drilled approximately in the center thereof, with such exception as may be reasonably necessary where the division finds that the unit is partly outside the pool or, for some other reason, a well approximately in the center of the unit would be nonproductive or where topographical conditions are such as to make the drilling approximately in the center of the unit unduly burdensome *or where the operator proposes to complete the well with a horizontal or nearly horizontal well in the producing zone.* Whenever an exception is granted, the division shall take such action as will offset any advantage which the person securing the exception may have over other producers by reason of the drilling of the well as an exception, and so that drainage from developed units to the tract, with respect to which the exception is granted, will be prevented or minimized, and the producer of the well drilled, as an exception, will be allowed to produce no more than his or her just and equitable share of the oil and gas in the pool, as such share is set forth in this section.

Section 38. Section 377.26, Florida Statutes, is amended to read:

377.26 Location of wells.—Whenever the division fixes the location of any well or wells on the surface, the point at which the maximum penetration of such well into the producing formation is reached shall not unreasonably vary from the vertical drawn from the center of the hole at the surface; provided, that the division shall prescribe rules, regulations and orders governing the reasonableness of such variation, *and shall take into account technological advances in drilling and production technology, including, but not limited to, horizontal well completions in the producing formation using directional drilling methods.*

Section 39. Subsection (3) is added to section 377.27, Florida Statutes, to read:

377.27 Drilling units.—

(3) The department may allow a person who is an applicant for a drilling permit in areas lacking adequate governmental survey control to define a proposed drilling unit using latitude and longitude coordinates determined from global positioning satellites and instrument systems, if at least one permanent reference monument is installed within each proposed unit. In the event of a new field discovery, the latitude and longitude coordinates of the permanent monument shall be referenced to established governmental section corners which may exist within the field. Permanent monuments installed pursuant to this section shall be protected and maintained by the operator for the life of the field. (Renumber subsequent section.)

And the title is amended as follows:

On page 92, between lines 17 and 18, after the semicolon (;) insert: amending s. 211.01, F.S.; providing definitions; amending s. 211.027, F.S.; exempting the production of certain oil and gas from the oil production tax and the gas production tax for certain periods; providing an expiration date for such exemptions; amending s. 377.075, F.S.; transferring duties and responsibilities of the Division of Resource Management to the Division of Technical Services; providing for a state geologist; providing duties and responsibilities of the state geologist; providing duties and responsibilities of the Florida Geological Survey; creating s. 377.42, F.S.; creating the Big Cypress Swamp Advisory Committee; defining the Big Cypress watershed; providing for review of permit applications by the committee; providing for membership; providing duties and scope of authority of the committee; amending s. 377.19, F.S.; providing definitions; amending s. 377.242, F.S.; authorizing the Department of Environmental Protection to issue permits to construct certain wells under certain circumstances; amending s. 377.25, F.S.; clarifying a requirement for production pools or drilling units; amending s. 377.26, F.S.; providing additional criteria for location of wells; amending s. 377.27, F.S.; providing for applicants for drilling permits to define drilling unit areas; providing for permanent markers;

House Amendment 5 (with title amendment)—On page 31, line 10 through page 32, line 25, delete all of said lines and insert:

(1)*(a) Except as otherwise provided in this part,* an excise tax of 6.9 cents per gallon of aviation fuel is imposed upon every gallon of aviation fuel sold in this state, or brought into this state for use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. Fuel taxed pursuant to this part shall not be subject to the taxes imposed by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).

(b) Any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service which, after January 1, 1996, increases the air carrier's Florida workforce by more than 1000 percent and by 250 or more full-time equivalent employee positions, or which increases the air carrier's Florida workforce by more than 250 or more full-time equivalent employee positions and which provides jet service to Florida's capital from other urban destinations in Florida, may receive a credit or refund as the ultimate vendor of the aviation fuel for the 6.9 cents excise tax previously paid, if the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. In calculating the new or additional Florida full-time equivalent employee positions, any full-time equivalent employee positions of parent or subsidiary corporations which existed before January 1, 1996, shall not be counted toward reaching the Florida employment increase thresholds. The credit or refund allowed under this paragraph is in furtherance of the goals and policies of the State Comprehensive Plan set forth in s. 187.201(17)(a) and (b)1. and 2., (18)(a) and (b)1. and 4., (20)(a) and (b)5., and (22)(a) and (b)1., 2., 4., 7., 9., and 12. This paragraph expires on July 1, 2001.

(c) If, before July 1, 2001, the number of full-time equivalent employee positions created or added to the air carrier's Florida workforce falls below the threshold specified in paragraph (b), the exemption granted pursuant to paragraph (b) shall not apply during the period in which the number of additional employees is below that threshold.

(d) The exemption taken by credit or refund pursuant to paragraph (b) applies only under the terms and conditions set forth in that paragraph. If any part of that paragraph is judicially declared to be unconstitutional or invalid, the validity of any provisions taxing aviation fuel shall not be affected and all fuel exempted pursuant to paragraph (b) shall be subject to tax as if the exemption were never enacted. Every person benefiting from such exemption shall be liable for and make payment of all taxes for which a credit or refund was granted.

And the title is amended as follows:

On page 2, line 18, after "refunds;" insert: providing for a credit or refund of aviation fuel tax paid for a wholesaler or terminal supplier that delivers such fuel to certain air carriers; providing requirements and conditions; providing for expiration;

Senators Beard and Williams offered the following amendments which were moved by Senator Williams and adopted:

Senate Amendment 1 (with title amendment) to House Amendment 1 (with title amendment)—On page 80, line 25 through page 81, line 8, delete those lines

And the title is amended as follows:

On page 92, lines 5-8, delete those lines and insert: "transportation project"; amending s. 336.025, F.S.;

Senate Amendment 2 (with title amendment) to House Amendment 1 (with title amendment)—On page 83, line 3 through page 84, line 6, delete those lines

And the title is amended as follows:

On page 92, lines 10-17, delete those lines and insert: local option fuel taxes;

Senate Amendment 3 (with title amendment) to House Amendment 1 (with title amendment)—On page 33, line 22 through page 34, line 15, delete those lines

And the title is amended as follows:

On page 86, lines 20-25, delete those lines and insert: interstate or foreign commerce;

Senate Amendment 4 (with title amendment) to House Amendment 1 (with title amendment)—On page 78, line 25 through page 79, line 31, delete those lines

And the title is amended as follows:

On page 91, line 30 through page 92, line 2, delete those lines and insert: locations; amending s. 288.063, F.S.;

Senate Amendment 5 (with title amendment) to House Amendment 1 (with title amendment)—On page 67, line 16 through page 78, line 16, delete those lines

And the title is amended as follows:

On page 91, lines 2-25, delete those lines and insert: operators; amending s. 337.19, F.S.;

Senator Jenne moved the following amendment which was adopted:

Senate Amendment 6 (with title amendment) to House Amendment 1 (with title amendment)—On page 84, between lines 7 and 8 insert:

Section 28. Subsection (1) of section 849.161, Florida Statutes, is amended to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(1)*(a)1.* Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

2. Nothing contained in this chapter shall be taken or construed as applicable to any retail dealer who operates as a truck stop, as defined in chapter 336 and which operates a minimum of 6 functional diesel fuel pumps, having amusement games or machines which operate by means of the insertion of a coin or other currency and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise limited to noncash prizes, toys, novelties, and Florida Lottery products, excluding alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played. This subparagraph applies only to games and machines which are operated for the entertainment of the general public and tourists as bona fide amusement games or machines. This subsection shall not apply, however, to any game or device defined as a gambling device in Chapter 24 of the United States Code, under section 1171, which requires identification of each device by permanently affixing seriatim numbering and name, trade name, and date of manufacture under section 1173, and registration with the United States Attorney General, unless excluded from applicability of the chapter under section 1178. This subsection shall not be construed to authorize video poker games or any other game or machine that may be construed as a gambling device under Florida law.

(b) Nothing in this subsection shall be taken or construed as applicable to a coin-operated game or device designed and manufactured only for bona fide amusement purposes which game or device may by application of skill entitle the player to replay the game or device at no additional cost, if the game or device: can accumulate and react to no more than 15 free replays; can be discharged of accumulated free replays only by reactivating the game or device for one additional play for such accumulated free replay; can make no permanent record, directly or indirectly, of free replays; and is not classified by the United States as *a gambling device in Chapter 24 of the United States Code, under section 1171, which requires identification of each device by permanently affixing seriatim numbering and name, trade name, and date of manufacture under section 1173, and registration with the United States Attorney General, unless excluded from applicability of the chapter under section 1178* ~~requiring a federal gambling tax stamp under applicable provisions of the Internal Revenue Code~~. *This subsection shall not be construed to authorize video poker games, or any other game or machine that may be construed as a gambling device under Florida law .*

And the title is amended as follows:

On page 3, line 22, after the semicolon (;) insert: amending s. 849.161, F.S.; authorizing the use of certain amusement games or machines at specified locations; providing application;

On motion by Senator Williams, the Senate concurred in House Amendments 3 and 4; concurred in House Amendment 1 as amended and the House was requested to concur in the Senate amendments to the House amendment; and refused to concur in House Amendments 2 and 5 and the House was requested to recede.

On motion by Senator Williams, **CS for SB 330** passed as amended. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership, **SB 356** was considered outside the extended call.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 356, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 356—A bill to be entitled An act relating to outpatient facilities; amending s. 395.0163, F.S.; providing exemptions from construction inspections and investigations by the Agency for Health Care Administration for certain facilities; providing exceptions; amending s. 395.0197, F.S.; exempting ambulatory surgical centers and hospitals from certain staffing requirements in surgical recovery rooms; providing an effective date.

House Amendment 1 (with title amendment)—On page 3, between lines 11 and 12, insert:

Section 3. Subsection (6) is added to section 409.9122, Florida Statutes, to read:

409.9122 Mandatory Medicaid managed care enrollment.—

(6) MediPass enrolled recipients may receive up to 10 visits of reimbursable services by participating Medicaid physicians licensed under chapter 460 and up to 4 visits of reimbursable services by participating Medicaid physicians licensed under chapter 461. Any further visits shall be by prior authorization by the MediPass primary care provider. However, nothing in this subsection shall be construed to increase the total number of visits or the total amount of dollars per year per person under current Medicaid rules, unless otherwise provided for in the General Appropriations Act.

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 409.9122, F.S.; providing for chiropractic and podiatric services under the MediPass program;

House Amendment 2 (with title amendment)—On page 3, between lines 11-12, insert a new Section 3:

Section 3. Paragraph (d) of subsection (5) of section 400.179, Florida Statutes, is amended to read:

400.179 Sale or transfer of ownership of a nursing facility; liability for Medicaid underpayments and overpayments.—

(5) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

(d) Where the transfer involves a facility that has been leased by the transferor:

1. The transferee shall, as a condition to being issued a license by the agency, acquire, maintain, and provide proof to the agency of a bond with a term of 30 months, renewable annually, in an amount not less than the total of 3 months Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility.

2. The leasehold operator may meet the bond requirement through other arrangements acceptable to the department.

3. All existing nursing facility licensees, operating the facility as a leasehold, shall acquire, maintain, and provide proof to the agency of the 30-month bond required in subparagraph 1., above, on and after July 1, 1993, for each license renewal, *except that a nursing facility licensee that is located in a rural county contiguous to a county in which there is no nursing facility, operates a facility that is locally owned, and has been continuously licensed since at least 1985, shall be exempt from the requirements of this paragraph.*

4. It shall be the responsibility of all nursing facility operators, operating the facility as a leasehold, to renew the 30-month bond and to provide proof of such renewal to the agency annually at the time of application for license renewal.

5. *Except as provided under subparagraph 3.*, any failure of the nursing facility operator to acquire, maintain, renew annually, or provide proof to the agency shall be grounds for the agency to deny, cancel, revoke, or suspend the facility license to operate such facility and to take any further action, including, but not limited to, enjoining the facility, asserting a moratorium, or applying for a receiver, deemed necessary to ensure compliance with this section and to safeguard and protect the health, safety, and welfare of the facility's residents. (Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 400.179, F.S., relating to bonding requirements for nursing facility licensure; providing an exemption from the requirement;

On motion by Senator Bronson, the Senate concurred in the House amendments.

SB 356 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB's 386, 732 and 1208, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB's 386, 732 and 1208—A bill to be entitled An act relating to community associations; creating the "Isabelle Greenwald Memorial Condominium Act of 1996"; amending s. 718.112, F.S.; revising notice requirements for budget meetings of condominium associations; providing requirements with respect to meetings of board of administration committees; amending s. 718.115, F.S.; providing that standards relating to common expenses and common surplus are applicable to certain mixed-use condominiums; amending s. 718.404, F.S.; revising provisions with respect to the ownership share in the common elements assigned to each unit in a mixed-use condominium; amending s. 718.616, F.S.; revising requirements with respect to a disclosure letter from the municipality for the creation of a residential condominium; amending s. 719.1055, F.S.; requiring the approval of unit owners before a mobile home cooperative association makes certain changes to a unit or to common areas or appurtenances; amending 719.106, F.S., providing requirements with respect to meeting of board of administration committees; providing notice of annual budget meetings; amending s. 723.073, F.S.; exempting an association that acquires a mobile home park from certain requirements with respect to recording cooperative documents and subordinating the record interest in land subject to cooperative ownership; providing the effective date of documents; amending s. 723.031, F.S.; providing limitations on pass-on charges that may be passed from a mobile home park owner to a mobile home owner; providing an effective date.

House Amendment 1—On page 12, lines 6-10, delete all of said lines and insert: *only within 1 year of the date a mobile home park owner remits payment of the charge. A mobile home park owner is prohibited from passing on any fine, interest, fee, or increase in a charge resulting from a park owner's payment of the charge after the date such charges become delinquent. Nothing herein shall prohibit a park owner and a homeowner from mutually agreeing to an alternative manner of payment to the park owner of the charges.*

On motion by Senator Dudley, the Senate concurred in the House amendment.

CS for SB's 386, 732 and 1208 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 524, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 524—A bill to be entitled An act relating to financial affairs of local governments; amending s. 11.45, F.S.; revising definitions; requiring audit reports of additional entities; requiring the Auditor General to notify the Governor and Legislative Auditing Committee when a local governmental entity is in a state of financial emergency; providing goals and objectives for the local government financial reporting system; amending s. 112.63, F.S.; providing that the requirements of this section are supplemental to other specified requirements; amending s. 129.01, F.S.; clarifying county revenues derived from a special district for budget purposes; amending s. 129.02, F.S.; clarifying which special districts are included with the county capital-improvements budget; amending s. 129.06, F.S.; clarifying which special districts are included in the county budget process; amending requirements for accounting procedures; amending s. 166.241, F.S., providing that municipalities may consider carry-over funds when making appropriations; amending ss. 175.261, 185.221, F.S.; providing a cross-reference; providing that the respective requirements of these sections are supplemental to other specified requirements; amending s. 189.4035, F.S.; revising the distribution of the official list of special districts; amending s. 189.4085, F.S.; deleting the requirement that special districts submit certain bond information to the Department of Community Affairs; amending s. 189.412, F.S.; revising duties of the Special District Information Program of the Department of Community Affairs; amending s. 189.418, F.S.; revising the implementing and reporting requirements applicable to a special district; amending s. 189.419, F.S.; requiring special districts to submit additional reports and providing for legal action to be taken and fines to be assessed against special districts for noncompliance; amending s. 189.427, F.S.; providing for fines for failure to remit fees; amending s. 215.322, F.S., relating to acceptance of credit cards by state agencies, units of local government, and the judicial branch; defining the term "unit of local government"; amending s. 218.31, F.S.; amending definitions of terms relating to local governmental financial management and reporting; amending s. 218.32, F.S.; revising financial reporting requirements for local governmental entities; creating s. 218.321, F.S.; providing for the preparation of financial statements by local governmental entities; amending s. 218.33, F.S., relating to uniform fiscal years and accounting practices; conforming terminology; amending s. 218.335, F.S.; providing for local governmental entities to charge interest; amending s. 218.34, F.S.; providing that special districts may consider carry-over funds when making special district appropriations; amending s. 218.37, F.S.; revising and providing duties of the Division of Bond Finance; amending s. 218.38, F.S.; revising the information required relating to bond issues; amending s. 218.501, F.S.; revising the purpose of the Local Government Financial Emergency Act; amending s. 218.502, F.S.; defining the term "local governmental entity"; amending s. 218.503, F.S.; revising procedures for determining and handling financial emergencies of a local governmental entity; amending s. 218.504, F.S., relating to cessation of state action; conforming terminology; authorizing the Department of Transportation to collect program data from counties and municipalities; providing an effective date.

House Amendment 1 (with title amendment)—On page 44, after line 28, insert:

Section 30. Section 170.201, Florida Statutes, is created to read:

170.201 Special assessments.—In addition to other lawful authority to levy and collect special assessments, the governing body of a municipality may levy and collect special assessments to fund capital improvements and municipal services, including, but not limited to, fire protection, emergency medical services, garbage disposal, sewer improvement, street improvement, and parking facilities. The governing body of a municipality may apportion costs of such special assessments based on:

(1) The front or square footage of each parcel of land; or

(2) An alternative methodology, so long as the amount of the assessment for each parcel of land is not in excess of the proportional benefits as compared to other assessments on other parcels of land. (Renumber subsequent section.)

And the title is amended as follows:

On page 3, line 18, after the semicolon (;) insert: creating s. 170.201, F.S.; authorizing municipalities to levy and collect special assessments for certain purposes;

House Amendment 2 (with title amendment)—On page 44, after line 28, insert:

Section 31. Section 286.0115, Florida Statutes, is amended to read:

286.0115 Access to local public officials*; quasi-judicial proceedings on local government land use matters.*—

(1)*(a)* ~~AUTHORITY.—~~A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this *subsection* ~~section~~ or by adopting an alternative process for such disclosure. However, this *subsection* ~~section~~ does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b)~~(2)~~ ~~DEFINITION.—~~As used in this *subsection* ~~section~~, the term "local public official" means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c)~~(3)~~ ~~ACCESS PERMITTED.—~~Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1.~~(a)~~ The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2.~~(b)~~ A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3.~~(c)~~ Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4.~~(d)~~ Disclosure made pursuant to *subparagraphs 1., 2., and 3.* ~~paragraphs (a), (b), and (c)~~ must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This *subsection* ~~section~~ does not subject local public officials to part III of chapter 112 for not complying with this *paragraph* ~~subsection~~.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking body, subject to control by the decisionmaking body, and may be requested to respond to questions from the decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3)~~(4)~~ ~~RULES.—~~This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials. (Renumber subsequent section.)

And the title is amended as follows:

On page 3, line 18, after the semicolon (;) insert: amending s. 286.0115, F.S.; providing procedures that may be adopted by a county or municipality relating to testimony and communications with respect to quasi-judicial proceedings on local government land use matters;

On motion by Senator Meadows, the Senate concurred in the House amendments.

SB 524 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 584, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 584—An act relating to convention development taxes; amending s. 212.0305, F.S.; amending the list of ways in which a consolidated county may use the proceeds from such a tax that is levied by the county; amending s. 125.01, F.S.; revising provisions which allow inclusion of all or part of a municipality within a municipal service taxing unit, to delete a provision which specifies that such area may be included in addition to unincorporated areas; repealing s. 192.091(7), F.S., which provides for application of a 1967 amendment relating to property appraisers' commissions; amending s. 192.102, F.S., relating to property appraisers' and tax collectors' commissions; deleting an obsolete applicability statement; amending s. 194.192, F.S.; deleting an obsolete provision relating to interest on unpaid taxes; amending s. 195.027, F.S.; deleting an obsolete provision relating to rules with respect to county computer programs; repealing s. 195.095(3), F.S., which provides for an obsolete waiver of requirements relating to contracts for electronic data processing equipment; amending s. 195.096, F.S.; deleting an obsolete provision relating to performance audits; amending s. 196.061, F.S.; deleting an obsolete provision relating to application of provisions relating to rental of a homestead; amending s. 196.1975, F.S.; deleting an obsolete provision relating to homes for the aged exemption applications; repealing s. 197.582(3), F.S., relating to an obsolete provision validating certain disbursements of proceeds of sale of lands for taxes; repealing s. 199.222, F.S., which provides duplicative language relating to confidentiality of intangible personal property tax returns; amending s. 203.01, F.S.; deleting obsolete rates for the tax on gross receipts for utility services; amending s. 203.04, F.S.; deleting obsolete provisions which repealed laws granting exemptions from gross receipts taxes; repealing s. 206.445, F.S., which provides authority for the settlement or compromise of penalties or interest which is duplicated in chapter 213; amending ss. 206.9915, 336.021, and 336.025, F.S., to conform; amending s. 212.031, F.S.; deleting an obsolete exemption from the tax on the lease

or rental of or license in real property; amending s. 212.04, F.S.; deleting an obsolete exemption to the tax on admissions; amending s. 212.05, F.S.; deleting obsolete provisions relating to occasional sales of vehicles and tax on interstate telecommunications services; deleting an obsolete rate of tax on charges for use of coin-operated amusement machines; repealing s. 212.20(6)(c), F.S., which provides for distribution of the proceeds of a tax on the unlawful sale of drugs, cannabis, and controlled substances, which has been held unconstitutional; amending s. 212.054, F.S.; deleting obsolete provisions relating to distribution of discretionary sales surtax proceeds; amending s. 212.0599, F.S.; deleting obsolete provisions relating to implementing rules; amending s. 212.08, F.S.; deleting obsolete provisions relating to exemptions for political subdivisions, tasting beverages, and vessels engaged in interstate or foreign commerce; amending s. 212.081, F.S.; deleting obsolete intent language regarding sales tax exemptions; amending s. 212.05, F.S., to conform; amending s. 212.084, F.S.; deleting an obsolete provision relating to review of sales tax exemption certificates; amending s. 212.11, F.S.; removing obsolete provisions relating to estimated sales tax liability; amending s. 212.12, F.S.; reducing a penalty for failure to timely file certain tax returns; deleting obsolete provisions relating to waiver of a penalty applicable to estimated tax payments; amending s. 212.183, F.S.; deleting an obsolete repeal of a rule; amending s. 212.20, F.S.; deleting an obsolete provision relating to distribution of sales tax revenues; amending s. 213.053, F.S.; deleting duplicative language relating to confidentiality of tax information and an obsolete reference relating to a public records exemption; repealing s. 220.01, F.S., which provides a short title for the Florida income tax code; repealing s. 220.03(1)(bb), F.S., which provides an obsolete definition of "unitary business group"; repealing ss. 220.34(3), 220.53, 220.729, and 220.811, F.S., which provide duplicative language relating to settlement or compromise of penalties, rulemaking power of the Department of Revenue, and recordkeeping requirements with respect to said tax; amending ss. 220.12 and 213.015, F.S., to conform; amending s. 220.131, F.S.; deleting an obsolete election relating to affiliated groups; repealing s. 624.5106, F.S., which provides an obsolete export finance corporation investment credit against insurance premium taxes; amending s. 220.188, F.S., to conform; amending ss. 72.031 and 120.575, F.S.; providing that a county that administers a local option tourist development tax or convention development tax locally shall be named a codefendant or corespondent in any circuit court action or administrative proceeding to contest an assessment or denial of a refund of the tax; amending s. 125.0104, F.S.; providing definitions; correcting a reference; authorizing use of revenue from an additional local option tourist development tax for convention center planning and design costs; providing for a waiver of the prohibition against levying more than 2-percent local option tourist development tax in counties that levy a specified convention development tax if such counties levy a second additional tax for financing professional sports franchise facilities; providing for the validity of currently issued bonds; revising membership criteria for tourist development councils; providing requirements applicable to activities, services, venues, and events for which tourist development tax revenues are expended; providing for use of tax revenues for certain tourism promotion agency administrative costs; revising requirements relating to the use of such tax revenues for beach improvement and erosion control and authorizing use for beach park facilities; providing that any use of local option tourist development tax revenues not expressly authorized is prohibited; specifying rules applicable to a county that has elected to assume audit, assessment, collection, and enforcement responsibility for such tax; repealing s. 125.0104(3)(m), F.S., which authorizes certain counties to levy an additional 2-percent tax to retire bonded indebtedness for certain economic development projects; amending s. 212.0305, F.S.; specifying rules applicable to a county that has elected to assume audit, assessment, collection, and enforcement responsibility for a convention development tax; amending s. 72.011, F. S.; requiring counties that locally administer a local option tourist development tax or convention development tax to provide certain requirements and procedures by ordinance with respect to a taxpayer's contest of an assessment or denial of refund and providing for application of requirements relating thereto to such counties; providing effective dates.

House Amendment 1—In the title, on page 1 through page 6, line 6, delete all of said lines and insert: An act relating to taxation; amending s. 212.0305, F.S.; amending the list of ways in which a consolidated county may use the proceeds from such a tax that is levied by the county; amending s. 125.01, F.S.; revising provisions which allow inclusion of all or part of a municipality within a municipal service taxing unit, to delete a provision which specifies that such area may be included in addition to unincorporated areas; repealing s. 192.091(7), F.S., which provides for application of a 1967 amendment relating to property appraisers' commissions; amending s. 192.102, F.S., relating to property appraisers' and tax collectors' commissions; deleting an obsolete applicability statement; amending s. 194.192, F.S.; deleting an obsolete provision relating to interest on unpaid taxes; amending s. 195.027, F.S.; deleting an obsolete provision relating to rules with respect to county computer programs; repealing s. 195.095(3), F.S., which provides for an obsolete waiver of requirements relating to contracts for electronic data processing equipment; amending s. 195.096, F.S.; deleting an obsolete provision relating to performance audits; amending s. 196.061, F.S.; deleting an obsolete provision relating to application of provisions relating to rental of a homestead; amending s. 196.1975, F.S.; deleting an obsolete provision relating to homes for the aged exemption applications; repealing s. 197.582(3), F.S., relating to an obsolete provision validating certain disbursements of proceeds of sale of lands for taxes; repealing s. 199.222, F.S., which provides duplicative language relating to confidentiality of intangible personal property tax returns; amending s. 203.01, F.S.; deleting obsolete rates for the tax on gross receipts for utility services; amending s. 203.04, F.S.; deleting obsolete provisions which repealed laws granting exemptions from gross receipts taxes; repealing s. 206.445, F.S., which provides authority for the settlement or compromise of penalties or interest which is duplicated in chapter 213; amending ss. 206.9915, 336.021, and 336.025, F.S., to conform; amending s. 212.031, F.S.; deleting an obsolete exemption from the tax on the lease or rental of or license in real property; amending s. 212.04, F.S.; deleting an obsolete exemption to the tax on admissions; amending s. 212.05, F.S.; deleting obsolete provisions relating to occasional sales of vehicles and tax on interstate telecommunications services; deleting an obsolete rate of tax on charges for use of coin-operated amusement machines; repealing s. 212.20(6)(c), F.S., which provides for distribution of the proceeds of a tax on the unlawful sale of drugs, cannabis, and controlled substances, which has been held unconstitutional; amending s. 212.054, F.S.; deleting obsolete provisions relating to distribution of discretionary sales surtax proceeds; amending s. 212.0599, F.S.; deleting obsolete provisions relating to implementing rules; amending s. 212.08, F.S.; deleting obsolete provisions relating to exemptions for political subdivisions, tasting beverages, and vessels engaged in interstate or foreign commerce; amending s. 212.081, F.S.; deleting obsolete intent language regarding sales tax exemptions; amending s. 212.05, F.S., to conform; amending s. 212.084, F.S.; deleting an obsolete provision relating to review of sales tax exemption certificates; amending s. 212.11, F.S.; removing obsolete provisions relating to estimated sales tax liability; amending s. 212.12, F.S.; reducing a penalty for failure to timely file certain tax returns; deleting obsolete provisions relating to waiver of a penalty applicable to estimated tax payments; amending s. 212.183, F.S.; deleting an obsolete repeal of a rule; amending s. 212.20, F.S.; deleting an obsolete provision relating to distribution of sales tax revenues; amending s. 213.053, F.S.; deleting duplicative language relating to confidentiality of tax information and an obsolete reference relating to a public records exemption; repealing s. 220.01, F.S., which provides a short title for the Florida income tax code; repealing s. 220.03(1)(bb), F.S., which provides an obsolete definition of "unitary business group"; repealing ss. 220.34(3), 220.53, 220.729, and 220.811, F.S., which provide duplicative language relating to settlement or compromise of penalties, rulemaking power of the Department of Revenue, and recordkeeping requirements with respect to said tax; amending ss. 220.12 and 213.015, F.S., to conform; amending s. 220.131, F.S.; deleting an obsolete election relating to affiliated groups; repealing s. 624.5106, F.S., which provides an obsolete export finance corporation investment credit against insurance premium taxes; amending s. 220.188, F.S., to conform; amending ss. 72.031 and 120.575, F.S.; providing that a county that administers a local option tourist development tax or convention development tax locally shall be named a codefendant or corespondent in any circuit court action or administrative proceeding to contest an assessment or denial of a refund of the tax; amending s. 125.0104, F.S.; providing definitions; correcting a reference; authorizing use of revenue from an additional local option tourist development tax for convention center planning and design costs; providing for a waiver of the prohibition against levying more than 2-percent local option tourist development tax in counties that levy a specified convention development tax if such counties levy a second additional tax for financing professional sports franchise facilities; providing for the validity of currently issued bonds; revising membership criteria for tourist development councils; providing requirements applicable to activities, services, venues, and events for which tourist development tax revenues are expended; providing for use of tax revenues for certain tourism promotion agency administrative costs; revising requirements relating to the use of such tax revenues for beach improvement and erosion control and authorizing use for beach

park facilities; providing that any use of local option tourist development tax revenues not expressly authorized is prohibited; specifying rules applicable to a county that has elected to assume audit, assessment, collection, and enforcement responsibility for such tax; repealing s. 125.0104(3)(m), F.S., which authorizes certain counties to levy an additional 2-percent tax to retire bonded indebtedness for certain economic development projects; amending s. 212.0305, F.S.; specifying rules applicable to a county that has elected to assume audit, assessment, collection, and enforcement responsibility for a convention development tax; amending s. 72.011, F.S.; requiring counties that locally administer a local option tourist development tax or convention development tax to provide certain requirements and procedures by ordinance with respect to a taxpayer's contest of an assessment or denial of refund and providing for application of requirements relating thereto to such counties; providing effective dates.

On motion by Senator Bankhead, the Senate concurred in the House amendment.

SB 584 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 590, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 590—A bill to be entitled An act relating to health care; requiring the Department of Health and Rehabilitative Services, to the extent that resources are available, to provide public education about sickle cell disease, work cooperatively with not-for-profit centers to provide education, teaching, and counseling, and encourage diagnostic screening; providing for grants and contracts; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that following a disaster, licensed facilities are capable of serving as shelters only for patients, staff, and the families of staff; providing for applicability; providing for a report by the agency to the Governor and Legislature; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 112.153, F.S., relating to local governmental group insurance plans; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Cost Containment Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending ss. 212.055, 394.4788, F.S., relating to discretionary sales surtaxes and mental health services; updating provisions to reflect the assumption by the agency of duties formerly performed by the Health Care Cost Containment Board; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending s. 395.806, F.S.; providing for the agency to assume the board's duties in reviewing family practice teaching hospitals; amending s. 408.033, F.S.; revising membership on the Statewide Health Council to reflect the abolishment of the Health Care Board; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the Department of Health and Rehabilitative Services; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; amending s. 440.13, F.S., relating to reimbursements for medical services under the Workers' Compensation Law; deleting a reference to reviews of hospital budgets made obsolete by the act; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; repealing ss. 407.61, 408.003, 408.072, 408.085, F.S., relating to studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of the act; providing an effective date.

House Amendment 1 (with title amendment)—On page 4, line 25, through page 51, line 26, delete all of said lines and insert:

Section 4. *(1) Section 110.1125, Florida Statutes;*

(2) Subsection (9) of section 395.403, Florida Statutes;

(3) Section 408.0014, Florida Statutes; and section 409.7015, Florida Statutes, as amended by chapter 94-118, Laws of Florida;

(4) Sections 408.003, 408.004, 408.005, and 408.01, Florida Statutes; and section 408.006 and subsection (2) of section 408.033, Florida Statutes, as amended by chapter 95-144, Laws of Florida;

(5) Subsections (7), (9), (11), (12), (22), (37), and (45) of section 408.07 and section 408.072, Florida Statutes; subsections (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12) of section 408.08, Florida Statutes, as amended by chapter 95-146, Laws of Florida; and sections 408.085 and 408.50 and subsection (8) of section 945.603, Florida Statutes;

(6) Sections 408.90, 408.901, 408.902, 408.903, 408.904, 408.905, 408.906, 408.907, and 408.908, Florida Statutes; and

(7) Sections 483.601, 483.610, 483.611, 483.612, 483.613, 483.614, 483.615, 483.616, 483.617, 483.618, 483.619, 483.620, 483.622, 483.623, and 483.624, Florida Statutes; and section 483.621, Florida Statutes, as amended by chapter 95-144, Laws of Florida,

are hereby repealed.

Section 5. Paragraphs (b), (d), and (e) of subsection (2) and subsections (6) and (7) of section 20.42, Florida Statutes, are amended to read:

20.42 Agency for Health Care Administration.—There is created the Agency for Health Care Administration within the Department of Business and Professional Regulation. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Business and Professional Regulation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) ORGANIZATION OF THE AGENCY.—The agency shall be organized as follows:

(b) The Division of Health Policy and Cost Control, which shall be responsible for health policy, the State Center for Health Statistics, ~~the development of The Florida Health Plan,~~ certificate of need, ~~hospital budget review, state and local health planning under s. 408.033,~~ and research and analysis.

~~(d) The Health Care Board, which shall be responsible for hospital budget review, nursing home financial analysis, and special studies as assigned by the secretary or the Legislature.~~

(d)~~(e)~~ The Division of Administrative Services, which shall be responsible for revenue management, budget, personnel, and general services.

~~(6) HEALTH CARE BOARD.—The Health Care Board shall be composed of 11 members appointed by the Governor, subject to confirmation by the Senate. The members of the board shall biennially elect a chairperson and a vice chairperson from its membership. The board shall be responsible for hospital budget review, nursing home financial review and analysis, and special studies requested by the Governor, the Legislature, or the director.~~

(6)~~(7)~~ DEPUTY DIRECTOR OF ADMINISTRATIVE SERVICES.—The director shall appoint a Deputy Director of Administrative Services

who shall serve at the pleasure of, and be directly responsible to, the director. The deputy director shall be responsible for the Division of Administrative Services.

Section 6. Subsection (1) of section 154.304, Florida Statutes, is amended to read:

154.304 Definitions.—For the purpose of this act:

~~(1) "Board" means the Health Care Board as established in chapter 408.~~

Section 7. Subsection (9) of section 186.003, Florida Statutes, is amended to read:

186.003 Definitions.—As used in ss. 186.001-186.031 and 186.801-186.911, the term:

~~(9) "Statewide Health Council" means the Statewide Health Council established pursuant to s. 381.703.~~

Section 8. Subsection (9) of section 186.503, Florida Statutes, is amended to read:

186.503 Definitions.—As used in this act, the term:

~~(9) "Statewide Health Council" means the Statewide Health Council established pursuant to s. 381.703.~~

Section 9. Paragraph (a) of subsection (4) of section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship loan program.—

(4) Credit for repayment of a scholarship loan shall be on a year-for-year basis as follows:

(a) For each year of scholarship loan assistance, the recipient agrees to work for 12 months at a health care facility in a medically underserved area as approved by the Department of Health and Rehabilitative Services. Eligible health care facilities include state-operated medical or health care facilities, county public health units, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07~~(49)~~.

Section 10. Paragraph (i) of subsection (4) of section 240.5121, Florida Statutes, is amended to read:

240.5121 Cancer control and research.—

(4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL; CREATION; COMPOSITION.—

(i) The council shall approve each year a program for cancer control and research to be known as the "Florida Cancer Plan" which shall be ~~consistent with the State Health Plan developed by the Statewide Health Council and~~ integrated and coordinated with existing programs in this state.

Section 11. Subsection (1) of section 395.0163, Florida Statutes, is amended to read:

395.0163 Construction inspections; plan submission and approval; fees.—

(1) The agency shall make, or cause to be made, such construction inspections and investigations as it deems necessary. The agency may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agency for preliminary inspection and approval or recommendation with respect to compliance with agency rules and standards. The agency shall approve or disapprove the plans and specifications within 60 days after receipt of the fee for review of plans as required in subsection (2). The agency may be granted one 15-day extension for the review period if the director of the agency approves the extension. If the agency fails to act within the specified time, it shall be deemed to have approved the plans and specifications. When the agency disapproves plans and specifications, it shall set forth in writing the reasons for its disapproval. Conferences and consultations may be provided as necessary. *All detached outpatient facilities that comply with the State Minimum Building Codes under s. 553.73, as determined by local governments, and with uniform firesafety standards under s. 633.022, except ambulatory surgical centers, cardiac catheterization facilities, and mobile units, are exempt from review under this section.*

Section 12. Paragraphs (a) and (b) of subsection (1) of section 395.401, Florida Statutes, are amended to read:

395.401 Trauma services system plans; verification of trauma centers and pediatric trauma referral centers; procedures; renewal.—

(1) As used in this part, the term:

~~(a) "Board" means the Health Care Board.~~

(a)~~(b)~~ "Charity care" or "uncompensated charity care" means that portion of hospital charges reported to the *agency* ~~board~~ for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 150 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds 4 times the federal poverty level for a family of four be considered charity.

Section 13. Subsections (1) and (2) of section 395.402, Florida Statutes, are amended, subsection (3) is renumbered as subsection (4), and a new subsection (3) is added to said section, to read:

395.402 Trauma service areas; number and location of trauma centers.—

(1) The Legislature finds that it is appropriate to recognize as a trauma patient someone with an injury severity score (ISS) of 9 or greater. The Legislature also recognizes that Level I and Level II trauma centers *and pediatric trauma referral centers* should each be capable of annually treating a minimum of 1,000*, 500, and 150* ~~and 500~~ patients, respectively, with an injury severity score of 9 or greater. Further, the Legislature finds that, based on the numbers and locations of trauma victims with these injury severity scores, there should be 19 trauma service areas in the state, and, at a minimum, there should be at least one trauma center in each service area.

(2) It is the intent of the Legislature that, as a planning guideline, Level I and Level II trauma centers *and pediatric trauma referral centers* should generally each provide care annually to *approximately* ~~a minimum of~~ 1,000, ~~and~~ 500*, and 150* patients, respectively*, as provided in subsection (1). It is further the intent of the Legislature that, as a planning guideline, factors such as geography and relative population density, and other factors ensuring access to trauma care, may be considered*. Level II trauma centers in counties of more than 500,000 population are expected to be able to care for 1,000 patients per year, as a planning guideline.

(3) For purposes of subsections (1) and (2), patients treated at pediatric trauma referral centers shall be pediatric trauma patients and shall be considered separate and apart from adult patients treated at Level I or Level II trauma centers.

Section 14. Subsections (1), (2), and (4) of section 395.4025, Florida Statutes, are amended to read:

395.4025 Selection of state-approved trauma centers.—

(1) For purposes of developing a system of state-approved trauma centers, the department shall use the 19 trauma service areas established in s. 395.402. Within each service area and based on the state trauma system plan, the local or regional trauma services system plan, recommendations of the local or regional trauma agency, and the 1990 Report and Proposal for Funding State-Sponsored Trauma Centers, the department shall establish the approximate number of state-approved trauma centers needed to ensure reasonable access to high-quality trauma services. Using the guidelines and procedures outlined in the 1990 report, except when in conflict with those prescribed in this section, *or when in conflict with the local or regional trauma agency plan as approved by the department*, the department shall select those hospitals that are to be recognized as state-approved trauma centers and shall

include all trauma centers verified as of October 1, 1990, and subsequently, subject to specific programmatic and quality of care standards.

(2)(a) The department shall annually notify each acute care general hospital and each local and each regional trauma agency in the state that the department is accepting letters of intent from hospitals that are interested in becoming state-approved trauma centers. In order to be considered by the department, a hospital that operates within the geographic area of a local or regional trauma agency must *submit, together with its letter of intent, written certification by the local or regional trauma agency that the verification of the hospital as a Level I or Level II trauma center or as a pediatric trauma referral center* ~~certify that its intent to operate as a state-approved trauma center~~ is consistent with the trauma services plan of the local or regional trauma agency, as approved by the department, if such agency exists. Letters of intent must be *submitted to the department and to the local or regional trauma agency, if one exists, and must be* postmarked no later than midnight October 1 *of the year in which the letter of intent is filed. The department shall not consider the letter of intent or application of any hospital which has not timely filed a letter of intent together with written certification of consistency with the local or regional agency plan as required by this section.* ~~This paragraph does not apply to any hospital that is a provisional or verified trauma center on January 1, 1992.~~

(b) By October 15, the department shall send to all hospitals that submitted a letter of intent an application package that will provide the hospitals with instructions for submitting information to the department for selection as a state-approved trauma center. The standards for verification of trauma centers and pediatric trauma referral centers provided for in s. 395.401(3), as adopted by rule of the department, shall serve as the basis for these instructions.

(c) In order to be considered by the department, applications from those hospitals seeking selection as state-approved trauma centers *or state-approved pediatric trauma referral centers,* including those current verified trauma centers that seek to be state-approved trauma centers *or state-approved pediatric trauma referral centers,* must be received by the department *and the local or regional trauma agency for any hospital that operates within the geographic area of a local or regional trauma agency,* no later than the close of business on April 1. The department shall conduct a provisional review of each application for the purpose of determining that the hospital's application is complete and that the hospital has the critical elements required for a state-approved trauma center. *The local or regional trauma agency shall conduct a preliminary review of the application for purposes of this paragraph and shall submit comments or recommendations to the department no later than the close of business on April 7. The department shall consider in its review of the application the comments or recommendations submitted by the local or regional trauma agency. If the department makes a finding of fact or determination regarding the application which is counter to the comments or recommendations submitted by the local or regional trauma agency, the department shall provide in writing its reasons for its findings, item by item, to the local or regional trauma agency.* This critical review *conducted by the department and the local or regional trauma agency* will be based on trauma center verification standards and shall include, but not be limited to, a review of whether the hospital has:

1. Equipment and physical facilities necessary to provide trauma services.

2. Personnel in sufficient numbers and with proper qualifications to provide trauma services.

3. An effective quality assurance process.

~~4. Submitted written confirmation by the local or regional trauma agency that the verification of the hospital as a state-approved trauma center is consistent with the plan of the local or regional trauma agency, as approved by the department, if such agency exists. This subparagraph applies to any hospital that is not a provisional or verified trauma center on January 1, 1992.~~

Any application which has been submitted by a hospital which has failed to comply with the requirements of paragraph (a) shall be rejected and shall not be considered by the department or the local or regional trauma agency.

(d)1. Notwithstanding other provisions in this section, the department may grant up to an additional 18 months to a hospital applicant that is unable to meet all requirements as provided in paragraph (c) at the time of application if the number of applicants in the service area in which the applicant is located is equal to or less than the service area allocation, as provided by rule of the department. An applicant that is granted additional time pursuant to this paragraph shall submit a plan for departmental approval which includes timelines and activities that the applicant proposes to complete in order to meet application requirements. Any applicant that demonstrates an ongoing effort to complete the activities within the timelines outlined in the plan shall be included in the number of state-approved trauma centers at such time that the department has conducted a provisional review of the application and has determined that the application is complete and that the hospital has the critical elements required for a state-approved trauma center.

2. Timeframes provided in subsections (1)-(8) shall be stayed until the department determines that the application is complete and that the hospital has the critical elements required for a state-approved trauma center.

(4) Between May 1 and October 1 of each year, the department *and the local or regional trauma agency for purposes of any hospital that operates within the geographic area of a local or regional trauma agency* shall conduct an in-depth evaluation of all applications found acceptable in the provisional review. *The local or regional trauma agency shall conduct an in-depth evaluation of the application and shall submit comments and recommendations to the department no later than the close of business of June 1. The department shall consider in its review of the application the comments and recommendations submitted by the local or regional trauma agency. If the department makes a finding of fact or determination regarding the application which is counter to the comments and recommendations submitted by the local or regional trauma agency, the department shall provide in writing its reasons for its findings, item by item, to the local or regional trauma agency.* The applications shall be evaluated against criteria enumerated in the application packages as provided to the hospitals by the department.

Section 15. Paragraphs (a), (b), and (c) of subsection (6) of section 395.403, Florida Statutes, are amended to read:

395.403 Reimbursement of state-sponsored trauma centers.—

(6)(a) To ensure a fair distribution of funds appropriated for state-sponsored trauma centers and to ensure that no state-sponsored trauma center gains an unfair advantage due solely to its ability to bill more quickly than another state-sponsored trauma center, the total amount of state funds appropriated in the General Appropriations Act for this section shall be divided into 19 trauma fund accounts with an account for each service area established in s. 395.402~~(3)~~. The amount of funds distributed to a service area shall be based on the following formula:

$$SAAA = \frac{SATD}{TTD} \times TA$$

where:

SAAA = service area appropriation amount.

SATD = uncompensated service area trauma days with ISS score of 9 or greater.

TTD = uncompensated total trauma days with ISS score of 9 or greater for all 19 service areas.

TA = total dollars appropriated for state-sponsored trauma centers.

(b) The database to be used for this calculation shall be the detailed patient discharge data of the most recently completed calendar year for which the *agency* ~~board~~ possesses data. Out-of-state days that are included in the database shall be allocated to the service area where the treating hospital is located.

(c) Fifty percent of the funds allocated to those service areas which had one or more trauma centers as of December 1, 1989, shall be distributed to those verified trauma centers proportionately based on volume and acuity of uncompensated trauma care provided during the most recently completed calendar year for which the *agency* ~~board~~ possesses data in a lump-sum payment on the date funding becomes available. These trauma centers shall submit claims pursuant to subsection (3) in order to justify this funding. Effective 9 months after funding becomes available, any trauma center which fails to submit claims for reimbursement equal to or greater than the amount the trauma center received

under the initial allocation shall return any unearned funds to the department for distribution pursuant to paragraph (e). Once this 50-percent lump sum is depleted, a trauma center will be reimbursed from the remaining 50 percent of the service area's original allocation.

Section 16. *Within 60 days after the effective date of this act, the Department of Health and Rehabilitative Services shall convene a task force on pediatric trauma. Task force members, which shall be appointed by the department, shall include representatives of health care facilities, emergency medical services providers, and health care practitioners, all with special expertise or experience in the area of pediatric trauma care; representatives from local and regional trauma agencies and health planning councils; and representatives from the Department of Health and Rehabilitative Services' Children's Medical Services Program Office. Representatives from the Agency for Health Care Administration with special expertise in health planning, hospital regulation, and children's health care shall be appointed by the Agency for Health Care Administration. Consistent with its state planning requirements as provided in s. 395.4015, Florida Statutes, the department is directed to establish a planning document for pediatric trauma and submit such document to the chairpersons of the health care and appropriations committees of each chamber of the Legislature by December 1, 1997. Such planning document shall address the establishment of minimum pediatric trauma patient case number planning guidelines and shall consider other factors relevant to the planning of pediatric trauma. Such factors shall include, at a minimum:*

(1) The injury severity level for which pediatric trauma care is required.

(2) A proposal for a minimum patient care number planning guideline which shall include consideration of geographic factors, relative population density of urban and rural areas, and other factors ensuring adequate geographic access to care.

(3) A proposal for a minimum number or number range of pediatric trauma cases which should be used as a pediatric trauma planning guideline. Such number should consider the number of pediatric trauma cases which should be treated at a pediatric trauma referral center in order to maintain skill proficiencies consistent with high-quality outcomes; to contribute to teaching, research, and education; and to ensure training of future pediatric trauma physicians and other pediatric trauma professional specialists.

(4) The acceptable range of elapsed time between pediatric trauma injury occurrence and the provision of definitive care. Such range shall consider appropriate travel times from accident location to arrival at a pediatric trauma referral center and appropriate interfacility transfer times between nonpediatric trauma facilities and pediatric trauma referral centers.

(5) The existing level of facility resources available throughout the state relative to pediatric trauma care.

(6) The appropriate distribution of pediatric referral centers relative to adult trauma centers throughout the state.

Members of the task force, excluding state employees, shall serve without compensation and without reimbursement for travel expenses. The activities of the task force shall be accomplished within existing resources and appropriations.

Section 17. *This act shall not affect any cases pending before the Division of Administrative Hearings of the Department of Management Services, or any court in this state, on March 1, 1996.*

Section 18. Subsection (1) of section 395.604, Florida Statutes, is amended to read:

395.604 Other rural hospital programs.—

(1) The agency may license rural primary care hospitals subject to federal approval for participation in the Medicare and Medicaid programs. Rural primary care hospitals shall be treated in the same manner as emergency care hospitals and rural hospitals with respect to ss. 395.605(2)-(8)(a), 408.033*(2)*~~(3)~~(b)3., and 408.038.

Section 19. Subsection (6) of section 395.605, Florida Statutes, is amended to read:

395.605 Emergency care hospitals.—

(6) The *agency* ~~board~~ shall treat emergency care hospitals in the same manner as hospitals defined in s. 408.07.

Section 20. Paragraph (b) of subsection (1) and subsection (4) of section 395.701, Florida Statutes, are amended to read:

395.701 Annual assessments on net operating revenues to fund public medical assistance; administrative fines for failure to pay assessments when due.—

(1) For the purposes of this section, the term:

~~(b) "Health Care Board" or "board" means the Health Care Board created by s. 20.42.~~

(4) The purchaser, successor, or assignee of a facility subject to the *agency's* ~~board's~~ jurisdiction shall assume full liability for any assessments, fines, or penalties of the facility or its employees, regardless of when identified. Such assessments, fines, or penalties shall be paid by the employee, owner, or licensee who incurred them, within 15 days of the sale, transfer, or assignment. However, the purchaser, successor, or assignee of the facility may withhold such assessments, fines, or penalties from purchase moneys or payment due to the seller, transferor, or employee, and shall make such payment on behalf of the seller, transferor, or employee. Any employer, purchaser, successor, or assignee who fails to withhold sufficient funds to pay assessments, fines, or penalties arising under the provisions of chapter 408 shall make such payments within 15 days of the date of the transfer, purchase, or assignment. Failure by the transferee to make payments as provided in this subsection shall subject such transferee to the penalties and assessments provided in chapter 408. Further, in the event of sale, transfer, or assignment of any facility under the *agency's* ~~board's~~ jurisdiction, future assessments shall be based upon the most recently available prior year report or audited actual experience for the facility. It shall be the responsibility of the new owner or licensee to require the production of the audited financial data for the period of operation of the prior owner. If the transferee fails to obtain current audited financial data from the previous owner or licensee, the new owner shall be assessed based upon the most recent year of operation for which 12 months of audited actual experience are available or upon a reasonable estimate of 12 months of full operation as calculated by the *agency* ~~board~~.

Section 21. Subsection (3) of section 395.806, Florida Statutes, is amended to read:

395.806 Designation of family practice teaching hospitals.—

~~(3) The agency shall create a separate review category for family practice teaching hospitals for the purpose of review by the Health Care Board.~~

Section 22. Paragraph (e) of subsection (1) of section 400.702, Florida Statutes, is amended to read:

400.702 Development of intermediate care facilities.—

(1) The Department of Health and Rehabilitative Services is directed to issue a request for proposals, pursuant to the provisions of chapter 287, for a pilot program of intermediate-level care facilities. The development of intermediate-level care facilities under this pilot program shall be limited to four projects in geographic locations distributed in the south, north, and central part of the state and shall not exceed a total of 120 beds in each location. None of the projects may accept residents prior to July 1, 1990. The intermediate-level care facilities shall:

(e) Be licensed as a nursing home pursuant to part II and ss. 408.061~~,~~ ~~408.08,~~ and 408.20, except that the department is given the authority to waive any requirement that unnecessarily restricts the development of intermediate care facilities, provided such waiver does not contravene federal or state law. The department shall, however, ensure that the health and safety of residents of intermediate care facilities are adequately protected.

Section 23. Paragraphs (b) and (g) of subsection (1) and subsections (3) and (4) of section 408.033, Florida Statutes, are amended to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(b) Each local health council may:

1. Develop a district or regional area health plan that is consistent with the objectives and strategies in the state health plan, but that shall permit each local health council to develop strategies and set priorities for implementation based on its unique local health needs. The district or regional area health plan must contain preferences for the development of health services and facilities, which may be considered by the agency in its review of certificate-of-need applications. The district health plan shall be submitted to the agency and updated periodically. The district health plans shall use a uniform format and be submitted to the agency according to a schedule developed by the agency in conjunction with ~~the Statewide Health Council and~~ the local health councils. The schedule must provide for coordination between the development of the state health plan and the district health plans and for the development of district health plans by major sections over a multiyear period. The elements of a district plan which are necessary to the review of certificate-of-need applications for proposed projects within the district may be adopted by the agency as a part of its rules.

2. Advise the agency on health care issues and resource allocations.

3. Promote public awareness of community health needs, emphasizing health promotion and cost-effective health service selection.

4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.

5. Monitor the onsite construction progress, if any, of certificate-of-need approved projects and report council findings to the agency on forms provided by the agency.

6. Advise and assist any regional planning councils within each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.

7. Advise and assist local governments within each district on the development of an optional health plan element of the comprehensive plan provided in chapter 163, to assure compatibility with the health goals and policies in the State Comprehensive Plan and district health plan. To facilitate the implementation of this section, the local health council shall annually provide the local governments in its service area, upon request, with:

a. A copy and appropriate updates of the district health plan;

b. A report of hospital and nursing home utilization statistics for facilities within the local government jurisdiction; and

c. Applicable agency rules and calculated need methodologies for health facilities and services regulated under s. 408.034 for the district served by the local health council.

8. Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of local, state, federal, and private funds distributed to meet the needs of the medically indigent and other underserved population groups.

9. In conjunction with the *agency* ~~Department of Health and Rehabilitative Services and Statewide Health Council~~, plan for services at the local level for persons infected with the human immunodeficiency virus.

10. Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals, objectives, and policies adopted by the local health council.

11. Provide the agency with data required by rule for the review of certificate-of-need applications and the projection of need for health services and facilities in the district.

(g) Each local health council is authorized to accept and receive, in furtherance of its health planning functions, funds, grants, and services from governmental agencies and from private or civic sources and to perform studies related to local health planning in exchange for such funds, grants, or services. Each local health council shall, no later than January 30 of each year, render an accounting of the receipt and disbursement of such funds received by it to the agency. The agency shall consolidate all such reports and submit such consolidated report to the Legislature no later than March 1 of each year. Funds received by a local health council pursuant to this paragraph shall not be deemed to be a substitute for, or an offset against, any funding provided pursuant to subsection *(2)*~~(3)~~.

(2)~~(3)~~ FUNDING.—

(a) The Legislature intends that the cost of local health councils ~~and the Statewide Health Council~~ be borne by application fees for certificates of need and by assessments on selected health care facilities subject to facility licensure by the agency ~~for Health Care Administration~~, including abortion clinics, assisted living facilities, ambulatory surgical centers, birthing centers, clinical laboratories except community nonprofit blood banks, home health agencies, hospices, hospitals, intermediate care facilities for the developmentally disabled, nursing homes, and multiphasic testing centers and by assessments on organizations subject to certification by the agency pursuant to chapter 641, part III, including health maintenance organizations and prepaid health clinics.

(b)1. A hospital licensed under chapter 395, a nursing home licensed under chapter 400, and an assisted living facility licensed under chapter 400 shall be assessed an annual fee based on number of beds.

2. All other facilities and organizations listed in paragraph (a) shall each be assessed an annual fee of $150.

3. Facilities operated by the Department of Health and Rehabilitative Services or the Department of Corrections and any hospital which meets the definition of rural hospital pursuant to s. 395.602 are exempt from the assessment required in this subsection.

(c)1. The agency shall, by rule, establish fees for hospitals and nursing homes based on an assessment of $2 per bed. However, no such facility shall be assessed more than a total of $500 under this subsection.

2. The agency shall, by rule, establish fees for assisted living facilities based on an assessment of $1 per bed. However, no such facility shall be assessed more than a total of $150 under this subsection.

3. The agency shall, by rule, establish an annual fee of $150 for all other facilities and organizations listed in paragraph (a).

(d) The agency shall, by rule, establish a facility billing and collection process for the billing and collection of the health facility fees authorized by this subsection.

(e) A health facility which is assessed a fee under this subsection is subject to a fine of $100 per day for each day in which the facility is late in submitting its annual fee up to maximum of the annual fee owed by the facility. A facility which refuses to pay the fee or fine is subject to the forfeiture of its license.

(f) The agency shall deposit in the Health Care Trust Fund all health care facility assessments that are assessed under this subsection and proceeds from the certificate-of-need application fees which are sufficient to maintain the aggregate funding level for the local health councils ~~and the Statewide Health Council~~ as specified in the General Appropriations Act. The remaining certificate-of-need application fees shall be used only for the purpose of administering the Health Facility and Services Development Act.

(3)~~(4)~~ DUTIES AND RESPONSIBILITIES OF THE *AGENCY* ~~DEPARTMENT~~.—

(a) The *agency* ~~department~~, in conjunction with ~~the Statewide Health Council and~~ the local health councils, is responsible for the planning of all health care services in the state ~~and for assisting the Statewide Health Council in the preparation of the state health plan~~.

(b) The *agency* ~~department~~ shall develop and maintain a comprehensive health care database for the purpose of health planning and for certificate-of-need determinations. The *agency* ~~department~~ or its contractor is authorized to require the submission of information from health facilities, health service providers, and licensed health professionals which is determined by the *agency* ~~department~~, through rule, to

be necessary for meeting the *agency's* ~~department's~~ responsibilities as established in this section.

(c) The *agency* ~~department~~ shall assist personnel of the local health councils in providing an annual orientation to council members about council member responsibilities.

(d) The *agency* ~~department~~ shall contract with the local health councils for the services specified in subsection (1). All contract funds shall be distributed according to an allocation plan developed by the *agency* ~~department~~ that provides for a minimum and equal funding base for each local health council. Any remaining funds shall be distributed based on adjustments for workload. The *agency* ~~department~~ may also make grants to or reimburse local health councils from federal funds provided to the state for activities related to those functions set forth in this section. The *agency* ~~department~~ may withhold funds from a local health council or cancel its contract with a local health council which does not meet performance standards agreed upon by the *agency* ~~department~~ and local health councils.

Section 24. Section 408.038, Florida Statutes, is amended to read:

408.038 Fees.—The department shall assess fees on certificate-of-need applications. Such fees shall be for the purpose of funding ~~the Statewide Health Council,~~ the functions of the local health councils, and the activities of the department and shall be allocated as provided in s. 408.033. The fee shall be determined as follows:

(1) A minimum base fee of $5,000.

(2) In addition to the base fee of $5,000, 0.015 of each dollar of proposed expenditure, except that a fee may not exceed $22,000.

Section 25. Paragraph (b) of subsection (4) of section 408.039, Florida Statutes, is amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(4) STAFF RECOMMENDATIONS.—

(b) Within 60 days after all the applications in a review cycle are determined to be complete, the department shall issue its State Agency Action Report and Notice of Intent to grant a certificate of need for the project in its entirety, to grant a certificate of need for identifiable portions of the project, or to deny a certificate of need. The State Agency Action Report shall set forth in writing its findings of fact and determinations upon which its decision is based. If a finding of fact or determination by the department is counter to the district plan of the local health council, the department shall provide in writing its reason for its findings, item by item, to the local health council ~~and the Statewide Health Council~~. If the department intends to grant a certificate of need, the State Agency Action Report or the Notice of Intent shall also include any conditions which the department intends to attach to the certificate of need. The department shall designate by rule a senior staff person, other than the person who issues the final order, to issue State Agency Action Reports and Notices of Intent.

Section 26. Subsection (4) is added to section 408.040, Florida Statutes, to read:

408.040 Conditions and monitoring.—

(4) It is the intent of the Legislature that the Agency for Health Care Administration shall develop and implement a health planning strategy to phase down the conditions relating to the percentage of Medicaid nursing home beds on both approved and existing nursing homes which are considered by the agency in awarding certificates of need.

Section 27. Subsection (1) of section 408.0455, Florida Statutes, is amended to read:

408.0455 Effect of ss. 408.031-408.045; rules; health councils and plans; pending proceedings.—

(1) Nothing contained in ss. 408.031-408.045 is intended to repeal or modify any of the existing rules of the Department of Health and Rehabilitative Services, which shall remain in effect and shall be enforceable by the Agency for Health Care Administration; the existing composition of the local health councils ~~and the Statewide Health Council~~; or the state health plan; or any of the local district health plans, unless, and only to the extent that, there is a direct conflict with the provisions of ss. 408.031-408.045.

Section 28. Subsection (1) of section 408.07, Florida Statutes, is amended to read:

408.07 Definitions.—As used in this chapter, with the exception of ss. 408.031-408.045, the term:

(1) "Accepted" means that the *agency* ~~board~~ has found that a report or data submitted by a health care facility or a health care provider contains all schedules and data required by the *agency* ~~board~~ and has been prepared in the format specified by the *agency* ~~board~~, and otherwise conforms to applicable rule or Florida Hospital Uniform Reporting System manual requirements regarding reports in effect at the time such report was submitted, and the data are mathematically reasonable and accurate.

Section 29. Section 408.40, Florida Statutes, is amended to read:

408.40 ~~Budget review proceedings;~~ Duty of Public Counsel.—

(1) Notwithstanding any other provisions of this chapter, it shall be the duty of the Public Counsel to represent the general public of the state in any proceeding before the agency or its advisory panels in any administrative hearing conducted pursuant to the provisions of chapter 120 or before any other state and federal agencies and courts in any issue before the agency, any court, or any agency. With respect to any such proceeding, the Public Counsel is subject to the provisions of and may utilize the powers granted to him by ss. 350.061-350.0614.

(2) The Public Counsel shall:

(a) Recommend to the agency, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the agency and urge therein any position which he deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the agency, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the agency which shall be reviewable by summary procedure in the circuit courts of this state.

(b) Have access to and use of all files, records, and data of the agency available to any other attorney representing parties in a proceeding before the agency.

(c) In any proceeding in which he has participated as a party, seek review of any determination, finding, or order of the agency, or of any hearing examiner designated by the agency, in the name of the state or its citizens.

(d) Prepare and issue reports, recommendations, and proposed orders to the agency, the Governor, and the Legislature on any matter or subject within the jurisdiction of the agency, and to make such recommendations as he deems appropriate for legislation relative to agency procedures, rules, jurisdiction, personnel, and functions.

(e) Appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the agency, in the name of the state or its citizens.

Section 30. Paragraph (c) of subsection (12) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(c) Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance provided by any hospital or other health care provider, ambulatory surgical center, work-hardening program, or pain program, must not exceed the amounts provided by the uniform schedule of maximum reimbursement allowances as determined by the panel or as otherwise provided in this section. This subsection also applies to independent medical examinations performed by health care providers under this chapter. Until the

three-member panel approves a uniform schedule of maximum reimbursement allowances and it becomes effective, all compensable charges for treatment, care, and attendance provided by physicians, ambulatory surgical centers, work-hardening programs, or pain programs shall be reimbursed at the lowest maximum reimbursement allowance across all 1992 schedules of maximum reimbursement allowances for the services provided regardless of the place of service. In determining the uniform schedule, the panel shall first approve the data which it finds representative of prevailing charges in the state for similar treatment, care, and attendance of injured persons. Each health care provider, health care facility, ambulatory surgical center, work-hardening program, or pain program receiving workers' compensation payments shall maintain records verifying their usual charges. In establishing the uniform schedule of maximum reimbursement allowances, the panel must consider:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;

2. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the availability of treatment, care, and attendance required by injured workers; *and*

3. The financial impact of the reimbursement allowances upon health care providers and health care facilities, including trauma centers as defined in s. 395.401, and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance. The uniform schedule of maximum reimbursement allowances must be reasonable, must promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and must be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers.~~; and~~

~~4. The most recent average maximum allowable rate of increase for hospitals determined by the Health Care Board under chapter 408.~~

Section 31. Paragraph (b) of subsection (3) of section 468.302, Florida Statutes, is amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(3)

(b) A basic X-ray machine operator or basic X-ray machine operator-podiatry may not practice radiologic technology in ~~walk-in emergency centers,~~ freestanding breast clinics, freestanding cancer clinics, state mental hospitals, state correctional institutions, or in any facility regulated under chapter 390, chapter 392, chapter 393, chapter 394, or chapter 641. For a facility licensed under chapter 395, a basic X-ray machine operator may only perform the procedures specified in paragraph (a) in a hospital with a capacity of 150 beds or less. If such a hospital has or acquires radiographic or fluoroscopic equipment other than general diagnostic radiographic and general fluoroscopic equipment, that hospital shall keep a record documenting which personnel performed each radiographic or fluoroscopic procedure.

Section 32. Section 641.217, Florida Statutes, is created to read:

641.217 Minority recruitment and retention plans required.—

(1) Any entity contracting with the Agency for Health Care Administration to provide health care services to Medicaid recipients or state employees on a prepaid or fixed-sum basis must submit to the Agency for Health Care Administration the entity's plan for recruitment and retention of health care practitioners who are minorities as defined in s. 288.703(3). The plan must demonstrate an ability to recruit and retain minorities which shall include, but is not limited to, the following efforts:

(a) Establishing and maintaining contacts with various organizations representing the interests and concerns of minority constituencies to seek advice and assistance.

(b) Identifying and recruiting at colleges and universities which primarily serve minority students.

(c) Reviewing and analyzing the organization's workforce as to minority representation.

(d) Other factors identified by the Agency for Health Care Administration by rule.

(2) The Agency for Health Care Administration may not contract with such an entity until the agency has received and approved the entity's plan required in subsection (1). Failure to implement the plan as approved shall constitute grounds for the suspension or termination of the entity's contract with the agency.

(Renumber subsequent section)

And the title is amended as follows:

On page 1, line 18 through page 3, line 24, delete all of said lines and insert: Legislature; repealing s. 110.1125, F.S., relating to a state agency duty to provide information to employees regarding human immunodeficiency virus infection and acquired immune deficiency syndrome; repealing s. 395.403(9), F.S., relating to review of hospital budgets; repealing ss. 408.0014 and 409.7015, F.S., relating to the "Florida Health Access Corporation Act"; repealing s. 408.003, F.S., relating to appointment of the Health Care Board; repealing ss. 408.004, 408.005, 408.006, and 408.01, F.S., relating to the Florida Health Plan; repealing s. 408.033(2), F.S., relating to the Statewide Health Council; repealing ss. 408.07(7), (9), (11), (12), (22), (37), and (45), 408.072, 408.08(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12), and 408.085, F.S., relating to review of hospital budgets; repealing ss. 408.50 and 945.603(8), F.S., relating to prospective payment arrangements; repealing ss. 408.90, 408.901, 408.902, 408.903, 408.904, 408.905, 408.906, 408.907, and 408.908, F.S., relating to the MedAccess program; repealing ss. 483.601, 483.610, 483.611, 483.612, 483.613, 483.614, 483.615, 483.616, 483.617, 483.618, 483.619, 483.620, 483.621, 483.622, 483.623, and 483.624, F.S., relating to the "Cholesterol Screening Center Licensure Act"; amending s. 20.42, F.S.; deleting reference to Florida Health Plan, hospital budget review, state and local health planning, and the Health Care Board; amending ss. 154.304, 395.401, 395.403, 395.605, 395.701, 395.806, 408.07, and 440.13, F.S., to conform provisions to repeal of the Health Care Board; amending ss. 186.003, 186.503, 240.5121, 395.604, 408.033, 408.038, 408.039, and 408.0455, F.S., to conform provisions to repeal of the Statewide Health Council; amending ss. 240.4076 and 400.702, F.S.; correcting cross references; amending s. 395.0163, F.S.; providing exemptions from construction inspections and investigations by the Agency for Health Care Administration for certain facilities; providing exceptions; amending s. 395.402, F.S.; providing legislative recognition of pediatric trauma referral centers; prescribing the number and types of patients to be treated at such centers; amending s. 395.4025, F.S.; providing for selection of state-approved trauma centers; requiring the formation of a task force on pediatric trauma; providing membership and duties and responsibilities; requiring a report to the Legislature; excluding the applicability of this act to certain cases; amending s. 408.040, F.S.; requiring the Agency for Health Care Administration to reduce certificate of need Medicaid conditions relating to nursing home beds; amending s. 408.40, F.S.; deleting reference to budget review proceedings of the Public Counsel; amending s. 468.302, F.S.; authorizing a basic X-ray machine operator or basic X-ray machine operator-podiatry to practice in walk-in emergency centers; creating s. 641.217, F.S.; requiring certain entities which contract with the Agency for Health Care Administration to submit minority recruitment and retention plans; providing standards; providing a penalty;

On motion by Senator Bronson, the Senate refused to concur in the House amendment to **SB 590** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 624, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 624—A bill to be entitled An act relating to enterprise zones; providing that certain employees hired after January 1, 1995, may be considered "new employees" for purposes of enterprise zone sales tax and corporate income tax credits; providing an effective date.

House Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. For any transaction or period prior to July 1, 1997, "telecommunications service," as defined in section 203.012(5), Florida Statutes, shall not include "computer exchange service," as defined in section 203.012(6), Florida Statutes. No tax shall be imposed, assessed, or collected pursuant to chapter 166, chapter 203, or chapter 212, Florida Statutes, with respect to charges for or receipts from Internet access service, electronic mail service, or electronic bulletin board service for any transaction or period prior to July 1, 1997. Nothing in this section shall be construed as an expression of legislative intent as to the applicability of any tax to any service under laws in effect subsequent to July 1, 1997. This section shall take effect upon this act becoming a law.

Section 2. (1) The Florida Communications Tax Policy Commission is hereby created to serve beginning 30 days after the effective date of this section through June 30, 1997.

(2)(a)1. The commission shall be composed of the following eighteen members, who shall be appointed within 30 days after the effective date of this section:

a. Eight members selected by the Governor, none of whom shall be a member of the Legislature at the time of appointment, as follows: one representative of the Florida education community; one representative of local exchange telecommunications companies; one representative of cable television companies; one representative of interexchange telecommunications companies; one representative of on-line services providers; one representative of Internet access providers; one representative of companies that have major programs in communications and information networks and technologies; and one person who shall represent the general consuming public.

b. Four members selected by the Speaker of the House of Representatives, as follows: one member of the majority party and one member of the minority party in the House of Representatives, one representative of municipalities, and one representative of business users of communications technologies and services which are provided through the use of such technologies.

c. Four members selected by the President of the Senate, as follows: one member of the majority party and one member of the minority party in the Senate; one representative of counties; and one representative of wireless communications companies.

d. The chair of the Florida Public Service Commission or the chair's designee.

e. The executive director of the Florida Department of Revenue or the executive director's designee.

2. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

3. All state agencies are directed to cooperate and assist the commission to the fullest extent possible. All local governments are encouraged to assist and cooperate with the commission as necessary.

(b)1. The Joint Legislative Management Committee is authorized to employ technical support and to incur expenses related to the official duties of the commission and to expend funds appropriated to the committee for carrying out the official duties of the commission.

2. Commission members shall not receive remuneration for their services but shall be reimbursed by the Joint Legislative Management Committee for travel and per diem expenses in accordance with section 112.061, Florida Statutes.

(3)(a) The commission shall act as an advisory and recommendatory body to the Governor and the Legislature.

(b) The commission shall convene its initial meeting within 60 days of the effective date of this section. At its initial meeting, the commission shall select a chair and shall adopt rules of procedure. Thereafter, the commission shall convene at the call of the chair.

(c) The commission shall study:

1. The effects of changes in communications technologies and in services which are provided through the use of such technologies, as they relate to state and local taxation of the same.

2. The effects of state and federal regulatory changes related to communications technologies and to services which are provided through the use of such technologies, as they relate to state and local taxation of the same.

3. The extent to which a favorable tax climate for businesses that provide or utilize communications technologies or services which are provided through the use of such technologies is likely to attract them to the state, and the impact of taxation on the ability of such businesses to compete, grow, and prosper.

4. The ability of providers of communications technologies and of services which are provided through the use of such technologies to perform administrative functions associated with complying with tax requirements, and the costs of such administration.

5. The extent to which the application of a tax on communications technologies and on services which are provided through the use of such technologies may be avoided by businesses without an instate presence, placing businesses with Florida property or employees at a competitive disadvantage.

6. The impact of taxation of communications technologies and of services which are provided through the use of such technologies on the availability and affordability of such technologies and services.

7. The impact of taxation of communications technologies and of services which are provided through the use of such technologies on state and local government tax revenues.

In its study of the above issues, the commission shall consider all forms of communications technologies and of services which are provided through the use of such technologies, including, but not limited to, voice, data, text, audio, and video.

(d) The commission shall formulate tax policies which take into account revenue needs, the state's business climate, and other accepted tax policy goals, including fairness, ease of administration, enforceability and compliance.

(e) The commission shall issue a report to the Governor and Legislature no later than February 1, 1997, summarizing its findings, stating its conclusions, and proposing any recommended statutory changes related to the tax laws of the state. Any recommended changes shall be designed to achieve revenue neutrality.

(4) Nothing in this section shall be construed as an expression of legislative intent as to the applicability of any tax to any service under laws in effect subsequent to July 1, 1997.

(5) This section shall take effect upon this act becoming a law.

Section 3. (1) There is hereby appropriated to the Joint Legislative Management Committee from the General Revenue Fund the sum of $350,000 to be used for the Florida Communications Tax Policy Commission.

(2) This section shall take effect upon this act becoming a law.

Section 4. Effective upon this act becoming a law, subsection (5) of section 203.01, Florida Statutes, is amended to read:

203.01 Tax on gross receipts for utility services.—

(5) The tax imposed pursuant to this part relating to the provision of any utility services at the option of the person supplying the taxable services may be separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of such taxable services and, *when separately stated, the tax becomes part of the total charge for the utility service* ~~may be added as a component part of the total charge~~. Whenever a provider of taxable services elects to separately state such tax as a component of the charge for the provision of such taxable services, every person, including all governmental units, shall remit the tax to the person who provides such taxable services as a part of the total bill, and the tax is a component part of the debt of the purchaser to the person who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as any other part of the charge for such taxable services. For a utility, the decision to separately state any increase in the rate of tax imposed by this part which is effective after December 31, 1989, and the ability to

recover the increased charge from the customer shall not be subject to regulatory approval.

Section 5. Effective upon this act becoming a law, paragraph (e) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(e)1. At the rate of *7* ~~6~~ percent on *the total charge* ~~charges~~ for:

a. ~~All telegraph messages and long distance telephone calls beginning and terminating in this state,~~ Telecommunication service as defined in s. 203.012, and those services described in s. 203.012(2)(a). *The tax shall be applied to the total charge for each individual message, call, or other segment or component of telecommunication service for which a customer is charged*~~, except that the tax rate for charges for telecommunication service is 7 percent~~.

b. Electrical power or energy.

2. At the rate of 6 percent on charges for:

a.~~b.~~ Any television system program service.

b.~~c.~~ The installation of telecommunication and telegraphic equipment.

~~d. Electrical power or energy, except that the tax rate for charges for electrical power or energy is 7 percent.~~

3.~~2.~~ For purposes of this part, "television system program service" means the transmitting, by any means, of any audio or video signal to a subscriber for other than retransmission, or the installing, connecting, reconnecting, disconnecting, moving, or changing of any equipment related to such service. For purposes of this part, the term "telecommunication service" does not include local service provided through a pay telephone. The provisions of s. 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, shall be equally applicable to any tax paid under the provisions of this section on charges for telecommunication or telegraph services or electric power subsequently found to be uncollectible. The word "charges" in this paragraph does not include any excise or similar tax levied by the Federal Government, any political subdivision of the state, or any municipality upon the purchase or sale of telecommunication, television system program, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

4.~~3.~~ Telegraph messages and telecommunication services which originate or terminate in this state, other than interstate private communication services, and are billed to a customer, telephone number, or device located within this state are taxable under this paragraph. Interstate private communication services are taxable under this paragraph as follows:

a. One hundred percent of the charge imposed at each channel termination point within this state;

b. One hundred percent of the charge imposed for the total channel mileage between each channel termination point within this state; and

c. The portion of the interstate interoffice channel mileage charge as determined by multiplying said charge times a fraction, the numerator of which is the air miles between the last channel termination point in this state and the vertical and horizontal coordinates, 7856 and 1756, respectively, and the denominator of which is the air miles between the last channel termination point in this state and the first channel termination point outside this state. The denominator of this fraction shall be adjusted, if necessary, by adding the numerator of said fraction to similarly determined air miles in the state in which the other channel termination point is located, so that the summation of the apportionment factor for this state and the apportionment factor for the other state is not greater than one, to ensure that no more than 100 percent of the interstate interoffice channel mileage charge can be taxed by this state and another state.

5.~~4.~~ The tax imposed pursuant to this paragraph shall not exceed $50,000 per calendar year on charges to any person for interstate telecommunications services defined in s. 203.012(4) and (7)(b), if the majority of such services used by such person are for communications originating outside of this state and terminating in this state. This exemption shall only be granted to holders of a direct pay permit issued pursuant to this subparagraph. No refunds shall be given for taxes paid prior to receiving a direct pay permit. Upon application, the department may issue a direct pay permit to the purchaser of telecommunications services authorizing such purchaser to pay tax on such services directly to the department. Any vendor furnishing telecommunications services to the holder of a valid direct pay permit shall be relieved of the obligation to collect and remit the tax on such service. Tax payments and returns pursuant to a direct pay permit shall be monthly. For purposes of this subparagraph, the term "person" shall be limited to a single legal entity and shall not be construed as meaning a group or combination of affiliated entities or entities controlled by one person or group of persons. For purposes of this subparagraph, for calendar year 1986, the term "calendar year" means the last 6 months of 1986.

6.~~5.~~ If the sale of a television system program service, as defined in this paragraph, also involves the sale of an item exempt under s. 212.08(7)(j), the tax shall be applied to the value of the taxable service when it is sold separately. If the company does not offer this service separately, the consideration paid shall be separately identified and stated with respect to the taxable and exempt portions of the transaction as a condition of the exemption, except that the amount identified as taxable shall not be less than the cost of the service.

Section 6. (1) It is the intent of the Legislature that the amendments by this act to sections 203.01(5) and 212.05(1)(e), Florida Statutes, are remedial and are intended to clarify existing law.

(2) This section shall take effect upon this act becoming a law.

Section 7. (1) Effective upon this act becoming a law, paragraph (n) of subsection (3) of section 125.0104, Florida Statutes, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(n)1. In addition to any other tax which is imposed pursuant to this section, a high tourism impact county may impose an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by extraordinary vote of the governing board of the county.

2. In addition to any other tax which is imposed pursuant to this section, a high tourism impact county which imposes the tax authorized by subparagraph 1. and which qualifies as a high tourism impact county under subparagraph 4. because it had sales subject to the tax levied pursuant to this section that were at least 18 percent of the county's total taxable sales under chapter 212, and the sales subject to the tax levied pursuant to this section were a minimum of $200 million, but which is not authorized to levy the tax under s. 125.0108, may impose an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by ordinance adopted by the governing board of the county.

3. The tax revenues received pursuant to *subparagraphs 1. and 5.* ~~this paragraph~~ shall be used for one or more of the authorized uses pursuant to subsection (5). *The tax revenues received pursuant to subparagraph 2. shall be used for the purpose of financing, acquiring, constructing, maintaining, marketing, and operating a publicly owned convention center, and to pay any other cost associated with a convention center. The tax revenues received pursuant to subparagraph 2. shall not be used for a professional sports franchise facility.*

4.~~2.~~ A county is considered to be a high tourism impact county after the Department of Revenue has certified to such county that the sales subject to the tax levied pursuant to this section exceeded $600 million during the previous calendar year, or were at least 18 percent of the county's total taxable sales under part I of chapter 212 where the sales

subject to the tax levied pursuant to this section were a minimum of $200 million, except that no county authorized to levy a convention development tax pursuant to s. 212.0305 shall be considered a high tourism impact county. Once a county qualifies as a high tourism impact county, it shall retain this designation for the period the tax is levied pursuant to this paragraph.

5. In addition to any other tax which is imposed pursuant to this section, a county that is contiguous to a high tourism impact county, and to which the Department of Revenue has certified that the county's sales subject to the tax levied pursuant to this section exceeded $25 million but were less than $50 million during the previous calendar year, may impose an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by extraordinary vote of the governing board of the county. Once a county qualifies under this subparagraph, it shall retain the authority to levy the tax authorized by this subparagraph for the period the tax is levied, as specified by ordinance.

6.~~3.~~ The provisions of paragraphs (4)(a) through (d) shall not apply to the adoption of the additional *taxes* ~~tax~~ authorized in this paragraph. The effective date of the levy and imposition of *a* ~~the~~ tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(2) *If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application. To this end, the provisions of this section are declared to be severable.*

Section 8. The Legislature finds that no taxpayer bill of rights has been prescribed for the municipal public service tax in accordance with section 25, Article I of the State Constitution. It is therefore the intent of the Legislature to improve the ability of municipalities and sellers to administer this tax at reasonable cost, to ensure that sellers are furnished the information necessary to remit taxes collected to the correct municipality, and to prescribe a procedural framework for the administration and auditing functions. The Legislature finds that this act fulfills an important state interest. This section shall take effect upon this act becoming a law.

Section 9. Effective upon this act becoming a law, section 166.231, Florida Statutes, is amended to read:

166.231 Municipalities; public service tax.—

(1)(a) A municipality may levy a tax on the purchase of electricity, metered or bottled gas (natural liquefied petroleum gas or manufactured), and water service. The tax shall be levied only upon purchases within the municipality and shall not exceed 10 percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service. Municipalities imposing a tax on the purchase of cable television service as of May 4, 1977, may continue to levy such tax to the extent necessary to meet all obligations to or for the benefit of holders of bonds or certificates which were issued prior to May 4, 1977.

(b) The tax imposed by paragraph (a) shall not be applied against any fuel adjustment charge, and such charge shall be separately stated on each bill. The term "fuel adjustment charge" means all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility subsequent to October 1, 1973.

(2) Services competitive with those enumerated in subsection (1) or subsection *(8)* ~~(9)~~, as defined by ordinance, shall be taxed on a comparable base at the same rates. However, fuel oil shall be taxed at a rate not to exceed 4 cents per gallon. However, for municipalities levying less than the maximum rate allowable in subsection (1), the maximum tax on fuel oil shall bear the same proportion to 4 cents which the tax rate levied under subsection (1) bears to the maximum rate allowable in subsection (1).

(3) A municipality may exempt from the tax imposed by this section any amount up to, and including, the first 500 kilowatt hours of electricity purchased per month for residential use. Such exemption shall apply to each separate residential unit, regardless of whether such unit is on a separate meter or a central meter, and shall be passed on to each individual tenant.

(4)(a) The purchase of natural gas or fuel oil by a public or private utility, either for resale or for use as fuel in the generation of electricity, or the purchase of fuel oil or kerosene for use as an aircraft engine fuel or propellant or for use in internal combustion engines is exempt from taxation hereunder.

(b) A municipality may exempt from the tax imposed by this section the purchase of metered or bottled gas (natural liquefied petroleum gas or manufactured) or fuel oil for agricultural purposes. As used in this paragraph, "agricultural purposes" means bona fide farming, pasture, grove, or forestry operations, including horticulture, floriculture, viticulture, dairy, livestock, poultry, bee, and aquaculture.

(5) *Purchases by the United States Government, this state, and all counties, school districts, and municipalities of the state and public bodies exempted by law or court order shall be exempt from the tax authorized by this section.* A municipality may exempt from taxation hereunder the purchase of ~~the~~ taxable items by ~~the United States Government, this state,~~ any other public body as defined in s. 1.01, or a nonprofit corporation or cooperative association organized under chapter 617 which provides water utility services to no more than 13,500 equivalent residential units, ownership of which will revert to a political subdivision upon retirement of all outstanding indebtedness, ~~and~~ shall exempt purchases by any recognized church in this state for use exclusively for church purposes*, and shall exempt from the tax authorized in subsection (8) purchases by any religious institution possessing a consumer certificate of exemption issued pursuant to chapter 212.*

(6) The tax authorized hereunder shall be collected by the seller of the taxable item from the purchaser at the time of the payment for such service. The seller shall remit the taxes collected to the municipality in the manner prescribed by ordinance. *Except as otherwise provided in ss. 166.233 and 166.234, the seller shall be liable for taxes that are due and not remitted to the municipality. This shall not bar the seller from recovering such taxes from purchasers.*

~~(7) A municipality shall notify in writing any known seller of items taxable hereunder of any change in the boundaries of the municipality or in the rate of taxation.~~

(7)~~(8)~~(a) Beginning July 1, 1995, a municipality may by ordinance exempt not less than 50 percent of the tax imposed under this section on purchasers of electrical energy who are determined to be eligible for the exemption provided by s. 212.08(15) by the Department of Revenue. The exemption shall be administered as provided in that section. A copy of any ordinance adopted pursuant to this subsection shall be provided to the Department of Revenue not less than 14 days prior to its effective date.

(b) In the event an area that is nominated as an enterprise zone pursuant to s. 290.0055 has not yet been designated pursuant to s. 290.0065, a municipality may enact an ordinance for such exemption; however, the ordinance shall not be effective until such area designated pursuant to s. 290.0065.

(c) This subsection shall expire and be void on December 31, 2005, except that any qualified business which has satisfied the requirements of this subsection prior to December 31, 2005, shall be allowed the full benefit of the exemption allowed under this subsection as if this subsection had not expired on December 31, 2005.

(8)~~(9)~~ A municipality may levy a tax on the purchase of telecommunication services as defined in s. 203.012 as follows:

(a)1. Only upon purchases within the municipality of local telephone service as defined in s. 203.012(3) at a rate not to exceed 10 percent of the monthly recurring customer service charges, excluding public telephone charges collected on site, access charges, and any customer access line charges paid to a local telephone company; or

2. Only upon purchases within the municipality of telecommunications service which originates and terminates in this state at a rate not to exceed 7 percent of the total amount charged for any telecommunications service provided within the municipality or, if the location of the telecommunications service provided cannot be determined, the total amount billed for such telecommunications service to a telephone or

telephone number, a telecommunications number or device, or a customers' billing address located within the municipality, excluding public telephone charges collected on site, charges for any foreign exchange service or any private line service except when such services are used or sold as a substitute for any telephone company switched service or dedicated facility by which a telephone company provides a communication path, access charges, and any customer access line charges paid to a local telephone company. However, telecommunications service as defined in s. 203.012(5)(b) shall be taxed only on the monthly recurring customer service charges excluding variable usage charges.

(b) For the purpose of compensating the seller, the seller shall be allowed 1 percent of the amount of the tax collected and due to the municipality in the form of a deduction from the amount collected for remittance. The deduction shall be allowed as compensation for the keeping of records and for the collection of, and the remitting of, the tax.

~~(c) A municipality shall elect by ordinance the tax specified in subparagraph (a)1. or subparagraph (a)2., and any such election shall not be changed until after the expiration of at least 12 months after the effective date of the ordinance levying the tax specified in such subparagraph. A municipality shall notify the companies responsible for collecting such tax at least 120 days prior to such change of election.~~

~~(d) A municipality electing by ordinance the tax specified in subparagraph (a)2. shall provide to a telecommunications service provider who is responsible for collecting the tax, upon its request, a printed alphabetical listing of all street names including block numbers and street numbers for streets which cross or form municipal boundaries within the municipality for use by the provider of the telecommunications service in calculating the proper amount of tax payable to the municipality. The municipality shall be responsible for updating this listing as changes occur and for providing this information to the telecommunications service provider. The provider, in turn, shall be responsible for charging the tax only to service and billing addresses contained in this listing. The municipality shall be entitled to collect a fee not to exceed the actual cost of providing the information to the telecommunications service provider requesting it.~~

(c)~~(e)~~ A municipality may audit the records of any provider of telecommunications service taxable by such municipality, *pursuant to s. 166.234.*~~; each such provider shall provide to the municipality, upon 60 days' notice, access to all applicable records for such telecommunications service. In an audit, the telecommunications service provider shall be liable only for its taxable accounts collected corresponding to the information provided to it by the municipality.~~ However, any information received by the municipality or its agent in connection with such audit is confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(d)~~(f)~~1. If the sale of a taxable telecommunication service also involves the sale of an exempt cable television service, the tax shall be applied to the value of the taxable service when it is sold separately.

2. If the company does not offer this service separately, the consideration paid shall be separately identified and stated with respect to the taxable and exempt portions of the transaction as a condition of the exemption.

3. The amounts identified as taxable in subparagraph 2. shall not be less than the statewide average tariff rates set forth by the local exchange telecommunications companies in the tariffs filed with the Public Service Commission on January 1, 1995, and on January 1 of each year thereafter for the equivalent services subject to this section. The Public Service Commission shall publish the statewide average tariff rates annually, beginning on January 1, 1996.

4. If the total amount of municipal utility tax collected by a municipality or charter county from telecommunication services pursuant to this subsection for the period of July 1, 1995, to June 30, 1996, is less than the amount collected for the period July 1, 1994, to June 30, 1995, the municipality or charter county shall assess each company that remits such tax a pro rata share of the shortfall. The shortfall shall be prorated based on the amount of tax remitted by each company for the period July 1, 1995, to June 30, 1996, and the total amount of tax remitted for the same period. By September 1, 1996, the municipality or charter county shall certify to each company the amount of additional tax owed and the tax shall be remitted to the municipality or charter county by October 1, 1996. Provided, however, that this assessment may only be imposed if, in addition to the conditions above, a municipality or charter county has levied the applicable maximum tax rate allowed under this paragraph during the period July 1, 1995, and June 30, 1996, and has not switched between the two options allowed under subparagraph ~~(f)~~1. or subparagraph ~~(f)~~2. during the period July 1, 1995, and June 30, 1996.

(e) Purchases of local telephone service or other telecommunications service for use in the conduct of a telecommunications service for hire or otherwise for resale are exempt from the tax imposed by this subsection.

(9) A purchaser claiming an exemption pursuant to subsection (4), subsection (5), or paragraph (8)(e) shall certify to the seller that he or she qualifies for the exemption, which certification may encompass all purchases after a specified date or other multiple purchases. A seller accepting the certification required by this subsection shall be relieved of the obligation to collect and remit tax; however, no governmental body that is exempt from the tax authorized by this section shall be required to furnish such certification and no seller shall be required to collect tax from such an exempt governmental body.

Section 10. Effective upon this act becoming a law, section 166.233, Florida Statutes, is created to read:

166.233 Public service tax; effective dates; procedures for informing sellers of tax levies and related information.—

(1) As used in this section, ss. 166.231, 166.232, and 166.234:

(a) "Levy" means and includes the imposition of a tax pursuant to s. 166.231 or s. 166.232, all changes in the rate of a tax imposed under those sections, and all changes of election under s. 166.231(8)(a).

(b) The "effective date" of any levy, repeal of a levy, or update to a list required under this section means the effective date of the related obligation or change in the obligation of sellers to collect the tax; however, with respect to taxable service regularly billed on a monthly cycle basis, each levy, repeal, or update shall apply to any bill dated on or after the effective date of such event.

(c) A "seller" means a person selling service which is subject to a levy.

(d) "Department" means the Department of Revenue.

(2)(a) Every tax levy shall be adopted by ordinance, and the effective date of every levy or repeal thereof shall be a subsequent January 1, April 1, July 1, or October 1. A municipality shall notify the department of the adoption or repeal of a levy at least 120 days prior to the effective date thereof. Such notification shall be furnished on a form prescribed by the department, and shall specify the services taxed pursuant to the authority of s. 166.231 or s. 166.232, including any election under s. 166.231(8)(a), the rate of tax applied to each service, the effective date of the levy, or repeal thereof, and the name, mailing address, and telephone number of a person designated by the municipality to respond to inquiries concerning the tax. The department shall maintain this information for the purpose of responding to inquiries with respect thereto, and any person may in writing request such information from the department. For purposes of this section, a response to such person shall be considered timely if in writing and dated no later than 20 days following the receipt of such request. The department shall charge such persons a fee to recover the actual cost of maintaining and furnishing such information. The department shall have no liability for any loss of or decrease in revenue by reason of any error, omission, or untimely action which results in the nonpayment of the tax imposed by ss. 166.231 and 166.232. The provisions of this paragraph prescribing effective dates and requiring municipalities to furnish notifications to the department shall not apply with respect to taxes levied on service other than telecommunication service provided by the municipality levying the tax or by a separate utility authority, board, or commission of such municipality.

(b) The department is authorized to contract with a private entity to maintain and furnish the information described in paragraph (a); however, the department shall establish the fee charged to persons requesting that information.

(3) A municipality shall provide to any person, within 10 days following receipt of such person's written request, a copy of the ordinance adopting any levy and all amendments thereto, and shall advise such

person in writing of the types of media on which the lists described in this subsection are available, the charges, if any, for supplying the lists on each available medium, and the address to which a request for such lists should be transmitted. Within 20 days following receipt of a written request therefor accompanied by payment of the cost, the municipality shall transmit the following lists to a person requesting them:

(a) A list containing each street name, known street names aliases, street address number ranges, applicable directionals, and zip codes associated with each street name, for all street addresses located within the municipality. Where a range of street address numbers located within a municipality consists only of odd or even street numbers, the list shall specify whether the street numbers in such range are odd or even. The list shall be alphabetical, except that numbered streets shall be in numerical sequence;

(b) A list containing each postal zip code and all the city names associated therewith for all zip codes assigned to geographic areas located entirely within the municipality, inclusive of zip codes assigned to post office boxes; and

(c) A sequential list containing all post office box number ranges and the city names and zip codes associated therewith for all post office boxes located within the municipality, except that post office boxes with postal zip codes entirely within the municipality which are included on the list furnished pursuant to paragraph (b) need not be duplicated.

The lists shall be printed, except that if a list is available on another medium the municipality shall upon request furnish the list on such medium in addition to or in lieu of the printed lists. The municipality shall be responsible for updating the lists as changes occur and for furnishing this information to all sellers affected by the changes. Each update shall specify an effective date which shall be either the next ensuing January 1, April 1, July 1, or October 1; shall be furnished to sellers not less than 60 days prior to the effective date; and shall identify the additions, deletions, and other changes to the preceding version of the list. The seller shall be responsible for charging the tax only to service and billing addresses contained in lists which include all the elements required by this subsection, including lists furnished to it by a municipality without the seller's request. The municipality shall be entitled to collect a fee not to exceed the actual cost of duplicating the information furnished to the person requesting it.

(4) The obligation of a seller to collect and remit the tax for any municipality is conditioned upon the timely availability to the seller of accurate information as described in subsections (2) and (3) in the manner prescribed in those subsections. For purposes of determining the timeliness of such information, the date of a request, response, update, or other transmittal shall be the date received. If any such information is not furnished to a seller in timely fashion, any related obligation to collect and remit tax shall be suspended during the period of delay, except that:

(a) If a request for information described in subsection (2) or subsection (3) precedes the date on which a municipality is required to furnish notification to the department as prescribed in subsection (2), the lack of a timely response to such request shall not affect the seller's obligation to collect and remit tax for that municipality.

(b) If a seller is properly collecting and remitting tax with respect to a taxable service from customers within a municipality as of the date of any request for information under subsection (2) or subsection (3), the lack of a timely response to such request shall not affect the seller's obligation to continue collecting and remitting the tax levied on the same service from the same customers.

(c) If a failure to furnish timely information pursuant to subsection (2) or subsection (3) causes a delay in a seller's receipt of a list or update required by subsection (3) to a date less than 60 days before the effective date of a levy or update, the obligation to collect and remit tax pursuant thereto may not commence until the next subsequent January 1, April 1, July 1, or October 1.

(5) If it is determined from lists furnished pursuant to subsection (3) that more than one municipality claims the same address or group of addresses, the seller shall notify the municipalities affected within 60 days. Upon resolution of the competing claims, the affected municipalities shall furnish the seller with a signed agreement describing the resolution. The seller shall begin collecting and remitting tax pursuant to the agreement as of the next ensuing January 1, April 1, July 1, or October 1 which is at least 60 days subsequent to receipt of the signed agreement by the seller. Prior to such date, the seller shall continue its prior tax treatment of charges to customers with addresses subject to competing claims. For purposes of this subsection, "prior tax treatment" means the practice of collecting and remitting or not collecting and remitting tax during periods prior to discovery of the competing claims. The seller shall have no liability to any affected municipality for amounts not collected and remitted prior to the implementation of the agreement, except to the extent that the prior tax treatment was confirmed as correct in the agreement.

Section 11. Effective upon this act becoming a law, section 166.234, Florida Statutes, is created to read:

166.234 Public service tax; administrative provisions; rights and remedies.—

(1) A municipality is authorized to audit during the seller's normal business hours the records of any seller of a service taxable by the municipality pursuant to s. 166.231 or s. 166.232, for the purpose of ascertaining the correctness of any return which has been filed or payment which has been made, provided the municipality's power to assess tax or grant a refund is not barred by the applicable limitations period. Each such seller shall provide to the municipality, upon 60 days' written notice, access to applicable records for such service, except that extensions of this 60-day period shall be granted if reasonably requested by the seller. If either the municipality or the seller requires a second extension, it shall give notice to the other no less than 60 days prior to expiration of the first extension, except in cases of bona fide emergency or waiver of the notice requirement by the other party. In an audit, the seller shall be liable only for its taxable accounts collected corresponding to the information provided to it by the municipality pursuant to s. 166.233(3). For purposes of this section, "applicable records" means records kept in the ordinary course of business which establish the collection and remittance of taxes due, including, but not limited to, the customer service or billing address, as applicable, and a detail of charges and amounts collected for such customer's service. If available on an electronic medium, such information shall be provided thereon upon request of the municipality.

(2) Each seller of services taxable under s. 166.231 or s. 166.232 shall preserve applicable records relating to such tax until expiration of the time within which the municipality may make an assessment with respect to that tax; however, no seller shall be required to retain duplicative or redundant records.

(3) Prior to any audit of a seller pursuant to subsection (1), the municipality shall, upon request of the seller, discuss with the seller the general methodology for the audit. The municipality shall prepare and furnish the seller a report of each audit, identifying the nature of any deficiency or overpayment, the amount thereof, and the manner in which such amount was determined. In addition, the municipality, upon request and no less than 45 days prior to the issuance of a determination pursuant to subsection (8), shall furnish the seller with all other information necessary to supplement the audit findings, including any computer program or software, pertaining to or utilized in the conduct of the audit and the derivation of the deficiency or overpayment. However, when the identical computer program or software utilized in the conduct of the audit is commercially available, the municipality may furnish the seller with sufficient information to enable the seller to procure such program or software.

(4) A municipality may issue a proposed assessment of tax levied under s. 166.231 or s. 166.232 within 5 years after the date the tax was due. A seller may apply to a municipality for refund of, or take a credit for, any overpayment of such tax or interest or penalty thereon within 5 years following remittance by the seller, and the municipality shall refund or allow the seller credit for such overpayments as were remitted but not due to the municipality. Upon expiration of these 5-year periods, the municipality's right to assess tax, interest, or penalty and the seller's right to apply for a refund or credit shall expire and be barred, except in the event of fraud; however, sellers and municipalities may enter into agreements to extend these periods.

(5) Notwithstanding subsection (4), a municipality shall offset a seller's overpayment of any tax, interest, or penalty revealed by an audit against any deficiency of such tax, interest, or penalty determined to be

due for the same audit period, and such offsets shall be reflected in any proposed assessment. In the event the overpayments by the seller exceed the deficiency, the municipality shall refund to the seller the overpayments which remain after application to the deficiency. Absent proof to the contrary, the methodology which is employed in deriving the amount of any deficiency shall be presumed to yield an appropriate derivation of the amount of any overpayments. As used in subsection (4) and this subsection, an "overpayment" to a municipality means and includes all remittances of public service tax which were not owed to such municipality.

(6) Any purchaser of a service may request from a seller a refund of, or credit for, taxes collected from such purchaser upon the ground that the amounts collected were not due to any municipality. The seller shall issue the refund or allow a credit to the purchaser entitled thereto, provided the request is made within 5 years following collection of the tax from such purchaser. In any event, a seller shall issue a refund or credit to a purchaser within 120 days following the seller's determination that taxes collected from such purchaser within the preceding 5 years were not due to any municipality.

(7) Municipalities are authorized to assess interest and penalties with respect to delinquent payments of public service tax in accordance with this subsection, except that no penalty shall be assessed absent willful neglect, willful negligence, or fraud. Interest may be assessed at a maximum rate of 1 percent per month of the delinquent tax from the date the tax was due until paid, and penalties may be assessed at a maximum rate of 5 percent per month of the delinquent tax, not to exceed a total penalty of 25 percent. Interest and penalties shall be computed on the net tax due after application of any overpayments, and are subject to compromise pursuant to subsection (14). Interest or penalties and the rates thereof shall be authorized by ordinance.

(8) Any proposed assessment or finding of amounts due the seller shall constitute a determination of the municipality for purposes of this section. A determination shall separately state the amounts of tax, interest, and penalty claimed to be due or to be refunded, shall be accompanied by a written narrative explanation of the basis for the municipality's determinations, shall inform the seller of the remedies available to it in the event it disagrees with any such determination, and shall state the consequences of the seller's failure to comply with any demand of the municipality contained in the determination.

(9) A seller may file with the municipality a written protest of any determination within 60 days following the date of its issuance. The municipality shall consider the protest and issue a written notice of decision to the seller. The seller may petition the municipality for reconsideration of a notice of decision within 30 days after issuance thereof, in which event, following consideration of such petition, the municipality shall issue a written notice of reconsideration to the seller.

(10) A determination shall become final 60 days after the date of issuance, unless the seller has filed a protest or secured a written extension of time within which to file a protest prior to the expiration of that period. If the seller has secured a written extension of time and fails to file a protest within the extended time period, the proposed assessment shall become a final assessment at the expiration of the extended filing period. If a protest is timely filed and the seller and the municipality are unable to resolve the disputed issues, the determination shall become final as of the date of issuance of the notice of decision, unless the seller timely files a petition for reconsideration. If a petition for reconsideration is timely filed, the determination shall become final upon issuance of a notice of reconsideration.

(11) Notices of decision and notices of reconsideration shall address each issue raised in the protest or petition, shall explain the reasoning underlying the conclusions reached, and shall advise the seller of the remedies available to it in the event it disagrees with the municipality's disposition of the issues.

(12) A seller may contest the legality of any determination by filing an action in circuit court within 60 days following the date the determination becomes final. However, in any action filed in circuit court to contest the legality of any tax, penalty, or interest assessed under this section, the plaintiff must pay the municipality the amount of the tax, penalty, and accrued interest assessed which is not being contested by the seller. Venue shall be in the county where the municipality is located. The defendant in any such action shall be the municipality.

(13) A seller's failure to protest a determination under this section administratively or judicially shall not waive or impair the seller's right to seek refund of any overpayment within the time allowed in subsection (4).

(14) A seller's liability for any tax, interest, or penalty may be settled or compromised by the municipality upon the grounds of doubt as to liability or doubt as to collectibility of such tax, interest, or penalty. In addition, municipalities are authorized to enter into settlements prescribing the future tax treatment of specified transactions. The municipality is authorized to enter into a written closing agreement with any seller reflecting the terms of any settlement or compromise. When such a closing agreement has been approved on behalf of the municipality and the seller, it shall be final, conclusive, and binding on the parties with respect to all matters set forth therein; and, except upon a showing of fraud or misrepresentation of material fact, no additional assessment may be made against the seller for the tax, interest, or penalty specified in the closing agreement for the time period specified in the closing agreement, and the seller shall not be entitled to institute any judicial or administrative proceeding to recover any tax, interest, or penalty paid pursuant to the closing agreement. A municipality issuing a determination shall include in its notification thereof to the seller the names of the persons authorized to approve compromises and to execute closing agreements. A municipality may also enter into agreements for scheduling payments of taxes, interest, and penalties, which agreements shall recognize both the seller's financial condition and the best interests of the municipality, provided the seller gives accurate, current information and meets all other tax obligations on schedule.

(15) Municipalities may communicate with each other concerning the following:

(a) Technical information concerning a seller's tax and accounting system necessary to conduct an accurate and efficient audit of a specific company; however, in no event shall the information include any data relevant to a specific purchaser or account or the seller's tax treatment of specific services;

(b) Names and addresses of companies selling taxable services within their respective jurisdictions; and

(c) The name of any company issued a refund of taxes and the total amount of taxes refunded to such company.

(16) All determinations, notices of decision, and notices of reconsideration issued under this section shall be transmitted to the seller by certified mail, return receipt requested, and the date of issuance shall be deemed the postmark date of the transmittal. All protests and petitions for reconsideration shall be deemed timely filed if postmarked or received by the municipality within the time prescribed by this section. If mailed, protests and petitions shall be transmitted by certified mail, return receipt requested.

(17) A seller may pay any contested amount or portion thereof at any time and such payment shall not impair any of the seller's remedies as provided in this section.

(18) Municipalities levying the public service tax shall furnish sellers with prompt, accurate responses to questions and requests for tax assistance. In the event a law is enacted requiring payment of interest on refunds of taxes paid pursuant to chapter 203 or chapter 212, municipalities shall pay interest on public service tax refunds at the rate required by such law.

(19) In all matters connected with the administration of the public service tax, sellers shall have the right to be represented by counsel or other qualified representatives, the right to procedural safeguards with respect to recording of interviews during tax determination processes conducted by the municipality, and the right to have audits, inspections of records, and interviews conducted at a reasonable time and place.

(20) No municipality shall require any report, return, or payment of public service tax other than on a date reports, returns, and payments of tax are required pursuant to chapter 212.

(21) The provisions of this section, other than subsection (6), shall not apply to the extent that the seller is the municipality levying the tax under audit or a separate utility authority, board, or commission of such municipality.

Section 12. Effective upon this act becoming a law, paragraphs (a) and (b) of subsection (15) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—

(a) Beginning July 1, 1995, charges for electrical energy used by a qualified business at a fixed location in an enterprise zone in a municipality which has enacted an ordinance pursuant to s. 166.231*(7)*~~(8)~~ which provides for exemption of municipal utility taxes on such businesses or in an enterprise zone jointly authorized by a county and a municipality which has enacted an ordinance pursuant to s. 166.231*(7)*~~(8)~~ which provides for exemption of municipal utility taxes on such businesses shall receive an exemption equal to 50 percent of the tax imposed by this chapter, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the exemption shall be equal to 100 percent of the tax imposed by this chapter. A qualified business may receive such exemption for a period of 5 years from the billing period beginning not more than 30 days following notification to the applicable utility company by the department that an exemption has been authorized pursuant to this subsection and s. 166.231*(7)*~~(8)~~.

(b) To receive this exemption, a business must file an application, with the enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, on a form provided by the department for the purposes of this subsection and s. 166.231*(7)*~~(8)~~. The application shall be made under oath and shall include:

1. The name and location of the business.

2. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.

3. The date on which electrical service is to be first initiated to the business.

4. The name and mailing address of the entity from which electrical energy is to be purchased.

5. The date of the application.

6. The name of the city in which the business is located.

7. If applicable, the name and address of each permanent employee of the business including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

8. Whether the business is a small business as defined by s. 288.703(1).

Section 13. Effective upon this act becoming a law, subsection (2) of section 364.01, Florida Statutes, is amended to read:

364.01 Powers of commission, legislative intent.—

(2) It is the legislative intent to give exclusive jurisdiction in all matters set forth in this chapter to the Florida Public Service Commission in regulating telecommunications companies, and such preemption shall supersede any local or special act or municipal charter where any conflict of authority may exist. However, the provisions of this chapter shall not affect the authority and powers granted in s. 166.231*(8)*~~(9)~~ or s. 337.401.

Section 14. (1) No later than September 1, 1996, each municipality levying a tax under section 166.231 or section 166.232, Florida Statutes, shall furnish the Department of Revenue a notification which specifies the services taxed by such municipality pursuant to the authority of section 166.231 or section 166.232, Florida Statutes, including any election under section 166.231(8)(a), Florida Statutes, the rate of tax applied to each service, the effective date of the levy, and the name, mailing address, and telephone number of a person designated by the municipality to respond to inquiries concerning the tax. Such notification shall include such information for levies with prior and future effective dates.

(2) Address listings and updates which conform to the requirements of section 166.231(9)(d), Florida Statutes, as in effect prior to the effective date of this section shall be deemed to comply with this act until January 1, 1997, whereupon all municipalities shall make available lists which conform to the requirements of this act, and such lists shall have an effective date of July 1, 1997. Updates to existing listings may be issued with an effective date of January 1, 1997, and may contain additions, inclusive of post office boxes, deletions, and corrections, but sellers shall not be required to implement complete reissues of existing listings prior to July 1, 1997.

(3) The provisions of section 166.234, Florida Statutes, as created by this act, shall be applicable to all taxes, assessments, and audits for periods prior to and subsequent to the effective date of this section, except for provisions requiring the performance of acts prior to commencement of an audit and except for taxes and assessments which have been resolved by concession of liability and payment, by settlement, or by other means. In addition, in the case of audits that are the subject of pending litigation as of the effective date of this section, the requirements and limitations of subsections (3), (8)-(12), and (16) of s. 166.234, Florida Statutes, shall not apply to determinations, as defined by s. 166.234(8), Florida Statutes, issued prior to the commencement of such litigation.

(4) This section shall take effect upon this act becoming a law.

Section 15. The Department of Revenue is appropriated the sum of $35,000 from the Administrative Trust Fund, and one full-time equivalent position is authorized, for the purpose of performing the functions identified in section 166.233(2), Florida Statutes, as created by this act. This section shall take effect upon this act becoming a law.

Section 16. (1) Subsection (1) of section 189.403, Florida Statutes, is amended to read:

189.403 Definitions.—As used in this chapter, the term:

(1) "Special district" means a local unit of special purpose, as opposed to general-purpose, government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. The special purpose or purposes of special districts are implemented by specialized functions and related prescribed powers. *For the purpose of s. 196.199(1), a special district shall be treated as a municipality.* The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, a municipal service taxing or benefit unit as specified in s. 125.01, or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

(2) This section shall take effect upon this act becoming a law and shall apply to the 1995 tax rolls and thereafter. The amendment provided by this section shall not be construed as an expression of legislative intent with respect to the tax status of any property owned by a special district but leased to another person.

Section 17. Effective upon this act becoming a law, subsection (13) is added to section 196.011, Florida Statutes, to read:

196.011 Annual application required for exemption.—

(13) Notwithstanding subsection (1), when a property owner which qualifies as a charitable organization under s. 501(c)(3) of the Internal Revenue Code is otherwise entitled to a charitable exemption from ad valorem taxation for the 1994 tax year and fails to timely file an application for exemption due to an inadvertent error, the property owner may file an application for exemption with the property appraiser. The property appraiser must consider the application, and if he or she determines the owner of the property would have been entitled to the exemption had the property owner timely applied, the property appraiser must grant the exemption. Any taxes assessed on such property shall be canceled, and if paid, refunded. Any tax certificates outstanding on such property shall be canceled and refund made pursuant to s. 197.432(10). This subsection shall expire 1 year after the date it takes effect.

Section 18. Effective July 1, 1997, subsection (7) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(1) On deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or any other person by his or her direction, on each $100 of the consideration therefor the tax shall be 70 cents. When the full amount of the consideration for the execution, assignment, transfer, or conveyance is not shown in the face of such deed, instrument, document, or writing, the tax shall be at the rate of 70 cents for each $100 or fractional part thereof of the consideration therefor. For purposes of this section, consideration includes, but is not limited to, the money paid or agreed to be paid; the discharge of an obligation; and the amount of any mortgage, purchase money mortgage lien, or other encumbrance, whether or not the underlying indebtedness is assumed. If the consideration paid or given in exchange for real property or any interest therein includes property other than money, it is presumed that the consideration is equal to the fair market value of the real property or interest therein.

(2) The tax imposed by subsection (1) shall also be payable upon documents by which the right is granted to a tenant-stockholder to occupy an apartment in a building owned by a cooperative apartment corporation or in a dwelling on real property owned by any other form of cooperative association as defined in s. 719.103.

(3) The tax imposed by subsection (2) shall be paid by the purchaser, and the document recorded in the office of the clerk of the circuit court as evidence of ownership.

(4) The tax imposed by subsection (1) shall also be payable upon documents which convey or transfer, pursuant to s. 689.071, any beneficial interest in lands, tenements, or other real property, or any interest therein, even though such interest may be designated as personal property, notwithstanding the provisions of s. 689.071(4). The tax shall be paid upon execution of any such document.

(5) All conveyances of real property to a partner from a partnership which property was conveyed to the partnership after July 1, 1986, are taxable if:

(a) The partner receiving the real property from the partnership is a partner other than the partner who conveyed the real property to the partnership; or

(b) The partner receiving the real property from the partnership is the partner who conveyed the real property to the partnership and there is a mortgage debt or other debt secured by such real property for which the partner was not personally liable prior to conveying the real property to the partnership.

For purposes of this subsection, the value of the consideration paid for the conveyance of the real property to the partner from the partnership includes, but is not limited to, the amount of any outstanding mortgage debt or other debt which the partner pays or agrees to pay in exchange for the real property, regardless of whether the partner was personally liable for the debts of the partnership prior to the conveyance to the partner from the partnership.

(6) Taxes imposed by this section shall not apply to any assignment, transfer, or other disposition, or any document, which arises out of a transfer of real property from a nonprofit organization to the Board of Trustees of the Internal Improvement Trust Fund, to any state agency, to any water management district, or to any local government. For purposes of this subsection, "nonprofit organization" means an organization whose purpose is the preservation of natural resources and which is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The Department of Revenue shall provide a form, or a place on an existing form, for the nonprofit organization to indicate its exempt status.

(7) Taxes imposed by this section shall not apply to a deed, transfer, or conveyance between spouses or former spouses pursuant to an action for dissolution of their marriage, wherein the real property is or was their marital home or an interest therein. This subsection applies to a deed, transfer, or conveyance in anticipation of the dissolution of marriage by not more than 1 year. This subsection applies in spite of any consideration as defined in subsection (1). This subsection does not apply to a deed, transfer, or conveyance executed prior to the effective date of this subsection.

Section 19. (1) Effective upon this act becoming a law, subsection (2) of section 201.08, Florida Statutes, is amended to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(2)*(a)* On promissory notes, nonnegotiable notes, written obligations to pay money, or other compensation, made, executed, delivered, sold, transferred, or assigned in the state, in connection with sales made under retail charge account services, incident to sales which are not conditional in character and which are not secured by mortgage or other pledge of purchaser, the tax shall be 35 cents on each $100 or fraction thereof of the gross amount of the indebtedness evidenced by such instruments, payable quarterly on such forms and under such rules and regulations as may be promulgated by the Department of Revenue. No documentary stamps shall be required to be attached to instruments under the provisions of this subsection.

(b) Any receipt, charge slip, or other record of a transaction effected with the use of a credit card, charge card, or debit card shall be exempt from the tax imposed by this section.

(2) No tax imposed by section 201.08, Florida Statutes, before July 1, 1996, and not actually collected on documents exempt under the provisions of this section shall be due from any person with respect to such documents.

Section 20. Effective April 1, 1997, section 199.143, Florida Statutes, is amended to read:

199.143 Future advances.—

(1) Except as provided in subsection (3), if the mortgage, deed of trust, or other lien is recorded or executed after December 31, 1985, and secures a line of credit or otherwise secures future advances, as provided in s. 697.04, the nonrecurring tax shall initially be paid on the initial obligation secured, excluding future advances. Each time an additional amount is borrowed or a future advance is made, additional nonrecurring tax shall be paid on the amount of the advance. However, any increase in the amount of original indebtedness caused by interest accruing under an adjustable interest rate obligation having an initial interest rate adjustment interval of not less than 6 months shall be taxable as a future advance only to the extent such increase is a computable sum certain when the original indebtedness is incurred.

(2) The trustee, if a deed of trust, or the owner of the obligation, if a mortgage or other lien, making the advance shall pay the additional tax to the clerk to whom the initial tax was paid. The clerk shall note the amount received upon the instrument, if one has been recorded, or shall otherwise give a receipt.

(3) If the property subject to the mortgage, deed of trust, or other lien which secures a line of credit is a residence of the borrower *at the time the mortgage, deed of trust, or other lien is created*, then the nonrecurring tax shall be paid as provided in s. 199.135 on the maximum amount of the line of credit and no further nonrecurring tax shall be due on any borrowing under the line of credit. *As used in this subsection, "residence" includes only a dwelling unit that is a primary, secondary, or vacation home of the borrower, who is a natural person, and that has been primarily occupied for residential or recreational purposes during the immediately preceding 1-year period by the borrower or by the borrower's spouse or children. The term excludes any dwelling that is used primarily as a rental unit. Use by a member of the borrower's immediate family for consideration is deemed rental of the dwelling unit. Notwithstanding the fact that a dwelling unit is held by a trustee, the dwelling unit may be used as security for a line of credit under this subsection, as long as the dwelling unit is a residence of the borrower, as defined in this subsection.*

Section 21. Effective April 1, 1997, section 201.01, Florida Statutes, is amended to read:

201.01 Documents taxable, generally.—There shall be levied, collected, and paid the taxes specified in this chapter, for and in respect to the several documents, bonds, debentures or certificates of stock and indebtedness, and other documents, instruments, matters, writings, and

things described in the following sections, or for or in respect of the vellum, parchment, or paper upon which such document, instrument, matter, writing, or thing, or any of them, is written or printed by any person who makes, signs, executes, issues, sells, removes, consigns, assigns, records, or ships the same, or for whose benefit or use the same are made, signed, executed, issued, sold, removed, consigned, assigned, recorded, or shipped in the state. Unless exempt under s. 201.24 or under any state or federal law, if the United States, the state, or any political subdivision of the state is a party to a document taxable under this chapter, any tax specified in this chapter shall be paid by a nonexempt party to the document. The documentary stamp taxes ~~required under this chapter~~ shall be *paid* ~~affixed to and placed~~ on all recordable instruments requiring documentary *stamp tax* ~~stamps~~ according to law, prior to recordation. With respect to mortgages or trust deeds which do not incorporate the certificate of indebtedness, a notation shall be made on the note or certificate that the tax has been paid *on* ~~and that the proper stamps have been affixed to~~ the mortgage or trust deed.

Section 22. Effective April 1, 1997, subsection (3) of section 201.022, Florida Statutes, is amended to read:

201.022 Consideration for realty; filing of return condition precedent to recordation; penalty; compensation of clerks; failure to file does not impair validity.—

(3) If the return required by this section is not executed and filed, the clerk of the circuit court is required to execute and file the return with the department. The clerk shall be compensated 1.0 percent of the *tax paid on* ~~value of the stamps sold for~~ deeds as the cost of processing the return required by this section in the form of a deduction from the amount of the tax due and remitted by the clerk, and the department shall allow the deduction to the clerk paying and remitting the tax in the manner provided by the department. However, no deduction or allowance shall be granted when there is a manifest failure to maintain proper records or make proper reports. The compensation provided herein shall be in addition to that provided in s. 201.11(2).

Section 23. Effective April 1, 1997, subsection (1) of section 201.05, Florida Statutes, is amended to read:

201.05 Tax on stock certificates.—

(1) On each original issue, whether organization or reorganization, of certificates of stock or shares however designated issued in the state or of certificates of profits or of interest in property or accumulations, by any corporation or by any joint stock company or other association as set forth in subsection (2), on each $100 of face value or fraction thereof the tax shall be 35 cents; provided that when a certificate is issued without face value, the tax shall be 35 cents on each $100 of actual value or fraction thereof. The ~~stamps representing the~~ tax imposed by this section shall be *shown on* ~~attached to~~ the stock books and not *on* ~~to~~ the certificates issued. The provisions of this section do not apply to any stock or share issued in this state of an open-end or closed-end management company or a unit investment trust registered under the Investment Company Act of 1940, as amended.

Section 24. Effective April 1, 1997, subsections (1) and (3) of section 201.08, Florida Statutes, are amended, and subsection (2) of said section, as amended by this act, is amended, to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(1) On promissory notes, nonnegotiable notes, written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, the tax shall be 35 cents on each $100 or fraction thereof of the indebtedness or obligation evidenced thereby. On mortgages, trust deeds, security agreements, or other evidences of indebtedness filed or recorded in this state, and for each renewal of the same, the tax shall be 35 cents on each $100 or fraction thereof of the indebtedness or obligation evidenced thereby. Mortgages, including, but not limited to, mortgages executed without the state and recorded in the state, which incorporate the certificate of indebtedness, not otherwise shown in separate instruments, are subject to the same tax at the same rate. When there is both a mortgage, trust deed, or security agreement and a note, certificate of indebtedness, or obligation, the tax shall be paid on the mortgage, trust deed, or security agreement at the time of recordation. A notation shall be made on the note, certificate of indebtedness, or obligation that the tax has been paid *on* ~~and the proper stamps affixed to~~ the mortgage, trust deed, or security agreement. If the mortgage, trust deed, security agreement, or other evidence of indebtedness subject to the tax levied by this section secures future advances, as provided in s. 697.04, the tax shall be paid at the time of recordation on the initial debt or obligation secured, excluding future advances; at the time and so often as any future advance is made, the tax shall be paid on all sums then advanced regardless of where such advance is made. Notwithstanding the aforestated general rule, any increase in the amount of original indebtedness caused by interest accruing under an adjustable rate note or mortgage having an initial interest rate adjustment interval of not less than 6 months shall be taxable as a future advance only to the extent such increase is a computable sum certain when the document is executed. Failure to pay the tax shall not affect the lien for any such future advance given by s. 697.04, but any person who fails or refuses to pay such tax due by him *or her* is guilty of a misdemeanor of the first degree. The mortgage, trust deed, or other instrument shall not be enforceable in any court of this state as to any such advance unless and until the tax due thereon upon each advance that may have been made thereunder has been paid.

(2)(a) On promissory notes, nonnegotiable notes, written obligations to pay money, or other compensation, made, executed, delivered, sold, transferred, or assigned in the state, in connection with sales made under retail charge account services, incident to sales which are not conditional in character and which are not secured by mortgage or other pledge of purchaser, the tax shall be 35 cents on each $100 or fraction thereof of the gross amount of the indebtedness evidenced by such instruments, payable quarterly on such forms and under such rules and regulations as may be promulgated by the Department of Revenue. ~~No documentary stamps shall be required to be attached to instruments under the provisions of this subsection.~~

(b) Any receipt, charge slip, or other record of a transaction effected with the use of a credit card, charge card, or debit card shall be exempt from the tax imposed by this section.

(3) No *tax* ~~documentary stamps~~ shall be required on promissory notes executed for students to receive financial aid from federal or state educational assistance programs, from loans guaranteed by the Federal Government or the state when federal regulations prohibit the assessment of such taxes against the borrower, or for any financial aid program administered by a state university or community college, and the holders of such promissory notes shall not lose any rights incident to the payment of such *tax* ~~stamp costs~~.

Section 25. Effective April 1, 1997, subsection (1) of section 201.09, Florida Statutes, is amended to read:

201.09 Renewal of existing promissory notes and mortgages; exemption.—

(1) When any promissory note is given in renewal of any existing promissory note, which renewal note only extends or continues the identical contractual obligations of the original promissory note and evidences part or all of the original indebtedness evidenced thereby, not including any accumulated interest thereon and without enlargement in any way of the original contract and obligation, such renewal note shall not be subject to taxation under this chapter if such renewal note has attached to it the original promissory note with *the proper notation thereon as required by s. 201.133* ~~canceled stamps affixed thereon showing full payment of the tax due thereon~~. In order to be exempt from taxation under this section, a renewal note shall not be executed by any person other than the original obligor and must renew and extend only the unpaid balance of the original contract and obligation.

Section 26. Effective April 1, 1997, subsection (2) of section 201.11, Florida Statutes, is amended to read:

201.11 Administration of law by Department of Revenue.—

(2) The county comptroller or, if there be none, then the clerk of the circuit court, shall serve ex officio, and the Department of Revenue may appoint others, as agents for the collection of the tax imposed by this chapter. The department may adopt rules and regulations requiring the agents to meet certain standards, including, without limitation, a demonstrated volume of business or a geographical distribution. All agents

shall be subject to audit and shall post a bond as may be required by the Department of Revenue. The Department of Revenue may purchase a blanket bond; however, all costs associated with such a bond shall be allocated by department regulation to those agents so bonded. An agent shall be compensated 0.5 percent of the *tax collected* ~~value of the stamps sold~~ as collection costs in the form of a deduction from the amount of the tax due and remitted by the agent, and the department shall allow the said deduction to the agent paying and remitting the tax in the manner as provided for by the department. However, no deduction or allowance shall be granted when there is a manifest failure to maintain proper records or make proper reports.

Section 27. Effective April 1, 1997, section 201.12, Florida Statutes, is amended to read:

201.12 Duties of clerks of the circuit court.—Clerks of the circuit court shall report to the Department of Revenue the names and addresses of any and all individuals, firms, or corporations, who shall fail to have affixed either the required amount of stamps or a notation that the proper stamps and the amount of same have been paid or will be paid directly to the department on any conveyance or taxable instrument or document which may be recorded in their respective offices; and any such clerk who knowingly fails to report any such violation within 30 days after recording of any taxable instrument or document, without such stamps *or notation*, shall be deemed guilty of a misdemeanor and upon conviction punished accordingly.

Section 28. Effective April 1, 1997, section 201.13, Florida Statutes, is amended to read:

201.13 Department of Revenue to furnish stamps for tax *for specified period*.—Except as otherwise provided in ss. ~~201.131,~~ 201.132~~,~~ and 201.133*, through March 31, 1997,* the Department of Revenue shall cause to be prepared and distributed for the payment of the taxes prescribed in this chapter suitable stamps denoting the tax on the documents to which same are required to be affixed and shall prescribe such method for the affixing of the stamps as shall be necessary to carry out and comply with the intent and purpose of this chapter. *Persons holding documentary stamps after March 31, 1997, may continue to use those stamps to pay the tax.*

Section 29. Effective April 1, 1997, section 201.131, Florida Statutes, is repealed.

Section 30. Effective April 1, 1997, section 201.133, Florida Statutes, is amended to read:

201.133 *Payment of tax* ~~Exceptions to use of stamps~~ on documents not to be recorded; certificates of registration.—

(1) *Except as provided in s. 201.132, any person who has averaged or will average at least 5 taxable transactions per month shall register with the department and remit to the department all taxes due for documents not to be recorded.* ~~Any person who uses an average of at least $150 worth of stamps per month or who engages in an average of at least 50 taxable transactions per month for a period of 6 months prior to making application for a certificate of registration as provided in subsection (2) and who has adequate records to show that the qualifications have been met may collect the tax in any such transaction not to be recorded with the clerk of the circuit court without affixing any stamps upon any documents to which such stamps are otherwise required to be affixed.~~

(2) *Each* ~~Any~~ person described in subsection (1) shall *apply* ~~file with the Department of Revenue an application~~ for a certificate of registration *with the department* for each ~~place of~~ business *location*. The application shall include the name and address of the applicant together with such other information as the department may require.

(3) The department shall issue certificates of registration to qualified applicants *who are required to register under this section* ~~in a manner provided by rule adopted by the department~~.

(4) Any person described in subsection (1) who *is required to register and remit* ~~collects the~~ tax imposed by this chapter ~~without affixing stamps to the documents involved in a transaction~~ shall file a report with the department not later than the 20th day of each month certifying the amount of tax payable for the preceding month, and a remittance shall be submitted with the report to cover the amount of tax payable for the preceding month. *Any person who fails to timely report and pay any tax as required under this section shall be subject to penalties and interest imposed by this chapter.* ~~A report and remittance mailed after the 20th day of the month following the month the tax is payable shall subject the person to the penalties imposed by this chapter.~~ Report forms shall be furnished by the department.

(5) ~~In addition to meeting the required standards and qualifications,~~ All persons *described in subsection (1)* ~~using or desiring to use the procedure authorized by this section~~ shall be subject to audit and shall make their records available for ready inspection by the department and shall post a bond at their own expense as may be required by the department.

(6) ~~Such~~ Persons *described in subsection (1)* shall keep a journal, or other account book or record of original entry, showing a listing of all documents executed and delivered. The journal shall show a daily listing of such documents unless another time period is required by the department. The journal shall show every transaction and the amount, whether the transaction is taxable or not. In the case of taxable transactions, the journal shall show the amount of tax payable with respect to each transaction. In the case of nontaxable transactions, the journal shall disclose the basis on which the exemption from tax is claimed. Such records shall be kept in permanent form and retained indefinitely in the files subject to verification by the representative of the department. The following notation or similar language along with the certificate of registration number shall be made on each individual document requiring tax: "Florida documentary stamp tax required by law in the amount of $____ has been paid or will be paid directly to the Department of Revenue. Certificate of Registration #____."

(7) Except as provided in s. 201.132, any person engaged in an average of less than 5 taxable transactions per month is required to remit tax imposed by this chapter to the department not later than the 20th day of the month for tax due for the preceding month for documents not to be recorded. Any person who fails to timely report and pay any tax as required under this subsection shall be subject to penalties and interest imposed by this chapter. Report forms shall be furnished by the department.

(8) Notwithstanding any other provision of this chapter, the department may require:

(a) A quarterly return and payment when the tax remitted for the preceding four calendar quarters did not exceed $1,000.

(b) A semiannual return and payment when the tax remitted for the preceding four calendar quarters did not exceed $500.

(c) An annual return and payment when the tax remitted for the preceding four calendar quarters did not exceed $100.

~~(7) The authority of any person described in subsection (1) to use the procedure authorized by this section may be canceled by the department if such person:~~

~~(a) Knowingly files a false monthly report of the data required by subsection (4);~~

~~(b) Fails, refuses, or neglects to file the report required by subsection (4);~~

~~(c) Fails to remit the tax collected; or~~

~~(d) Fails to adequately maintain the records required by subsection (6).~~

Section 31. Effective April 1, 1997, subsection (2) of section 201.17, Florida Statutes, is amended to read:

201.17 Penalties for failure to pay tax required.—

(2) *If* any document, instrument, or paper upon which the tax under this chapter is imposed ~~and which~~, upon audit or at time of recordation, does not show the proper amount of tax paid*, or if the tax imposed by this chapter on any document, instrument, or paper is not timely reported and paid as required by s. 201.133,* ~~shall subject~~ the person or persons liable for the tax upon the document, instrument, or paper *shall be subject* to:

(a) Payment of the tax not paid.

(b) *A specific penalty added to the tax in the amount of 10 percent of any unpaid tax if the failure is for not more than 30 days, with an additional 10 percent of any unpaid tax for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed a total penalty of 50 percent, in the aggregate, of any unpaid tax. In no event shall the penalty be less than $10 for failure to timely file a tax return required.* ~~Payment of a penalty to the Department of Revenue equal to 50 percent of the tax not paid.~~ If it is determined by clear and convincing evidence that any part of a deficiency is due to fraud, there shall be added to the tax as a civil penalty, in lieu of the aforementioned penalty under this paragraph, an amount equal to 200 percent of the deficiency. These penalties are to be in addition to, and not in lieu of, any other penalties imposed by law.

(c) Payment of interest to the Department of Revenue, accruing from the date the tax is due until paid, at the rate of 1 percent per month, based on the amount of tax not paid.

Section 32. Effective April 1, 1997, section 201.22, Florida Statutes, is amended to read:

201.22 Financing statements under chapter 679 of the Uniform Commercial Code.—The excise tax on documents provided by this chapter shall be applicable to transactions covered by the Uniform Commercial Code to the same extent that it would be if the code had not been enacted. The clerk or filing officer shall not accept for filing or filing and recording any financing statement under chapter 679, unless there appears thereon *a* ~~the~~ notation that the *taxes* ~~stamps~~ required by this chapter have been *paid* ~~placed~~ on the promissory instruments secured by said financing statement and will be *paid* ~~placed~~ on any additional promissory instruments, advances, or similar instrument that may be secured by said financing statement. The failure to pay the tax required by this chapter, as so stated, shall be subject to the penalties provided by this chapter.

Section 33. Effective January 1, 1997, paragraphs (c) and (d) of subsection (1) of section 212.11, Florida Statutes, are amended, and paragraph (f) is added to said subsection, to read:

212.11 Tax returns and regulations.—

(1)

(c) However, the department may *require:*

1. ~~authorize~~ A quarterly return and payment when the tax remitted by the dealer for the preceding four *calendar* quarters did not exceed $1,000.

2. ~~and may authorize~~ A semiannual return and payment when the tax remitted by the dealer for the preceding four *calendar* quarters did not exceed $500.

3. An annual return and payment when the tax remitted by the dealer for the preceding four calendar quarters did not exceed $100.

4. A quarterly return and monthly payment when the tax remitted by the dealer for the preceding four calendar quarters exceeded $1,000 but did not exceed $12,000.

(d) The department ~~of Revenue~~ may authorize dealers who are newly *required to file returns and pay tax quarterly* ~~eligible for quarterly filing under this subsection~~ to file returns *and remit the tax* for the 3-month periods ending in February, May, August, and November, and may authorize dealers who are newly *required to file returns and pay tax semiannually* ~~eligible for semiannual filing under this subsection~~ to file returns *and remit the tax* for the 6-month periods ending in May and November.

(f)1. A taxpayer who is required to remit taxes by electronic funds transfer shall make a return in a form that is initiated through an electronic data interchange. The acceptable method of transfer, the method, form, and content of the electronic data interchange, giving due regard to developing uniform standards for formats as adopted by the American National Standards Institute, the circumstances under which an electronic data interchange shall serve as a substitute for the filing of another form of return, and the means, if any, by which taxpayers will be provided with acknowledgments, shall be as prescribed by the department.

2. The department may waive the requirement to make a return through an electronic data interchange due to problems arising from the taxpayer's computer capabilities, data systems changes, and taxpayer operating procedures. To obtain a waiver, the taxpayer shall demonstrate in writing to the department that such circumstances exist.

Section 34. Effective upon this act becoming a law, subsection (4) of section 213.22, Florida Statutes, is amended to read:

213.22 Technical assistance advisements.—

(4) The department shall collect a fee from any person who requests disclosure of a technical assistance advisement issued under this section. A schedule of fees shall be provided by the department by rule. The fee schedule shall provide for a minimum fee of $5 for each technical assistance advisement disclosed or a maximum of 50 cents per page, whichever is greater. *However, any person who uses the department's tax information retrieval system, known as the Tax Law Library, may view or print a technical assistance advisement without paying the fee imposed under this subsection.*

Section 35. Effective January 1, 1997, subsection (2) of section 395.701, Florida Statutes, is amended to read:

395.701 Annual assessments on net operating revenues to fund public medical assistance; administrative fines for failure to pay assessments when due.—

(2) There is hereby imposed upon each hospital an assessment in an amount equal to 1.5 percent of the annual net operating revenue for each hospital, such revenue to be determined by the department, based on the actual experience of the hospital as reported to the department. *Such assessment shall not be imposed on net operating revenues generated by assisted living facilities licensed under part III of chapter 400, home health agencies licensed under part IV of chapter 400, hospices licensed under part VI of chapter 400, nursing homes licensed under part II of chapter 400, or health care services provided by a hospital to nursing home patients in a nursing home licensed under part II of chapter 400.* Within 6 months after the end of each hospital fiscal year, the department shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the department in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the department certifies the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

Section 36. (1) There is created the Sale For Resale Exemption Revision Committee. The committee shall consist of 12 members, 3 members appointed by the Governor, 3 members appointed by the Speaker of the House of Representatives, 3 members appointed by the President of the Senate, and 3 members appointed by the executive director of the Department of Revenue. Membership of the committee shall include retail and wholesale business persons, including persons from small, medium, and large businesses. The Governor shall designate one member to serve as chair. Members of the committee shall receive no salary for their service, but are entitled to receive travel and per diem under section 112.061, Florida Statutes.

(2) The committee shall meet as soon as practicable after the members are appointed and shall meet as often as is necessary at the call of the chair. At the first meeting, a schedule shall be established for the meetings of the committee.

(3) The Department of Revenue shall provide administrative and staff support to the committee.

(4) The committee shall develop legislative and administrative recommendations for revising the sale for resale exemption system as applied to the tax on sales, use, and other transactions under chapter 212, Florida Statutes, in order to eliminate the improper use of the resale exemption and provide for more efficient and effective administration and enforcement.

(5) No later than November 15, 1996, the committee shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives its recommendations for statutory and administrative revisions to the sale for resale exemption.

(6) This section shall take effect upon this act becoming a law.

Section 37. Subsections (4) and (25) of section 206.01, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended, and subsection (30) is added to said section, to read:

206.01 Definitions.—As used in this chapter:

(4) "Wholesaler" means any person who holds a valid wholesaler of taxable fuel license issued by the department ~~and has a business location in this state~~.

(25) "Exchange agreement" means an agreement between two licensed terminal suppliers whereby a position holder in a terminal agrees to deliver ~~diesel~~ fuel to the other party or the other party's customer at the loading rack of the terminal where the delivering party holds an inventory position.

(30) "Blender" means any person who blends any product with motor or diesel fuel and who has been licensed or authorized by the department as a blender.

Section 38. Subsections (1), (2), (3), and (7) of section 206.02, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended to read:

206.02 Application for license; *temporary* ~~provisional~~ license; terminal suppliers, importers, exporters, *blenders,* and wholesalers.—

(1) It is unlawful for any person to engage in business as a terminal supplier, importer, exporter, *blender,* or wholesaler of motor fuel within this state unless such person is the holder of an unrevoked license issued by the department to engage in such business. A person is engaging in such business if he or she:

(a) Imports or causes any motor fuel to be imported and sells such fuel at wholesale, retail, or otherwise within this state.

(b) Imports and withdraws for use within this state by himself or herself or others any motor fuel from the tank car, truck, or other original container or package in which such motor fuel was imported into this state.

(c) Manufactures, refines, produces, or compounds any motor fuel and sells such fuel at wholesale or retail, or otherwise within this state for use or consumption within this state.

(d) Imports into this state from any other state or foreign country, or receives by any means into this state, any motor fuel which is intended to be used for consumption in this state and keeps such fuel in storage in this state for a period of 24 hours or more after it loses its interstate or foreign commerce character as a shipment in interstate or foreign commerce.

(e) Is primarily liable under the fuel tax laws of this state for the payment of motor fuel taxes.

(f) Purchases or receives in this state motor fuel upon which the tax has not been paid.

(g) Exports taxable motor or diesel fuels either from substorage at a bulk facility or directly from a terminal rack to a destination outside the state.

(2) To procure a terminal supplier license, a person shall file with the department an application under oath, and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state and that person's registration number under s. 4101 of the Internal Revenue Code.

(b) The location, with street number address, of his or her principal office or place of business ~~within this state~~ and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he or she shall also file with the application a certified copy of the certificate or license issued by the Department of State showing that such corporation is authorized to transact business in the state.

~~(d) The location or locations of the refinery owned by such person, if applicable, and the volume of each refined petroleum product produced at such refinery.~~

The application shall require a $30 license tax. Each license shall be renewed annually through application, including an annual $30 license tax.

(3) To procure an importer, ~~or~~ exporter, *or blender* of motor fuels license, a person shall file with the department an application under oath, and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state.

(b) The location, with street number address, of his or her principal office or place of business and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he or she shall also file with the application a certified copy of the certificate or license issued by the Department of State showing that such corporation is authorized to transact business in the state.

~~(d) A statement that such person's business is not located in the state.~~

The application shall require a $30 license tax. Each license shall be renewed annually through application, including an annual $30 license tax.

(7)(a) *If all applicants for a license hold a current license in good standing of the same type and kind, the department shall issue a temporary license upon the filing of a completed application, payment of all fees, and the posting of adequate bond. A temporary license shall automatically expire 90 days after its effective date or, prior to the expiration of 90 days or the period of any extension, upon issuance of a permanent license or of a notice of intent to deny a permanent license. A temporary license may be extended once for a period not to exceed 60 days, upon written request of the applicant, subject to the restrictions imposed by this subsection.* ~~A person, partnership, or private corporation which is beginning a new business and which applies for a license as a terminal supplier, importer, exporter, or wholesaler shall be issued a provisional license. Once the department's background investigation is completed and the department has determined that the applicant is of good moral character and has not been convicted of any offense specified in s. 206.026(1)(b), a permanent license shall be issued.~~

(b) A publicly held corporation, the securities of which are regularly traded on a national securities exchange and not over the counter, which begins a new business and which applies for a license as a terminal supplier, importer, exporter, or wholesaler shall be issued ~~such~~ a license without the department's background investigation.

Section 39. Subsection (1) of section 206.022, Florida Statutes, is amended to read:

206.022 Application for license; terminal *operators* ~~facilities~~.—

(1) It is unlawful for any terminal *operator* ~~facility~~ to operate within this state unless *he or she* ~~it~~ is the holder of an unrevoked license issued by the department to engage in such business. To procure such license, a person shall file with the department an application under oath and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state.

(b) The location, with street number address, of his or her principal office or place of business within this state and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he or she shall also file with the application a certified copy of the certificate or license issued by the Department of State showing that such corporation is authorized to transact business in the state.

(d) The storage capacity of the facility.

(e) Any other information which the department may deem necessary.

Section 40. Subsection (9) of section 206.9925, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.9925 Definitions.—As used in this part:

(9) "Storage facility" means a location ~~licensed under s. 206.022 and~~ owned, operated, or leased by a licensed terminal *operator* ~~supplier~~, which location contains any stationary tank or tanks for holding petroleum products.

Section 41. Section 206.095, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.095 Reports from terminal *operators* ~~facilities~~.—

(1) Every terminal *operator who* ~~facility which~~ stores, handles, or transfers motor fuel, casinghead gasoline, natural gasoline, naphtha, diesel fuel, kerosene, or other middle distillates shall file a report on forms prescribed by the department. The report shall be filed on a monthly basis within 20 days after the close of the month covered by the report and shall show:

(a) The name, address, and license number of the terminal supplier, importer, or exporter storing or transferring such product.

(b) The name of the boat, barge, or vessel transporting the product to the terminal.

(c) The number of gallons and type of product which is being stored.

(d) Such other additional information relative to shipments and storage of products as the department may require.

(2) If any terminal *operator* fails to make a complete report, the department shall impose, in addition to any other penalty and interest due, a penalty in the amount of $100.

Section 42. Section 206.404, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.404 License requirements for retail dealers and resellers; ~~temporary licensure;~~ penalty.—

(1)(a) It is unlawful to engage in the business of selling motor or diesel fuel at retail without first obtaining the license required by this section.

(b) It is unlawful to engage in the business of reselling tax-paid fuel to retailers or end users without first obtaining the license required by this section.

(c) Every person engaging in the business of selling motor or diesel fuel at retail or engaging in business as a reseller shall, prior to engaging in business, register with the department pursuant to chapter 212.

(d) No license shall be transferred.

(e) Each business location shall have a separate license.

(f) Each application shall include the federal employer identification number or, if such number is not available, the social security number of the applicant and the Department of Environmental Protection storage tank facility number.

(g) Each applicant shall declare his or her primary business activity as either the sale of motor fuel at retail, the sale of diesel fuel at retail, or acting as a reseller.

(h) Any person who violates this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(2) If all applicants for a license hold a current license in good standing of the same type and kind, the department shall issue a temporary license upon the filing of a completed application, payment of all fees, and the posting of adequate bond. A temporary license shall automatically expire 90 days after its effective date or, prior to the expiration of 90 days or the period of any extension, upon issuance of a permanent license or of a notice of intent to deny a permanent license. A temporary license may be extended once for a period not to exceed 60 days, upon written request of the applicant, subject to the restrictions imposed by this subsection.~~

(2)~~(3)~~(a) Each person required to be licensed by this section shall maintain all records required under s. 206.12 and shall make those records available to the department for inspection or audit upon request.

(b) Any person required to register under this section who fails to make records available to the department within the time specified in s. 206.12 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and the department shall estimate such person's tax liability and make a jeopardy assessment for the estimated tax due. In addition to any estimated tax, delinquency penalty, and interest found to be due, the licensee shall be subject to a civil penalty of $500 and the department shall revoke such person's registration under chapter 212.

(3)~~(4)~~ Any retail dealer or reseller in violation of the provisions of this chapter shall be subject to revocation of his or her license under chapter 212.

Section 43. Subsections (2), (3), and (4) of section 206.41, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended to read:

206.41 State taxes imposed on motor fuel.—

(2) Revenues from these taxes become state funds at the time of collection by the terminal supplier, importer, or wholesaler, who shall act as agent for the state in the collection of such taxes whether he or she is the ultimate seller or not. For purposes of this chapter, the term "first sale" or "first removal" shall be the net amount of motor fuel pumped from the loading rack ~~or first storage~~. The term "first sale" does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed terminal suppliers before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed terminal supplier storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed terminal supplier who owned the motor fuel immediately prior to removal of such fuel from storage.

(3) Motor fuel *contained* in the fuel tanks *of* ~~in~~ any motor vehicle entering this state *and* used to propel such motor vehicle *into Florida from another state* shall be exempt from the taxes imposed by this part. *Motor fuel supplied by a vehicle manufacturer and contained in the fuel tanks of a new and untitled motor vehicle shall be exempt from the taxes imposed by this part.* "Fuel tanks" shall mean the reservoir or receptacle attached to the motor vehicle by the manufacturer as the container for fuel used to propel the vehicle.

(4)(a) *Nothing in this part shall be construed to change the legal incidence of the tax and the right to a refund by a qualifying ultimate consumer. The legal incidence of the tax shall be on the ultimate consumer; however, the tax shall be precollected for administrative convenience prior to the sale to the ultimate consumer.*

(b) Any person who uses motor fuel on which the taxes imposed by paragraph (1)(e), paragraph (1)(f), or paragraph (1)(g) have been paid for any system of mass public transportation authorized to operate within any city, town, municipality, county, or transit authority region in this state, as distinguished from any over-the-road or charter system of public transportation, is entitled to a refund of such taxes. However, such transit system shall be entitled to take a credit on the monthly diesel fuel tax return not to exceed the tax imposed under said paragraphs on those gallons which would otherwise be eligible for refund, when such transit system is licensed as a mass transit system. A public transportation

system or transit system as defined in this paragraph may operate outside its limits when such operation is found necessary to adequately and efficiently provide mass public transportation services for the city, town, or municipality involved. A transit system as defined in this paragraph includes demand service that is an integral part of a city, town, municipality, county, or transit or transportation authority system but does not include independent taxicab or limousine operations. The terms "city," "county," and "authority" as used in this paragraph include any city, town, municipality, county, or transit or transportation authority organized in this state by virtue of any general or special law enacted by the Legislature.

(c)~~(b)~~1. Any person who uses any motor fuel for agricultural, aquacultural, or commercial fishing purposes on which fuel the tax imposed by paragraph (1)(e), paragraph (1)(f), or paragraph (1)(g) has been paid is entitled to a refund of such tax.

2. For the purposes of this paragraph, "agricultural and aquacultural purposes" means motor fuel used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm, and no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of this state. This restriction does not apply to the movement of a farm vehicle or farm equipment between farms. The transporting of bees by water and the operating of equipment used in the apiary of a beekeeper shall be also deemed an agricultural purpose.

3. For the purposes of this paragraph, "commercial fishing and aquacultural purposes" means motor fuel used in the operation of boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oysters, shrimp, or sponges from salt or fresh waters under the jurisdiction of the state for resale to the public, and no part of which fuel is used in any vehicle or equipment driven or operated upon the highways of this state; however, the term may in no way be construed to include fuel used for sport or pleasure fishing.

(d)~~(c)~~ The portion of the tax imposed by paragraph (1)(g) which results from the collection of such taxes paid by a municipality or county on motor fuel or diesel fuel for use in a motor vehicle operated by it shall be returned to the governing body of such municipality or county for the construction, reconstruction, and maintenance of roads and streets within the municipality or county. A municipality or county, when licensed as a local government user, shall be entitled to take a credit on the monthly diesel fuel tax return not to exceed the tax imposed under paragraphs (1)(b) and (g) on those gallons which would otherwise be eligible for refund.

(e)~~(d)~~1. The portion of the tax imposed by paragraph (1)(g) which results from the collection of such tax paid by a school district or a private contractor operating school buses for a school district or by a nonpublic school on motor fuel or diesel fuel for use in a motor vehicle operated by such district, private contractor, or nonpublic school shall be returned to the governing body of such school district or to such nonpublic school. A school district, when licensed as a local government user, shall be entitled to take a credit on the monthly *diesel fuel tax* return not to exceed the tax imposed under paragraphs (1)(b) and (g) on those gallons which would otherwise be eligible for refund.

2. Funds returned to school districts shall be used to fund construction, reconstruction, and maintenance of roads and streets within the school district required as a result of the construction of new schools or the renovation of existing schools. The school board shall select the projects to be funded; however, the first priority shall be given to projects required as the result of the construction of new schools, unless a waiver is granted by the affected county or municipal government. Funds returned to nonpublic schools shall be used for transportation-related purposes.

Section 44. Paragraph (a) of subsection (1) and subsections (2) and (3) of section 206.43, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended to read:

206.43 Terminal supplier, importer, exporter, *blender,* and wholesaler to report to department monthly; deduction.—The taxes levied and assessed as provided in this part shall be paid to the department monthly in the following manner:

(1)(a) Taxes are due on the first day of the succeeding month and shall be paid on or before the 20th day of each month. The terminal supplier, importer, exporter, *blender,* or wholesaler shall mail to the department verified reports on forms prescribed by the department and shall at the same time pay to the department the amount of tax computed to be due. However, if the 20th day falls on a Saturday, a Sunday, or a federal or state legal holiday, returns shall be accepted if postmarked on the next succeeding workday. The terminal supplier or importer shall deduct from the amount of tax shown by the report to be payable an amount equivalent to .2 percent of the tax on motor fuels imposed by s. 206.41(1)(a), (b), (c), and (g), which deduction is hereby allowed to the terminal supplier or importer on account of services and expenses in complying with the provisions of the law. The allowance on taxable gallons of motor fuel sold to persons licensed under this chapter shall not be deductible unless the terminal supplier or importer has allowed 50 percent of the allowance provided by this section to the licensed purchaser. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as herein required. The United States post-office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the department. Nothing in this subsection shall be construed to authorize a deduction from the constitutional fuel tax or fuel sales tax.

(2) Such report *may* ~~shall~~ show in detail the number of gallons so sold and delivered by the terminal supplier, importer, exporter, *blender,* or wholesaler in the state, and the destination as to the county in the state to which the motor fuel was delivered for resale at retail or use shall be specified in the report. The total taxable gallons sold shall agree with the total gallons reported to the county destinations for resale at retail or use. All gallons of motor fuel sold shall be invoiced and shall name the county of destination for resale at retail or use.

(3) All terminal suppliers, importers, exporters, *blenders,* and wholesalers shall report monthly:

(a) The consumption of motor fuel by the licensee and the county or counties in which the gallons of motor fuel were consumed.

(b) All sales to the ultimate consumer and the county or counties to which the gallons of motor fuel were delivered.

(c) All sales to retail dealers and service stations and the county or counties to which the gallons of motor fuel were delivered.

Section 45. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other provisions of law, from the revenues deposited into the State Transportation Trust Fund a maximum of *6* ~~5~~ percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the *6* ~~5~~ percent annual transfer authorized in this subsection, the annual amount transferred under this subsection shall not exceed *$115* ~~$100~~ million. Such transfer shall be payable from the motor and *diesel* ~~special~~ fuel taxes transferred to the State Transportation Trust Fund from the *Fuel* ~~Gas~~ Tax Collection Trust Fund.

Section 46. Section 50 of chapter 95-417, Laws of Florida, is hereby repealed.

Section 47. Subsection (1) of section 206.48, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.48 Reports required of terminal suppliers, importers, exporters, *blenders,* and wholesalers.—

(1) Each terminal supplier, importer, *blender,* or wholesaler of motor fuels, when making a report to the Department of Revenue of the amount of such products sold in this state upon which the tax provided is due and payable by him or her to the department, shall at the same time report to the department each and every sale made by such person of any quantity of motor fuel which shall not have been at the time of such sale divested of its interstate or foreign character, which report shall show the name and business location of the person to whom the

same is sold in this state. Every terminal supplier, importer, *blender,* or wholesaler shall, at the time other reports are required to be made to the department, report to the department each and every purchase of such products not theretofore divested of their interstate or foreign character made by such person upon which the tax is shown by the invoice thereof to have been assumed for report and payment by the terminal supplier, importer, *blender,* or wholesaler selling to him or her.

Section 48. Section 206.59, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.59 Department to make rules; powers.—

(1) The department shall make rules and regulations, which shall have the force and effect of law, to govern reports and accounts by all persons dealing in or handling ~~motor~~ fuel for the purpose of enabling the department to ascertain whether or not any ~~motor~~ fuels are being dealt with, handled, or stored in this state under such circumstances as to become liable to the tax imposed by any law relating to a tax on ~~motor~~ fuel.

(2) The department is further given power to investigate, or cause to be investigated under its authority, all cases involving dealing in ~~motor~~ fuel by persons receiving, handling, or storing the same and to determine from such investigation whether or not any section in this chapter relating to the fuel tax is being evaded or illegally avoided. The determination of the department in any case shall be prima facie valid and authentic in all courts in this state and in all actions involving the validating of taxes on persons subject to the provisions of part I or part II of this chapter.

(3) The department may investigate and audit inventories, receipts, and disposals of ~~motor~~ fuel to ascertain the validity of all taxes collected and remitted to the department. Any ~~motor~~ fuel which cannot be accounted for*, except for normal temperature gains,* by a terminal supplier, importer, exporter*, blender,* or wholesaler is subject to all taxes levied under this *chapter* ~~part~~. *As used in this subsection, "normal temperature gains" shall be limited to 1.5 percent of the total disposals in any month, unless the terminal supplier, importer, exporter, blender, or wholesaler demonstrates to the reasonable satisfaction of the department that temperature gains occurred in excess of 1.5 percent of total disposals for the month.* ~~Any terminal supplier, importer, exporter, wholesaler, or person who collects more tax on the sale of motor fuel than was remitted to the department or paid to his or her supplier is liable for the difference in tax plus all applicable interest and penalties.~~

Section 49. Subsection (6) of section 206.86, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.86 Definitions.—As used in this part:

(6) "Removal" means any physical transfer of diesel fuel and any use of diesel fuel other than as a material in the production of diesel fuel. ~~However, diesel fuel is not removed when it evaporates or is otherwise lost or destroyed.~~

Section 50. Section 206.873, Florida Statutes, is amended to read:

206.873 Backup tax.—The taxes imposed by *s. 206.41 or* s. 206.87 are imposed as a backup tax on the delivery *or receipt* in this state for any use which is not exempt under *s. 206.42, s. 206.62, or* s. 206.874 of any of the following:

(1) Any diesel fuel that contains a dye.

(2) Any diesel fuel on which a credit or claim for refund has been allowed.

(3) Any diesel fuel on which tax has not been imposed by this part.

(4) Any motor fuel on which tax has not been imposed by this chapter.

Section 51. Subsection (2) and paragraphs (b), (i), and (k) of subsection (3) of section 206.874, Florida Statutes, are amended, paragraph (l) is added to subsection (3), and subsection (6) is added to said section, to read:

206.874 Exemptions.—

(2) Backup tax does not apply to delivery in this state of diesel fuel into the fuel tank of a diesel-powered motor vehicle as provided in s. 206.873 for ~~either of the following:~~

~~(a)~~ use on a farm for farming purposes.

~~(b) Use in an exempt bus operation.~~

(3) Dyed diesel fuel may be purchased and used only for the following purposes:

(b) Exclusive use of a ~~state or~~ local government.

(i) Use in a motor vehicle owned by the United States Government that is not used on *a highway* ~~motor~~.

(k) Use of diesel fuel for home heating ~~or other off-highway purposes~~.

(l) Use in self-propelled off-road equipment or stationary equipment subject to tax under s. 212.0501.

(6) Diesel fuel contained in the fuel tanks of any motor vehicle entering this state and used to propel such motor vehicle into Florida from another state shall be exempt from the taxes imposed by this part, but may be taxed under the provisions of chapter 207. Diesel fuel supplied by a vehicle manufacturer and contained in the fuel tanks of a new and untitled motor vehicle shall be exempt from the taxes imposed by this part. "Fuel tanks" means the reservoir or receptacle attached to the motor vehicle by the manufacturer as the container for fuel used to propel the vehicle.

Section 52. Subsection (6) is added to section 206.8745, Florida Statutes, to read:

206.8745 Credits and refund claims.—

(6) Undyed, tax-paid diesel fuel consumed by a power takeoff or engine exhaust for the purpose of unloading bulk cargo by pumping or turning a concrete mixer drum used in the manufacturing process, or for the purpose of compacting solid waste, which is mounted on a motor vehicle and which has no separate fuel tank or power unit, is subject to a refund as provided by rule.

Section 53. Subsections (1), (2), (3), (6), and (7) of section 206.89, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended to read:

206.89 Licenses; necessity; prerequisites; issuance; nonassignability.—

(1)(a) No person shall act as a *wholesaler of alternative fuel* ~~dealer~~ unless he or she holds a valid *wholesaler of alternative fuel* ~~dealer's~~ license issued by the department. ~~However, a service station shall not be required nor be eligible to be licensed as a dealer.~~ A person who has no facilities for placing diesel fuel into the supply system of a motor vehicle and who sells into containers of 5 gallons or less shall not be required to be licensed as a *wholesaler of alternative fuel* ~~dealer~~.

(b) Any person who acts as a *wholesaler of alternative fuel* ~~dealer~~ and does not hold a valid *wholesaler of alternative fuel* ~~dealer's~~ license shall pay a penalty of 25 percent of the tax assessed on the total purchases.

(2) To procure a *wholesaler of alternative fuel* ~~dealer's~~ license, a person shall file with the department an application in such form as the department may prescribe, with a bond. No license shall be issued upon any application unless accompanied by such bond, except as provided in s. 206.90(1).

(3) When an application for a *wholesaler of alternative fuel* ~~dealer's~~ license is filed by a person whose license has been canceled for cause by the department or when the department is of the opinion that such application is not filed in good faith or is filed by some person as a subterfuge for the real person in interest whose license has theretofore been canceled, the department shall have authority, if the evidence warrants, to refuse to issue to that person a license.

(6) Such license shall not be assignable and shall be valid only for the *wholesaler of alternative fuel* ~~dealer~~ in whose name *it is* issued. It shall be displayed conspicuously by the *wholesaler of alternative fuel* ~~dealer~~ in the principal place of business for which it was issued.

(7) Every person as defined in this part, *except those licensed under this chapter*, including, but not limited to, a state agency, federal agency, municipality, county, or special district, which operates ~~or acts under the provisions of s. 206.86(10) is required to obtain a license~~ as a *wholesaler of alternative fuel must* ~~dealer of diesel fuel and~~ report monthly to the department, or pay tax on all fuel purchases.

Section 54. Subsections (1) and (3) of section 206.92, Florida Statutes, are amended to read:

206.92 Surrender of bond or license.—

(1) Upon receipt of a written request from any *registrant* ~~dealer~~ to cancel the license, the department shall have the power to cancel such license, effective 60 days from the date of such written request. No such license shall be canceled unless the *registrant* ~~dealer~~ has, prior to the date of such cancellation, paid to this state all taxes due and payable, together with all penalties and interest accruing under any of the provisions of this part, and unless the *registrant* ~~dealer~~ has surrendered to the department the license certificate issued to him or her.

(3) If any license is canceled by the department as provided in this section, and if the *registrant* ~~dealer~~ has paid to this state all taxes due and payable, together with any and all penalties and interest accruing under this part, the department shall cancel and surrender the bond theretofore filed by said *registrant* ~~dealer~~.

Section 55. Section 206.9815, Florida Statutes, is amended to read:

206.9815 *Definitions* ~~Definition~~.—As used in this part:~~,~~

(1) "Aviation fuel" means fuel for use in aircraft, and includes aviation gasoline and aviation turbine fuels *and kerosene,* as determined by the American Society for Testing Materials specifications D-910 or D-1655 or current specifications.

(2) "Kerosene" means all aviation turbine fuels and any distillate known as diesel #1, K-1, or any product suitable for use as a substitute for kerosene not taxed as a diesel fuel under part II. Any kerosene meeting the definition of diesel under s. 206.86(1) shall be taxed under part II.

(3) "Aviation gasoline" means any motor fuel blended or produced specifically for use in aircraft which has been dyed in accordance with federal regulations. Aviation gasoline does not include any such fuel used in any manner other than being placed in the storage tank of an aircraft.

Section 56. Section 206.9825, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.9825 Aviation fuel tax.—

(1) *Except as otherwise provided in this part,* an excise tax of 6.9 cents per gallon of aviation fuel is imposed upon every gallon of aviation fuel sold in this state, or brought into this state for use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. Fuel taxed pursuant to this part shall not be subject to the taxes imposed by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).

(2)(a) Notwithstanding the tax rate established in subsection (1), any air carrier making the election pursuant to s. 212.0598 shall be subject to a tax rate of 8 percent of the retail sales price of its purchases of each gallon of aviation fuel. However, in no event shall the tax on aviation fuel pursuant to this subsection be lower than 4.4 cents per gallon. The tax levied pursuant to this subsection shall qualify for the special apportionment formula for air carriers as provided in s. 212.0598.

(b) Any air carrier making the election pursuant to s. 212.0598 shall not be entitled to the refund provided in s. 206.9855.

(c) Any person who is licensed by the department as an aviation fuel dealer and who has an inventory of aviation fuel on which the tax provided in subsection (1) has been paid and upon which the person has collected the tax imposed under this subsection may apply to the department for a refund of the tax imposed under subsection (1) pursuant to s. 206.41.

(d) This subsection shall expire and be void on July 1, 2000. This repeal shall not be construed to relieve any person from the obligation to remit the tax imposed by this subsection or to report as required under s. 206.9865.

(3)(a) An excise tax of 6.9 cents per gallon is imposed on each gallon of kerosene in the same manner as prescribed for diesel fuel under ss. 206.87(2) and 206.872.

(b) The exemptions provided by s. 206.874 shall apply to kerosene if the dyeing and marking requirements of s. 206.8741 are met.

(c) Kerosene prepackaged in containers of 5 gallons or less and labeled "Not for Use in a Motor Vehicle" is exempt from the taxes imposed by this part when sold for home heating and cooking. Packagers may qualify for a refund of taxes previously paid, as prescribed by the department.

(d) Sales of kerosene in quantities of 5 gallons or less by a person not licensed under this chapter who has no facilities for placing kerosene in the fuel supply system of a motor vehicle may qualify for a refund of taxes paid. Refunds of taxes paid shall be limited to sales for use in home heating or cooking and shall be documented as prescribed by the department.

(4) An excise tax of 6.9 cents per gallon is imposed on each gallon of aviation gasoline in the manner prescribed by paragraph (3)(a). However, the exemptions allowed by paragraph (3)(b) do not apply to aviation gasoline.

(5) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a residence for home heating or cooking may receive a credit or refund as the ultimate vendor of the kerosene for the 6.9 cents excise tax previously paid.

(6) Any licensed wholesaler or terminal supplier that delivers undyed kerosene to a retail dealer not licensed as a wholesaler or terminal supplier for sale as a home heating or cooking fuel may receive a credit or refund as the ultimate vendor of the kerosene for the 6.9 cents excise tax previously paid, provided the retail dealer has no facility for fueling highway vehicles from the tank in which the kerosene is stored.

(7) Any person who fails to meet the requirements of this section is subject to a backup tax as provided by s. 206.873.

Section 57. Subsection (3) of section 206.9915, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.9915 Legislative intent and general provisions.—

(3) The provisions of ss. 206.01, 206.02, 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.416, *206.42, 206.425,* 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.86, *206.87,* 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.8745, 206.94, 206.945, and 206.9815 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part and made expressly applicable to the taxes imposed herein.

Section 58. Paragraph (a) of subsection (4) of section 212.08, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water (not exempting mineral water or carbonated water).

2. All ~~motor and diesel~~ fuels *used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale.* Fuel other than motor fuel and diesel fuel is taxable as provided in this part with the exception of fuel expressly exempt herein. *Motor fuels and diesel fuels*

are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

Section 59. Paragraphs (b) and (c) of subsection (1) of section 336.021, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended to read:

336.021 County transportation system; levy of ninth-cent fuel tax on motor fuel and diesel fuel.—

(1)

(b) The governing body of the county may, by joint agreement with one or more of the municipalities located therein, provide for the transportation purposes authorized under paragraph (a) and the distribution of the proceeds of this tax within both the unincorporated and incorporated areas of the county. The provisions for refund provided in ss. 206.625 and 206.64 shall not be applicable to such tax levied by any county. ~~Any terminal supplier or wholesaler licensed under part I or part II of chapter 206 who uses motor fuel or diesel fuel or who engages in selling motor fuel or diesel fuel under circumstances described in s. 206.41 or s. 206.87 shall deduct from the amount of tax shown by the report to be payable an amount equivalent to .67 percent of the tax on motor or diesel fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post-office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the department.~~

(c) Local option taxes collected on sales or use of diesel fuel in this state shall be distributed in the following manner:

1. The fiscal year of July 1, 1995, through June 30, 1996, shall be the base year for all distributions.

2. Each year the tax collected on the number of gallons reported, up to the total number of gallons reported in the base year, shall be distributed to each county using the distribution percentage calculated for the base year.

3. Additional gallons reported shall be distributed using a formula, the numerator of which shall be the number of truck stops located in the county, and the denominator of which shall be the number of truck stops located within the state. For the purposes of this section, a "truck stop" is any retail dealer registered pursuant to chapter 212, *excluding marinas,* that has declared its primary fuel business to be the sale of diesel fuel.

Section 60. Paragraph (b) of subsection (1) and paragraph (c) of subsection (2) of section 336.025, Florida Statutes, as amended by chapter 95-417, Laws of Florida, are amended to read:

336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—

(1)

(b) In addition to other taxes allowed by law, there may be levied as provided in *s. 206.41(1)(e)* ~~ss. 206.41(1)(e) and 206.87(1)(e)~~ a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum.

1. The tax shall be levied before July 1, to be effective January 1 of the following year.

2. The county may, prior to levy of the tax, establish by interlocal agreement with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county. If no interlocal agreement is adopted before the effective date of the tax, tax revenues shall be distributed pursuant to the provisions of subsection (4). If no interlocal agreement exists, a new interlocal agreement may be established prior to June 1 of any year pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial levy of the tax or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this paragraph, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

3. County and municipal governments shall utilize moneys received pursuant to this paragraph only for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan.

(2)

(c) The provisions for refund provided in s. 206.625 are not applicable to the tax levied pursuant to paragraph (1)(a) or paragraph (1)(b) by any county. ~~Any person licensed under part I or part II of chapter 206 who uses motor fuel or diesel fuel or who engages in selling motor fuel or diesel fuel under the circumstances described in paragraph (a) shall deduct from the amount of tax shown by the report to be payable an amount equivalent to .67 percent of the tax on motor or diesel fuels imposed by paragraph (1)(a), which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. However, this allowance shall not be deductible unless payment of the taxes levied pursuant to this section is made on or before the 20th day of the month as required. The United States post-office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the Department of Revenue.~~

Section 61. Section 115 of chapter 95-417, Laws of Florida, is amended to read:

Section 115. Sections 212.60, 212.61, 212.6201, 212.635, 212.637, 212.64, 212.65, 212.655, and 212.66, Florida Statutes, section 212.62, Florida Statutes, as amended by chapter 92-184, Laws of Florida, *and* section 212.67, Florida Statutes, as amended by chapters 93-260 and 94-353, Laws of Florida, ~~and section 6 of chapter 94-146, Laws of Florida,~~ are hereby repealed.

Section 62. Section 962 of chapter 95-148, Laws of Florida, is hereby repealed.

Section 63. (1) Notwithstanding the provisions of chapter 206, Florida Statutes, any license issued pursuant to chapter 206, Florida Statutes, for conducting fuel business for the period beginning January 1, 1996, through June 30, 1996, shall expire June 30, 1996. The cost of any such license issued pursuant to chapter 206, Florida Statutes, shall be $30.

(2) Notwithstanding the provisions of chapter 206, Florida Statutes, all licenses issued pursuant to chapter 206, Florida Statutes, for conducting fuel business for the period beginning July 1, 1996, through December 31, 1997, shall expire on December 31, 1997. The cost of any such license issued pursuant to chapter 206, Florida Statutes, shall be $30.

(3) Beginning January 1, 1998, the licensing period under chapter 206, Florida Statutes, shall be a calendar year, or any part thereof. The cost of any such license issued pursuant to chapter 206, Florida Statutes, shall be $30.

(4) This section shall take effect upon this act becoming a law.

Section 64. The Division of Statutory Revision of the Joint Legislative Management Committee is directed to prepare a reviser's bill for introduction at the 1997 regular legislative session to conform the Florida Statutes to the repeal of part II of chapter 212, Florida Statutes, by chapter 95-417, Laws of Florida.

Section 65. Subsection (7) of section 206.9925, Florida Statutes, is hereby repealed, and subsections (5) and (8) of said section are amended to read:

206.9925 Definitions.—As used in this part:

(5) "Pollutants" includes any petroleum product as defined in subsection (4) as well as pesticides, ammonia, and chlorine; lead-acid batteries, including, but not limited to, such batteries which are a component part of other tangible personal property; and solvents as defined in subsection (6) ~~and solvent mixtures as defined in subsection (7)~~, but the term excludes liquefied petroleum gas, medicinal oils, and waxes. Products intended for application to the human body or for use in human personal hygiene or for human ingestion are not pollutants, regardless of their contents. For the purpose of the tax imposed under s. 206.9935(1), "pollutants" also includes crude oil.

(7)~~(8)~~ "Consume" means to destroy or to alter the chemical or physical structure of a solvent ~~or solvent mixture~~ such that it is no longer identifiable as the solvent ~~or solvent mixture~~ it was.

Section 66. Subsection (2) of section 206.9935, Florida Statutes, as amended by chapter 95-417, Laws of Florida, is amended to read:

206.9935 Taxes imposed.—

(2) TAX FOR WATER QUALITY.—

(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise.

2. The tax shall be imposed only once on each barrel or other unit of pollutant, other than petroleum products, when first produced in or imported into this state. The tax on pollutants first imported into or produced in this state shall be imposed when the product is first sold or first removed from storage. The tax shall be paid and remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, diesel fuel, aviation fuel, or other pollutants.

3. The tax shall be imposed on petroleum products and remitted to the department in the same manner as the motor fuel tax imposed pursuant to s. 206.41.

(b) The excise tax shall be the applicable rate as specified in subparagraph 1. per barrel or per unit of pollutant, or equivalent measure as established by the department, produced in or imported into the state. If the unobligated balance of the Water Quality Assurance Trust Fund is or falls below $3 million, the tax shall be increased to the applicable rates specified in subparagraph 2. and shall remain at said rates until the unobligated balance in the fund exceeds $5 million, at which time the tax shall be imposed at the rates specified in subparagraph 1. If the unobligated balance of the fund exceeds $12 million, the levy of the tax shall be discontinued until the unobligated balance of the fund falls below $5 million, at which time the tax shall be imposed at the rates specified in subparagraph 1. Changes in the tax rates pursuant to this paragraph shall take effect on the first day of the month after 30 days' notification to the Department of Revenue when the unobligated balance of the fund falls below or exceeds a limit set pursuant to this paragraph.

1. As provided in this paragraph, the tax shall be 2.36 cents per gallon of solvents ~~and solvent mixtures~~, 1 cent per gallon of motor oil or other lubricants, and 2 cents per barrel of petroleum products, pesticides, ammonia, and chlorine.

2. As provided in this paragraph, the tax shall be 5.9 cents per gallon of solvents ~~and solvent mixtures~~, 2.5 cents per gallon of motor oil or other lubricants, 2 cents per barrel of ammonia, and 5 cents per barrel of petroleum products, pesticides, and chlorine.

(c) Any person producing in or importing into the state a liquid mixture and claiming that the mixture is not subject to taxation as a ~~solvent mixture or other~~ pollutant shall bear the burden of demonstrating to the Department of Revenue that the mixture is not a *pollutant* ~~solvent mixture as defined in s. 206.9925(7)~~ or is intended for application to the human body or for use in human personal hygiene or for human ingestion.

Section 67. Subsections (4) and (5) of section 206.9941, Florida Statutes, are amended to read:

206.9941 Exemptions.—

(4) Solvents ~~or solvent mixtures~~ consumed in the manufacture or production of a material which is not itself a pollutant, as defined in s. 206.9925, are exempt from the tax imposed by s. 206.9935(2).

(5) Solvents, ~~solvent mixtures,~~ motor oil, and lubricants are exempt from the taxes imposed by s. 206.9935(1) and (3).

Section 68. Subsection (4) of section 206.9942, Florida Statutes, is hereby repealed, and subsections (3) and (5) of said section are amended to read:

206.9942 Refunds and credits.—

(3) Any person licensed pursuant to this chapter who has produced, imported, or purchased solvents ~~or solvent mixtures~~ on which the tax has been paid pursuant to s. 206.9935(2) to the state or to his or her supplier and which solvents ~~or solvent mixtures~~ are subsequently consumed in the manufacture or production of a product which is not itself a pollutant as defined in s. 206.9925(5) may deduct the amount of tax paid thereon pursuant to s. 206.9935(2) from the amount owed to the state and remitted pursuant to s. 206.9931(2) or may apply for a refund of the amount of tax paid thereon pursuant to s. 206.9935(2).

(4)~~(5)~~ Any person licensed pursuant to this chapter who has produced, imported, or purchased solvents ~~or solvent mixtures~~ on which the tax has been paid pursuant to s. 206.9935(2) to the state or to his or her supplier and which solvents ~~or solvent mixtures~~ were subsequently consumed, blended, or mixed to produce a pollutant~~, other than a solvent mixture,~~ which is subject to tax pursuant to s. 206.9935(2) may deduct the amount of tax paid on the solvent ~~or solvent mixture~~ pursuant to s. 206.9935(2) from the amount owed to the state for the pollutant and remitted pursuant to s. 206.9931(2) or may apply for a refund of the amount of tax paid on the solvent ~~or solvent mixture~~ pursuant to s. 206.9935(2). In no event shall any deduction or credit under this subsection exceed the tax owed to the state for the pollutant.

Section 69. Effective March 1, 1997, subsections (26), (27), and (28) are added to section 212.02, Florida Statutes, and, effective July 1, 1997, subsection (29) is added to said section, to read:

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

(26) "Self-propelled farm equipment" means equipment which contains within itself the means for its own propulsion, including, but not limited to, tractors.

(27) "Power-drawn farm equipment" means equipment which is pulled, dragged, or otherwise attached to self-propelled equipment, including, but not limited to, discs, harrows, hay balers, and mowers.

(28) "Power-driven farm equipment" means moving or stationary equipment dependent upon an external power source in order to perform its function, including, but not limited to, conveyors, augers, feeding systems, and vacuum pumps.

(29) "Solar energy system" means the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity. This subsection expires July 1, 2002.

Section 70. Effective upon this act becoming a law and applicable retroactively to November 1, 1989, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way occupied or used by a utility for utility purposes.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft or, for the period July 1, 1990, through June 30, 1991, property used at an airport to operate advertising displays in any county as defined in s. 125.011(1).

8.*a.* Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels*, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant or licensee.*

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of a movie theater, a business operated under a permit issued pursuant to chapter 550, or any publicly owned arena, sports stadium, convention hall, exhibition hall, auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), F.A.C.; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

Section 71. Effective upon this act becoming a law, paragraph (a) of subsection (2) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Health and Rehabilitative Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 240.533(3)(c).

2.a. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended.

b. No tax imposed by this section and not actually collected before August 1, 1992, shall be due from any museum or historic building owned by any political subdivision of the state.

3. No tax shall be levied on an admission paid by a student, or on his behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game, ~~or~~ on admissions to any of the games of the 1994 World Cup Soccer Tournament*, on admissions to any semifinal game or championship game of a national collegiate tournament, or on admissions to a Major League Baseball all-star game.*

5. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program is exempt when the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply

to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of $1,500,000 multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

7. No tax shall be levied on admissions to any NCAA-sanctioned postseason collegiate football game.

Section 72. Paragraph (l) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(l)1. Notwithstanding any other provision of this part, there is hereby levied a tax on the sale, use, consumption, or storage for use in this state of any coin or currency, whether in circulation or not, when such coin or currency:

a. Is not legal tender;

b. If legal tender, is sold, exchanged, or traded at a rate in excess of its face value; or

c. Is sold, exchanged, or traded at a rate based on its precious metal content.

2. Such tax shall be at a rate of 6 percent of the price at which the coin or currency is sold, exchanged, or traded, except that, with respect to a coin or currency which is legal tender of the United States and which is sold, exchanged, or traded at a rate in excess of its face value, the tax shall be at a rate of 6 percent of the difference between the price at which it is sold, exchanged, or traded and its face value.

3. There are exempt from this tax exchanges of coins or currency which are in general circulation in, and legal tender of, one nation for coins or currency which are in general circulation in, and legal tender of, another nation when exchanged solely for use as legal tender and at an exchange rate based on the relative value of each as a medium of exchange.

4. With respect to any transaction that involves the sale of coins or currency taxable under this paragraph in which the taxable amount represented by the sale of such coins or currency exceeds $500, the entire amount represented by the sale of such coins or currency shall be exempt from the tax imposed by this paragraph. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of coins or currency and is exempt under this subparagraph.

Section 73. (1) Subsections (1) and (14), paragraph (b) of subsection (5), and paragraphs (o) and (ff) of subsection (7) of section 212.08, Florida Statutes, are amended, paragraphs (ii), (jj), (kk), (ll), (mm), (nn), (oo), (qq), (rr), (ss), and (uu) are added to subsection (7) of said section, and, effective March 1, 1997, subsection (3) and paragraph (w) of subsection (7) of said section are amended, effective January 1, 1997, paragraph (f) of subsection (5) of said section is amended, effective upon this act becoming a law, paragraph (pp) is added to subsection (7) of said section, and, effective July 1, 1997, paragraph (tt) is added to subsection (7) of said section, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(1) EXEMPTIONS; GENERAL GROCERIES.—

(a) Food products for human consumption are exempt from the tax imposed by this chapter.

(b) As used in this subsection, "food products" means edible commodities, whether processed, cooked, raw, canned, or in any other form, which are generally regarded as food. This includes, but is not limited to:

1. Cereals and cereal products, baked goods, oleomargarine, meat and meat products, fish and seafood products, frozen foods and dinners, poultry, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices, salt, sugar and sugar products, milk and dairy products, and products intended to be mixed with milk.

2. Natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit or vegetable juices, whether frozen or unfrozen, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned; and coffee, coffee substitutes, tea, or cocoa, unless these products are sold in a liquid form.

3. Bakery products sold by bakeries, pastry shops, or like establishments which do not have eating facilities.

(c) The exemption provided by this subsection does not apply:

1. When the food products are sold as meals for consumption on or off the premises of the dealer.

2. When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware, whether provided by the dealer or by a person with whom the dealer contracts to furnish, prepare, or serve food products to others.

3. When the food products are ordinarily sold for immediate consumption on the premises or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "take out" or "to go" order and are actually packaged or wrapped and taken from the premises of the dealer.

4. To sandwiches sold ready for immediate consumption on or off the premises.

5. When the food products are sold ready for immediate consumption within a place, the entrance to which is subject to an admission charge.

6. When the food products are sold as hot prepared food products.

7. To soft drinks, which include, but are not limited to, any nonalcoholic beverage, any preparation or beverage commonly referred to as a "soft drink," or any noncarbonated drink made from milk derivatives or tea, when sold in cans or similar containers.

8. To ice cream, frozen yogurt, and similar frozen diary or nondairy products in cones, small cups, or pints, popsicles, frozen fruit bars, or other novelty items, whether or not sold separately.

9. To food prepared, whether on or off the premises, and sold for immediate consumption. This does not apply to food prepared off the premises and sold in the original sealed container, or the slicing of products into smaller portions.

10. When the food products are sold through a vending machine, pushcart, motor vehicle, or any other form of vehicle.

11. To candy and any similar product regarded as candy or confection, based on its normal use, as indicated on the label or advertising thereof.

12. To bakery products sold by bakeries, pastry shops, or like establishments which have eating facilities, except when sold for consumption off the premises.

13. When food products are served, prepared, or sold in or by restaurants, lunch counters, cafeterias, hotels, taverns, or other like places of business.

(d) As used in this subsection:

1. "For consumption off the premises" means that the food or drink is intended by the customer to be consumed at a place away from the dealer's premises.

2. "For consumption on the premises" means that the food or drink sold may be immediately consumed on the premises where the dealer conducts his or her business. In determining whether an item of food is sold for immediate consumption, there shall be considered the customary consumption practices prevailing at the selling facility.

3. "Premises" shall be construed broadly, and means, but is not limited to, the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; or the parking area of a drive-in or outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where such meals or beverages are served.

4. "Hot prepared food products" means those products, items, or components which have been prepared for sale in a heated condition and which are sold at any temperature which is higher than the air temperature of the room or place where they are sold. "Hot prepared food products," for the purposes of this subsection, includes a combination of hot and cold food items or components where a single price has been established for the combination and the food products are sold in such combination, such as a hot meal, a hot specialty dish or serving, or a hot sandwich or hot pizza, including cold components or side items.

~~(a) There are exempt from the tax imposed by this chapter food and drinks for human consumption except candy. Unless the exemption provided by paragraph (7)(q) for school lunches, paragraph (7)(i) for meals to certain patients or inmates, paragraph (7)(k) for meals provided by certain nonprofit organizations, or paragraph (7)(z) for food or drinks sold through vending machines pertains, none of such items of food or drinks means:~~

~~1. Food or drinks served, prepared, or sold in or by restaurants; drugstores; lunch counters; cafeterias; hotels; amusement parks; racetracks; taverns; concession stands at arenas, auditoriums, carnivals, fairs, stadiums, theaters, or other like places of business; or by any business or place required by law to be licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, except bakery products sold in or by pastry shops, doughnut shops, or like establishments for consumption off the premises;~~

~~2. Foods and drinks sold ready for immediate consumption from vending machines, pushcarts, motor vehicles, or any other form of vehicle;~~

~~3. Soft drinks, which include, but are not limited to, any nonalcoholic beverage, any preparation or beverage commonly referred to as a "soft drink," or any noncarbonated drink made from milk derivatives or tea, when sold in cans or similar containers. The term "soft drink" does not include: natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit or vegetable juices, whether frozen or unfrozen, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned; coffee or coffee substitutes; tea except when sold in containers as provided herein; cocoa; products intended to be mixed with milk; or natural fluid milk;~~

~~4. Foods or drinks cooked or prepared on the seller's premises and sold ready for immediate consumption either on or off the premises, excluding bakery products for off-premises consumption unless such foods are taxed under subparagraph 1. or subparagraph 2.; or~~

~~5. Sandwiches sold ready for immediate consumption.~~

~~For the purposes of this paragraph, "seller's premises" shall be construed broadly, and means, but is not limited to, the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; or the parking area of a drive-in or outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where such meals or beverages are served.~~

(e)~~(b)~~1. Food or drinks not exempt under *paragraphs (a), (b), (c), and (d)* ~~paragraph (a)~~ shall be exempt, notwithstanding *those paragraphs* ~~that paragraph~~, when purchased with food coupons or Special Supplemental Food Program for Women, Infants, and Children vouchers issued under authority of federal law.

2. This paragraph is effective only while federal law prohibits a state's participation in the federal food coupon program or Special Supplemental Food Program for Women, Infants, and Children if there is an official determination that state or local sales taxes are collected within that state on purchases of food or drinks with such coupons.

3. This paragraph shall not apply to any food or drinks on which federal law shall permit sales taxes without penalty, such as termination of the state's participation.

4. Notwithstanding any other provision of law, the department shall make refunds or allow credits to a distributor equal to the fee imposed and paid under s. 403.7197 on containers purchased by consumers with food coupons or Special Supplemental Food Program for Women, Infants, and Children vouchers issued under authority of federal law.

(3) EXEMPTIONS, PARTIAL; CERTAIN FARM EQUIPMENT.— There shall be taxable at the rate of 3 percent the sale, use, consumption, or storage for use in this state of self-propelled, ~~or~~ power-drawn, *or power-driven* farm equipment used exclusively *on a farm or in a forest* ~~by a farmer on a farm owned, leased, or sharecropped by the farmer~~ in plowing, planting, cultivating, or harvesting crops *or products as produced by those agricultural industries included in s. 570.02(1). Harvesting is not to be construed to include processing activities. This partial exemption is not forfeited by the act of moving farm equipment between farms or forests.* The rental of self-propelled, ~~or~~ power-drawn, *or power-driven* farm equipment shall be taxed at the rate of 6 percent.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for use in new businesses which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2. Industrial machinery and equipment purchased for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of $100,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, printing or publishing firms *(except firms whose primary business activity, including the activity of related parties, is classified within SIC Industry Number 2732 or Industry Group Numbers 275, 276, 277, or 278),* any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property. *For purposes of this subparagraph, the term "primary" means 65 percent or more in the aggregate, and references to Standard Industrial Code ("SIC") numbers are to those numbers as used in the Standard Industrial Classification Manual published in 1987.*

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of the manufacturing, processing, compounding, or producing for sale, or for exclusive use in spaceport activities as defined in s. 212.02, of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

(f) Motion picture or video equipment used in motion picture or television production activities and sound recording equipment used in the production of master tapes and master records.—

1. Motion picture or video equipment and sound recording equipment purchased or leased for use in this state in production activities is exempt from the tax imposed by this chapter upon an affirmative showing by the purchaser or lessee to the satisfaction of the department that the equipment will be used for production activities. The exemption provided by this paragraph shall inure to the taxpayer only through a refund of previously paid taxes. Notwithstanding the provisions of s. 212.095, such refund shall be made within 30 days of formal application, which application may be made after the completion of production activities or on a quarterly basis. Notwithstanding the provisions of chapter 213, the department shall provide the Department of Commerce with a copy of each refund application and the amount of such refund, if any.

2. For the purpose of the exemption provided in subparagraph 1.:

a. "Motion picture or video equipment" and "sound recording equipment" includes only equipment meeting the definition of "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code that is used by the lessee or purchaser exclusively as an integral part of production activities; however, motion picture or video equipment and sound recording equipment does not include supplies, tape, records, film, or video tape used in productions or other similar items; vehicles or vessels; or general office equipment not specifically suited to production activities. ~~In addition, the term does not include equipment purchased or leased by television or radio broadcasting or cable companies licensed by the Federal Communications Commission.~~

b. "Production activities" means activities directed toward the preparation of a:

(I) Master tape or master record embodying sound; or

(II) Motion picture or television production which is produced for theatrical, commercial, advertising, or educational purposes and utilizes live or animated actions or a combination of live and animated actions. The motion picture or television production shall be commercially produced for sale or for showing on screens or broadcasting on television and may be on film or video tape.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this part transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which owns and operates a Florida *radio or* television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which,

exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis. *The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, the sole or primary function of which is to provide, at any location, nonprofit religious services, evangelistic services, religious education, or missionary activities for, or in direct participation with, one or more churches, synagogues, or established physical places of worship at which nonprofit religious services and activities are regularly conducted.*

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this part. *Notwithstanding any other requirement of this paragraph, charitable institutions facing revocation of their consumer's certificate of exemption which, through intervention of the department's taxpayer rights advocate, received a temporary extension of their consumer's certificate of exemption to the end of the 1996 Florida legislative session, including, but not limited to, the Gasparilla Distance Classic Association, Inc., shall retain exemption from the tax imposed by this chapter.*

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

(w) *Certain newspaper, newsletter, and magazine subscriptions* ~~Newspapers~~, shoppers, and community newspapers.—Likewise exempt are *newspaper, newsletter, and magazine subscriptions in which the product is delivered to the customer by mail* ~~newspapers~~. Also exempt are free, circulated publications which are published on a regular basis, the content of which is primarily advertising, and which are distributed through the mail, home delivery, or newsstands.

(ff) Aircraft repair and maintenance labor charges.—There shall be exempt from the tax imposed by this part all labor charges for the repair and maintenance of aircraft of more than 20,000 pounds maximum certified takeoff weight. *Except as otherwise provided in this chapter,* charges for parts and equipment furnished in connection with such labor charges are taxable.

(ii) Complimentary items.—There is exempt from the tax imposed by this chapter:

1. Any food or drink, whether or not cooked or prepared on the premises, provided without charge as a sample or for the convenience of customers by a dealer that primarily sells food product items at retail.

2. Any item given to a customer as part of a price guarantee plan related to point-of-sale errors by a dealer that primarily sells food products at retail.

3. Samples of prescription drugs and medicines and their packaging distributed free of charge to doctors and hospitals in accordance with the Federal Food, Drug and Cosmetic Act, 21 U.S.C.A. s. 301, et seq.

The exemptions in this paragraph do not apply to businesses with the primary activity of serving prepared meals or alcoholic beverages for immediate consumption.

(jj) Donated foods or beverages.—Any food or beverage donated by a dealer that sells food products at retail to a food bank or an organization

which holds current exemption from federal corporate income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended, is exempt from the tax imposed by this chapter.

(kk) Complimentary meals.—Where no separate charge or specific amount is shown for food or drinks furnished as part of a packaged room rate by any person offering for rent or lease any transient living accommodations as described in s. 509.013(4)(a) which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, such drinks or food are considered sold at retail as a part of the total charge for the transient living accommodations. The person offering the accommodations is not considered the consumer of items purchased in furnishing such food or drinks and may purchase such items under conditions of a sale for resale.

(ll) Bullion.—The sale of gold, silver, or platinum bullion, or any combination thereof in a single transaction, is exempt if the sales price exceeds $500. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of gold, silver, or platinum bullion and is exempt under this paragraph.

(mm) United Service Organizations.—Also exempt are sales to a voluntary civilian nonprofit corporation which holds a current exemption from federal corporate income tax pursuant to s. 501(c)(3), United States Internal Revenue Code, 1954, as amended, and whose primary purpose is to serve the entertainment, social, and education needs of members of the armed services and their families.

(nn) Jacksonville Marine Charities, Inc.—There shall be exempt from the tax imposed by this chapter sales or leases to Jacksonville Marine Charities, Inc., provided such organization holds a current exemption from federal corporate income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(oo) Aircraft repair and maintenance.—There shall be exempt from the tax imposed by this chapter replacement engines, parts, and equipment used in the repair or maintenance of commercial aircraft of more than 20,000 pounds maximum certified takeoff weight, when such parts or equipment are installed on such aircraft that is being repaired or maintained in this state.

(pp) Nonprofit corporations conducting correctional work programs.—Products sold pursuant to s. 946.515 by the corporation organized pursuant to part II of chapter 946 are exempt from the tax imposed by this chapter. This exemption applies retroactively to July 1, 1983.

(qq) Hadassah, the Women's Zionist Organization of America, Inc.—Also exempt from the payment of the tax imposed by this chapter are purchases made by Hadassah, the Women's Zionist Organization of America, Inc.

(rr) Florida National Parks and Monuments Association.—There shall be exempt from the tax imposed by this chapter equipment and materials purchased by the Florida National Parks and Monuments Association for its own use or given free of charge to the National Park Service. The exemption provided by this paragraph is allowed only if the association is designated a National Park Service Cooperating Association by the United States Department of Interior and holds a current exemption from federal corporate income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(ss) Advertising agencies.—When advertising agencies act as agents for their clients in purchasing property such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, and artwork, tax applies to the gross receipts from the sale of such property to the advertising agency. Tax does not apply to charges by the advertising agency to its clients.

(tt) Solar energy systems.—Also exempt are solar energy systems or any component thereof. The Florida Solar Energy Center shall from time to time certify to the department a list of equipment and requisite hardware considered to be a solar energy system or a component thereof. This paragraph expires July 1, 2002.

(uu) Citizens support organizations.—Nonprofit organizations that are incorporated under chapter 617 or hold a current exemption from federal corporate income tax under s. 501(c)(3) of the United States Internal Revenue Code, as amended, and that have been designated citizen support organizations to support one or more state parks in accordance with s. 258.015 are exempt from the tax imposed by this chapter.

(14)*(a)* The department shall establish a technical assistance advisory committee with public and private sector members, *including representatives of both manufacturers and retailers,* to advise the Department of Revenue and the Department of Health and Rehabilitative Services in determining the taxability of specific products and product lines pursuant to subsection (1) and paragraph (2)(a). In determining taxability and in preparing a list of specific products and product lines which are or are not taxable, the committee shall not be subject to the provisions of chapter 120. Private sector members shall not be compensated for serving on the committee.

(b) The department, with the advice of the committee, shall develop guidelines for determining the taxability of specific products. The guidelines shall not be subject to the provisions of chapter 120 and shall be a public record. In developing the guidelines, if the department determines that a proposed guideline substantially affects a particular person, it shall notify the person of the development of the proposed guideline. The guidelines shall be submitted to the Administrative Procedures Committee and the department shall respond to any comments made by the committee or to any person substantially affected by the guidelines.

(c) The advisory committee shall use guidelines determined by the department in making its recommendations. The committee shall forward its recommendations to the department, which shall determine the taxability of specific products. The determination shall be a public record and shall be final upon its publication and shall remain effective unless a change of determination is published. The determination may be challenged pursuant to a proceeding conducted under s. 120.57.

(d) The department is authorized to develop a central database and to publish the determination as to the taxability of specific products in a manner which generally provides retailers with information to properly tax products based on their universal product codes. To assure maximum benefit to the retail community, the advisory committee shall help in identifying the scope of information that should be included in the central database and the appropriate methods to assure efficient and effective communication. Information contained in the central database shall not be subject to the provisions of chapter 120 and shall be a public record.

(2) The amendment to section 212.08(7)(o)2.b., Florida Statutes, by this section shall take effect upon this act becoming a law.

Section 74. The exemption for newspaper, newsletter, and magazine subscriptions which is provided by the amendment to section 212.08(7)(w), Florida Statutes, by this act applies only to subscriptions entered into after April 30, 1997.

Section 75. (1) As used in this section, "chamber of commerce" means an organization whose operations and membership are defined without regard to any specific industry or industries, and which is qualified as a "chamber of commerce" under s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, and which is organized as a not-for-profit corporation.

(2) No tax imposed by chapter 212, Florida Statutes, on the following transactions occurring on or before December 31, 1994, and not actually paid or collected by a chamber of commerce on or before December 31, 1994, shall be due from that chamber of commerce:

(a) Purchases by a chamber of commerce for use in its operations to foster business intended to occur within the state.

(b) Revenues of a chamber of commerce derived from activities of the chamber of commerce that are intended to foster business within the state for its members and the general business community, including dues and fees to members, the conduct of events for admission, charges to businesses for participation in trade shows and similar events, circulation of printed materials, including newspapers and newsletters regardless of the quantity of advertising content and regardless of the frequency of distribution, and business seminars and events to assist businesses with their operations, with compliance with laws, or with activities within their communities. Any revenues derived by a chamber of commerce from resales by the chamber of commerce of materials routinely and directly available to any person without the participation of the chamber of commerce, and which would occur without participation, addition, or modification in any material way by the chamber of

commerce, are not qualified as an exempt transaction of the chamber of commerce under this section.

(3) This section shall take effect upon this act becoming a law.

Section 76. Subsection (2) of section 212.0515, Florida Statutes, is amended to read:

212.0515 Sales from vending machines; sales to vending machine operators; special provisions; registration; quarterly reports; penalties.—

(2) Notwithstanding any other provision of law, the amount of the tax to be paid on food and beverage items that are sold in vending machines shall be calculated by dividing the gross receipts from such sales for the applicable reporting period by a divisor, determined as provided in this subsection, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. The divisor shall be equal to the sum of 1.0665 for beverage items, or 1.0645 for food items, *except that for counties with a 0.5 percent sales surtax rate the divisor shall be equal to the sum of 1.0707 for beverage items or 1.0686 for food items, for counties with a 1 percent sales surtax rate the divisor shall be equal to the sum of 1.0749 for beverage items or 1.0726 for food items, and for counties with a 1.5 percent sales surtax rate the divisor shall be equal to the sum of 1.0791 for beverage items or 1.0767 for food items* ~~plus any applicable local option tax authorized by this part, expressed as a decimal~~. However, the amount of the tax to be paid on natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products, natural fruit juices, or natural vegetable juices shall be calculated using the divisor that is specified for food items.

Section 77. Paragraph (g) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this part shall be as follows:

(g) The proceeds of all other taxes and fees imposed pursuant to this part shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this part shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.664 percent for the remaining months of fiscal year 1992-1993, and 9.653 percent thereafter, of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.054 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. Of the remaining proceeds:

a. Beginning July 1, 1992, $166,667 shall be distributed monthly by the department to each applicant that has been certified by the Department of Commerce as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162 and $41,667 shall be distributed monthly by the department to each applicant that has been certified by the Department of Commerce as a "new spring training franchise facility" pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification by the Department of Commerce.

b. Beginning 30 days after notice by the Department of Commerce to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

c. Beginning 30 days after notice by the Department of Commerce to the Department of Revenue that the applicant has been certified as the IGFA World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.

6. All other proceeds shall remain with the General Revenue Fund.

Section 78. Section 288.1169, Florida Statutes, is created to read:

288.1169 IGFA World Center facility; department duties.—

(1) The Department of Commerce shall serve as the state agency approving applicants for funding pursuant to s. 212.20 and for certifying the applicant as the IGFA World Center facility. For purposes of this section, "facility" means the International Game Fish Association (IGFA) World Center, and "project" means the IGFA World Center and new co-located improvements by private-sector concerns who have made cash or in-kind contributions to the facility of $1,000,000 or more.

(2) Prior to certifying this facility, the department must determine that:

(a) The IGFA World Center is the only fishing museum, Hall of Fame, and international administrative headquarters in the United States recognized by the International Game Fish Association, and that one or more private-sector concerns have committed to donate to the International Game Fish Association land upon which the IGFA World Center will operate.

(b) IGFA is a not-for-profit Florida corporation that has contracted to construct and operate the facility.

(c) The municipality in which the facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the facility serves a public purpose.

(d) There are existing projections that the IGFA World Center facility and the co-located facilities of private-sector concerns will attract an attendance of more than 1,800,000 annually.

(e) There is an independent analysis or study, using methodology approved by the department, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the project will exceed $1,000,000 annually.

(f) There are existing projections that the project will attract more than 300,000 persons annually who are not residents of the state.

(g) The applicant has submitted an agreement to provide $500,000 annually in national and international media promotion of the facility, at the then-current commercial rates, during the period of time that the facility receives funds pursuant to s. 212.20. Failure on the part of the applicant to annually provide the advertising as provided in this paragraph shall result in the termination of the funding as provided in s. 212.20. The applicant can discharge its obligation under this paragraph by contracting with other persons, including private-sector concerns who participate in the project.

(h) Documentation exists that demonstrates that the applicant has provided, and is capable of providing, or has financial or other commitments to provide, more than one-half of the cost incurred or related to the improvements and the development of the facility.

(i) The application is signed by senior officials of the International Game Fish Association and is notarized according to Florida law providing for penalties for falsification.

(3) The applicant may use funds provided pursuant to s. 212.20 for the purpose of paying for the construction, reconstruction, renovation,

promotion, or operation of the facility, or to pay or pledge for payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds issued for the construction, reconstruction, or renovation of the facility or for the reimbursement of such costs or by refinancing of bonds issued for such purposes.

(4) Upon determining that an applicant is or is not certifiable, the Department of Commerce shall notify the applicant of its status by means of an official letter. If certifiable, the Department of Commerce shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the facility to the public and notify the Department of Commerce of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the Department of Commerce that the facility is open to the public.

(5) The Department of Revenue may audit as provided in s. 213.34 to verify that the contributions pursuant to this section have been expended as required by this section.

(6) The Department of Commerce must recertify every 10 years that the facility is open, that the IGFA World Center continues to be the only international administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish Association, and that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum projections, then funding will be abated until certification criteria are met. If the project fails to generate $1,000,000 of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to s. 212.20(6)(g)5.c. shall be reduced to an amount equal to $83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is $1,000,000. Such reduction shall remain in effect until revenues generated by the project in a 12-month period equal or exceed $1,000,000.

Section 79. Section 218.65, Florida Statutes, is amended to read:

218.65 Emergency distribution.—

(1) Each county government which meets the provisions of subsection (2) *or subsection (7)* and which participates in the local government half-cent sales tax shall receive *a* ~~an emergency~~ distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund in addition to its regular monthly distribution as provided in this part.

(2) The Legislature hereby finds and declares that a fiscal emergency exists in any county which meets the criteria specified in paragraph (a), if applicable, and the criterion specified in paragraph (b):

(a) If the county has a population of 50,000 or above:

1. In any year from 1977 to 1981, inclusive, the value of net new construction and additions placed on the tax roll for that year was less than 2 percent of the taxable value for school purposes on the roll for that year, exclusive of such net value; or

2. The percentage increase in county taxable value from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than 3 percent.

(b) The moneys distributed to the county government pursuant to s. 218.62 for the prior fiscal year were less than the current per capita limitation, based on the population of that county.

(3) Qualification under this section shall be determined annually at the start of the fiscal year. Emergency *and supplemental* moneys shall be distributed monthly with other moneys provided pursuant to this part.

(4) For the fiscal year beginning in 1988, the per capita limitation shall be $24.60. Thereafter, commencing with the fiscal year which begins in 1989, this limitation shall be adjusted annually for inflation. The annual adjustment to the per capita limitation for each fiscal period shall be the percentage change in the state and local government price deflator for purchases of goods and services, all items, 1983 equals 100, or successor reports for the preceding calendar year as initially reported by the United States Department of Commerce, Bureau of Economic Analysis, as certified by the Florida Consensus Estimating Conference.

(5) At the beginning of each fiscal year, the Department of Revenue shall calculate a base allocation for each eligible county equal to the difference between the current per capita limitation times the county's population, minus prior year ordinary distributions to the county pursuant to ss. 212.20(6)(g)3., 218.61, and 218.62. If moneys *deposited into* ~~appropriated to~~ the Local Government Half-cent Sales Tax Clearing Trust Fund *pursuant to s. 212.20(6)(g)4., excluding moneys appropriated for supplemental distributions pursuant to subsection (7),* for the current year are less than or equal to the sum of the base allocations, each eligible county shall receive a share of the appropriated amount proportional to its base allocation. If the *deposited amount* ~~appropriation~~ exceeds the sum of the base allocations, each county shall receive its base allocation, and the excess appropriated amount shall be distributed equally on a per capita basis among the eligible counties. ~~All distributions under this section shall be made in 12 equal monthly amounts.~~

(6) There is hereby annually appropriated from the Local Government Half-cent Sales Tax Clearing Trust Fund the distribution provided in s. 212.20(6)(g)4. to be used for emergency *and supplemental* distributions pursuant to this section.

(7)(a) Any county eligible for an emergency distribution pursuant to this section the inmate population of which in any year is greater than 7 percent of the total population of the county is eligible for a supplemental distribution for that year from funds expressly appropriated therefor. At the beginning of each fiscal year, the Department of Revenue shall calculate a supplemental allocation for each eligible county equal to the current per capita limitation pursuant to subsection (4) times the inmate population of the county. If moneys appropriated for distribution pursuant to this section for the current year are less than the sum of supplemental allocations, each eligible county shall receive a share of the appropriated amount proportional to its supplemental allocation. Otherwise, each shall receive an amount equal to its supplemental allocation. ~~Any balance of moneys appropriated for such purposes remaining at the end of the fiscal year shall revert to the state General Revenue Fund.~~

(b) For the purposes of this subsection, the term:

1. "Inmate population" means the latest official state estimate of the number of inmates and patients residing in institutions operated by the Federal Government, the Department of Corrections, or the Department of Health and Rehabilitative Services.

2. "Total population" includes inmate population and noninmate population.

Section 80. Effective January 1, 1997, section 220.187, Florida Statutes, is created to read:

220.187 Preventive cancer-screening procedures tax credit.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) While studies have shown that early detection and screening for cancer can reduce cancer morbidity by as much as 50 percent for certain types of cancer, physicians report that concern about the costs of early detection procedures is one of the main reasons for hesitating to order those procedures.

(b) Many low-income Americans lack comprehensive health insurance coverage and many existing health insurance policies do not adequately cover the costs of early detection and cancer-screening procedures.

(c) Socioeconomically disadvantaged Americans are disproportionately affected by cancer in terms of incidence and mortality.

(d) In order to significantly improve the availability of early detection and cancer-screening procedures for low-income state residents who are not covered by insurance, it is necessary to provide additional resources, and the participation of private enterprise in funding such tests is an effective means for accomplishing that goal.

(2) POLICY AND PURPOSE.—It is the policy of this state to encourage the participation of private corporations in improving the health and well-being of state residents. The purpose of this section is to provide an incentive for such participation by granting partial state income tax credits to corporations that contribute resources to fund early detection and cancer-screening procedures for low-income state residents who are not covered by insurance.

(3) AUTHORIZATION TO GRANT PREVENTIVE CANCER-SCREENING PROCEDURES TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(a) There shall be allowed a credit of 25 percent of a preventive cancer-screening procedures contribution against any tax due for a taxable year under this chapter.

(b) A business firm may not receive more than $200,000 in annual tax credits for all approved preventative cancer-screening procedures contributions made in any one year.

(c) The total amount of tax credit that may be granted for all contributions approved under this section is $1 million annually.

(d) Each proposal for the granting of the tax credit must have the prior approval of the Secretary of Health and Rehabilitative Services, or his or her designee.

(e) If the credit granted under this section is not fully used in any one year because of insufficient tax liability on the part of the business firm, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for that year exceeds the credit for that year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(10).

(4) ELIGIBILITY REQUIREMENTS.—

(a) All preventive cancer-screening procedures contributions by a business firm must be in the form of cash or other liquid assets or in-kind contributions if such business firm is licensed under chapter 395 or chapter 483.

(b) All preventive cancer-screening procedures contributions must benefit low-income state residents whose income level does not exceed 150 percent of the official poverty level, as defined by the Office of Management and Budget of the United States Government, and to the extent such person's medical insurance does not pay for such preventative cancer-screening procedures costs.

(c) The preventive cancer-screening procedures contribution must be expended on the components of the adult health screen as outlined in the Medicaid program including, but not limited to, these cancer-screening procedures:

1. Physical breast examination and mammogram for detecting female breast cancer;

2. Digital rectal examination for detecting prostate cancer, proctoscopy, and blood stool test for occult blood for detecting colon and rectum cancer;

3. Pap test for detecting uterine cancer; and

4. Pelvic examination for detecting ovarian cancer.

(5) APPLICATION REQUIREMENTS.—

(a) Any business firm that wishes to make preventive cancer-screening procedures contributions, whether in the form of cash or other liquid assets or by in-kind contributions if such business firm is licensed under chapter 395 or chapter 483, must submit a proposal to the Department of Health and Rehabilitative Services. The proposal must identify the business firm; specify the form of the contribution, the facility that will administer the eligible cancer-screening procedures, and the fee schedule established for Medicaid compensable service; and include all supporting information that is required by rule.

(b) Any business firm that wishes to participate in this program must submit an application for tax credit to the Department of Health and Rehabilitative Services. The application must identify the business firm that donates the funds or in-kind contribution and the recipient facility and must specify the value and purpose of the contribution. The recipient facility must verify the terms of the application, indicate its willingness to receive the contribution, and certify that the screening procedures will be provided according to the fee schedules established for Medicaid compensable services. This verification must be in writing and must accompany the application for tax credit.

(c) The business firm must submit a separate application for tax credit for each individual contribution that it proposes to contribute to each recipient facility.

(6) ADMINISTRATION.—

(a) The Department of Health and Rehabilitative Services may adopt rules necessary to administer this section, including rules for approving or disapproving proposals by business firms.

(b) The decision of the secretary or his or her designee must be in writing, and, if approved, the approval must state the maximum credit allowable to the business firm. A copy of the decision must be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the business firm.

(c) The Department of Health and Rehabilitative Services shall periodically monitor all approved projects in a manner consistent with available resources to ensure that resources are used in accordance with this section; however, each approved project must be reviewed at least every 2 years.

(d) The Department of Revenue shall adopt rules necessary to ensure the orderly implementation and administration of this section.

Section 81. Effective January 1, 1997, subsection (10) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(10) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 220.68, those enumerated in s. 631.719(1), those enumerated in s. 631.705, those enumerated in s. 220.18, those enumerated in s. 631.828, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, *those enumerated in s. 220.187,* and those enumerated in s. 220.188.

Section 82. Effective July 1, 1997, section 211.01, Florida Statutes, is amended to read:

211.01 Definitions.—As used in this part:

(1) "Barrel" means a unit of measurement for oil production and is 42 U.S. gallons of 231 cubic inches per gallon, computed at a temperature of 60 degrees Fahrenheit, after deduction for the full percent of basic sediment, water, and other impurities as ascertained by centrifugal or other recognized and customary tests.

(2) "Casinghead gas" means gas produced with oil from oil wells, the gas being taken from the well through the casinghead, or the liquid hydrocarbons in solution which may be separated in part by a reduction in pressure at the wellhead and separated more completely in a separator or absorption plant or by another manufacturing process.

(3) "Completion date" means the day, month, and year that a new productive well, a previously shut in well, or a temporarily abandoned well is completed, repaired, or recompleted and the operator begins producing oil or gas in commercial quantities.

(4)~~(3)~~ "Cubic foot" means a unit of measurement for gas production and is the volume of gas contained in one cubic foot of space at a base temperature of 60 degrees Fahrenheit and a base pressure of 14.65 pounds per square inch absolute, pressure and specific gravity corrections to be made according to Boyle's Law and a test made by the balance method, respectively.

(5)~~(4)~~ "Day" means the standard calendar period of 24 consecutive hours ending at 12 o'clock midnight.

(6)~~(5)~~ "Department" means the Department of Revenue.

(7)~~(6)~~ "Gas" means all natural gas, including casinghead gas, and all hydrocarbons not defined as oil, but excludes any hydrogen sulfide gas or sulfur contained, produced, or recovered from such hydrogen sulfide gas.

(8) "Horizontal well" means a well completed with the wellbore in a horizontal or nearly horizontal orientation within 10 degrees of horizontal within the producing formation.

(9)~~(7)~~ "Long ton" means 2240 pounds and is the unit of measurement in the production of sulfur.

(10)~~(8)~~ "Mcf" means 1000 cubic feet and is the unit of measurement in the production of gas.

(11)~~(9)~~ "Month" means a calendar month.

(12) "New field well" means an oil or gas well completed after July 1, 1997, in a new field as designated by the Department of Environmental Protection.

(13)~~(10)~~ "Oil" means crude petroleum oil or other hydrocarbon, regardless of gravity, which is produced at the well in liquid form by ordinary production methods and which is not the result of condensation of gas after it leaves the reservoir.

(14)~~(11)~~ "Operator" means the person in charge of a production operation by which taxable oil, gas, or sulfur products are severed.

(15)~~(12)~~ "Person" means any individual, firm, partnership, joint adventure, syndicate, association, business trust, estate, trust, fiduciary, corporation, group, or combination.

(16)~~(13)~~ "Producer" means any person who owns, controls, manages, or leases any oil or gas property or oil or gas well or any person who produces in any manner any taxable product, including any person owning any royalty or other interest in any taxable product or its value, whether the taxable product is produced by, or on behalf of, such person under a lease contract or otherwise.

(17)~~(14)~~ "Production" means the total gross quantity of each taxable product severed during a month, measured as required by this part.

(18)~~(15)~~ "Purchaser" means any person who directly or indirectly buys, takes, transports, or otherwise removes any production of a taxable oil, gas, or sulfur product to his or her account from a well, lease, or source of supply.

(19)~~(16)~~ "Sever" means to extract or withdraw any taxable oil, gas, or sulfur product from below the surface of the soil or water of this state by natural or mechanically enforced flow; to produce or recover sulfur from hydrogen sulfide gas; to withdraw from any natural or artificial surface reservoir or water surface, by any means whatsoever, any taxable product upon which tax imposed under this part has not been paid; or to recover any escaped taxable product upon which tax imposed under this part has not been paid.

(20) "Shut-in well" means an oil or gas well that has been taken out of service for economic reasons or mechanical repairs.

(21)~~(17)~~ "Small well oil" means oil produced from a well from which less than 100 barrels of oil per day are severed, considering only those days of the month during which production of oil from the well actually occurred.

(22)~~(18)~~ "Sulfur" means any sulfur produced or recovered from hydrogen sulfide gas contained in oil or gas production.

(23)~~(19)~~ "Taxable product" means the oil, gas, or sulfur severed by a producer during a month.

(24)~~(20)~~ "Taxable production" means the quantity of a taxable product severed during a month by a producer, measured as required by this part.

(25)~~(21)~~ "Taxpayer" means the person liable for any tax imposed under this part.

(26) "Temporarily abandoned well" means a permitted well or wellbore that has been abandoned by plugging in a manner that allows reentry and redevelopment in accordance with oil or gas rules of the Department of Environmental Protection.

Section 83. Effective July 1, 1997, section 211.027, Florida Statutes, is amended to read:

211.027 Exemptions.—The following *on-shore* production is not subject to any tax imposed under this part:

(1) Oil or gas production used for lease operations on the lease or unit where produced.~~;~~

(2) Gas returned to a horizon or horizons in the field where produced, either through wells on the lease from which produced or wells on other leases.~~; or~~

(3) Gas vented or flared directly into the atmosphere, provided such gas is not otherwise sold.

(4) Oil and gas produced from new field wells, completed after July 1, 1997, for a period of 60 months after the completion date.

(5) Oil and gas produced after July 1, 1997, for a period of 48 months after the completion date from:

(a) Any new producing well in an existing field that was established by the Department of Environmental Protection before July 1, 1997.

(b) A shut-in well that has been out-of-service for a period of at least 24 months, prior to July 1, 1997, and through workover and mechanical repair is returned to commercial production.

(c) A temporarily abandoned well or wellbore that has been out-of-service for a period of at least 24 months, prior to July 1, 1997, that is brought into commercial production by redrilling and recompletion.

(6) Oil and gas produced after July 1, 1997, for a period of 60 months after the completion date from any horizontal well or any well having a total measured depth in excess of 15,000 feet.

(7) No new exemptions as provided in subsections (4), (5), and (6) shall be granted after June 30, 2002.

(8) Subsections (4), (5), and (6) are repealed effective June 30, 2007.

Section 84. Effective July 1, 1997, section 377.075, Florida Statutes, is amended to read:

377.075 Division of *Technical Services* ~~Resource Management~~; geological functions.—

(1) PERSONNEL.—The Department of Environmental Protection shall, through the Division of *Technical Services* ~~Resource Management~~, establish the Florida Geological Survey and employ such suitable persons as in the judgment of the department may be necessary to conduct the geological survey of the state.

(2) DISBURSEMENTS; SURVEY EXPENSES.—For the purpose of expeditiously and thoroughly carrying out the geological survey, there shall be included a sufficient appropriation in the annual General Appropriations Act. ~~The Comptroller shall, upon the requisition of the Division of Resource Management, when approved by the Governor, draw his or her warrant on the Treasurer for the amount so appropriated in such sums as may be needed from time to time for the purpose of the survey as herein set forth; and for all such expenditures, the consent and approval of the Governor shall be obtained, and the vouchers for all such expenditures made from this fund shall be filed with the Comptroller; a statement of his or her receipts and expenditures shall be printed in the annual report of the division.~~ The amount annually appropriated, or so much thereof as may be necessary, shall be expended for the salaries and for the contingent expenses of the survey, including compensation of all temporary and permanent assistance; travel expenses of the division, purchase of materials, or other necessary expenses for outfit; expenses incurred in providing for the transportation, arrangement, and proper exhibition of the geological and other collections made under the provisions of this law and for postage, stationery, and printing and the printing and engraving of maps and sections to illustrate the annual reports.

(3) STATE GEOLOGIST.—The geological functions of the division shall be under the direction of a full-time professional geologist who is registered in this state, who shall be of established reputation, and who shall be known as the state geologist.

(4)~~(3)~~ DUTIES.—The *Florida Geological Survey* ~~Division of Resource Management~~ shall make *periodic reports* ~~annually to the Gover-~~

~~nor a report~~ of the progress of its surveys and explorations of minerals, water supply, and other natural resources of the state and shall include in such *reports a* ~~report~~ full description of such surveys and explorations, occurrences and location of mineral and other deposits of value, surface and subterranean water supply ~~and power and mineral waters~~, and the best and most economical method of development, together with analyses of *sediments,* ~~soils,~~ minerals, and mineral waters, with maps, charts, and drawings of the same.

(a) The state geologist and his or her professional staff shall conduct field and laboratory investigations of the geologic structure of this state, the nature and composition of the igneous, metamorphic, and sedimentary rocks and economic minerals, the nature of physiographic features, and other aspects of geology and hydrology which may lead to a better understanding of the geology of this state, with special reference to the practical bearing of the subjects of such investigations on the well-being of this state and the citizens of this state.

(b) The state geologist shall provide technical assistance to, and consult and cooperate with, the general public, other agencies of federal, state, and local government, and industry. The state geologist shall also consider scientific, educational, and economic questions related to the geology and hydrology of the state which are of value to the people of this state.

(c) The state geologist shall prepare and publish Florida Geological Survey reports, with necessary illustrations and maps, which provide general and detailed descriptions of the geology and earth resources of this state, shall maintain a comprehensive research library, open to the public, of published and unpublished geological information, and shall otherwise disseminate geological information to the citizens of this state.

(d) The department may contract with the government of the United States, or any agency or instrumentality thereof, or with this state or any county, municipality, district authority, or political subdivision of this state, or with any private person, to assist in providing this state with geologic information or to accomplish the purposes of this act. The department may receive and accept from any federal agency, state agency, or other public body grants or loans for or in aid of the purposes of this act and the department may receive and accept aid, contributions, or loans from any other source of money, property, labor, or other thing of value to be held, used, and applied only for the purposes for which such aid, grants, or loans were made.

(e) The Florida Geological Survey shall cooperate or coordinate with, or act as a clearinghouse for, other agencies funded by the state who contribute to the study or revision of geologic interpretations and nomenclature. The state geologist, through the Division of Technical Services, shall designate areas as "state geological sites" or "state invertebrate paleontological sites" pursuant to the provisions of this section, which areas are determined to be of great and continuing significance to the scientific study and public understanding of the geological history of this state. No privately owned site shall be so designated without the express written consent of the private surface and mineral owners of the site. The state geologist shall provide written notice to the surface and mineral owners and occupants of a site designated by the state geologist as a state geological or invertebrate paleontological site. Once such a site has been so designated, no person may conduct geological or paleontological field investigations on the site without first securing a consent letter from the division.

(f) The state geologist shall cooperate or coordinate with various federal agencies, including, but not limited to, the United States Geological Survey, Bureau of Mines, and the Minerals Management Service, and various state and local agencies to collect and maintain data on the economic mineral industry of this state. Data shall include commodities mined, amount extracted, reserves, market and market trends, estimated value, and any other parameters determined necessary by the state geologist to comply with this section. Such information shall be periodically updated and company data may be maintained confidential subject to the same requirements as that required by the federal agency of jurisdiction or, if no specific language exists in federal law, the confidential period shall not exceed 10 years.

(g) The Florida Geological Survey shall prepare, maintain, and make available, in both paper and electronic or computer-based formats, maps identifying the location in latitude and longitude of all oil field wells and gas field wells, oil test wells and gas test wells, non-oil test wells and nongas test wells, and stratigraphic test wells, and seismic line recording points, or any other deep, geologic information that may provide useful subsurface information for industry and other public agencies. When available, fluid levels in any oil, gas, or other test well shall be measured or obtained from the operator or owner and shall be tested for water chemistry. The department may use for such tasks such funds from the Petroleum Exploration and Production Bond Trust Fund as may be appropriated by the Legislature.

(5)~~(4)~~ COLLECTION OF GEOLOGICAL SPECIMENS.—The Division of *Technical Services* ~~Resource Management~~ shall*, through the geological staff,* make collections of specimens illustrating the geological and mineral features of the state, *including lands beneath the sovereign water of this state* ~~one suite of which shall be deposited in the office of the division at Tallahassee and duplicate suites of which shall be deposited in the libraries of each of the state colleges. Each suite shall be correctly labeled for convenient use and study~~*. The staff shall operate and maintain a central, state-wide repository for such specimens, for well cuttings and cores and related surface and subsurface samples, and associated supplemental data.*

(6)~~(5)~~ NOTIFYING OWNER OF DEPOSITS LOCATED.—The *state geologist* ~~person in charge of the Division of Resource Management~~ and his or her assistants, when they discover any mineral deposits or other *geologic* substance of value, shall *make a reasonable attempt to* notify the owner of the land upon which such deposits occur. ~~The failure to notify the owner of such deposit before disclosing the same to any other person constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 85. Effective July 1, 1997, section 377.42, Florida Statutes, is created to read:

377.42 Big Cypress Swamp Advisory Committee.—

(1) For purposes of this section, the Big Cypress watershed is defined as the area in Collier County and the adjoining portions of Hendry, Broward, Dade, and Monroe Counties which is designated as the Big Cypress Swamp in U.S. Geological Survey Open-File Report No. 70003.

(2) The Big Cypress Swamp Advisory Committee is hereby created in the Department of Environmental Protection. The Big Cypress Swamp Advisory Committee shall be appointed by and serve at the pleasure of the Secretary of Environmental Protection. To ensure compliance with all requirements for obtaining a permit to explore for hydrocarbons in the Big Cypress Swamp area, each application for such permit shall be reviewed by the Big Cypress Swamp Advisory Committee. The committee shall have no final authority on approval or denial of permits but shall make recommendations to the department. The committee shall meet at the call of the chair to evaluate a pending application for a permit to drill in the Big Cypress watershed and may make other evaluations requested by the department. The membership of the committee shall be as follows:

(a) The state geologist, who shall serve as chair.

(b) A representative from the oil industry.

(c) A representative from an organized conservation group.

(d) A botanist.

(e) A hydrologist.

(3) The committee shall administer this section pursuant to the laws of the state, and the rules and orders of the department which apply generally to oil and gas. If site-specific conditions require, the committee may recommend that additional procedures, safeguards, or conditions which are necessary to protect the integrity of the Big Cypress area be required as a condition to the issuance of a permit to drill and produce.

Section 86. Effective July 1, 1997, subsections (21), (22), (23), (24), and (25) are added to section 377.19, Florida Statutes, to read:

377.19 Definitions.—Unless the context otherwise requires, the words defined in this section shall have the following meanings when found in ss. 377.06, 377.07, and 377.10-377.40:

(21) "Completion date" means the day, month, and year that a new productive well, a previously shut in well, or a temporarily abandoned

well is completed, repaired, or recompleted and the operator begins producing oil or gas in commercial quantities.

(22) "Shut-in well" means an oil or gas well that has been taken out of service for economic reasons or mechanical repairs.

(23) "Temporarily abandoned well" means a permitted well or wellbore that has been abandoned by plugging in a manner that allows reentry and redevelopment in accordance with oil or gas rules of the Department of Environmental Protection.

(24) "New field well" means an oil or gas well completed after July 1, 1997, in a new field as designated by the Department of Environmental Protection.

(25) "Horizontal well" means a well completed with the wellbore in a horizontal or nearly horizontal orientation within 10 degrees of horizontal within the producing formation.

Section 87. Effective July 1, 1997, subsection (3) is added to section 377.242, Florida Statutes, to read:

377.242 Permits for drilling or exploring and extracting through well holes or by other means.—The department is vested with the power and authority:

(3) To issue permits to construct wells for the injection and recovery of any natural gas for temporary storage in subsurface reservoirs.

Each permit shall contain an agreement by the permitholder that the permitholder will not prevent inspection by division personnel at any time. The provisions of this section prohibiting permits for drilling or exploring for oil in coastal waters do not apply to any leases entered into before June 7, 1991.

Section 88. Effective July 1, 1997, subsection (3) of section 377.25, Florida Statutes, is amended to read:

377.25 Production pools; drilling units.—

(3) Each well permitted to be drilled upon any drilling unit shall be drilled approximately in the center thereof, with such exception as may be reasonably necessary where the division finds that the unit is partly outside the pool or, for some other reason, a well approximately in the center of the unit would be nonproductive or where topographical conditions are such as to make the drilling approximately in the center of the unit unduly burdensome *or where the operator proposes to complete the well with a horizontal or nearly horizontal well in the producing zone.* Whenever an exception is granted, the division shall take such action as will offset any advantage which the person securing the exception may have over other producers by reason of the drilling of the well as an exception, and so that drainage from developed units to the tract, with respect to which the exception is granted, will be prevented or minimized, and the producer of the well drilled, as an exception, will be allowed to produce no more than his or her just and equitable share of the oil and gas in the pool, as such share is set forth in this section.

Section 89. Effective July 1, 1997, section 377.26, Florida Statutes, is amended to read:

377.26 Location of wells.—Whenever the division fixes the location of any well or wells on the surface, the point at which the maximum penetration of such well into the producing formation is reached shall not unreasonably vary from the vertical drawn from the center of the hole at the surface; provided, that the division shall prescribe rules, regulations and orders governing the reasonableness of such variation, *and shall take into account technological advances in drilling and production technology, including, but not limited to, horizontal well completions in the producing formation using directional drilling methods.*

Section 90. Effective July 1, 1997, subsection (3) is added to section 377.27, Florida Statutes, to read:

377.27 Drilling units.—

(3) The department may allow a person who is an applicant for a drilling permit in areas lacking adequate governmental survey control to define a proposed drilling unit using latitude and longitude coordinates determined from global positioning satellites and instrument systems, if at least one permanent reference monument is installed within each proposed unit. In the event of a new field discovery, the latitude and longitude coordinates of the permanent monument shall be referenced to established governmental section corners which may exist within the field. Permanent monuments installed pursuant to this section shall be protected and maintained by the operator for the life of the field.

Section 91. Effective upon this act becoming a law, section 624.5094, Florida Statutes, is created to read:

624.5094 Casualty insurance premiums.—Notwithstanding any statutory provision to the contrary, for the purpose of any trust fund assessing insurance companies based upon premiums received in this state for casualty insurance, as defined in s. 624.605, "premium," "direct premium," "net premium written," and "net premium collected" shall not include premium refunds or dividends paid or credited to policyholders on such business.

Section 92. Effective upon this act becoming a law, section 631.720, Florida Statutes, is created to read:

631.720 Premium or income tax credits for assessments paid.—

(1) A member insurer may offset against either its premium tax liabilities imposed under s. 624.509, or its corporate income tax liabilities imposed under s. 220.11, any assessment described in s. 631.718(8) as follows:

(a) For each assessment levied before January 1, 1997, 0.1 percent of the amount of such assessment, less any refunds received pursuant to s. 631.718(6), for each year following the year in which such assessment was paid until such time as the total of all offsets claimed for a given year's assessment, whether pursuant to this section or pursuant to prior law, equals the amount of the assessment originally paid in that year.

(b) For each assessment levied and paid after December 31, 1996, 5 percent of the amount of the assessment, less any refunds received pursuant to s. 631.718(6), for each of the 20 calendar years following the year in which the assessment was paid.

(c) An insurer may not offset both its premium tax and corporate income tax liabilities for the same assessment amount. An insurer may only offset its tax liability for one tax to the extent that the offset has not already been used to offset its tax liability for the other tax.

(d) The first tax return on which a member insurer may claim a credit provided in this section is the tax return filed in 1998, covering tax year 1997.

(2) If a member insurer ceases doing business in this state and surrenders to the department its certificate of authority to transact insurance in this state, all uncredited assessments may be credited as provided in this section against either its premium or corporate income tax liabilities imposed pursuant to ss. 624.509 and 220.11 for the year it ceases doing business.

(3) Any sums acquired by refund pursuant to s. 631.718(6) from the association which have theretofore been written off by contributing insurers and offset against premium or corporate income taxes as provided in subsection (1) and which are not needed for purposes of this part shall be paid by the insurer to the Department of Revenue for deposit with the Treasurer to the credit of the General Revenue Fund.

Section 93. Effective upon this act becoming a law, subsection (8) of section 631.718, Florida Statutes, is amended to read:

631.718 Assessments.—

(8) The association shall issue to each insurer paying an assessment under this part, other than a Class A assessment, a certificate of contribution, in a form prescribed by the department, for the amount of the assessment so paid. All outstanding certificates *are* ~~shall be~~ of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the department *approves* ~~may approve~~. However, any amount offset pursuant to *s. 631.720 may* ~~s. 631.719 shall~~ not be shown as an asset of the insurer on any of its financial statements.

Section 94. (1) As used in this section:

(a) "Participating taxpayer" means any person who is subject to the revenue laws administered by the department who enters into an engagement with a qualified practitioner for tax compliance evaluation under the pilot certified audit program.

(b) "Qualified practitioner" means a certified public accountant who is licensed to practice in Florida, who is in good standing with the Board of Accountancy, and who has completed a certification program.

(c) "Department" means the Department of Revenue.

(d) "Certification program" means an instructional curriculum and examination for professional development of certified public accountants which is administered by an independent provider and which is officially approved by the department to ensure that a certified public accountant possesses the necessary skills and abilities to successfully perform an attestation engagement for tax compliance evaluation in the pilot certified audit program.

(2)(a) The department is authorized to initiate a certified audit program. The purpose of the program is to further enhance tax compliance examinations performed by qualified practitioners and to encourage taxpayers to hire qualified practitioners at their own expense to examine and report their tax compliance.

(b) As an incentive for taxpayers to incur the costs of a certified audit, the department is authorized to waive any penalty and 50 percent of the first $50,000 of interest due, and 25 percent of any additional interest due, associated with any tax liability revealed by the attestation engagement, or to offer other incentives. The authority to waive the penalty or interest does not apply to any liability for taxes that were collected by a participating taxpayer but that were not remitted to the department.

(c) The pilot program is repealed on July 1, 1999, or upon completion of the program as determined by the department, whichever occurs first.

(3) Any practitioner responsible for planning, directing, conducting, or reporting on a participating taxpayer's tax compliance in a certified audit must be a qualified practitioner.

(4)(a) The qualified practitioner shall notify the department of an engagement to perform a certified audit and shall provide the department with the information it deems necessary to confirm that the taxpayer is not already under audit by the department, including the taxpayer's name, account number, and the specific taxes and the periods to be covered by the engagement to perform a certified audit. If the taxpayer has not been issued a written notice of intent to conduct an audit, the taxpayer shall be a participating taxpayer and the department shall so advise the qualified practitioner in writing within 10 days of receipt of the engagement notice. Such notification by the department shall toll the limitations provided in section 95.091, Florida Statutes. Within 30 days, the qualified practitioner shall submit a proposed audit plan and procedures for review and acceptance by the department.

(b) Upon approval of the agreed-upon procedures and engagement by the participating taxpayer, the taxpayer shall not be subject to audit by the department for the taxes and period covered by the certified audit. This status of the participating taxpayer is conditioned upon the department's timely receipt of the completed qualified practitioner's report.

(c) The report shall attest to the taxpayer's compliance with the specific tax laws during the periods specified in the notification. The report shall also affirm the qualified practitioner's completion of the agreed-upon procedures and shall include any required disclosures.

(5)(a) The department shall accept the qualified practitioner's report when it has been determined to be complete.

(b)1. The department shall issue a notice of proposed assessment reflecting the determination of any additional liability reflected in a report and provide the taxpayer with all normal protest rights with respect to a liability. In cases where the practitioner determines that an overpayment has occurred, the report shall be accompanied by a properly executed application for refund.

2. Otherwise, the certified audit report is a final and conclusive determination with respect to the tax and period covered. No additional assessment may be made by the department against the participating taxpayer for the specific tax and period referenced in the report, except upon showing of fraud or misrepresentation of material fact or adjustments made under section 220.23 or section 198.16, Florida Statutes. This determination does not preclude the department from conducting an audit or assessing additional tax, penalty, or interest with respect to any liability not covered by the report.

(6) The department is authorized to adopt rules necessary to implement this section.

Section 95. No tax imposed by chapter 212, Florida Statutes, on sales of food, books, and other tangible personal property before November 15, 1993, and not collected by a private college with an enrollment of less than 2,500 full-time students, which college is accredited by the Southern Association of Colleges and Schools and registered as a not-for-profit entity pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall be due. No credit shall be allowed for any overpayment of such taxes made prior to November 15, 1993, to the extent that such credits would have offset any liability imposed but for the passage of this section. This section shall take effect upon this act becoming a law.

Section 96. The state corporate income tax liability resulting from unrelated business income earned in this state for the period January 1, 1988, through December 31, 1995, shall be waived for any corporation qualified under s. 501(c)(3) of the Internal Revenue Code as an educational institution which has an enrollment in excess of 1,000 students for the kindergarten through grade 12 program and which receives no state or federal dollars for operations. This section shall take effect upon this act becoming a law.

Section 97. A physician who is licensed under chapter 458, Florida Statutes, or chapter 459, Florida Statutes, or a group practice consisting of two or more physicians who are licensed under chapter 458, Florida Statutes, or chapter 459, Florida Statutes, and who are legally organized as a partnership, professional corporation, or similar association, who render cardiovascular services or procedures and the technical services for percutaneous transluminal coronary angioplasty procedures, as defined and regulated by Rule 59C-1.032, Florida Administrative Code, are exempt from the assessment on health care entities imposed under section 395.701 or section 395.7015, Florida Statutes.

Section 98. (1) Notwithstanding the provisions of sections 212.096, 220.03(1)(q), and 220.181, Florida Statutes, which require that new employees must have been hired after July 1, 1995, in order for a business to be eligible for the enterprise zone sales tax and corporate tax credits, an employee who is hired after January 1, 1995, may be defined as a "new employee" for purposes of such tax credits.

(2) This section applies only to any business located within an area that was designated as a state enterprise zone before December 31, 1994, and was subsequently redesignated or received a designation as a state enterprise zone on July 1, 1995, if the employing business transferred for employment within an enterprise zone, at least 100 full-time employees from a location outside this state between January 1, 1995, and July 1, 1995.

(3) Notwithstanding section 220.181(6), Florida Statutes, any business that is eligible to receive a tax credit pursuant to this section must submit an application pursuant to sections 212.096 and 220.181, Florida Statutes, within 4 months after the effective date of this section. All other requirements of sections 212.096 and 220.181, Florida Statutes, apply to such a business.

(4) This section shall take effect upon this act becoming a law.

Section 99. Notwithstanding s. 373.4592(16), Florida Statutes, to the contrary, Sections 21, 28, and 33, Township 46 South, Range 31 East shall not be included within the boundary of the C-139 Basin.

Section 100. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 101. Except as otherwise provided herein, this act shall take effect July 1, 1996.

And the title is amended as follows:

Delete the entire title and insert: A bill to be entitled An act relating to taxation; revising the definition of "telecommunications service" for a specified period; providing that no tax pursuant to chapter 166, chapter 203, or chapter 212, F.S., shall be imposed on specified telecommunications services for a limited time period; creating the Florida Communications Tax Policy Commission; providing for appointment and qualifications of members; providing authority of the Joint Legislative Management Committee; providing duties; requiring a report; providing an appropriation; providing that specified provisions shall not be construed to provide legislative intent regarding the applicability of tax; amending s. 203.01, F.S.; providing clarification with respect to the separate statement of the tax on gross receipts for utility services on bills or invoices; amending s. 212.05, F.S.; providing clarification with respect to imposition of the tax on sales, use, and other transactions on telecommunication service; providing legislative intent; amending s. 125.0104, F.S.; providing that certain high tourism impact counties may impose an additional local option tourist development tax by ordinance; providing that certain counties contiguous to a high tourism impact county may impose an additional tax by extraordinary vote; providing for tax revenue use; providing for severability; providing legislative intent; amending s. 166.231, F.S.; providing that specific governmental bodies are exempt from the municipal public service tax; providing that religious institutions possessing sales tax exemption certificates are exempt from the tax on telecommunication services; specifying the liability of sellers for taxes not remitted; requiring purchasers claiming exemptions to certify that they are qualified therefor; creating s. 166.233, F.S.; providing requirements for levy of the tax; specifying effective dates; providing duties of the Department of Revenue; requiring municipalities to furnish certain information to the department and other persons pertaining to the levy of the tax; providing for fees; providing limitations on the responsibilities of sellers if information is not furnished as required; providing procedures when more than one municipality claims an address; creating s. 166.234, F.S.; providing procedures for audits by municipalities of sellers of services; prescribing records retention requirements for sellers; providing time limitations on assessments of taxes and penalties and applications for refunds or credits; providing for offsets of overpayments against underpayments and for refunds and credits; providing for assessments of penalties and interest; providing requirements with respect to a determination by a municipality of amounts of tax, penalty, and interest due; providing protest procedures and judicial remedies; providing for settlement or compromise of a seller's liability for taxes, interest, or penalty; authorizing municipalities to communicate with each other concerning certain information obtained on audit; providing for interest on public service tax refunds if a law is enacted requiring interest on sales or gross receipts tax refunds; providing rights and duties of municipalities and sellers; providing that public service tax payment and return filing dates shall conform with due dates under chapter 212; providing application when the municipality is also the seller; amending ss. 212.08 and 364.01, F.S.; correcting references; providing a schedule for application; providing an appropriation; amending s. 189.403, F.S.; providing that a special district shall be treated as a municipality for purposes of the ad valorem tax exemption for government property; providing retroactive application and intent; amending s. 196.011, F.S.; authorizing the granting of ad valorem tax exemption to property entitled to a charitable exemption for which application was not timely filed under certain circumstances; providing for cancellation of taxes assessed and outstanding tax certificates; providing for expiration; amending s. 201.02, F.S.; providing that the excise tax on documents relating to real property does not apply to certain conveyances between spouses or former spouses pursuant to an action for dissolution of marriage; amending s. 201.08, F.S.; exempting receipts and other records of credit card, charge card, and debit card transactions from the excise tax on documents; providing a waiver of taxes imposed before July 1, 1996, and not collected on such documents; amending s. 199.143, F.S.; defining "residence" for purposes of determining whether the nonrecurring intangible personal property tax is due on the maximum amount of a line of credit; amending s. 201.13, F.S.; providing that the Department of Revenue shall discontinue furnishing stamps for payment of the excise tax on documents after a specified date; authorizing use of stamps held by persons on that date; repealing s. 201.131, F.S., which authorizes payment of the tax through use of metering machines; amending s. 201.133, F.S.; revising provisions relating to payment of the tax on documents not to be recorded; requiring persons engaged in a certain number of transactions to register and remit the tax to the department; providing that persons below that threshold shall remit the tax to the department but need not register; providing for application of penalties; authorizing the department to require quarterly, semiannual, or annual returns under certain circumstances; amending s. 201.17, F.S.; revising penalty provisions; amending ss. 201.01, 201.022, 201.05, 201.08, 201.09, 201.11, 201.12, and 201.22, F.S., to conform; amending s. 212.11, F.S.; providing conditions under which sales tax dealers may make an annual return and payment or a quarterly return and monthly payment; authorizing the department to prescribe requirements relating to taxpayers required to remit sales and use taxes by electronic funds transfer and to waive that requirement under certain circumstances; amending s. 213.22, F.S.; authorizing access to technical assistance advisements through the department's tax information retrieval system without a fee; amending s. 395.701, F.S.; providing an exemption from the annual assessment on net operating revenues of hospitals to fund public medical assistance for certain health care facilities and services; creating the Sale For Resale Exemption Revision Committee; providing for appointment and qualifications of members; providing duties; requiring a report; amending s. 206.01, F.S.; revising definitions relating to taxation of fuels and defining "blender"; amending s. 206.02, F.S.; providing for blenders' licenses; providing fees; revising license application requirements; providing for temporary licenses; amending ss. 206.022 and 206.095, F.S.; providing for application of licensing and reporting requirements to terminal operators; amending s. 206.9925, F.S., relating to a definition of "storage facility," to conform; amending s. 206.404, F.S.; removing provisions relating to temporary licenses for retailers; amending s. 206.41, F.S.; revising provisions relating to the application of state taxes on motor fuel and exemptions therefrom; amending s. 206.46, F.S.; correcting language; repealing s. 50, ch. 95-417, Laws of Florida, which makes the same correction; amending ss. 206.43 and 206.48, F.S.; requiring blenders to make certain reports; revising certain reporting requirements; amending s. 206.59, F.S.; revising provisions relating to powers of the Department of Revenue; exempting discrepancies due to normal temperature gains from application of taxes; amending s. 206.86, F.S.; revising a definition; amending s. 206.873, F.S.; specifying that backup tax applies to motor fuel; amending s. 206.874, F.S., relating to exemptions; revising provisions relating to application of backup tax and allowed uses of dyed diesel fuel; correcting language; specifying that diesel fuel in the fuel tanks of a motor vehicle used to propel the vehicle into this state and certain diesel fuel supplied by a vehicle manufacturer is exempt from the tax on diesel fuel; amending s. 206.8745, F.S.; providing for a refund for certain diesel fuel consumed by a power takeoff or engine exhaust; amending s. 206.89, F.S.; providing for a wholesaler of alternative fuel license; providing requirements with respect thereto, including application of penalties, bonding, and fees; amending s. 206.92, F.S.; correcting references to "dealer"; amending ss. 206.9815 and 206.9825, F.S.; defining "kerosene" and "aviation gasoline" and providing requirements for application of the aviation fuel tax thereto; providing for exemptions, credits, and refunds; providing for application of backup tax; amending s. 206.9915, F.S.; specifying additional provisions applicable to pt. IV of ch. 206, F.S., relating to tax on fuel and other pollutants; amending s. 212.08, F.S.; specifying the fuels that are exempt from sales and use tax; providing for application of said tax to certain motor and diesel fuels used in interstate or foreign commerce; amending ss. 336.021 and 336.025, F.S., relating to the ninth-cent fuel tax and the local option tax for county transportation systems; removing provisions relating to an allowance for services and expenses; revising provisions relating to a distribution formula; correcting a reference; amending s. 115, ch. 95-417, Laws of Florida; removing the repeal of s. 6, ch. 94-146, Laws of Florida; repealing s. 962, ch. 95-148, Laws of Florida, which provides a future amendment to text removed by ch. 95-417, Laws of Florida; providing licensing periods and fees; directing that a reviser's bill be prepared; amending s. 206.9935, F.S.; removing application of the tax for water quality to solvent mixtures; amending ss. 206.9925, 206.9941, and 206.9942, F.S., relating to definitions, exemptions, and refunds and credits, to conform; repealing s. 206.9925(7), F.S., which provides a definition of "solvent mixture," and s. 206.9942(4), F.S., which provides for a credit or refund for tax paid on solvents or solvent mixtures subsequently blended into a solvent mixture subject to tax; amending s. 212.02, F.S.; providing a definition of "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "solar energy system" for purposes of the tax on sales, use, and other transactions; amending s. 212.031, F.S.; revising the exemption from the tax on the lease or rental of or license in real property for property used at a port authority; providing for application when payment for use of the property is based on tonnage imported or exported; providing for retroactive application; amending s. 212.04, F.S.; exempting from taxation admissions to certain collegiate tournament games and baseball all-star games and admissions to any NCAA-sanctioned postseason collegiate football game; amending s. 212.05, F.S.; exempting

transactions in excess of $500 from the tax on the sale of coins or currency; amending s. 212.08, F.S.; revising the sales tax exemption for food and drinks; providing definitions; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; revising provisions which prohibit application of the exemption for machinery and equipment used in new or expanding businesses to printing or publishing firms, to exempt certain firms from such prohibition; revising the definition of "motion picture or video equipment" for purposes of the exemption applicable thereto to remove an exclusion for certain equipment purchased or leased by television or radio broadcasting or cable companies; including certain nonprofit corporations within the definition of "religious institutions" for exemption purposes; providing that certain charitable institutions that hold a consumer's certificate of exemption to the end of the 1996 legislative session pursuant to a temporary extension shall retain their exemption; removing the exemption for newspapers and providing an exemption for certain newspaper, newsletter, and magazine subscriptions; providing applicability; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail and for drug and medicine samples distributed to doctors and hospitals; providing an exemption for foods and beverages donated by such dealers to certain organizations; providing that certain persons who provide food or drinks as part of a packaged room rate without separately stating a charge for such items are not considered consumers of such items; providing an exemption for sales of gold, silver, or platinum bullion in excess of $500; providing an exemption for sales to United Service Organizations; providing an exemption for sales or leases to Jacksonville Marine Charities, Inc.; providing an exemption for replacement engines, parts, and equipment used in the repair or maintenance of certain aircraft; providing an exemption for products sold by the nonprofit corporation conducting correctional work programs under part II of ch. 946, F.S.; providing an exemption for purchases by Hadassah; providing an exemption for purchases by the Florida National Parks and Monuments Association; providing application of tax to certain purchases by advertising agencies; providing an exemption for solar energy systems and components thereof; requiring the Florida Solar Energy Center to certify the equipment used in such systems; providing for expiration; providing an exemption for nonprofit citizen support organizations designated to support state parks; revising provisions relating to the technical assistance advisory committee established to advise the Department of Revenue and the Department of Health and Rehabilitative Services in determining taxability of foods and medicines; providing membership qualifications; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; providing that no tax on certain purchases by, and revenues of, a chamber of commerce not actually paid or collected before a specified date shall be due from that chamber of commerce; amending s. 212.0515, F.S.; revising the requirements for calculating the tax on sales of foods and beverages through vending machines in counties levying a local option tax; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to the IGFA World Center facility; creating s. 288.1169, F.S.; providing for certification of such facility by the Department of Commerce; providing requirements for certification; requiring the IGFA World Center to contribute certain advertising; terminating or abating funding under certain circumstances; providing for use of the funds distributed to the facility; providing for audits by the Department of Revenue; providing for periodic recertification; amending s. 218.65, F.S., relating to emergency distributions to county governments from the Local Government Half-cent Sales Tax Clearing Trust Fund; clarifying that the emergency distribution includes the inmate supplemental distribution; creating s. 220.187, F.S.; providing a credit against the corporate income tax for a percentage of preventive cancer-screening procedures contributions made by a business firm; providing eligibility and application requirements; providing limitations; providing for carryover of the credit; providing for administration by the Department of Health and Rehabilitative Services; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 211.01, F.S.; providing definitions; amending s. 211.027, F.S.; exempting the production of certain oil and gas from the oil production tax and the gas production tax for certain periods; providing an expiration date for such exemptions; amending s. 377.075, F.S.; transferring duties and responsibilities of the Division of Resource Management to the Division of Technical Services; providing for a state geologist; providing duties and responsibilities of the state geologist; providing duties and responsibilities of the Florida Geological Survey; creating s. 377.42, F.S.; creating the Big Cypress Swamp Advisory Committee; defining the Big Cypress watershed; providing for review of permit applications by the committee; providing for membership; providing duties and scope of authority of the committee; amending s. 377.19, F.S.; providing definitions; amending s. 377.242, F.S.; authorizing the Department of Environmental Protection to issue permits to construct certain wells under certain circumstances; amending s. 377.25, F.S.; clarifying a requirement for production pools or drilling units; amending s. 377.26, F.S.; providing additional criteria for location of wells; amending s. 377.27, F.S.; providing for applicants for drilling permits to define drilling unit areas; providing for permanent markers; creating s. 624.5094, F.S.; defining casualty insurance premiums for certain purposes; creating s. 631.720, F.S.; authorizing member insurers of the Florida Life and Health Insurance Guaranty Association to offset assessments against premium or income tax liabilities; providing for using certain uncredited assessments; requiring insurers to pay certain sums to the Department of Revenue for deposit into the General Revenue Fund under certain circumstances; amending s. 631.718, F.S.; conforming a cross reference; authorizing the Department of Revenue to initiate a certified audit program; providing definitions; providing requirements for participation by participating taxpayers and certified public accountants; providing for waiver of certain penalties and interest; requiring certain notification; providing that a participating taxpayer is not subject to audit by the department under specified conditions; providing for the department's response to a certified audit report; providing for expiration; providing that no tax imposed under ch. 212, F.S., on certain sales by certain private colleges and not actually collected before a specified date shall be due; disallowing certain credit for overpayment of such taxes; providing for waiver of corporate income tax liability resulting from certain unrelated business income for certain educational institutions; excluding certain physicians and certain group practices from annual assessments on health care entities; providing that certain employees hired after January 1, 1995, may be considered new employees for purposes of enterprise zone sales tax and corporate income tax credits; providing requirements applicable thereto; providing that certain areas are not included within the C-139 Basin for purposes of the agricultural privilege tax imposed therein; providing for severability; providing effective dates.

Senator McKay moved the following amendments which were adopted:

Senate Amendment 1 (with title amendment) to House Amendment 1 (with title amendment)—On page 158, between lines 26 and 27, insert:

Section 99. Effective upon this act becoming a law, subsection (19) is added to section 192.001, Florida Statutes, to read:

192.001 Definitions.—All definitions set out in chapters 1 and 200 that are applicable to this part are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(19) "Computer software" means any information, program, or routine, or any set of one or more programs, routines, or collections of information used or intended for use to convey information or to cause one or more computers or pieces of computer-related peripheral equipment, or any combination thereof, to perform a task or set of tasks. Without limiting the generality of the definition provided in this subsection, the term includes operating and applications programs and all related documentation. Computer software constitutes personal property only to the extent of the value of the unmounted or uninstalled medium on or in which the information, program, or routine is stored or transmitted, and, after installation or mounting, computer software does not increase the value of the computer or computers or pieces of computer-related peripheral equipment, or any combination thereof.

Section 100. Section 99 of this act, which amends section 192.001, Florida Statutes, shall apply to all years which are open for assessment or refund under the applicable statute of limitations.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 173, line 14, after the semicolon (;) insert: amending s. 192.001, F.S.; defining the term "computer software" for purposes of imposing ad valorem taxes; specifying circumstances under which computer software constitutes personal property;

Senate Amendment 2 (with title amendment) to House Amendment 1 (with title amendment)—On page 158, between lines 26 and 27, insert:

Section 99. Section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, *must* ~~shall~~ be distributed monthly, as collected, to the following funds:

(1) The first proceeds, to the extent necessary to comply with the provisions of s. 18 of Art. XII of the State Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968 revised constitution, and the additional provisions of s. 9(d) and s. 236.602, *must* ~~shall~~ be deposited in the district Capital Outlay and Debt Service School Trust Fund.

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

(3) Notwithstanding any other provision of law, beginning July 1, 1996, $25 million per year must be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in chapter 311. Such revenues must be distributed on a 50-50 matching basis to any port listed in s. 311.09(1), to be used for funding projects as described in s. 311.07(3)(b). Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by a port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports. However, such debt does not constitute a general obligation of the state. Any revenues that are not pledged to the repayment of bonds as authorized by this subsection may be used for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated under s. 311.07. The Florida Seaport Transportation and Economic Development Council must approve distribution of funds to ports for projects that have been approved under s. 311.09(5)-(9). The council and the Department of Transportation may perform acts necessary to administer this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers similar to those powers with respect to bonding provided to municipalities or counties under s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The provisions of s. 311.07(4) shall not apply to any funds received pursuant to this subsection.

(4)~~(3)~~(a) Except as provided in paragraph (c), the remainder of such revenues *must* ~~shall~~ be deposited in the State Transportation Trust Fund.

(b) Beginning July 1, 1989, the State Comptroller each month shall deposit in the State Transportation Trust Fund an amount, drawn from other funds in the State Treasury which are not immediately needed or are otherwise in excess of the amount necessary to meet the requirements of the State Treasury, which when added to such remaining revenues each month will equal one-twelfth of the amount of the anticipated annual revenues to be deposited in the State Transportation Trust Fund under paragraph (a) as estimated by the most recent revenue estimating conference held pursuant to s. 216.136(3). The transfers required hereunder may be suspended by action of the Administration Commission in the event of a significant shortfall of state revenues.

(c) In any month in which the remaining revenues derived from the registration of motor vehicles exceed one-twelfth of those anticipated annual remaining revenues as determined by the revenue estimating conference, the excess *must* ~~shall~~ be credited to those state funds in the State Treasury from which the amount was originally drawn, up to the amount which was deposited in the State Transportation Trust Fund under paragraph (b). A final adjustment *must* ~~shall~~ be made in the last months of a fiscal year so that the total revenue deposited in the State Transportation Trust Fund each year equals the amount derived from the registration of motor vehicles, less the amount distributed under subsection (1). For the purposes of this paragraph and paragraph (b), the term "remaining revenues" means all revenues deposited into the State Transportation Trust Fund under paragraph (a) and subsection (2). In order that interest earnings continue to accrue to the General Revenue Fund, the Department of Transportation may not invest an amount equal to the cumulative amount of funds deposited in the State Transportation Trust Fund under paragraph (b) less funds credited under this paragraph as computed on a monthly basis. The amounts to be credited under this and the preceding paragraph *must* ~~shall~~ be calculated and certified to the Comptroller by the Executive Office of the Governor.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 173, line 14, after the semicolon (;) insert: amending s. 320.20, F.S.; providing for additional funding of the Florida Seaport Transportation and Economic Development Program; specifying the use of the funds; granting ports municipal and county authority as provided in s. 163.07(7)(d), F.S., the Florida Interlocal Cooperation Act of 1969;

Senator Bronson moved the following amendments which were adopted:

Senate Amendment 3 to House Amendment 1 (with title amendment)—On page 11, lines 28-31 and on page 12, lines 1-8, delete all those lines and renumber subsequent paragraph.

Senate Amendment 4 (with title amendment) to House Amendment 1 (with title amendment)—On page 11, lines 4 and 5, delete those lines and insert: *the exercise of the privilege described in paragraph (o) when approved by a majority vote of the electorate of the county voting in a referendum.*

And the title is amended as follows:

On page 160, line 10, delete "ordinance" and insert: referendum

Senator Bankhead moved the following amendment which was adopted:

Senate Amendment 5 (with title amendment) to House Amendment 1 (with title amendment)—On page 158, between lines 26 and 27, insert:

Section 99. Subsection (10) is added to section 196.199, Florida Statutes, to read:

196.199 Government property exemption.—

(10) Notwithstanding any other provision of law to the contrary, property held by a port authority and any leasehold interest in such property are exempt from ad valorem taxation to the same extent that county property is immune from taxation, provided such property is located in a county described in Section 9, Article VIII of the State Constitution (1885), as restated in Section 6(e), Article VIII of the State Constitution (1968).

(Renumber subsequent sections.)

And the title is amended as follows:

On page 173, line 14, after the semicolon (;) insert: amending s. 196.199, F.S.; providing that the property owned by port authorities and leasehold interests in such property are exempt from ad valorem taxes to the extent that county property is immune from such taxes;

Senator McKay moved the following amendment which was adopted:

Senate Amendment 6 (with title amendment) to House Amendment 1 (with title amendment)—On page 151, line 25 through page 152, line 3, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 172, lines 4-6, delete those lines and insert: markers; creating s. 631.720, F.S.;

Senator Williams moved the following amendment which was adopted:

Senate Amendment 7 (with title amendment) to House Amendment 1 (with title amendment)—On page 10, between lines 7 and 8, insert: a new Section

Section 5. Paragraph (j) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(j)1. Effective July 1, 1991, and until December 31, 1994, a tax is imposed at the rate of 6 percent on the charges for the use of coin-operated amusement machines. Notwithstanding any other provision of law, beginning January 1, 1995, the amount of the tax is 4 percent and shall be calculated by dividing the gross receipts from such charges for the applicable reporting period by a divisor, determined as provided in this subparagraph, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. The divisor is equal to 1.04, except that for counties with a 6.5 percent sales tax rate the divisor shall be equal to 1.045, and for counties with a 7.0 percent sales tax rate the divisor shall be equal to 1.050. When a machine is activated by a slug, token, coupon, or any similar device which has been purchased, the tax is on the price paid by the user of the device for such device.

2. As used in this paragraph, the term "operator" means any person who possesses a coin-operated amusement machine for the purpose of generating sales through that machine and who is responsible for removing the receipts from the machine.

a. If the owner of the machine is also the operator of it, he or she shall be liable for payment of the tax without any deduction for rent or a license fee paid to a location owner for the use of any real property on which the machine is located.

b. If the owner or lessee of the machine is also its operator, he or she shall be liable for payment of the tax on the purchase or lease of the machine, as well as the tax on sales generated through the machine.

c. If the proprietor of the business where the machine is located does not own the machine, he shall be deemed to be the lessee and operator of the machine and is responsible for the payment *and remittance* of the tax on sales, unless ~~such~~ responsibility *for the collection and remittance of the tax on sales* is ~~otherwise provided for~~ *transferred to the machine owner* in a written agreement between *the proprietor* ~~him~~ and the machine owner.

3.a. An operator of a coin-operated amusement machine may not operate or cause to be operated in this state any such machine until the operator has registered with the department and has conspicuously displayed an identifying certificate issued by the department. The identifying certificate shall be issued by the department upon application from the operator. The identifying certificate shall include a unique number, and the certificate shall be permanently marked with the operator's name, the operator's sales tax number, and the maximum number of machines to be operated under the certificate. An identifying certificate shall not be transferred from one operator to another. The identifying certificate must be conspicuously displayed on the premises where the coin-operated amusement machines are being operated.

b. The operator of the machine must obtain an identifying certificate before the machine is first operated in the state and by July 1 of each year thereafter. The annual fee for each certificate shall be based on the number of machines identified on the application times $30 and is due and payable upon application for the identifying device. The application shall contain the operator's name, sales tax number, business address where the machines are being operated, and the number of machines in operation at that place of business by the operator. No operator may operate more machines than are listed on the certificate. A new certificate is required if more machines are being operated at that location than are listed on the certificate. The fee for the new certificate shall be based on the number of additional machines identified on the application form times $30.

c. A penalty of $250 per machine is imposed on the operator for failing to properly obtain and display the required identifying certificate. A penalty of $250 is imposed on the lessee of any machine placed in a place of business without a proper current identifying certificate. Such penalties shall apply in addition to all other applicable taxes, interest, and penalties.

d. Operators of coin-operated amusement machines must obtain a separate sales and use tax certificate of registration for each county in which such machines are located. One sales and use tax certificate of registration is sufficient for all of the operator's machines within a single county.

4. The provisions of this paragraph do not apply to coin-operated amusement machines owned and operated by churches or synagogues.

5. In addition to any other penalties imposed by this part, a person who knowingly and willfully violates any provision of this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

6. The department may adopt rules necessary to administer the provisions of this paragraph.

(Renumber subsequent section.)

And the title is amended as follows:

On page 2, line 3, insert: amending s. 212.05, F.S.; clarifying application of the sales tax on coin operated amusement machines;

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership, the remaining consideration of **CS for SB 624** was taken up outside the extended call.

Senator Horne moved the following amendment which was adopted:

Senate Amendment 8 to House Amendment 1 (with title amendment)—On page 154, lines 28 and 29, delete those lines and insert: *of a certified audit, the department shall waive any penalty if the delinquency is not determined by the department to be willful fraud and 50 percent of the first $50,000 of interest*

Senator Williams moved the following amendment which was adopted:

Senate Amendment 9 (with title amendment) to House Amendment 1 (with title amendment)—On page 158, between lines 26 and 27, insert:

Section 99. Paragraph (j) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(j)1. Effective July 1, 1991, and until December 31, 1994, a tax is imposed at the rate of 6 percent on the charges for the use of coin-operated amusement machines. Notwithstanding any other provision of law, beginning January 1, 1995, the amount of the tax is 4 percent and shall be calculated by dividing the gross receipts from such charges for the applicable reporting period by a divisor, determined as provided in this subparagraph, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. The divisor is equal to 1.04, except that for counties with a 6.5 percent

sales tax rate the divisor shall be equal to 1.045, and for counties with a 7.0 percent sales tax rate the divisor shall be equal to 1.050. When a machine is activated by a slug, token, coupon, or any similar device which has been purchased, the tax is on the price paid by the user of the device for such device.

2. As used in this paragraph, the term "operator" means any person who possesses a coin-operated amusement machine for the purpose of generating sales through that machine and who is responsible for removing the receipts from the machine.

a. If the owner of the machine is also the operator of it, he or she shall be liable for payment of the tax without any deduction for rent or a license fee paid to a location owner for the use of any real property on which the machine is located.

b. If the owner or lessee of the machine is also its operator, he or she shall be liable for payment of the tax on the purchase or lease of the machine, as well as the tax on sales generated through the machine.

c. If the proprietor of the business where the machine is located does not own the machine, he shall be deemed to be the lessee and operator of the machine and is responsible for the payment *and remittance* of the tax on sales, unless ~~such~~ responsibility *for the collection and remittance of the tax on sales* is ~~otherwise provided for~~ *transferred to the machine owner* in a written agreement between *the proprietor* ~~him~~ and the machine owner.

3.a. An operator of a coin-operated amusement machine may not operate or cause to be operated in this state any such machine until the operator has registered with the department and has conspicuously displayed an identifying certificate issued by the department. The identifying certificate shall be issued by the department upon application from the operator. The identifying certificate shall include a unique number, and the certificate shall be permanently marked with the operator's name, the operator's sales tax number, and the maximum number of machines to be operated under the certificate. An identifying certificate shall not be transferred from one operator to another. The identifying certificate must be conspicuously displayed on the premises where the coin-operated amusement machines are being operated.

b. The operator of the machine must obtain an identifying certificate before the machine is first operated in the state and by July 1 of each year thereafter. The annual fee for each certificate shall be based on the number of machines identified on the application times $30 and is due and payable upon application for the identifying device. The application shall contain the operator's name, sales tax number, business address where the machines are being operated, and the number of machines in operation at that place of business by the operator. No operator may operate more machines than are listed on the certificate. A new certificate is required if more machines are being operated at that location than are listed on the certificate. The fee for the new certificate shall be based on the number of additional machines identified on the application form times $30.

c. A penalty of $250 per machine is imposed on the operator for failing to properly obtain and display the required identifying certificate. A penalty of $250 is imposed on the lessee of any machine placed in a place of business without a proper current identifying certificate. Such penalties shall apply in addition to all other applicable taxes, interest, and penalties.

d. Operators of coin-operated amusement machines must obtain a separate sales and use tax certificate of registration for each county in which such machines are located. One sales and use tax certificate of registration is sufficient for all of the operator's machines within a single county.

4. The provisions of this paragraph do not apply to coin-operated amusement machines owned and operated by churches or synagogues.

5. In addition to any other penalties imposed by this part, a person who knowingly and willfully violates any provision of this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

6. The department may adopt rules necessary to administer the provisions of this paragraph.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 173, line 14, after the semicolon (;) insert: amending s. 212.05, F.S.; clarifying application of the sales tax on coin operated amusement machines;

Senator Silver moved the following amendment which was adopted:

Senate Amendment 10 (with title amendment) to House Amendment 1 (with title amendment)—

On page 1, between lines 16 and 17, insert:

Section 1. Subsections (5) and (6) of section 196.012, Florida Statutes, are amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(5) "Educational institution" means a federal, state, parochial, church, or private school, college, or university conducting regular classes and courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Schools, or the Florida Council of Independent Schools; *a nonprofit private school the principal activity of which is conducting regular classes and courses of study accepted for continuing postgraduate dental education credit by a board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation; an* educational direct-support *organization* ~~organizations~~ created pursuant to *s. 229.8021* ~~ss. 229.8021~~, *s.* 240.299, *or s.* ~~and~~ 240.331; *or a facility* ~~and facilities~~ located on the property of *an* eligible *entity* ~~entities~~ which will become owned by *that entity* ~~those entities~~ on a date certain.

And the title is amended as follows:

On page 159, line 16, after the semicolon (;) insert: amending s. 196.012, F.S.; redefining the term "educational institution," for purposes of the exemption of such institutions from ad valorem taxation, to include certain schools providing postgraduate dental education;

Senator Holzendorf moved the following amendment which was adopted:

Senate Amendment 11 (with title amendment) to House Amendment 1 (with title amendment)—On page 158, between lines 24 and 25, insert:

Section 99. Subsection (15) of section 327.25, Florida Statutes, is amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(15) EXEMPTIONS.—Vessels owned and operated by Sea Explorer or Sea Scout units of the Boy Scouts of America, the Girl Scouts of America, *the Safe Harbor Haven, Inc.,* or the Associated Marine Institutes, Inc., and its affiliates are exempt from the provisions of subsection (1). Such vessels shall be issued certificates of registration and numbers upon application and payment of the service fee provided in subsection (7).

(Renumber subsequent sections.)

And the title is amended as follows:

On page 159, line 16, after the semicolon (;) insert: amending s. 327.25, F.S.; providing an exemption from annual vessel registration fees for vessels owned and operated by the Safe Harbor Haven, Inc.;

On motion by Senator McKay, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for SB 624 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTIONS

On motion by Senator McKay, the House was requested to return **CS for SB 624**.

On motion by Senator Jennings, by two-thirds vote of the membership, **CS for SB 624** was considered outside the extended call.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 624.

John B. Phelps, Clerk

CS for SB 624—A bill to be entitled An act relating to enterprise zones; providing that certain employees hired after January 1, 1995, may be considered "new employees" for purposes of enterprise zone sales tax and corporate income tax credits; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator McKay, the Senate reconsidered the vote by which **CS for SB 624** as amended passed May 4.

On motion by Senator McKay, the Senate reconsidered the vote by which **Senate Amendments 1 through 11 to House Amendment 1** were adopted. **Amendments 1 through 11** were withdrawn.

On motion by Senator McKay, the Senate concurred in the House amendment.

CS for SB 624 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—1

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has returned as requested SB 792.

John B. Phelps, Clerk

SB 792—A bill to be entitled An act relating to juvenile justice; amending s. 39.003, F.S.; providing that the Juvenile Justice Advisory Board is administratively placed under the Joint Legislative Management Committee; revising appointment process; clarifying language; requiring submission of the board's workplan and reports to the Joint Legislative Auditing Committee and the Auditor General; providing that the board shall make advisory recommendations to the Legislature, Governor, and department; providing for access by the board to records, files, and reports material to its duties that are in the custody of the Department of Health and Rehabilitative Services; amending s. 39.01, F.S.; revising definitions with respect to juvenile proceedings; defining "child eligible for an intensive residential treatment program for offenders less than 13 years of age" to expand admission criteria for intensive residential treatment programs; redefining "restrictiveness level" to provide applicability of specified felony penalties for children who escape from maximum-risk residential programs; redefining "serious or habitual juvenile offender" to expand admission criteria for serious or habitual juvenile offender programs; reenacting s. 39.052(3)(a) and (6), F.S., relating to hearings, s. 39.058(3)(e), F.S., relating to serious or habitual juvenile offenders, s. 39.061, F.S., relating to escapees from secure detention or residential commitment facility, and s. 784.075, F.S., relating to battery on detention or commitment facility staff, to incorporate said amendment in references; creating s. 39.0517, F.S.; creating judicial procedures for determination of incompetency and treatment or training of juvenile offenders who are incompetent for purposes of delinquency proceedings; amending s. 39.044, F.S.; requiring that detention orders include specific instructions for release of the child in accordance with statutory time limits; requiring hearings to determine the need for continued detention following grants of continuances for cause; requiring the court to order the delivery of a child to a jail or other adult facility in certain circumstances; amending s. 790.22, F.S., relating to possession of firearms by minors, to conform to the act; reenacting s. 39.052(1)(a), F.S., relating to adjudicatory hearings, to incorporate the amendment to s. 39.044, F.S., in a reference thereto; amending s. 39.0581, F.S.; expanding admission criteria for maximum-risk residential programs; amending s. 39.0582, F.S.; providing for intensive residential treatment programs for offenders less than 13 years of age; lowering the age at which juvenile offenders may be placed in such programs; amending s. 39.0583, F.S., relating to prerequisites for commitment to intensive residential treatment programs; providing conforming language relating to the lowered age for such commitment of juvenile offenders; amending s. 39.0584, F.S., relating to commitment programs for juvenile felony offenders; lowering the age at which a youth may be placed in a serious or habitual juvenile offender program, intensive residential treatment program, or maximum-risk program; amending s. 39.074, F.S.; providing legislative intent to expedite the construction of state juvenile justice facilities; prescribing authority of the Department of Juvenile Justice and guidelines with respect to lease-purchase agreements and land acquisitions for such facilities; amending s. 253.025, F.S., relating to acquisition of state lands for specified purposes; authorizing the Department of Juvenile Justice to enter option agreements for land acquisition for juvenile facility sites; amending s. 287.155, F.S., relating to motor vehicle purchases by specified departments; adding references to the Department of Juvenile Justice and deleting obsolete language; repealing s. 6 of ch. 94-209, Laws of Florida, relating to a youthful offender study; allowing for juvenile justice appropriations to be used for certain startup costs of facilities or programs; transferring the Juvenile Justice Advisory Board by a type one transfer from the Executive Office of the Governor to the Legislature under the Joint Legislative Management Committee; allowing for juvenile justice appropriations to be used for certain startup costs of facilities or programs; amending s. 39.024, F.S.; requiring the Juvenile Justice Standards and Training Commission within the Department of Juvenile Justice to establish a certifiable juvenile justice training program; providing for a competency-based examination for a basic, advanced, or career development training program for juvenile justice personnel; revising or reorganizing specified provisions in pt. IV of ch. 39, F.S., relating to families in need of services and children in need of services; amending s. 39.42, F.S.; revising legislative intent with respect to pt. IV of ch. 39, F.S.; authorizing the Department of Juvenile Justice to contract with a provider to provide services and programs for families in need of services and children in need of services; amending s. 39.421, F.S.; revising guidelines and procedures with respect to taking into custody a child alleged to be from a family in need of services or to be a child in need of services; amending s. 39.422, F.S.; revising guidelines, procedures, and time limits relating to shelter placement of such child; amending s. 39.423, F.S.; revising provisions relating to intake of such child; amending s. 39.424, F.S.; revising departmental authority with respect to fees for child or family services and treatment; amending s. 39.426, F.S.; revising composition of the case staffing committee for a family in need of services or a child in need of services; repealing ss. 39.427, 39.428, and 39.429, F.S., relating to referral to diversion mediation, diversion mediation programs, and disposition of a diversion mediation case; amending s. 39.436, F.S.; revising conditions for filing a petition for a child in need of services; renumbering s. 39.4365, F.S., relating to referral of child-in-need-of-services cases to mediation; amending s. 39.437, F.S.; providing for court jurisdiction in child-in-need-of-services proceedings to attach to the parent, custodian, or legal guardian; amending s. 39.438, F.S.; revising provisions with respect to responses to such petition and representation of parties; amending and renumbering s. 39.439, F.S., relating to treatment of a child and examination of a parent, guardian, or person requesting custody of the child; deleting provisions relating to departmental custody of a child in need of certain treatment; providing for developmental disability evaluation of a child by certain representatives of the Department of Health and Rehabilitative Services, rather than the department; amending s. 39.44, F.S., relating to hearings on petitions for child-in-need-of-services cases; providing guidelines and time limits for review hearings; amending s. 39.442, F.S.; revising court powers of disposition; authorizing the court to order the child or the child's parent, guardian, or custodian to render community service; defining "supervision"; providing for deposit of certain fees and payments; renumbering ss. 39.443 and 39.445, F.S., relating to oaths, records, and confidential information and appeal; creating ss. 39.05841-39.05845, F.S., relating to vocational work programs of the Department of Juvenile Justice; providing for mandatory participation of certain high-risk juveniles; providing intent, objectives, and guidelines; providing for training facilities as part of an agricultural and industrial production and marketing program; amending s. 39.021, F.S.; requiring certain cost accounting with respect to Department of Juvenile Justice Programs; providing for specified cost reports to the Legislature by the Department of Juvenile Justice; changing the date of a report; amending s. 230.2316,

F.S.; providing for educational services in Department of Health and Rehabilitative Services programs; creating s. 230.23161, F.S.; providing for educational services in Department of Juvenile Justice programs; prescribing responsibilities of school districts; providing for certain reports to the Legislature by the Department of Juvenile Justice and Department of Education; providing for adoption of rules and revisions thereto by the Department of Education; amending s. 39.025, F.S.; requiring meetings; amending s. 216.0172, F.S.; providing a date for department budgets; providing effective dates.

RECONSIDERATION OF BILL

On motion by Senator Bankhead, the Senate reconsidered the vote by which **SB 792** as amended passed May 1.

Senator Bankhead moved the following amendments to the bill as engrossed which were adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 57, lines 11 and 15, delete "Management" and insert: Auditing

And the title is amended as follows:

On page 1, line 5, and on page 4, line 3, delete "Management" and insert: Auditing

Amendment 2 (with title amendment)—On page 36, between lines 5 and 6, insert:

Section 8. Section 39.0361, Florida Statutes, is created to read:

39.0361 Neighborhood Restorative Justice Act.—

(1) SHORT TITLE.—This section shall be known and may be cited as the "Neighborhood Restorative Justice Act."

(2) DEFINITIONS.—For purposes of this act, the term:

(a) "Board" means a Restorative Justice Board established by the state attorney pursuant to subsection (4).

(b) "Center" means a Neighborhood Restorative Justice Center established by the state attorney pursuant to subsection (3).

(c) "First-time, nonviolent juvenile offender" means a minor who allegedly has committed a delinquent act or violation of law that would not be a crime of violence providing grounds for detention or incarceration and who does not have a previous record of being found to have committed a criminal or delinquent act or other violation of law.

(3) NEIGHBORHOOD RESTORATIVE JUSTICE CENTER.—

(a) The state attorney may establish at least one Neighborhood Restorative Justice Center in designated geographical areas in the county for the purposes of operating a deferred prosecution program for first-time, nonviolent juvenile offenders.

(b) The state attorney may refer any first-time, nonviolent juvenile offender accused of committing a delinquent act to a Neighborhood Restorative Justice Center.

(4) RESTORATIVE JUSTICE BOARD.—

(a) The state attorney may establish Restorative Justice Boards consisting of five volunteer members, of which: two are appointed by the state attorney; two are appointed by the public defender; and one is appointed by the chief judge of the circuit. The state attorney shall appoint a chairman for each board.

(b) The board has jurisdiction to hear all matters involving first-time, nonviolent juvenile offenders who are alleged to have committed a delinquent act within the geographical area covered by the board.

(5) DEFERRED PROSECUTION PROGRAM; PROCEDURES.—

(a) The participation by a juvenile in the deferred prosecution program through a Neighborhood Restorative Justice Center is voluntary. To participate in the deferred prosecution program, the juvenile who is referred to a Neighborhood Restorative Justice Center must take responsibility for the actions which led to the current accusation. The juvenile and the juvenile's parent or legal guardian must waive the juvenile's right to a speedy trial and the right to be represented by a public defender while in the Neighborhood Restorative Justice program. This waiver and acknowledgement of responsibility shall not be construed as an admission of guilt in future proceedings. The board or the board's representative must inform the juvenile and the parent or legal guardian of the juvenile's legal rights prior to the signing of the waiver.

(b) If the state attorney refers a juvenile matter to a Neighborhood Restorative Justice Center, the board shall convene a meeting within 15 days after receiving the referral.

(c) The board shall require the parent or legal guardian of the juvenile who is referred to a Neighborhood Restorative Justice Center to appear with the juvenile before the board at the time set by the board. In scheduling board meetings, the board shall be cognizant of a parent's or legal guardian's other obligations. The failure of a parent or legal guardian to appear at the scheduled board meeting with his or her child or ward may be considered by the juvenile court as an act of child neglect as defined by s. 415.503(3), and the board may refer the matter to the Department of Health and Rehabilitative Services for investigation under the provisions of chapter 415.

(d) The board shall serve notice of a board meeting on the juvenile referred to the Neighborhood Restorative Justice Center, the juvenile's parent or guardian, and the victim or family of the victim of the alleged offense. These persons and their representatives have the right to appear and participate in any meeting conducted by the board relative to the alleged offense in which they were the alleged juvenile offender or parent or guardian of the alleged juvenile offender, or victim or family of the victim of the alleged juvenile offender. The victim or a person representing the victim may vote with the board.

(6) SANCTIONS.—After holding a meeting pursuant to paragraph (5)(d), the board may impose any of the following sanctions alone or in any combination:

(a) Require the juvenile to make restitution to the victim.

(b) Require the juvenile to perform work for the victim.

(c) Require the juvenile to make restitution to the community.

(d) Require the juvenile to perform work for the community.

(e) Recommend that the juvenile participate in counseling, education, or treatment services that are coordinated by the state attorney.

(f) Require the juvenile to surrender the juvenile's driver's license and forward a copy of the board's resolution to the Department of Highway Safety and Motor Vehicles. The department, upon receipt of the license, shall suspend the driving privileges of the juvenile, or the juvenile may be restricted to travel between the juvenile's home, school, and place of employment during specified periods of time according to the juvenile's school and employment schedule.

(g) Refer the matter to the state attorney for the filing of a petition with the juvenile court.

(h) Impose any other sanction except detention that the board determines is necessary to fully and fairly resolve the matter.

(7) WRITTEN CONTRACT.—

(a) The board, on behalf of the community, and the juvenile, the juvenile's parent or guardian, and the victim or representative of the victim, shall sign a written contract in which the parties agree to the board's resolution of the matter and in which the juvenile's parent or guardian agrees to ensure that the juvenile complies with the contract. The contract may provide that the parent or guardian shall post a bond payable to this state to secure the performance of any sanction imposed upon the juvenile pursuant to subsection (6).

(b) A breach of the contract by any party may be sanctioned by the juvenile court as it deems appropriate upon motion by any party.

(c) If the juvenile disagrees with the resolution of the board, the juvenile may file a notice with the board within 3 working days after the board makes its resolution that the juvenile has rejected the board's

resolution. After receiving notice of the juvenile's rejection, the state attorney shall file a petition in juvenile court.

(8) COMPLETION OF SANCTIONS.—

(a) If the juvenile accepts the resolution of the board and successfully completes the sanctions imposed by the board, the state attorney shall not file a petition in juvenile court and the board's resolution shall not be used against the juvenile in any further proceeding and is not an adjudication of delinquency. The resolution of the board is not a conviction of a crime, does not impose any civil disabilities ordinarily resulting from a conviction, and does not disqualify the juvenile in any civil service application or appointment.

(b) If the juvenile accepts the resolution reached by the board but fails to successfully complete the sanctions imposed by it, the state attorney may file the matter with the juvenile court.

(c) Upon successful completion of the sanctions imposed by the board, the juvenile shall submit to the board proof of completion. The board shall determine the form and manner in which a juvenile presents proof of completion.

(9) CONSTRUCTION.—This section shall not be construed to diminish, impair, or otherwise affect any rights conferred on victims of crimes under chapter 960, relating to victim assistance, or any other provisions of law.

(10) SEVERABILITY.—If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 24, after the semicolon (;) insert: creating s. 39.0361, F.S., the "Neighborhood Restorative Justice Act"; providing a short title and definitions; prescribing powers and duties of the state attorney and guidelines with respect to establishment of a Neighborhood Restorative Justice Center and Restorative Justice Board; providing for a deferred prosecution program; providing for an acknowledgement of responsibility by the participating juvenile; providing that the failure of a parent or guardian to attend the board meeting with the child may be considered child neglect subject to investigation by the Department of Health and Rehabilitative Services; providing for membership and meetings of the Restorative Justice Board; requiring written contracts for resolution; providing for the juvenile court to sanction breaches of contract in appropriate cases; providing for delinquency petitions; providing for submission of proof of completion by the juvenile; providing for construction and severability;

On motion by Senator Bankhead, **SB 792** as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership, **CS for CS for SB 886** was considered outside the extended call.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 886, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 886—A bill to be entitled An act relating to managed care; creating s. 381.0407, F.S.; creating the "Managed-Care and Publicly Funded Primary-Care-Program Coordination Act"; providing legislative findings and intent; providing definitions; requiring certain reimbursement requirements; providing for authorization and payment for certain services; specifying the reimbursement for services in certain disease emergency situations; amending s. 409.9071, F.S.; modifying required documentation of medical necessity for certain Medicaid eligible school children; amending s. 409.912, F.S., relating to the purchase of goods and services for Medicaid recipients; conforming provisions to the transfer of responsibilities for the Medicaid program from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; revising requirements for contracting with entities providing prepaid health and mental health services and for Department of Insurance certification of entities providing prepaid health care services; deleting the requirement that certain guaranteeing organizations be nonprofit entities; requiring certain entities to become licensed under the Insurance Code; requiring certain entities to establish a restricted insolvency protection account; providing requirements for reimbursements to hospitals and physicians that provide services on a prepaid or fixed-sum basis; requiring the agency to adopt rules to implement a health care quality-improvement system for certain Medicaid prepaid plan providers and managed-care providers; specifying the elements of the system; requiring the agency to adopt rules to implement an enhanced managed-care quality-assurance oversight function; specifying the elements of the function; requiring Medicaid prepaid plan providers and MediPass providers to provide certain member services; requiring certain care, and documentation of care, to be provided to Medicaid prepaid plan and MediPass enrollee infants and pregnant women; limiting certain enrollment or selection incentives and activities; requiring the agency to publish a toll-free telephone number to receive certain consumer complaints; requiring the agency to have a MediPass enrollee grievance procedure; specifying the elements of the grievance procedure; requiring that the MediPass enrollee grievance procedure be detailed in the enrollee handbook; directing the agency to conduct recipient-satisfaction surveys; directing the agency, in conjunction with the Department of Health and Rehabilitative Services, to select providers who meet specific criteria to provide MediPass services to chronically ill children; specifying system components and service availability; amending s. 409.9122, F.S., relating to mandatory Medicaid managed-care enrollment; deleting a requirement for an evaluation of MediPass; revising legislative intent; providing requirements for the agency in enrolling and disenrolling Medicaid recipients in managed-care plans or MediPass; authorizing the agency to request a federal waiver for the purpose of establishing certain prepaid programs; amending s. 641.18, F.S.; clarifying legislative intent that the Department of Insurance enforce health maintenance organization regulations to protect enrollees regardless of their source of payment; amending s. 641.19, F.S.; providing definitions; amending s. 641.2015, F.S.; providing an exemption from an incorporation requirement for certain public entities; amending s. 641.22, F.S.; providing additional conditions for obtaining a certificate of authority; amending s. 641.225, F.S., relating to financial surplus requirements for health maintenance organizations; subjecting certain specified public managed-care providers to the surplus requirements unless they are backed by the full faith and credit of the county where located or surplus requirements as specified in s. 409.912(3)(c), F.S.; amending s. 641.23, F.S.; providing for cancellation, revocation, and suspension of certificates of authority to operate a health maintenance organization; specifying a Medicaid medical loss ratio for certain health maintenance organizations that provide health care services to Medicaid recipients; requiring a corrective-action plan for failure to maintain the required ratio; requiring that the Agency for Health Care Administration be notified that a corrective-action plan has been requested; authorizing the Department of Insurance to impose certain specified sanctions; amending s. 641.25, F.S.; providing for an administrative penalty; amending s. 641.28, F.S., relating to civil remedy; conforming provisions to the transfer of responsibilities made by the act; amending s. 641.37, F.S.; increasing penalties for making false statements regarding health maintenance organization coverage; amending s. 641.386, F.S.; providing for inapplicability of an exemption from agent licensing and appointment; creating s. 641.3865, F.S.; regarding health maintenance organizations to use a specified form to enroll Medicaid recipients; amending s. 641.3903, F.S., relating to unfair competition and trade practices; prohibiting certain discriminatory practices by health maintenance organizations; amending s. 641.47, F.S.; revising definitions; defining the terms "agency," "complaint," and "grievance," deleting the definition of the term "department," and reorganizing definitions; amending s. 641.48, F.S., relating to the purpose and application of this part; deleting an exemption from health maintenance organization regulation for certain capitated reimbursed providers; amending s. 641.49, F.S., relating to an application procedure for certification of health maintenance organizations and prepaid health clinics; prescribing application requirements; requiring applicants to submit a statement with their application that the organization will consult with a

Florida-licensed physician prior to denying certain claims; deleting a requirement that an organization designate a chief of medical staff; amending s. 641.495, F.S., relating to the issuance and maintenance of a health care provider certificate; specifying patient-physician ratios; specifying conditions under which a health maintenance organization is exempt from certain requirements; specifying when certificates automatically expire; amending s. 641.511, F.S.; prescribing subscriber grievance reporting and resolution requirements; amending s. 641.512, F.S., relating to accreditation and external quality-assurance assessment; requiring periodic external quality-assurance reviews of each health maintenance organization, prepaid health clinic, and prepaid limited health service organization; requiring the agency to adopt rules establishing certain external quality-assurance standards; providing for a comprehensive feasibility study as a preliminary quality-assurance review; requiring organizations to submit external quality-assurance review reports; revising guidelines for agency certification of private reviewers; providing for payment of expenses associated with review; excluding expenses paid from calculation of a specified regulatory assessment; requiring coordination of external quality-assurance reviews; authorizing the agency to investigate an organization when it considers it reasonably necessary; amending s. 641.515, F.S.; providing for inspections; prescribing standards of care; amending s. 641.52, F.S.; providing for disciplinary actions against health maintenance organizations, prepaid health clinics, and prepaid limited health service organizations; revising the aggregated maximum fines for violations of regulations; directing the agency to adopt rules that establish penalty categories that specify varying ranges of fines; amending s. 641.54, F.S.; providing for disclosure of hospital and physician information; creating s. 641.545, F.S.; providing for subscriber risk assessments; requiring health maintenance organizations and prepaid health services to provide certain subscriber services; requiring the agency to monitor compliance; creating s. 641.546, F.S.; providing requirements for maternity and newborn services; requiring certain care and documentation of care to be provided to pregnant subscribers and infant subscribers of health maintenance organizations and prepaid health clinics; amending s. 641.55, F.S.; providing for internal risk-management programs; amending s. 641.56, F.S.; prescribing rulemaking authority of the Agency for Health Care Administration; amending s. 641.57, F.S.; providing for the disposition of fees; amending s. 641.58, F.S.; providing for administration of regulatory assessments by the Agency for Health Care Administration; repealing s. 641.225(4) and (6), F.S., relating to financial surplus requirements for health maintenance organizations; requiring a study by the State University System concerning capitation arrangements; creating a task force to study overlapping regulations; creating s. 641.61, F.S.; providing for subscriber satisfaction assessments; creating s. 641.62, F.S.; providing for study of managed-care subscriber populations relating to chronic diseases and sharing of information pertaining to such populations; providing for a study of capitation arrangements; requiring recommendations to streamline the regulatory process; repealing s. 641.225(4), (6), F.S., relating to surplus requirements; providing appropriations; providing effective dates.

House Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 381.0407, Florida Statutes, is created to read:

381.0407 Managed care and publicly funded primary care program coordination.—

(1) SHORT TITLE.—This section may be cited as the "Managed Care and Publicly Funded Primary Care Program Coordination Act."

(2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that it is in the public interest for publicly funded health providers to be reimbursed by managed care plans when certain health care services are provided that are needed to protect and improve public health. The Legislature also finds that the use of publicly funded perinatal programs should be encouraged, but not required, to make advantageous use of the system of public health services.

(3) DEFINITIONS.—As used in this section the term:

(a) "Managed care plan" or "plan" means an entity that contracts with the Agency for Health Care Administration on a prepaid or fixed-sum basis for the provision of Medicaid services pursuant to s. 409.912.

(b) "Publicly funded primary care provider" or "public provider" means a county public health unit or a migrant health center funded under s. 329 of the Public Health Services Act or a community health center funded under s. 330 of the Public Health Services Act.

(4) REIMBURSEMENT REQUIRED.—Without prior authorization, managed care plans, and the MediPass program as administered by the Agency for Health Care Administration, shall pay claims initiated by any public provider, to the extent the managed care plan or MediPass program provides coverage, for:

(a) The diagnosis and treatment of sexually transmitted diseases and other communicable diseases such as tuberculosis and human immunodeficiency syndrome.

(b) The provision of immunizations.

(c) Family planning services and related pharmaceuticals.

(d) School health services listed in paragraphs (a), (b), and (c) and for services rendered on an urgent basis. Services rendered on an urgent basis are those health care services needed to immediately relieve pain or distress for medical problems such as injuries, nausea, and fever, and services needed to treat infectious diseases and other similar conditions.

Public providers shall attempt to contact managed care plans before providing health care services to their subscribers. Public providers shall provide managed care plans with the results of the office visit, including test results, and shall be reimbursed by managed care plans at the rate negotiated between the managed care plan and the public provider or, if a rate has not been negotiated, at the lesser of either the rate charged by the public provider or the Medicaid fee-for-service reimbursement rate.

(5) EMERGENCY SHELTER REIMBURSEMENT.—County public health units shall be reimbursed by managed care plans for Department of Health and Rehabilitative Services emergency shelter medical screenings.

(6) MATERNAL AND CHILD HEALTH SERVICES.—The Agency for Health Care Administration, in consultation with the State Health Office, shall encourage agreements between Medicaid-financed managed care plans and public providers for the authorization of and payment for the following services:

(a) Maternity case management.

(b) Well child care.

(c) Prenatal care.

(7) VACCINE-PREVENTABLE DISEASE EMERGENCIES.—In the event that a vaccine-preventable disease emergency is declared by the State Health Officer or a county public health unit director or administrator, managed care plans, the MediPass program as administered by the Agency for Health Care Administration, and health maintenance organizations and prepaid health clinics licensed under chapter 641 shall reimburse county public health units for the cost of the administration of vaccines to persons covered by these entities, provided such action is necessary to end the emergency. Reimbursement shall be at the rate negotiated between the entity and the county public health unit or, if a rate has not been negotiated, at the lesser of either the rate charged by the county public health unit or the Medicaid fee-for-service reimbursement rate. No charge shall be made by the county public health unit for the actual cost of the vaccine and for services not covered under the policy or contract of the entity.

Section 2. Paragraph (h) of subsection (3) of Section 395.1041, Florida Statutes, is amended to read:

395.1041 Access to emergency services and care.—

(3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF FACILITY OR HEALTH CARE PERSONNEL.—

(h) *A hospital may request and collect insurance and financial information from a patient, in accordance with federal law, if emergency services and care are not delayed.* ~~Emergency services and care shall be rendered without first questioning the patient or any other person as to the patient's ability to pay for the emergency services and care.~~ No hospital to which another hospital is transferring a person in need of emergency services and care may require the transferring hospital or

any person or entity to guarantee payment for the person as a condition of receiving the transfer. In addition, a hospital may not require any contractual agreement, any type of preplanned transfer agreement, or any other arrangement to be made prior to or at the time of transfer as a condition of receiving an individual patient being transferred. However, the patient or the patient's legally responsible relative or guardian shall execute an agreement to pay for emergency services or care or otherwise supply insurance or credit information promptly after the services and care are rendered.

Section 3. Section 408.7056, Florida Statutes, is amended to read:

408.7056 Statewide Provider and Subscriber Assistance Program.—

(1) The Agency for Health Care Administration shall adopt and implement a program to provide assistance to subscribers and providers, including those whose grievances are not ~~satisfactorily~~ resolved by the accountable health partnership, ~~or~~ health maintenance organization, *prepaid health clinic, prepaid health plan authorized pursuant to s. 409.912, or exclusive provider organization to the satisfaction of the subscriber or provider*. The panel shall not consider grievances which*:*

(a) Relate to an accountable health partnership's, ~~or~~ health maintenance organization's, *prepaid health clinic's, prepaid health plan's, or exclusive provider organization's* refusal to accept a provider into its network of providers*;*

(b) Are a part of a reconsideration appeal through the Medicare appeals process;

(c) Are related to a health plan not regulated by the state such as an administrative services organization, third-party administrator, or federal employee health benefit program;

(d) Are related to appeals by in-plan suppliers and providers, unless related to quality of care provided by the plan; or

(e) Are part of a Medicaid fair hearing pursued pursuant to 42 C.F.R. s. 431.220 et seq.

(2) The program shall include the following:

(a) A review panel which may periodically review, consider, and recommend to the agency any actions the agency or the Department of Insurance should take concerning individual cases heard by the panel, as well as the types of grievances which have not been satisfactorily resolved after subscribers or providers have followed the full grievance procedures of the accountable health partnership, ~~or~~ health maintenance *organization, prepaid health clinic, prepaid health plan, or exclusive provider organization* ~~organizations~~. The proceedings of the grievance panel shall not be subject to the provisions of chapter 120. The review panel shall consist of members employed by the agency and members employed by the Department of Insurance, chosen by their respective agencies. The agency may contract with a medical director and a primary care physician who shall provide additional technical expertise to the review panel. The medical director shall be selected from a health maintenance organization with a current certificate of authority to operate in Florida.

(b) A plan to disseminate information concerning the program to the general public as widely as possible.

(3)~~(2)~~ Every accountable health partnership, ~~or~~ health maintenance organization, *prepaid health clinic, prepaid health plan authorized pursuant to s. 409.912, or exclusive provider organization* shall submit a quarterly report to the agency and the Department of Insurance listing the number and the nature of all subscribers' *and providers'* grievances which have not been resolved to the satisfaction of the subscriber *or provider* after the subscriber *or provider* follows the full grievance procedure of the organization.

(4)~~(3)~~(a) The Agency for Health Care Administration may impose an administrative fine, after a formal investigation has been conducted on the accountable health partnership's, ~~or~~ health maintenance organization's, *prepaid health clinic's, prepaid health plan's, or exclusive provider organization's* failure to comply with quality of health services standards set forth in statute or rule. The Agency for Health Care Administration may initiate such an investigation based on the recommendations related to the quality of health services received from the Statewide Provider and Subscriber Assistance Panel pursuant to paragraph *(2)*~~(1)~~(a). The fine shall not exceed $2,500 per violation and in no event shall such fine exceed an aggregate amount of $10,000 for noncompliance arising out of the same action.

(b) In determining the amount to be levied for noncompliance under paragraph (a), the following factors shall be considered:

1. The severity of the noncompliance, including the probability that death or serious harm to the health or safety of the subscriber will result or has resulted, the severity of actual or potential harm and the extent to which provisions of this part were violated.

2. Actions taken by the accountable health partnership, ~~or~~ health maintenance organization, *prepaid health clinic, prepaid health plan, or exclusive provider organization* to resolve or remedy any quality of care grievance.

3. Any previous incidences of noncompliance by the accountable health partnership, ~~or~~ health maintenance organization, *prepaid health clinic, prepaid health plan, or exclusive provider organization*.

(c) All amounts collected pursuant to this subsection shall be deposited into the Health Maintenance Organization Quality Care Trust Fund.

(5)~~(4)~~ Any information which would identify a subscriber or the spouse, relative, or guardian of a subscriber and which is contained in a report obtained by the Department of Insurance pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 4. Present subsections (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), and (20) of section 409.901, Florida Statutes, are renumbered as subsections (2), (3), (4), (5), (6), (7), (10), (12), (13), (14), (15), (16), (17), (18), (19), (20), (22), (23), (24), and (25), respectively, and new subsections (1), (8), (9), (11), and (21) are added to said section, to read:

409.901 Definitions.—As used in ss. 409.901-409.920, except as otherwise specifically provided, the term:

(1) "Agency" means the Agency for Health Care Administration.

(8) "Emergency medical condition" means:

(a) A medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain or other acute symptoms, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

1. Serious jeopardy to the health of a patient, including a pregnant woman or a fetus.

2. Serious impairment to bodily functions.

3. Serious dysfunction of any bodily organ or part.

(b) With respect to a pregnant woman:

1. That there is inadequate time to effect safe transfer to another hospital prior to delivery.

2. That a transfer may pose a threat to the health and safety of the patient or fetus.

3. That there is evidence of the onset and persistence of uterine contractions or rupture of the membranes.

(9) "Emergency services and care" means medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable laws, by other appropriate personnel under the supervision of a physician, to determine whether an emergency medical condition exists and, if it does, the care, treatment, or surgery for a covered service by a physician which is necessary to relieve or eliminate the emergency medical condition, within the service capability of a hospital.

(11) "Managed care plan" means a health maintenance organization authorized pursuant to chapter 641 or a prepaid health plan authorized pursuant to s. 409.912.

(21) "MediPass" means a primary care case management program operated by the agency.

Section 5. Subsection (1) of section 409.9071, Florida Statutes, is amended to read:

409.9071 Medicaid provider agreements for school districts certifying state match.—

(1) Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures to allow for certification of state and local education funds which have been provided for physical, occupational, and speech therapy services. Any state or local funds certified pursuant to this section shall be for children with specified disabilities who are eligible for both Medicaid and the exceptional student education program, and who have an individualized educational plan *that demonstrates that such services are medically necessary* and a physician authorization *order where required by federal Medicaid laws* ~~that such services are medically necessary~~.

Section 6. Section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The *agency* ~~department~~ shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The *agency* ~~department~~ shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies designed to facilitate the cost-effective purchase of a case-managed continuum of care. The *agency* ~~department~~ shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(1) The *agency* ~~department~~ may enter into agreements with appropriate agents of other state agencies or of any agency of the Federal Government and accept such duties in respect to social welfare or public aid as may be necessary to implement the provisions of Title XIX of the Social Security Act and ss. 409.901-409.920.

(2) The *agency* ~~department~~ may contract with health maintenance organizations certified pursuant to part I of chapter 641 for the provision of services to recipients.

(3) The *agency* ~~department~~ may contract with*:*

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county public health *unit, or county-owned and operated hospital* ~~units and other entities authorized by chapter 154~~ to provide health care services on a prepaid or fixed-sum basis to recipients, which *entity* ~~entities~~ may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services *entities must be licensed under parts I and III by July 1, 1997, and until then* are exempt from the provisions of part I of chapter 641. *An entity recognized under this paragraph which demonstrates to the satisfaction of the Department of Insurance that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225.*

(b) An entity that is providing comprehensive inpatient and outpatient mental health care services to certain Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk counties, through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must become licensed under chapter 624 or chapter 641 by December 31, 1998 and is exempt from the provisions of part I of chapter 641 until then. However, if the entity assumes risk, the Department of Insurance shall develop appropriate regulatory requirements by rule under the Insurance Code before the entity becomes operational.

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers or an entity owned by other migrant and community health centers receiving non-Medicaid financial support from the federal government to provide health care services on a prepaid or fixed-sum basis to recipients. Such prepaid health care services entity must be licensed under part I and part III of chapter 641 by July 1, 1997. However, such an entity is exempt from s. 641.225 if the entity meets the requirements specified in subsections (14) and (15).

(4) The *agency* ~~department~~ may contract with any public or private entity *otherwise authorized by this section* on a prepaid or fixed-sum basis for the provision of health care services to recipients.

(a) An entity may provide prepaid services to recipients, either directly or through arrangements with other entities, if each entity involved in providing services:

1. Is organized primarily for the purpose of providing health care or other services of the type regularly offered to Medicaid recipients;

2. Ensures that services meet the standards set by the *agency* ~~department~~ for quality, appropriateness, and timeliness;

3. Makes provisions satisfactory to the *agency* ~~department~~ for insolvency protection and ensures that neither enrolled Medicaid recipients nor the *agency* ~~department~~ will be liable for the debts of the entity;

4. Submits to the *agency* ~~department~~, if a private entity, a financial plan that the *agency* ~~department~~ finds to be fiscally sound and that provides for working capital in the form of cash or equivalent liquid assets excluding revenues from Medicaid premium payments equal to at least the first 3 months of operating expenses or $200,000, whichever is greater;

5. Furnishes evidence satisfactory to the *agency* ~~department~~ of adequate liability insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of health care;

6. Provides, through contract or otherwise, for periodic review of its medical facilities and services, as required by the *agency* ~~department~~; and

7. Provides organizational, operational, financial, and other information required by the *agency* ~~department~~.

(b) Entities that provide no prepaid health care services other than Medicaid services under contract with the department are exempt from the provisions of part I of chapter 641.

(5) The *agency* ~~department~~ may contract on a prepaid or fixed-sum basis with any health insurer that:

(a) Pays for health care services provided to enrolled Medicaid recipients in exchange for a premium payment paid by the department;

(b) Assumes the underwriting risk; and

(c) Is organized and licensed under applicable provisions of the Florida Insurance Code and is currently in good standing with the Department of Insurance.

(6) The agency may contract on a prepaid or fixed-sum basis with an exclusive provider organization to provide health care services to Medicaid recipients provided that the contract does not cost more than a managed care plan contract in the same agency region and that the exclusive provider organization meets applicable managed care plan requirements in this section, ss. 409.9122, 409.9123, 409.9128, and 627.6472, and other applicable provisions of law.

(7) The agency may provide cost-effective purchasing of chiropractic services on a fee-for-service basis to recipients through arrangements with a statewide chiropractic preferred provider organization incorporated in this state as a not-for-profit corporation. The agency shall ensure that the benefit limits and prior authorization requirements in the current Medicaid program shall apply to the services provided by the chiropractic preferred provider organization.

(8)~~(6)~~ The *agency* ~~department~~ shall not contract on a prepaid or fixed-sum basis for Medicaid services with an entity which knows or reasonably should know that any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock, or the entity itself, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere, or guilty, to:

(a) Fraud;

(b) Violation of federal or state antitrust statutes, including those *proscribing* ~~prescribing~~ price fixing between competitors and the allocation of customers among competitors;

(c) Commission of a felony involving embezzlement, theft, forgery, income tax evasion, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or

(d) Any crime in any jurisdiction which directly relates to the provision of health services on a prepaid or fixed-sum basis.

(9)~~(7)~~ The *agency, after notifying the Legislature,* ~~department~~ may apply for waivers of applicable federal laws and regulations as necessary to implement more appropriate systems of health care for Medicaid recipients and reduce the cost of the Medicaid program to the state and federal governments and shall implement such programs, after legislative approval, within a reasonable period of time after federal approval. These programs must be designed primarily to reduce the need for inpatient care, custodial care and other long-term or institutional care, and other high-cost services. *Prior to seeking legislative approval of such a waiver as authorized by this subsection, the agency shall provide notice and an opportunity for public comment. Notice shall be provided to all persons who have made requests of the agency for advance notice and shall be published in the Florida Administrative Weekly not less than 28 days prior to the intended action.*

(10)~~(8)~~ The *agency* ~~department~~ shall establish a postpayment utilization control program designed to identify recipients who may inappropriately overuse or underuse Medicaid services and shall provide methods to correct such misuse.

(11)~~(9)~~ The *agency* ~~department~~ shall develop and provide coordinated systems of care for Medicaid recipients and may contract with public or private entities to develop and administer such systems of care among public and private health care providers in a given geographic area.

(12)~~(10)~~ The *agency* ~~department~~ shall operate or contract for the operation of utilization management and incentive systems designed to encourage cost-effective use services.

(13)~~(11)~~ The *agency* ~~department~~ shall identify health care utilization and price patterns within the Medicaid program that are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate.

(14)~~(12)~~ An entity contracting on a prepaid or fixed-sum basis shall, in addition to meeting any applicable statutory surplus requirements, also maintain at all times in the form of cash, ~~short-term~~ investments *that mature in less than 180 days* allowable as admitted assets by the Department of Insurance, and restricted funds or deposits controlled by the *agency* ~~department~~ or the Department of Insurance, *a surplus* ~~by January 1, 1992, an amount equal to its monthly prepaid Medicaid revenues; and by and after January 1, 1993, an~~ amount equal to one-and-one-half times *the entity's* ~~its~~ monthly *Medicaid* prepaid ~~Medicaid~~ revenues. *As used in this subsection, the term "surplus" means the entity's total assets minus total liabilities. If* ~~In the event~~ an entity's surplus falls below *an amount equal to* ~~any applicable statutory requirements, or an entity's total of cash, short-term investments allowable as admitted assets by the Department of Insurance, and restricted funds or deposits controlled by the department or the Department of Insurance falls below~~ one-and-one-half times *the entity's* ~~its~~ monthly *Medicaid* prepaid ~~Medicaid~~ revenues, the *agency* ~~department~~ shall prohibit the entity from engaging in *marketing and pre-enrollment* ~~enrollment~~ activities, shall cease to process new enrollments ~~for the entity~~, and shall not renew the entity's contract until the required balance is achieved. The requirements of this subsection *do* ~~shall~~ not apply:

(a) Where a public entity agrees to fund any deficit incurred by the contracting entity; or

(b) Where the entity's performance and obligations are guaranteed in writing by a ~~nonprofit~~ guaranteeing organization which:

1. Has been in operation for at least 5 years and has assets in excess of $50 million; or

2. Submits a written guarantee acceptable to the *agency* ~~department~~ which is irrevocable during the term of the contracting entity's contract with the *agency* ~~department~~ and, upon termination of the contract, until the *agency* ~~department~~ receives proof of satisfaction of all outstanding obligations incurred under the contract.

(15)(a) The agency may require an entity contracting on a prepaid or fixed-sum basis to establish a restricted insolvency protection account with a federally guaranteed financial institution licensed to do business in this state. The entity shall deposit into that account 5 percent of the capitation payments made by the agency each month until a maximum total of 2 percent of the total current contract amount is reached. The restricted insolvency protection account may be drawn upon with the authorized signatures of two persons designated by the entity and two representatives of the agency. If the agency finds that the entity is insolvent, the agency may draw upon the account solely with the two authorized signatures of representatives of the agency, and the funds may be disbursed to meet financial obligations incurred by the entity under the prepaid contract. If the contract is terminated, expired, or not continued, the account balance must be released by the agency to the entity upon receipt of proof of satisfaction of all outstanding obligations incurred under this contract.

(b) The agency may waive the insolvency protection account requirement in writing when evidence is on file with the agency of adequate insolvency insurance and reinsurance that will protect enrollees if the entity becomes unable to meet its obligations.

(16) An entity that contracts with the agency on a prepaid or fixed-sum basis for the provision of Medicaid services shall reimburse any hospital or physician that is outside the entity's authorized geographic service area as specified in its contract with the agency, and that provides services authorized by the entity to its members, at a rate negotiated with the hospital or physician the provision of services or according to the lesser of the following:

(a) The usual and customary charges made to the general public by the hospital or physician; or

(b) The Florida Medicaid reimbursement rate established for the hospital or physician.

(17) When a merger or acquisition of a Medicaid prepaid contractor has been approved by the Department of Insurance pursuant to s. 628.4615, the agency shall approve the assignment or transfer of the appropriate Medicaid prepaid contract upon request of the surviving entity of the merger or acquisition if the contractor and the other entity have been in good standing with the agency for the most recent 12 month period, unless the agency determines that the assignment or transfer would be detrimental to the Medicaid recipients or the Medicaid program. To be in good standing, an entity must not have failed accreditation or committed any material violation of the requirements of s. 641.52 and must meet the Medicaid contract requirements. For purposes of this section, a merger or acquisition means a change in controlling interest of an entity, including an asset or stock purchase.

(18) Any entity contracting with the agency pursuant to this section to provide health care services to Medicaid recipients is prohibited from engaging in any of the following practices or activities:

(a) Practices that are discriminatory, including, but not limited to, attempts to discourage participation on the basis of actual or perceived health status.

(b) Activities that could mislead or confuse recipients, or misrepresent the organization, its marketing representatives, or the agency. Violations of this paragraph include, but are not limited to:

1. False or misleading claims that marketing representatives are employees or representatives of the state or county, or of anyone other than the entity or the organization by whom they are reimbursed.

2. False or misleading claims that the entity is recommended or endorsed by any state or county agency, or by any other organization which has not certified its endorsement in writing to the entity.

3. False or misleading claims that the state or county recommends that a Medicaid recipient enroll with an entity.

4. Claims that a Medicaid recipient will lose benefits under the Medicaid program, or any other health or welfare benefits to which the recipient is legally entitled, if the recipient does not enroll with the entity.

(c) Granting or offering of any monetary or other valuable consideration for enrollment, except as authorized by subsection (21).

(d) Door-to-door solicitation of recipients who have not contacted the entity or who have not invited the entity to make a presentation.

(e) Solicitation of Medicaid recipients by marketing representatives stationed in state offices unless approved and supervised by the agency or its agent and approved by the affected state agency when solicitation occurs in an office of the state agency. The agency shall ensure that marketing representatives stationed in state offices shall market their managed care plans to Medicaid recipients only in designated areas and in such a way as to not interfere with the recipients' activities in the state office.

(f) Enrollment of Medicaid recipients.

(19) The agency may impose a fine for a violation of this section or the contract with the agency by a person or entity that is under contract with the agency. With respect to any nonwillful violation, such fine shall not exceed $2,500 per violation. In no event shall such fine exceed an aggregate amount of $10,000 for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of this section or the contract with the agency, the agency may impose a fine upon the entity in an amount not to exceed $20,000 for each such violation. In no event shall such fine exceed an aggregate amount of $100,000 for all knowing and willful violations arising out of the same action.

(20) A health maintenance organization or a person or entity exempt from chapter 641 that is under contract with the agency for the provision of health care services to Medicaid recipients may not use or distribute marketing materials used to solicit Medicaid recipients, unless such materials have been approved by the agency. The provisions of this subsection do not apply to general advertising and marketing materials used by a health maintenance organization to solicit both non-Medicaid subscribers and Medicaid recipients.

(21) Upon approval by the agency, health maintenance organizations and persons or entities exempt from chapter 641 that are under contract with the agency for the provision of health care services to Medicaid recipients may be permitted within the capitation rate to provide additional health benefits that the agency has found are of high quality, are practicably available, provide reasonable value to the recipient, and are provided at no additional cost to the state.

(22) The agency shall utilize the statewide health maintenance organization complaint hotline for the purpose of investigating and resolving Medicaid and prepaid health plan complaints, maintaining a record of complaints and confirmed problems, and receiving disenrollment requests made by recipients.

(23) The agency shall require the publication of the health maintenance organization's and the prepaid health plan's consumer services telephone numbers and the "800" telephone number of the statewide health maintenance organization complaint hotline on each Medicaid identification card issued by a health maintenance organization or prepaid health plan contracting with the agency to serve Medicaid recipients and on each subscriber handbook issued to a Medicaid recipient.

(24) The agency shall establish a health care quality improvement system for those entities contracting with the agency pursuant to this section, incorporating all the standards and guidelines developed by the Medicaid Bureau of the Health Care Financing Administration as a part of the quality assurance reform initiative. The system shall include, but need not be limited to, the following:

(a) Guidelines for internal quality assurance programs, including standards for:

1. Written quality assurance program descriptions.

2. Responsibilities of the governing body for monitoring, evaluating, and making improvements to care.

3. An active quality assurance committee.

4. Quality assurance program supervision.

5. Requiring the program to have adequate resources to effectively carry out its specified activities.

6. Provider participation in the quality assurance program.

7. Delegation of quality assurance program activities.

8. Credentialing and recredentialing.

9. Enrollee rights and responsibilities.

10. Availability and accessibility to services and care.

11. Ambulatory care facilities.

12. Accessibility and availability of medical records, as well as proper recordkeeping and process for record review.

13. Utilization review.

14. A continuity of care system.

15. Quality assurance program documentation.

16. Coordination of quality assurance activity with other management activity.

17. Delivering care to pregnant women and infants; to elderly and disabled recipients, especially those who are at risk of institutional placement; to persons with developmental disabilities; and to adults who have chronic, high-cost medical conditions.

(b) Guidelines which require the entities to conduct quality of care studies which:

1. Target specific conditions and specific health service delivery issues for focused monitoring and evaluation.

2. Use clinical care standards or practice guidelines to objectively evaluate the care the entity delivers or fails to deliver for the targeted clinical conditions and health services delivery issues.

3. Use quality indicators derived from the clinical care standards or practice guidelines to screen and monitor care and services delivered.

(c) Guidelines for external quality review of each contractor which require: focused studies of patterns of care; individual care review in specific situations; and follow-up activities on previous pattern of care study findings and individual-care-review findings. In designing the external quality review function and determining how it is to operate as part of the state's overall quality improvement system, the agency shall construct its external quality review organization and entity contracts to address each of the following:

1. Delineating the role of the external quality review organization.

2. Length of the external quality review organization contract with the state.

3. Participation of the contracting entities in designing external quality review organization review activities.

4. Potential variation in the type of clinical conditions and health services delivery issues to be studied at each plan.

5. Determining the number of focused pattern of care studies to be conducted for each plan.

6. Methods for implementing focused studies.

7. Individual care review.

8. Follow-up activities.

(25) In order to ensure that children receive health care services for which an entity has already been compensated, an entity contracting with the agency pursuant to this section, shall achieve an annual Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Service screening rate of at least 60 percent for those recipients continuously enrolled

for at least 8 months. The agency shall develop a method by which the EPSDT screening rate shall be calculated. For any entity which does not achieve the annual 60 percent rate the entity must submit a corrective action plan, for the agency's approval. If the entity does not meet the standard established in the corrective action plan during the specified timeframe, the agency is authorized to impose appropriate contract sanctions. At least annually, the agency shall publicly release the EPSDT Services screening rates of each entity it has contracted with on a prepaid basis to serve Medicaid recipients.

(26) Beginning July 1, 1996, the agency shall perform choice counseling, enrollments, and disenrollments for Medicaid recipients who are eligible for MediPass or managed care plans. Notwithstanding the prohibition contained in paragraph (18)(f) of this section, managed care plans may perform pre-enrollments of Medicaid recipients under the supervision of the agency or its agents. For the purposes of this section, "pre-enrollment" means the provision of marketing and educational materials to a Medicaid recipient and assistance in completing the application forms, but shall not include actual enrollment into a managed care plan. An application for enrollment shall not be deemed complete until the agency or its agent verifies that the recipient made an informed, voluntary choice. The agency, in cooperation with the Department of Health and Rehabilitative Services, may test new marketing initiatives to inform Medicaid recipients about their managed care options at selected sites. The agency shall report to the Legislature on the effectiveness of such initiatives. The agency may contract with a third party to perform managed care plan and MediPass choice counseling, enrollment, and disenrollment services for Medicaid recipients and is authorized to adopt rules to implement such services. Until October 1, 1996, or the receipt of necessary federal waivers, whichever is earlier, the agency shall adjust the capitation rate to cover any implementation, staff, or other costs associated with enrollment, disenrollment, and choice counseling activities. Thereafter, the agency may adjust the capitation rate only to cover the costs of a third party choice counseling, enrollment and disenrollment contract, and for agency supervision and management of the managed care plan choice counseling, enrollment, and disenrollment contract.

(27) Any lists of providers made available to Medicaid recipients, MediPass enrollees, or managed care plan enrollees shall be arranged alphabetically showing the provider's name and specialty and, separately, by specialty in alphabetical order.

(28) The agency shall establish an enhanced managed care quality assurance oversight function, to include at least the following components:

(a) At least quarterly analysis and follow-up, including sanctions as appropriate, of managed care participant utilization of services.

(b) At least quarterly analysis and follow-up, including sanctions as appropriate, of quality findings of the Medicaid peer review organization and other external quality assurance programs.

(c) At least quarterly analysis and follow-up, including sanctions as appropriate, of the fiscal viability of managed care plans.

(d) At least quarterly analysis and follow-up, including sanctions as appropriate, of managed care participant satisfaction and disenrollment surveys.

(e) The agency shall conduct regular and ongoing Medicaid recipient satisfaction surveys.

The analyses and follow-up activities conducted by the agency under its enhanced managed care quality assurance oversight function shall not duplicate the activities of accreditation reviewers for entities regulated under part III of chapter 641, but may include a review of the finding of such reviewers.

(29) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03 or has a confirmed report of abuse, neglect, or exploitation pursuant to part I of chapter 415.

(30)~~(13)~~ The agency ~~for Health Care Administration~~ shall, by rule, develop a process whereby a Medicaid *managed care* ~~prepaid~~ plan enrollee who wishes to enter hospice care may be disenrolled from the *managed care* ~~prepaid~~ plan within 24 hours after contacting the agency regarding such request. The agency rule shall include a methodology for the agency to recoup *managed care* ~~prepaid~~ plan payments on a pro rata basis if payment has been made for the enrollment month when disenrollment occurs.

(31) All entities providing health care services to Medicaid recipients shall make available, and encourage all pregnant women and mothers with infants to receive, and provide documentation in the medical records to reflect, the following:

(a) Healthy Start prenatal or infant screening.

(b) Healthy Start care coordination, when screening or other factors indicate need.

(c) Healthy Start enhanced services in accordance with the prenatal or infant screening results.

(d) Immunizations in accordance with recommendations of the Advisory Committee on Immunization Practices of the United States Public Health Service and the American Academy of Pediatrics, as appropriate.

(e) Counseling and services for family planning to all women and their partners.

(f) A scheduled postpartum visit for the purpose of voluntary family planning, to include discussion of all methods of contraception, as appropriate.

(g) Referral to the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

Section 7. Section 409.9122, Florida Statutes, is amended to read:

409.9122 Mandatory Medicaid managed care enrollment*; programs and procedures.*—

(1)(a) ~~The agency is directed to contract for an independent comprehensive evaluation of the primary care case management program in districts 5 and 6, known as MediPass, and report the findings to the Legislature on or before December 31, 1994. The evaluation shall include, but not be limited to, an assessment of the program's impact on quality of care, access to Medicaid services, cost-effectiveness, and provider and recipient satisfaction.~~ It is the intent of the Legislature that the *MediPass* ~~agency apply for a federal freedom of choice waiver and any other federal waivers necessary to expand MediPass to five additional districts by December 31, 1994, and, subject to evaluation findings that the~~ program *be* ~~is~~ cost-effective, *provide* ~~provides~~ quality health care, and *improve* ~~improves~~ access to health services, *and that the program be statewide* ~~to the remaining districts in the state by December 31, 1996~~.

(2)(a) The agency shall enroll in a managed care plan or MediPass all Medicaid recipients, except for those Medicaid recipients who are: in an institution; enrolled in the Medicaid medically needy program; or eligible for both Medicaid and Medicare. However, to the extent permitted by federal law, the agency may enroll in a managed care plan or MediPass a Medicaid recipient who is exempt from mandatory managed care enrollment, provided that:

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. If the recipient chooses to enroll in a managed care plan, the agency has determined that the managed care plan provides specific programs and services which address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal Health Care Financing Administration.

The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program pursuant to

ss. 236.0812 and 409.908(21) shall be reimbursed by Medicaid, subject to the limitations of s. 236.0812(2), for a Medicaid-eligible child participating in the school-based therapy program for speech, occupational, and physical therapy services, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan.

(b) A Medicaid recipient shall not be enrolled in or assigned to a managed care plan or MediPass unless the managed care plan or MediPass has complied with the quality of care standards specified in paragraphs (3)(a) and (b), respectively.

(c) Medicaid recipients shall have a choice of managed care plans or MediPass. The Agency for Health Care Administration, the Department of Health and Rehabilitative Services, and the Department of Elderly Affairs shall cooperate to ensure that each Medicaid recipient receives clear and easily understandable information that meets the following requirements:

1. Explains the concept of managed care, including MediPass.

2. Provides information on the comparative performance of managed care plans and MediPass in the areas of quality, credentialing, preventive health programs, network size and availability, and patient satisfaction.

3. Explains where additional information on each managed care plan and MediPass in the recipient's area can be obtained.

4. Explains that recipients have the right to choose their own managed care plans or MediPass. However, if a recipient does not choose a managed care plan or MediPass, the agency will assign the recipient to a managed care plan or MediPass according to the criteria specified in this section.

5. Explains the recipient's right to complain, file a grievance, or change managed care plans or MediPass providers if the recipient is not satisfied with the managed care plan or MediPass.

(d) The agency shall develop a mechanism for providing information to Medicaid recipients for the purpose of making a managed care plan or MediPass selection. Examples of such mechanisms may include, but not be limited to, interactive information systems, mailings, and mass marketing materials. Managed care plans and MediPass providers are prohibited from providing inducements to Medicaid recipients to select their plans or from prejudicing Medicaid recipients against other managed care plans or MediPass providers.

(e) Prior to requesting a Medicaid recipient who is subject to mandatory managed care enrollment to make a choice between a managed care plan or MediPass, the agency shall contact and provide choice counseling to the recipient. Medicaid recipients who are already enrolled in a managed care plan or MediPass shall be offered the opportunity to change managed care plans or MediPass providers on a staggered basis, as defined by the agency. All Medicaid recipients shall have 90 days in which to make a choice of managed care plans or MediPass providers. Those Medicaid recipients who do not make a choice shall be assigned to a managed care plan or MediPass in accordance with paragraph (f). To facilitate continuity of care, for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), prior to assigning the SSI recipient to a managed care plan or MediPass, the agency shall determine whether the SSI recipient has an ongoing relationship with a MediPass provider or managed care plan, and if so, the agency shall assign the SSI recipient to that MediPass provider or managed care plan. Those SSI recipients who do not have such a provider relationship shall be assigned to a managed care plan or MediPass provider in accordance with paragraph (f).

(f) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan or MediPass provider. In the first period that assignment begins, the assignments shall be divided equally between the MediPass program and managed care plans. Thereafter, assignment of Medicaid recipients who fail to make a choice shall be based proportionally on the preferences of recipients who have made a choice in the previous period. Such proportions shall be revised at least quarterly to reflect an update of the preferences of Medicaid recipients. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

(g) When more than one managed care plan or MediPass provider meets the criteria specified in paragraph (f), the agency shall make recipient assignments consecutively by family unit.

(h) The agency may not engage in practices that are designed to favor one managed care plan over another or that are designed to influence Medicaid recipients to enroll in MediPass rather than in a managed care plan or to enroll in a managed care plan rather than in MediPass. This subsection does not prohibit the agency from reporting on the performance of MediPass or any managed care plan, as measured by performance criteria developed by the agency.

(i) After a recipient has made a selection or has been enrolled in a managed care plan or MediPass, the recipient shall have 60 days in which to voluntarily disenroll and select another managed care plan or MediPass provider. After 60 days, no further changes may be made except for cause. Cause shall include, but not be limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, or fraudulent enrollment. The agency shall develop criteria for good cause disenrollment for chronically ill and disabled populations who are assigned to managed care plans if more appropriate care is available through the MediPass program. The agency must make a determination as to whether cause exists. However, the agency may require a recipient to use the managed care plan's or MediPass grievance process prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when utilized, must be completed in time to permit the recipient to disenroll no later than the first day of the second month after the month the disenrollment request was made. If the managed care plan or MediPass, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(j) The agency shall apply for a federal waiver from the Health Care Financing Administration to lock eligible Medicaid recipients into a managed care plan or MediPass for 12 months after an open enrollment period. After 12 months' enrollment, a recipient may select another managed care plan or MediPass provider. However, nothing shall prevent a Medicaid recipient from changing primary care providers within the managed care plan or MediPass program during the 12-month period.

(k) In order to provide increased access to managed care, the agency may request from the Health Care Financing Administration a waiver of the regulation requiring health maintenance organizations to have one commercial enrollee for each three Medicaid enrollees.

(3)(a) The agency shall establish quality of care standards for managed care plans. These standards shall be based upon, but are not limited to:

1. Compliance with the accreditation requirements as provided in s. 641.512.

2. Compliance with Early and Periodic Screening, Diagnosis, and Treatment screening requirements.

3. The percentage of voluntary disenrollments.

4. Immunization rates.

5. Standards of the National Committee for Quality Assurance and other approved accrediting bodies.

6. Recommendations of other authoritative bodies.

7. Specific requirements of the Medicaid program, or standards designed to specifically assist the unique needs of Medicaid recipients.

8. Compliance with the health quality improvement system as established by the agency, which incorporates standards and guidelines developed by the Medicaid Bureau of the Health Care Financing Administration as part of the quality assurance reform initiative.

(b) For the MediPass program, the agency shall establish standards which are based upon, but are not limited to:

1. Quality of care standards which are comparable to those required of managed care plans.

2. Credentialing standards for MediPass providers.

3. Compliance with Early and Periodic Screening, Diagnosis, and Treatment screening requirements.

4. Immunization rates.

5. Specific requirements of the Medicaid program, or standards designed to specifically assist the unique needs of Medicaid recipients.

~~(1)(a) The agency is directed to contract for an independent comprehensive evaluation of the primary care case management program in districts 5 and 6, known as MediPass, and report the findings to the Legislature on or before December 31, 1994. The evaluation shall include, but not be limited to, an assessment of the program's impact on quality of care, access to Medicaid services, cost-effectiveness, and provider and recipient satisfaction. It is the intent of the Legislature that the agency apply for a federal freedom of choice waiver and any other federal waivers necessary to expand MediPass to five additional districts by December 31, 1994, and, subject to evaluation findings that the program is cost-effective, provides quality health care, and improves access to health services, to the remaining districts in the state by December 31, 1996.~~

~~(b) The MediPass program may not be expanded unless the agency certifies, for each county where MediPass is to be started, that the necessary resources, including staff, are available to adequately inform recipients of their choice of primary care providers and to enroll them with a provider and that the necessary resources, including staff, are available to adequately recruit providers, ensure access, monitor performance and patient satisfaction, and assess the quality of care provided.~~

(4)(a) Each female recipient may select as her primary care provider an obstetrician/gynecologist who has agreed to participate as a MediPass primary care case manager.

(b) The agency shall establish a complaints and grievance process to assist Medicaid recipients enrolled in the MediPass program to resolve complaints and grievances. The agency shall investigate reports of quality of care grievances which remain unresolved to the satisfaction of the enrollee.

~~(2)(a) The agency shall encourage Medicaid recipients who receive payments from or are determined eligible for the Supplemental Security Income program, to the maximum extent feasible, to enroll in Medicaid or Medicare managed care plans.~~

(5)(a)~~(b)~~ The agency shall work cooperatively with the Social Security Administration to identify beneficiaries who are jointly eligible for Medicare and Medicaid and shall develop cooperative programs to encourage these beneficiaries to enroll in a Medicare participating health maintenance organization or prepaid health plans.

(b)~~(c)~~ The agency shall work cooperatively with the Department of Elderly Affairs to assess the potential cost-effectiveness of providing MediPass to beneficiaries who are jointly eligible for Medicare and Medicaid on a voluntary choice basis. If the agency determines that enrollment of these beneficiaries in MediPass has the potential for being cost-effective for the state, the agency shall offer MediPass to these beneficiaries on a voluntary choice basis in the counties where MediPass operates.

~~(d) The agency shall require the enrollment of Medicaid recipients who are also Medicare beneficiaries but who are not enrolled in MediPass or another managed care program in all counties of the state where MediPass is in operation. Subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216, the agency may develop a special reimbursement rate, which takes into consideration the higher utilization of such Medicaid recipients, for payment to health maintenance organizations or prepaid health plans agreeing to enroll these recipients.~~

~~(3)(a) The agency shall conduct a study of the feasibility of establishing managed care programs for various special population groups within the Medicaid program, to the extent permitted by federal law, and report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 1994.~~

(6)~~(b)~~ The agency shall investigate the feasibility of developing managed care *plan and MediPass options* ~~programs~~ for the following groups of Medicaid recipients:

(a)~~1.~~ Pregnant women and infants.

~~2. Chronically ill children.~~

(b)~~3.~~ Elderly and disabled recipients, especially those who are at risk of nursing home placement.

(c)~~4.~~ Persons with developmental disabilities.

(d)~~5.~~ Qualified Medicare beneficiaries.

(e)~~6.~~ Adults who have chronic, high-cost medical conditions.

(f)~~7.~~ Adults and children who have mental health problems.

(g)~~8.~~ Other recipients for whom managed care *plans and MediPass* ~~programs~~ offer the opportunity of more cost-effective care and greater access to qualified providers.

(7)~~(4)~~(a) The agency shall encourage the development of public and private partnerships to foster the growth of health maintenance organizations and prepaid health plans that will provide high-quality health care to Medicaid recipients.

(b) Subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216, the agency is authorized to enter into contracts with traditional providers of health care to low-income persons to assist such providers with the technical aspects of cooperatively developing Medicaid prepaid health plans.

1. The agency may contract with disproportionate share hospitals, county public health units, federally initiated or federally funded community health centers, and counties that operate either a hospital or a community clinic.

2. A contract may not be for more than $100,000 per year, and no contract may be extended with any particular provider for more than 2 years. The contract is intended only as seed or development funding and requires a commitment from the interested party.

3. A contract must require participation by at least one community health clinic and one disproportionate share hospital.

(8)~~(5)~~(a) The agency shall develop and implement a comprehensive plan to ensure that recipients are adequately informed of their choices and rights under all Medicaid managed care programs and that Medicaid managed care programs meet acceptable standards of quality in patient care, patient satisfaction, and financial solvency.

(b) The agency shall provide adequate means for informing patients of their choice and rights under a managed care plan at the time of eligibility determination.

(c) *The agency shall require managed care plans and MediPass providers to demonstrate and document plans and activities, as defined by*

rule, including outreach and follow-up, undertaken to ensure that Medicaid recipients receive the health care service to which they are entitled. ~~The agency shall monitor all managed care plans at least quarterly; review patient grievances, disenrollment forms, medical records, and financial records; and require all managed care plans to establish methods for assuring quality and patient satisfaction.~~

(9) The agency shall consult with Medicaid consumers and their representatives on an ongoing basis regarding measurements of patient satisfaction, procedures for resolving patient grievances, standards for ensuring quality of care, mechanisms for providing patient access to services, and policies affecting patient care.

(10) The agency may extend eligibility for Medicaid recipients enrolled in licensed and accredited health maintenance organizations for the duration of the enrollment period or for 6 months, whichever is earlier, provided the agency certifies that such an offer will not increase state expenditures.

(11) A managed care plan that has a Medicaid contract shall at least annually review each primary care physician's active patient load and shall ensure that additional Medicaid recipients are not assigned to physicians that have a total active patient load of more than 3,000 patients. As used in this paragraph, the term "active patient" means a patient who is seen by the same primary care physician, or by a physician assistant or advanced registered nurse practitioner under the supervision of the primary care physician, at least three times within a calendar year. Each primary care physician shall annually certify to the managed care plan whether or not his or her patient load exceeds the limits established under this paragraph and the managed care plan shall accept such certification on face value as compliance with this paragraph. The agency shall accept the managed care plan's representations that it is in compliance with this paragraph based on the certification of its primary care physicians, unless the agency has an objective indication that access to primary care is being compromised, such as receiving complaints or grievances relating to access to care. If the agency determines that an objective indication exists that access to primary care is being compromised, it may verify the patient load certifications submitted by the managed care plan's primary care physicians and that the managed care plan is not assigning Medicaid recipients to primary care physicians who have an active patient load of more than 3,000 patients.

Section 8. Section 409.9123, Florida Statutes, is created to read:

409.9123 Quality of care reporting.—In order to promote competition between Medicaid managed care plans and MediPass based on quality of care indicators, the agency shall annually develop and publish a set of measures of managed care plan performance. This information shall be made available to each Medicaid recipient who makes a choice of a managed care plan in his area. This information shall be easily understandable to the Medicaid recipient and shall use nationally recognized standards wherever possible. In formulating this information, the agency shall take into account at least the following:

(1) The recommendations of the National Committee for Quality Assurance Medicaid HEDIS Task Force.

(2) Requirements and recommendations of the Health Care Financing Administration.

(3) Recommendations of the managed care industry.

Section 9. Section 409.9124, Florida Statutes, is created to read:

409.9124 Managed care reimbursement.—

(1) The agency shall develop and adopt by rule a methodology for reimbursing managed care plans.

(2) The agency shall by rule prescribe those items of financial information which each managed care plan shall report to the agency, in the time periods prescribed by rule. In prescribing items for reporting and definitions of terms, the agency shall consult with the Department of Insurance wherever possible.

(3) The agency shall quarterly examine the financial condition of each managed care plan, and its performance in serving Medicaid patients, and shall utilize examinations performed by the Department of Insurance wherever possible.

Section 10. Section 409.9125, Florida Statutes, is created to read:

409.9125 Study of Medicaid alternative service networks.—

(1) Within existing resources, the agency shall work with the Department of Insurance, the Department of Health and Rehabilitative Services, the Department of Education, the Department of Elderly Affairs, and provider groups to study the feasibility of non-risk-bearing alternative service networks for Medicaid recipients. Such networks shall be organizations of providers who are affiliated for the purpose of serving special populations of Medicaid recipients who have chronic diseases or disabilities or who are in need of specialized services, including, but not limited to, mental health, substance abuse, developmental services, and long-term care.

(2) The alternative service network study shall examine the feasibility of:

(a) Using a primary care case management process and fee-for-service reimbursement arrangement.

(b) Requiring MediPass providers and managed care plans to refer Medicaid patients to an alternative service network.

(c) Developing appropriate case management, treatment plan, and utilization management protocols; practice guidelines; quality assurance and quality improvement standards; credentialing standards; methods of determining patient satisfaction; and methods of analyzing and reporting health outcomes.

(d) Using the Children's Medical Services network as a model for the development of alternative service networks.

(3) The agency shall submit an interim report to the Governor and the chairpersons of the appropriations and health care committees of each chamber of the Legislature by January 1, 1997, and a final report by January 1, 1998.

Section 11. Section 409.9126, Florida Statutes, is created to read:

409.9126 Children with special health care needs.—

(1) As used in this section:

(a) "Children's Medical Services network" means an alternative service network that includes health care providers and health care facilities specified in chapter 391 and ss. 383.15-383.21, 383.216, and 415.5055.

(b) "Children with special health care needs" means those children whose serious or chronic physical or developmental conditions require extensive preventive and maintenance care beyond that required by typically healthy children. Health care utilization by these children exceeds the statistically expected usage of the normal child matched for chronological age and often needs complex care requiring multiple providers, rehabilitation services, and specialized equipment in a number of different settings.

(2) The Legislature finds that Medicaid-eligible children with special health care needs require a comprehensive, continuous, and coordinated system of health care that links community-based health care with multidisciplinary, regional, and tertiary care. The Legislature finds that Florida's Children's Medical Services program provides a full continuum of coordinated, comprehensive services for children with special health care needs.

(3) Except as provided in subsections (8) and (9), children eligible for Children's Medical Services who receive Medicaid benefits, and other Medicaid-eligible children with special health care needs, shall be exempt from the provisions of s. 409.9122 and shall be served through the Children's Medical Services network.

(4) The Legislature directs the agency to apply to the federal Health Care Financing Administration for a waiver to assign to the Children's Medical Services network all Medicaid-eligible children who meet the criteria for participation in the Children's Medical Services program as specified in s. 391.021(2), and other Medicaid-eligible children with special health care needs.

(5) The Children's Medical Services program shall assign a qualified MediPass primary care provider from the Children's Medical Services network who shall serve as the gatekeeper and who shall be responsible for the provision or authorization of all health services to a child who has been assigned to the Children's Medical Services network by the Medicaid program.

(6) Services provided through the Children's Medical Services network shall be reimbursed on a fee-for-service basis and shall utilize a primary care case management process.

(7) The agency, in consultation with the Children's Medical Services program, shall develop by rule quality of care and service integration standards.

(8) The agency may issue a request for proposals, based on the quality of care and service integration standards, to allow managed care plans that have contracts with the Medicaid program to provide services to Medicaid-eligible children with special health care needs.

(9) The agency shall approve requests to provide services to Medicaid-eligible children with special health care needs from managed care plans that meet quality of care and service integration standards and are in good standing with the agency. The agency shall monitor on a quarterly basis managed care plans which have been approved to provide services to Medicaid-eligible children with special health care needs.

(10) The agency, in consultation with the Department of Health and Rehabilitative Services, shall adopt rules that address Medicaid requirements for referral, enrollment, and disenrollment of children with special health care needs who are enrolled in Medicaid managed care plans and who may benefit from the Children's Medical Services network.

(11) The Children's Medical Services network may contract with school districts participating in the certified school match program pursuant to ss. 236.0812 and 409.908(21) for the provision of school-based speech, occupational, and physical therapy services, as provided for in s. 409.9071, for Medicaid-eligible children who are enrolled in the Children's Medical Services network.

(12) After 1 complete year of operation, the agency shall conduct an evaluation of the Children's Medical Services network. The evaluation shall include, but not be limited to, an assessment of whether the use of the Children's Medical Services network is less costly than the provision of the services would have been in the Medicaid fee-for-service program. The evaluation also shall include an assessment of patient satisfaction with the Children's Medical Services network, an assessment of the quality of care delivered through the network, and recommendations for further improving the performance of the network. The agency shall report the evaluation findings to the Governor and the chairpersons of the appropriations and health care committees of each chamber of the Legislature.

Section 12. Section 409.9128, Florida Statutes, is created to read:

409.9128 Requirements for providing emergency services and care.—

(1) In providing for emergency services and care as a covered service, neither a managed care plan nor the MediPass program may:

(a) Require prior authorization for the receipt of prehospital transport or treatment or for emergency services and care.

(b) Indicate that emergencies are covered only if care is secured within a certain period of time.

(c) Use terms such as "life threatening" or "bona fide" to qualify the kind of emergency that is covered.

(d) Deny payment based on the enrollee's or the hospital's failure to notify the managed care plan or MediPass primary care provider in advance or within certain period of time after the care is given.

(2) Prehospital and hospital-based trauma services and emergency services and care must be provided to an enrollee of a managed care plan or the MediPass program as required under ss. 395.1041, 395.4045, and 401.45.

(3)(a) When an enrollee is present at a hospital seeking emergency services and care, the determination as to whether an emergency medical condition, as defined in s. 409.901 exists shall be made, for the purposes of treatment, by a physician of the hospital or, to the extent permitted by applicable law, by other appropriate licensed professional hospital personnel under the supervision of the hospital physician. The physician or the appropriate personnel shall indicate in the patient's chart the results of the screening, examination, and evaluation. The managed care plan or the Medicaid program on behalf of MediPass patients shall compensate the provider for the screening, evaluation, and examination that is reasonably calculated to assist the health care provider in arriving at a determination as to whether the patient's condition is an emergency medical condition. The managed care plan or the Medicaid program on behalf of MediPass patients shall compensate the provider for emergency services and care. If a determination is made that an emergency medical condition does not exist, payment for services rendered subsequent to that determination is governed by the managed care plan's contract with the agency.

(b) If a determination has been made that an emergency medical condition exists and the enrollee has notified the hospital, or the hospital emergency personnel otherwise has knowledge that the patient is an enrollee of the managed care plan or the MediPass program, the hospital must make a reasonable attempt to notify the enrollee's primary care physician, if known, or the managed care plan, if the managed care plan had previously requested in writing that the notification be made directly to the managed care plan, of the existence of the emergency medical condition. If the primary care physician is not known, or has not been contacted, the hospital must:

1. Notify the managed care plan or the MediPass provider as soon as possible prior to discharge of the enrollee from the emergency care area; or

2. Notify the managed care plan or the MediPass provider within 24 hours or on the next business day after admission of the enrollee as an inpatient to the hospital.

If notification required by this paragraph is not accomplished, the hospital must document its attempts to notify the managed care plan or the MediPass provider or the circumstances that precluded attempts to notify the managed care plan or the MediPass provider. Neither a managed care plan nor the Medicaid program on behalf of MediPass patients may deny payment for emergency services and care based on a hospital's failure to comply with the notification requirements of this paragraph.

(c) If the enrollee's primary care physician responds to the notification, the hospital physician and the primary care physician may discuss the appropriate care and treatment of the enrollee. The managed care plan may have a member of the hospital staff with whom it has a contract participate in the treatment of the enrollee within the scope of the physician's hospital staff privileges. The enrollee may be transferred, in accordance with state and federal law, to a hospital that has a contract with the managed care plan and has the service capability to treat the enrollee's emergency medical condition. Notwithstanding any other state law, a hospital may request and collect insurance or financial information from a patient in accordance with federal law, which is necessary to determine if the patient is an enrollee of a managed care plan or the MediPass program, if emergency services and care are not delayed.

(4) Nothing in this section is intended to prohibit or limit application of a nominal copayment as provided in s. 409.9081 for the use of an emergency room for services other than emergency services and care.

(5) Reimbursement for services provided to an enrollee of a managed care plan under this section by a provider who does not have a contract with the managed care plan shall be the lesser of:

(a) The provider's charges;

(b) The usual and customary provider charges for similar services in the community where the services were provided;

(c) The charge mutually agreed to by the entity and the provider within 60 days after submittal of the claim; or

(d) The Medicaid rate.

Section 13. Section 641.19, Florida Statutes, is amended to read:

641.19 Definitions.—As used in this part, the term:

(1) "Affiliate" means any entity which exercises control over or is controlled by the health maintenance organization, directly or indirectly, through:

(a) Equity ownership of voting securities;

(b) Common managerial control; or

(c) Collusive participation by the management of the health maintenance organization and affiliate in the management of the health maintenance organization or the affiliate.

(2) "Agency" means the Agency for Health Care Administration.

(3)~~(17)~~ "Capitation" means the fixed amount paid by an HMO to a health care provider under contract with the health maintenance organization in exchange for the rendering of covered medical services.

(4)~~(2)~~ "Comprehensive health care services" means services, medical equipment, and supplies furnished by a provider, which may include, but which are not limited to, medical, surgical, and dental care; psychological, optometric, optic, chiropractic, podiatric, nursing, physical therapy, and pharmaceutical services; health education, preventive medical, rehabilitative, and home health services; inpatient and outpatient hospital services; extended care; nursing home care; convalescent institutional care; technical and professional clinical pathology laboratory services; laboratory and ambulance services; appliances, drugs, medicines, and supplies; and any other care, service, or treatment of disease, or correction of defects for human beings.

(5)~~(18)~~ "Copayment" means a specific dollar amount, except as otherwise provided for by statute, that the subscriber must pay upon receipt of covered health care services. Copayments may not be established in an amount that will prevent a person from receiving a covered service or benefit as specified in the subscriber contract approved by the department.

(6)~~(3)~~ "Department" means the Department of Insurance.

(7) "Emergency medical condition" means:

(a) A medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain or other acute symptoms, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

1. Serious jeopardy to the health of a patient, including a pregnant woman or a fetus.

2. Serious impairment to bodily functions.

3. Serious dysfunction of any bodily organ or part.

(b) With respect to a pregnant woman:

1. That there is inadequate time to effect safe transfer to another hospital prior to delivery;

2. That a transfer may pose a threat to the health and safety of the patient or fetus; or

3. That there is evidence of the onset and persistence of uterine contractions or rupture of the membranes.

(8) "Emergency services and care" means medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition exists and, if it does, the care, treatment, or surgery for a covered service by a physician necessary to relieve or eliminate the emergency medical condition, within the service capability of a hospital.

(9)~~(4)~~ "Entity" means any legal entity with continuing existence, including, but not limited to, a corporation, association, trust, or partnership.

(10)~~(16)~~ "Geographic area" means the county or counties, or any portion of a county or counties, within which the health maintenance organization provides or arranges for comprehensive health care services to be available to its subscribers.

(11)~~(5)~~ "Guaranteeing organization" is an organization which is domiciled in the United States; which has authorized service of process against it; and which has appointed the Insurance Commissioner and Treasurer as its agent for service of process issuing upon any cause of action arising in this state, based upon any guarantee entered into under this part.

(12)~~(6)~~ "Health maintenance contract" means any contract entered into by a health maintenance organization with a subscriber or group of subscribers to provide comprehensive health care services in exchange for a prepaid per capita or prepaid aggregate fixed sum.

(13)~~(7)~~ "Health maintenance organization" means any organization authorized under this part which:

(a) Provides emergency care, inpatient hospital services, physician care including care provided by physicians licensed under chapters 458, 459, 460, and 461, ambulatory diagnostic treatment, and preventive health care services;

(b) Provides, either directly or through arrangements with other persons, health care services to persons enrolled with such organization, on a prepaid per capita or prepaid aggregate fixed-sum basis;

(c) Provides, either directly or through arrangements with other persons, comprehensive health care services which subscribers are entitled to receive pursuant to a contract;

(d) Provides physician services, by physicians licensed under chapters 458, 459, 460, and 461, directly through physicians who are either employees or partners of such organization or under arrangements with a physician or any group of physicians; and

(e) If offering services through a managed care system, then the managed care system must be a system in which a primary physician licensed under chapter 458 or chapter 459 and chapters 460 and 461 is designated for each subscriber upon request of a subscriber requesting service by a physician licensed under any of those chapters, and is responsible for coordinating the health care of the subscriber of the respectively requested service and for referring the subscriber to other providers of the same discipline when necessary. Each female subscriber may select as her primary physician an obstetrician/gynecologist who has agreed to serve as a primary physician and is in the health maintenance organization's provider network.

(14)~~(8)~~ "Insolvent" or "insolvency" means that all the statutory assets of the health maintenance organization, if made immediately available, would not be sufficient to discharge all of its liabilities or that the health maintenance organization is unable to pay its debts as they become due in the usual course of business. In the event that all the assets of the health maintenance organization, if made immediately available, would not be sufficient to discharge all of its liabilities, but the organization has a written guarantee of the type and subject to the same provisions as outlined in s. 641.225, the organization shall not be considered insolvent unless it is unable to pay its debts as they become due in the usual course of business.

(15)~~(9)~~ "Provider" means any physician, hospital, or other institution, organization, or person that furnishes health care services and is licensed or otherwise authorized to practice in the state.

(16)~~(15)~~ "Reporting period" means the annual accounting period or any part thereof or the fiscal year of the health maintenance organization.

(17)~~(10)~~ "Statutory accounting principles" means generally accepted account ing principles, except as modified by this part.

(18)~~(11)~~ "Subscriber" means an entity or individual who has contracted, or on whose behalf a contract has been entered into, with a health maintenance organization for health care services or other persons who also receive health care services as a result of the contract.

(19)~~(12)~~ "Surplus" means total statutory assets in excess of total liabilities, except that assets pledged to secure debts not reflected on the

books of the health maintenance organization shall not be included in surplus. Surplus includes capital stock, capital in excess of par, other contributed capital, retained earnings, and surplus notes.

(20)~~(13)~~ "Surplus notes" means debt which has been guaranteed by the United States Government or its agencies, or debt which has been subordinated to all claims of subscribers and general creditors of the organization.

(21)~~(14)~~ "Uncovered expenditures" means the cost of health care services that are covered by a health maintenance organization, for which a subscriber would also be liable in the event of the insolvency of the organization.

Section 14. Section 641.2015, Florida Statutes, is amended to read:

641.2015 Incorporation required.—On or after October 1, 1985, any entity that has not yet obtained a certificate of authority to operate a health maintenance organization in this state shall be incorporated or shall be a division of a corporation formed under the provisions of either chapter 607 or chapter 617 *or shall be a public entity that is organized as a political subdivision*. In the case of a division of a corporation, the financial requirements of this part shall apply to the entire corporation. Incorporation shall not be required of any entity which has already been issued an initial certificate of authority prior to this date and which is not a corporation on October 1, 1985, or which is incorporated in any other state on October 1, 1985; nor shall incorporation be required on renewal of any certificate of authority by such an organization *or be required of a public entity that is organized as a political subdivision*.

Section 15. The introductory paragraph of subsection (1), and paragraphs (h) and (i) of said subsection are redesignated as paragraphs (i) and (j), respectively, and a new paragraph (h) is added to said subsection, and subsections (3) and (4) of section 641.21, Florida Statutes, are amended to read:

641.21 Application for certificate.—

(1) Before any entity may operate a health maintenance organization, it shall obtain a certificate of authority from the department. The department shall accept and shall begin its review of an application for a certificate of authority anytime after an organization has filed an application for a Health Care Provider Certificate pursuant to part III of this chapter. However, the department shall not issue a certificate of authority to any applicant which does not possess a valid Health Care Provider Certificate issued by the *agency* ~~Department of Health and Rehabilitative Services~~. Each application for a certificate shall be on such form as the department shall prescribe, shall be verified by the oath of two officers of the corporation and properly notarized, and shall be accompanied by the following:

(h) As to any applicant whose business plan indicates that it will receive Medicaid funds, a list of all contracts and agreements and any information relative to any payment or agreement to pay, directly or indirectly, a consultant fee, a broker fee, a commission, or other fee or charge related in any way to the application for a certificate of authority or the issuance of a certificate of authority, including, but not limited to, the name of the person or entity paying the fee; the name of the person or entity receiving the fee; the date of payment; and a brief description of the work performed. The contract, agreement, and related information shall, if requested, be provided to the department.

~~(3) Any person or entity which enters into a contract with the Department of Health and Rehabilitative Services on a prepaid per capita or prepaid aggregate fixed-sum basis for the provision of health care services or social services, or both, to persons determined eligible for such services shall be exempt from the provisions of this chapter and shall be governed by the standards set forth by the Department of Health and Rehabilitative Services unless the person or entity provides health care services on a prepaid basis to persons other than those for which the Department of Health and Rehabilitative Services has contracted. However, any person or entity which is not certificated under the provisions of this chapter shall not use in its name, logo, contracts, or literature the phrases "health care service plan," "health maintenance organization," or "prepaid health clinic" or the initials "HMO" or "PHC"; imply, directly or indirectly, that it is a health care services plan, health maintenance organization, or prepaid health clinic; or hold itself out to be a health care services plan, health maintenance organization, or prepaid health clinic. A prepaid plan exempt under this subsection shall be subject to regulation by the Department of Health and Rehabilitative Services in accordance with s. 641.48(2).~~

(3)~~(4)~~ A comprehensive feasibility study, performed by a certified actuary in conjunction with a certified public accountant. The study shall be for the greater of 3 years or until the health maintenance organization has been projected to be profitable for 12 consecutive months. The study must show that the health maintenance organization would not, at the end of any month of the projection period, have less than the minimum surplus as required by s. 641.225.

Section 16. Section 641.217, Florida Statutes, is created to read:

641.217 Minority recruitment and retention plans required.—

(1) Any entity contracting with the Agency for Health Care Administration to provide health care services to Medicaid recipients or state employees on a prepaid or fixed-sum basis must submit to the Agency for Health Care Administration the entity's plan for recruitment and retention of health care practitioners who are minorities as defined in s. 288.703(3). The plan must demonstrate an ability to recruit and retain minorities which shall include, but is not limited to, the following efforts:

(a) Establishing and maintaining contacts with various organizations representing the interests and concerns of minority constituencies to seek advice and assistance.

(b) Identifying and recruiting at colleges and universities which primarily serve minority students.

(c) Reviewing and analyzing the organization's workforce as to minority representation.

(d) Other factors identified by the Agency for Health Care Administration by rule.

(2) The Agency for Health Care Administration may not contract with such an entity until the agency has received and approved the entity's plan required in subsection (1). Failure to implement the plan as approved shall constitute grounds for the suspension or termination of the entity's contract with the agency.

Section 17. Subsection (6) of section 641.22, Florida Statutes, is amended to read:

641.22 Issuance of certificate of authority.—The department shall issue a certificate of authority to any entity filing a completed application in conformity with s. 641.21, upon payment of the prescribed fees and upon the department's being satisfied that:

(6) The ownership, control, and management of the entity is competent and trustworthy and possesses managerial experience that would make the proposed health maintenance organization operation beneficial to the subscribers. The department shall not grant or continue authority to transact the business of a health maintenance organization in this state at any time during which the department has good reason to believe that*:*

(a) The ownership, control, or management of the organization includes any person*:*

1. Who is incompetent or untrustworthy;

2. Who is so lacking in health maintenance organization expertise as to make the operation of the health maintenance organization hazardous to potential and existing subscribers;

3. Who is so lacking in health maintenance organization experience, ability, and standing as to jeopardize the reasonable promise of successful operation;

4. Who is affiliated, directly or indirectly, through ownership, control, reinsurance transactions, or other business relations, with any person whose business operations are or have been marked by business practices or conduct that is to the detriment of the public, stockholders, investors, or creditors; or

5. Whose business operations are or have been marked by business practices or conduct that is to the detriment of the public, stockholders, investors, or creditors.

(b) Any person, including any stock subscriber, stockholder, or incorporator, who exercises or has the ability to exercise effective control of the organization, or who influences or has the ability to influence the transaction of the business of the health maintenance organization, does not possess the financial standing and business experience for the successful operation of the health maintenance organization;

(c) Any person, including any stock subscriber, stockholder, or incorporator, who exercises or has the ability to exercise effective control of the organization, or who influences or has the ability to influence the transaction of the business of the health maintenance organization, has been found guilty of, or has pled guilty or no contest to, any felony or crime punishable by imprisonment of 1 year or more under the laws of the United States or any state thereof or under the laws of any other country, which involves moral turpitude, without regard to whether a judgment or conviction has been entered by the court having jurisdiction is such case. However, in the case of a health maintenance organization operating under a subsisting certificate of authority, the health maintenance organization shall remove any such person immediately upon discovery of the conditions set forth in this paragraph when applicable to such person or under the order of the department, and the failure to so act by the organization is grounds for revocation or suspension of the health maintenance organization's certificate of authority; or

(d) Any person, including any stock subscriber, stockholder, or incorporator, who exercises or has the ability to exercise effective control of the organization, or who influences or has the ability to influence the transaction of the business of the health maintenance organization, is now or was in the past affiliated, directly or indirectly, through ownership interest of 10 percent or more, control, or reinsurance transactions, with any business, corporation, or other entity that has been found guilty of or has pleaded guilty or nolo contendere to any felony or crime punishable by imprisonment for 1 year or more under the laws of the United States, any state, or any other country, regardless of adjudication. In the case of a health maintenance organization operating under a subsisting certificate of authority, the health maintenance organization shall immediately remove such person or immediately notify the department of such person upon discovery of the conditions set forth in this paragraph, either when applicable to such person or upon order of the department. The failure to remove such person, provide such notice, or comply with such order constitutes grounds for suspension or revocation of the health maintenance organization's certificate of authority.

Section 18. Subsections (2), (3), (4), (5), and (6) of section 641.225, Florida Statutes, are amended to read:

641.225 Surplus requirements.—

(2) The department shall not issue a certificate of authority, except as provided in *subsection (3)* ~~subsections (3) and (4)~~, unless the health maintenance organization has a minimum surplus in an amount which is the greater of:

(a) $1,500,000;

(b) Ten percent of their total liabilities based on their startup actuarial projection as set forth in this part; or

(c) $500,000 plus all startup losses, excluding profits, projected to be incurred on their startup actuarial projection until the projection reflects statutory net profits for 12 consecutive months.

(3)*(a)* An entity providing prepaid capitated services *which is authorized under subsection 409.912(3)(a) and* ~~exempt under s. 641.48(2)~~ which ~~was providing such services prior to October 1, 1988, and which~~ applies for a certificate of authority is subject to the minimum surplus requirements *set forth* ~~contained~~ in subsection (1)*, unless the entity is backed by the full faith and credit of the county in which it is located.*

(b) An entity providing prepaid capitated services which is authorized under paragraph 409.912(3)(b), or paragraph 409.912(3)(c), and which applies for a certificate of authority is subject to the minimum surplus requirements set forth in s. 409.912.

~~(4) An entity that began providing prepaid capitated services exempt under s. 641.48(2) after October 1, 1988, has been providing such services for the preceding 12 months, and makes application for a certificate of authority shall meet minimum surplus and enrollment requirements as follows:~~

~~(a) At the time the certificate of authority is issued, $100,000 or 5 percent of total liabilities, whichever is greater.~~

~~(b) Twelve months from the date a certificate of authority is issued, the greater of $200,000 or 6 percent of total liabilities, and a nonexempt enrollment not to exceed 50 percent of the HMO's exempt enrollment.~~

~~(c) Twenty-four months from the date a certificate of authority is issued, the greater of $350,000 or 8 percent of total liabilities, and a nonexempt enrollment not to exceed 75 percent of the HMO's exempt enrollment.~~

~~(d) Thirty-six months from the date a certificate of authority is issued, the greater of $500,000 or 10 percent of total liabilities and no limitation on nonexempt enrollment.~~

~~An HMO subject to the requirements of this subsection which exceeds the maximum enrollment levels established in this subsection shall then be subject to the minimum surplus requirements set forth in paragraphs (2)(a) and (b).~~

(4)~~(5)~~ The department may adopt rules to set uniform standards and criteria for the early warning that the continued operation of any health maintenance organization might be hazardous to its subscribers, creditors, or the general public, and to set standards for evaluating the financial condition of any health maintenance organization.

(5)~~(6)~~ *A surplus note shall not be used to initially capitalize a health maintenance organization.* ~~The department shall lower the surplus requirements to any level deemed appropriate by the department, but not less than $100,000 for an individual health maintenance organization, whenever the department is satisfied that:~~

~~(a) The organization has an adequate history of generating net income to assure its financial viability for the next year;~~

~~(b) The assets of the organization or its contracts with health care providers, governments, or other organizations are reasonably sufficient to assure the performance of the organization; and~~

~~(c) The obligations of the organization are structured towards long-term payment so that a lower percentage requirement would prove adequate as a cushion against the payment of such obligations.~~

Section 19. Subsections (5) and (6) are added to section 641.23, Florida Statutes, to read:

641.23 Revocation or cancellation of certificate of authority; suspension of enrollment of new subscribers; terms of suspension.—

(5) The department shall promulgate rules establishing an actuarially sound medical loss ratios for Medicaid. In determining the appropriate medical loss ratio, the department shall consider factors, including but not limited to, plan age, plan structure, geographic service area, product mix, provider network, medical inflation, provider services, other professional services, out of network referrals and expenditures, in and out of network emergency room expenditures, inpatient expenditures, other medical expenditures, incentive pool adjustments, copayments, coordination of benefits, subrogation, and any other expenses associated with the delivery of medical benefits. The department shall utilize assistance from the Agency for Health Care Administration, the State University System, an independent actuary, and representatives from health maintenance organizations in developing the rule for appropriate medical loss ratios.

(6) The department shall calculate and publish at least annually the medical loss ratios of all licensed health maintenance organizations. The publication shall include an explanation of what the medical loss ratio means and shall disclose that the medical loss ratio is not a direct reflection of quality, but must be looked at along with patient satisfaction and other standards that define quality.

Section 20. Subsection (1) of section 641.234, Florida Statutes, is amended to read:

641.234 Administrative, provider, and management contracts.—

(1) The department may require a health maintenance organization to submit any contract for administrative services, contract with a provider other than an individual physician, contract for management services, and contract with an affiliated entity to the department~~, if the department has information and belief that the health maintenance organization has entered into a contract which requires it to pay a fee which is unreasonably high in relation to the service provided~~.

Section 21. Section 641.25, Florida Statutes, is amended to read:

641.25 Administrative penalty in lieu of suspension or revocation.—*If the department finds that one or more grounds exist for the revocation or suspension of a certificate issued under this part, the department may, in lieu of revocation or suspension, impose a fine upon the health maintenance organization. With respect to any nonwillful violation, the fine must not exceed $2,500 per violation. Such fines may not exceed an aggregate amount of $25,000 for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of a lawful order or rule of the department or a provision of this part, the department may impose upon the organization a fine in an amount not to exceed $20,000 for each such violation. Such fines may not exceed an aggregate amount of $250,000 for all knowing and willful violations arising out of the same action. The department must adopt by rule by January 1, 1997, penalty categories that specify varying ranges of monetary fines for willful violations and for nonwillful violations.* ~~The department may, in lieu of suspension or revocation, levy an administrative penalty in an amount not less than $100 or more than $100,000.~~

Section 22. Section 641.255, Florida Statutes, is amended to read:

641.255 Acquisition, *merger, or consolidation*.—

(1) Every *acquisition of a* health maintenance organization shall be subject to the provisions of s. 628.4615. However, in the case of a health maintenance organization organized as a for-profit corporation, the provisions of s. 628.451 govern with respect to any merger or consolidation; and, in the case of a health maintenance organization organized as a not-for-profit corporation, the provisions of s. 628.471 govern with respect to any merger or consolidation.

(2) In addition to the requirements set forth in ss. 628.451, 628.4615, and 628.471, each party to any transaction involving any licensee which, as indicated in its most recent quarterly or annual statement, derives income from Medicaid funds shall in the filing made with the department identify:

(a) Any person who has received any payment from either party or any person on that party's behalf; or

(b) The existence of any agreement entered into by either party or by any person on that party's behalf to pay a consultant fee, a broker fee, a commission, or other fee or charge,

which in any way relates to the acquisition, merger, or consolidation. The department may adopt a form to be made part of the application which is to be sworn to by an officer of the entity which made or will make the payment. The form shall include the name of the person or entity paying the fee; the name of the person or entity receiving the fee; the date of payment; and a brief description of the work performed.

Section 23. Subsection (5) is added to section 641.26, Florida Statutes, to read:

641.26 Annual report.—

(5) To facilitate uniformity in financial statements and to facilitate department analysis, the department may by rule adopt the form for financial statements of a health maintenance organization, including supplements as approved by the National Association of Insurance Commissioners in 1995, and may adopt subsequent amendments thereto if the methodology remains substantially consistent, and may by rule require each health maintenance organization to submit to the department all or part of the information contained in the annual statement in a computer-readable form compatible with the electronic data processing system specified by the department.

Section 24. Section 641.28, Florida Statutes, is amended to read:

641.28 Civil remedy.—In any civil action brought to enforce the terms and conditions of a health maintenance organization contract, the prevailing party is entitled to recover reasonable attorney's fees and court costs. This section shall not be construed to authorize a civil action against the department, its employees, or the Insurance Commissioner or against the *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~, its employees, or the *director* ~~secretary~~ of *the agency* ~~that department~~.

Section 25. Subsection (12) of section 641.31, Florida Statutes, is amended, and subsection (26) is added to said section, to read:

641.31 Health maintenance contracts.—

(12) Each health maintenance contract, certificate, or member handbook shall state that emergency services *and care* shall be provided to subscribers in emergency situations not permitting treatment through the health maintenance organization's providers, without prior notification to and approval of the organization. Not less than 75 percent of the reasonable charges for covered services and supplies shall be paid by the organization, up to the subscriber contract benefit limits. Payment also may be subject to additional applicable copayment provisions, not to exceed $100 per claim. The health maintenance contract, certificate, or member handbook shall contain *the definitions* ~~a definition~~ of "emergency services *and care" and "emergency medical condition" as specified in s. 641.19(7) and (8),* shall describe procedures for determination by the health maintenance organization of whether the services qualify for reimbursement as emergency services *and care,* and shall contain specific examples of what does constitute an emergency. *In providing for emergency services and care as a covered service, a health maintenance organization shall be governed by s. 641.513.*

Section 26. Subsection (3) of section 641.37, Florida Statutes, is amended to read:

641.37 Prohibited activities; penalties.—

(3) Any agent or representative, solicitor, examining physician, applicant, or other person who knowingly makes any false and fraudulent statements or representation in, or with reference to, any application or negotiation for health maintenance organization coverage is, in addition to any other penalty provided by law, guilty of a misdemeanor of the *first* ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 27. Subsection (3) is amended and subsection (4) is added to section 641.386, Florida Statutes, to read:

641.386 Agent licensing and appointment required; exceptions.—

(3) *An* ~~No~~ examination, license, or appointment *is not* ~~shall be~~ required of any regular salaried officer or employee of a health maintenance organization who devotes substantially all of his services to activities other than the solicitation of health maintenance organization contracts from the public and who receives no commission or other compensation directly dependent upon the solicitation of such contracts. *This exemption does not apply to the solicitation of Medicaid eligible subscribers.*

(4) All agents and health maintenance organizations shall comply with and be subject to the applicable provisions of ss. 641.309 and 409.912(18), and all companies and entities appointing agents shall comply with s. 626.451, when marketing for any health maintenance organization licensed pursuant to part I of chapter 641, including those organizations under contract with the Agency for Health Care Administration to provide health care services to Medicaid recipients or any private entity providing health care services to Medicaid recipients pursuant to a prepaid health plan contract with the Agency for Health Care Administration.

Section 28. Subsection (12) is added to section 641.3903, Florida Statutes, to read:

641.3903 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(12) PROHIBITED DISCRIMINATORY PRACTICES.—A health maintenance organization may not:

(a) Engage or attempt to engage in discriminatory practices that discourage participation on the basis of actual or perceived health status of Medicaid recipients.

(b) Refuse to provide services or care to a subscriber solely because medical services may be or have been sought for injuries resulting from an assault, battery, sexual assault, sexual battery, or any other offense by a family or household member, as defined in s. 741.28(2), or by another who is or was residing in the same dwelling unit.

Section 29. Section 641.47, Florida Statutes, is amended to read:

641.47 Definitions.—As used in this part, the term:

(1) "Agency" means the Agency for Health Care Administration.

~~(2) "Department" means the Department of Health and Rehabilitative Services.~~

(2) "Emergency medical condition" means:

(a) A medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain or other acute symptoms, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

1. Serious jeopardy to the health of a patient, including a pregnant woman or a fetus.

2. Serious impairment to bodily functions.

3. Serious dysfunction of any bodily organ or part.

(b) With respect to a pregnant woman:

1. That there is inadequate time to effect safe transfer to another hospital prior to delivery.

2. That a transfer may pose a threat to the health and safety of the patient or fetus.

3. That there is evidence of the onset and persistence of uterine contractions or rupture of the membranes.

(3) "Emergency services and care" means medical screening, examination, and evaluation by a physician or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition exists, and if it does, the care, treatment, or surgery for a covered service by a physician necessary to relieve or eliminate the emergency medical condition within the service capability of a hospital.

(4)~~(3)~~ "Geographic area" means the county or counties, or any portion of a county or counties, within which the health maintenance organization provides or arranges for comprehensive health care services to be available to its subscribers.

(5)~~(1)~~ "Health care services" means comprehensive health care services, as defined in s. 641.19, when applicable to a health maintenance organization, and means basic services, as defined in s. 641.402~~(1)~~, when applicable to a prepaid health clinic.

(6)~~(4)~~ "Minimum services" includes any of the following: emergency care, inpatient hospital services, physician care, ambulatory diagnostic treatment, and preventive health care services.

(7)~~(5)~~ "Organization" means any health maintenance organization as defined in s. 641.19 and any prepaid health clinic as defined in s. 641.402~~(5)~~.

(8)~~(6)~~ "Provider" means any physician, hospital, or other institution, organization, or person that furnishes health care services and is licensed or otherwise authorized to practice in the state.

(9)~~(7)~~ "Subscriber" means an individual who has contracted, or on whose behalf a contract has been entered into, with a health maintenance organization for health care services.

Section 30. Section 641.48, Florida Statutes, is amended to read:

641.48 Purpose and application of part~~; exemption~~.—

~~(1)~~ The purpose of this part is to ensure that health maintenance organizations and prepaid health clinics deliver high-quality health care to their subscribers. To achieve this purpose, this part requires all *such* ~~health maintenance~~ organizations ~~and prepaid health clinics~~ to obtain a health care provider certificate from the *agency* ~~Department of Health and Rehabilitative Services~~ as a condition precedent to obtaining a certificate of authority to do business in Florida from the Department of Insurance, *under* ~~pursuant to~~ part I or part II of this chapter.

~~(2) Any person or entity which enters into a contract with the department on a prepaid per capita or prepaid aggregate fixed-sum basis for the provision of health care services or social services, or both, to persons determined eligible for such services shall be exempt from the provisions of this part and shall be governed by the standards set forth by the department unless the person or entity provides health care service on a prepaid basis to persons other than those for which the department has contracted. However, any person or entity which is not certified under the provisions of this chapter shall not use in its name, logo, contracts, or literature the phrases "health maintenance organization" or "prepaid health clinic" or the initials "HMO" or "PHC"; imply, directly or indirectly, that it is a health maintenance organization or prepaid health clinic; or hold itself out to be a health maintenance organization or prepaid health clinic. Subject to these restrictions, any such person or entity may advertise and market their prepaid health or social services using words or phrases similar to "prepaid health services" or "prepaid social services," so long as the services are accurately described and the advertisement and marketing literature clearly discloses that such services are available only to persons eligible for health care or social services through the department. The department shall set standards or promulgate rules for the conduct of a prepaid plan exempt under this subsection, which shall include provisions whereby the entity shall:~~

~~(a) Be organized primarily for the purpose of providing health care or other services of the type regularly offered to the department's enrolled clients.~~

~~(b) Ensure that services meet the standards set by the department for quality, appropriateness, and timeliness.~~

~~(c) Make provisions satisfactory to the department for insolvency protection and ensure that neither the department's enrolled clients nor the department shall be liable for the debts of the entity.~~

~~(d) Submit to the department, if a private entity, a financial plan that the department finds to be fiscally sound and that provides for working capital in the form of cash or equivalent liquid assets, excluding revenues from the department premium payments, equal to at least the first 3 months of operating expenses or $200,000, whichever is greater.~~

~~(e) Furnish evidence satisfactory to the department of adequate liability insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of health care.~~

~~(f) Provide, through contract or otherwise, for periodic review of its medical facilities, services, and records, as required by the department.~~

~~(g) Provide organizational, financial, and other information that may be required to ensure quality of care and financial solvency.~~

Section 31. Section 641.49, Florida Statutes, is amended to read:

641.49 Certification of health maintenance organization and prepaid health clinic as health care providers; application procedure.—

(1) No person or governmental unit shall establish, conduct, or maintain a health maintenance organization or a prepaid health clinic in this state without first obtaining a health care provider certificate under this part.

(2) The Department of Insurance shall not issue a certificate of authority under part I or part II of this chapter to any applicant which does not possess a valid health care provider certificate issued by the *agency under* ~~department pursuant to~~ this part.

(3) Each application for a health care provider certificate shall be on a form prescribed by the *agency* ~~department~~. The following information and documents shall be *submitted by an applicant and* maintained*, after certification under this part,* by *each* ~~the~~ organization and shall be available for inspection or examination *by the agency* at the offices of *an* ~~the~~ organization ~~by the department~~ at *any time* ~~anytime~~ during regular business hours. The *agency* ~~department~~ shall give reasonable notice to

an ~~the~~ organization prior to any onsite inspection or examination *of its records or premises* conducted *under* ~~pursuant to~~ this section. The *agency* ~~department~~ may require that the following information or documents be submitted with the application:

(a) A copy of the articles of incorporation and all amendments *to the articles* ~~thereto~~.

(b) A copy of the bylaws, rules and regulations, or similar form of document, if any, regulating the conduct of the affairs of the applicant *or organization*.

(c) A list of the names, addresses, and official capacities with the *applicant or* organization of the persons who are to be responsible for the conduct of the affairs of the *applicant or* organization, including all officers and directors of the corporation. Such persons shall fully disclose to the *agency* ~~department~~ and the directors of the *applicant or* organization the extent and nature of any contracts or arrangements between them and the *applicant or* ~~health maintenance~~ organization, including any possible conflicts of interest.

(d) The name and address of the applicant and the name by which the *applicant or* organization is to be known.

(e) A statement generally describing the *applicant or* organization and its operations.

(f) A copy of the form for each group and individual contract, certificate, subscriber handbook, and any other similar documents issued to subscribers.

(g) A statement describing the manner in which health *care* services shall be regularly available.

(h) A statement that the applicant has an established network of health care providers which is capable of providing the health care services that are to be offered by the organization.

(i)~~(h)~~ The locations ~~of the facilities~~ at which health care services shall be regularly available to subscribers.

(j)~~(i)~~ The type of health care personnel engaged to provide the health care services and the quantity of the personnel of each type.

(k)~~(j)~~ A statement giving the present and projected number of subscribers to be enrolled yearly for the next 3 years.

(l)~~(k)~~ A statement indicating the source of emergency *services and* care on a 24-hour basis.

(m)~~(l)~~ A statement that the physicians employed by the applicant have been formally organized as a medical staff and that the applicant's governing body has designated a chief of medical staff.

(n)~~(m)~~ A statement describing the manner in which the *applicant or* organization assures the maintenance of a medical records system in accordance with accepted medical records' standards and practices.

(o)~~(n)~~ If general anesthesia is to be administered in a facility not licensed by the *agency* ~~department~~, a copy of architectural plans *that* ~~to~~ meet the requirements for institutional occupancy (NFPA 101 Life Safety Code, current edition as adopted by the State Fire Marshal).

(p)~~(o)~~ Description of the *applicant's or* organization's *internal* quality assurance program, including committee structure, *as required under* ~~criteria and procedures for corrective action which complies with~~ s. 641.51.

~~(p) For health maintenance organizations only:~~

(q)~~1.~~ A description and supporting documentation concerning how the applicant *or health maintenance organization* will comply with ~~the~~ internal risk management program requirements *under s. 641.55*.

(r)~~2.~~ An explanation of how coverage *for emergency services and care* is to be effected outside the *applicant's or* health maintenance organization's stated geographic area ~~for emergency services~~.

(s)~~(q)~~ A statement and map describing with reasonable accuracy the specific geographic area to be served.

(t)~~(r)~~ A nonrefundable application fee of $1,000.

(u)~~(s)~~ Such additional information as the *agency* ~~department~~ may reasonably require.

Section 32. Section 641.495, Florida Statutes, is amended to read:

641.495 Requirements for issuance and maintenance of certificate.—

(1) The *agency* ~~department~~ shall issue a health care provider certificate to *an applicant* ~~any entity~~ filing a completed application in conformity with *ss.* ~~s.~~ 641.48 *and 641.49*, upon payment of the prescribed fee, and upon the *agency's* ~~department's~~ being satisfied that the applicant has the ability to provide quality of care consistent with the prevailing professional standards of care and which *applicant* ~~entity~~ otherwise meets the requirements of this part.

(2) A certificate, unless sooner suspended or revoked, shall automatically expire 2 years from the date of issuance, *or at any time accreditation is withdrawn,* unless renewed by the organization. The certificate shall be renewed upon application for renewal and payment of a renewal fee of $1,000, provided that the organization is in compliance with the requirements of this part and *all* ~~any~~ rules adopted *under this part* ~~hereunder~~. An application for renewal of a certificate shall be made 90 days prior to expiration of the certificate, on forms provided by the *agency* ~~department~~. The renewal application shall not require the resubmission of any documents previously filed with the *agency* ~~department~~ if such documents have remained valid and unchanged since their original filing.

(3)~~(2)~~ The organization shall demonstrate its capability to provide health care services in the geographic area *that it proposes* ~~proposed~~ to service. In addition, each health maintenance organization shall notify the *agency* ~~department~~ of its intent to expand its geographic area at least 60 days prior to the date it *plans to begin* ~~begins~~ providing health care services in the new area. Prior to the date the health maintenance organization begins enrolling members in the new area, it must submit a notarized affidavit, signed by two officers of the organization who have the authority to *legally* bind the organization, to the *agency* ~~department~~ describing and affirming its existing and projected capability to provide health care services to its projected number of subscribers in the new area. The notarized affidavit shall further assure that, 15 days prior to providing *health care* services in the new area, the health maintenance organization shall be able, through documentation or otherwise, to demonstrate that it shall be capable of providing services to its projected subscribers for at least the first 60 days of operation. If the *agency* ~~department~~ determines that the organization is not capable of providing health care services to its projected number of subscribers in the new area, the *agency* ~~department~~ may issue an order *as required under* ~~pursuant to the procedures of~~ chapter 120 prohibiting the organization from expanding into the new area. In any proceeding *under* ~~pursuant to~~ chapter 120, the *agency* ~~department~~ shall have the burden of establishing that the organization is not capable of providing health care services to its projected number of subscribers in the new area.

(4)~~(3)~~ The organization shall ensure that the health care services it provides to subscribers, including physician services as required by s. 641.19(7)(d) and (e), are accessible to the subscribers, with reasonable promptness, with respect to geographic location, hours of operation, provision of after-hours service, and staffing patterns within generally accepted industry norms for meeting the projected subscriber needs.

(5)~~(4)~~ The organization shall exercise reasonable care in assuring that *delivered health care* services ~~provided~~ are performed by *appropriately licensed* providers ~~who are licensed to provide such services~~.

(6)~~(5)~~ The organization shall have a system for verification and examination of the credentials of each of its providers. The organization shall maintain in a central file the credentials, including a copy of the current Florida license, of each of its physicians.

(7)~~(6)~~ Every organization shall establish standards and procedures reasonably necessary to provide for the maintenance of a readily accessible medical records system which is adequate to *accommodate* ~~provide~~ necessary information including an accurate documentation of all services provided for every enrolled *subscriber* ~~person~~.

(8)~~(7)~~ *Each organization's* ~~In the event that the organization employs providers to render health care to subscribers,~~ contracts, certificates, and subscriber handbooks shall contain a provision, if applicable, disclosing that, for certain types of described medical procedures, services may be provided by physician assistants, nurse practitioners, or other individuals who are not licensed physicians.

(9)~~(8)~~ Every organization shall have a subscriber grievance procedure, *including, as appropriate, a procedure for disenrolling for cause,* which is outlined in all master group and individual contracts as well as in any certificate or handbook provided to subscribers.

(10)~~(9)~~ The organization shall provide, through contract or otherwise, for periodic review of its medical facilities and services, *as required under s. 641.512.*

Section 33. Section 641.513, Florida Statutes, is created to read:

641.513 Requirements for providing emergency services and care.—

(1) In providing for emergency services and care as a covered service, a health maintenance organization may not:

(a) Require prior authorization for the receipt of prehospital transport or treatment or for emergency services and care.

(b) Indicate that emergencies are covered only if care is secured within a certain period of time.

(c) Use terms such as "life threatening" or "bona fide" to qualify the kind of emergency that is covered.

(d) Deny payment based on the subscriber's failure to notify the health maintenance organization in advance or within a certain period of time after the care is given.

(2) Prehospital and hospital-based trauma services and emergency services and care must be provided to a subscriber of a health maintenance organization as required under ss. 395.1041, 395.4045, and 401.45.

(3)(a) When a subscriber is present at a hospital seeking emergency services and care, the determination as to whether an emergency medical condition, as defined in s. 641.47 exists shall be made, for the purposes of treatment, by a physician of the hospital or, to the extent permitted by applicable law, by other appropriate licensed professional hospital personnel under the supervision of the hospital physician. The physician or the appropriate personnel shall indicate in the patient's chart the results of the screening, examination, and evaluation. The health maintenance organization shall compensate the provider for the screening, evaluation, and examination that is reasonably calculated to assist the health care provider in arriving at a determination as to whether the patient's condition is an emergency medical condition. The health maintenance organization shall compensate the provider for emergency services and care. If a determination is made that an emergency medical condition does not exist, payment for services rendered subsequent to that determination is governed by the contract under which the subscriber is covered.

(b) If a determination has been made that an emergency medical condition exists and the subscriber has notified the hospital, or the hospital emergency personnel otherwise has knowledge that the patient is a subscriber of the health maintenance organization, the hospital must make a reasonable attempt to notify the subscriber's primary care physician, if known, or the health maintenance organization, if the health maintenance organization had previously requested in writing that the notification be made directly to the health maintenance organization, of the existence of the emergency medical condition. If the primary care physician is not known, or has not been contacted, the hospital must:

1. Notify the health maintenance organization as soon as possible prior to discharge of the subscriber from the emergency care area; or

2. Notify the health maintenance organization within 24 hours or on the next business day after admission of the subscriber as an inpatient to the hospital.

If notification required by this paragraph is not accomplished, the hospital must document its attempts to notify the health maintenance organization of the circumstances that precluded attempts to notify the health maintenance organization. A health maintenance organization may not deny payment for emergency services and care based on a hospital's failure to comply with the notification requirements of this paragraph. Nothing in this paragraph shall alter any contractual responsibility of a subscriber to make contact with the health maintenance organization, subsequent to receiving treatment for the emergency medical condition.

(c) If the subscriber's primary care physician responds to the notification, the hospital physician and the primary care physician may discuss the appropriate care and treatment of the subscriber. The health maintenance organization may have a member of the hospital staff with whom it has a contract participate in the treatment of the subscriber within the scope of the physician's hospital staff privileges. The subscriber may be transferred, in accordance with state and federal law, to a hospital that has a contract with the health maintenance organization and has the service capability to treat the subscriber's emergency medical condition. Notwithstanding any other state law, a hospital may request and collect insurance or financial information from a patient in accordance with federal law, which is necessary to determine if the patient is a subscriber of a health maintenance organization, if emergency services and care are not delayed.

(4) A subscriber may be charged a reasonable copayment, as provided in s. 641.31(12), for the use of an emergency room.

(5) Reimbursement for services pursuant to this section by a provider who does not have a contract with the health maintenance organization shall be the lesser of:

(a) The provider's charges;

(b) The usual and customary provider charges for similar services in the community where the services were provided; or

(c) The charge mutually agreed to by the health maintenance organization and the provider within 60 days of the submittal of the claim.

Such reimbursement shall be net of any applicable copayment authorized pursuant to subsection (4).

Section 34. Subsection (2) of section 641.515, Florida Statutes, is amended to read:

641.515 Investigation by the agency.—

(2) The reports and the records prepared or obtained under this section or s. 641.512 by the agency or by an outside source may be used *by* ~~solely for the purpose of~~ the agency in enforcing the requirements of this part and in disciplinary proceedings. Except as otherwise provided in this section, any *patient-identifying* ~~identifying~~ information contained in these records and reports is confidential and exempt from s. 119.07(1). ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 35. Section 641.52, Florida Statutes, is amended to read:

641.52 ~~Suspension,~~ Revocation of certificate; *suspension of new enrollment; suspension of the health care provider certificate;* administrative fine; notice of action to the Department of Insurance; penalty for use of unlicensed providers.—

(1) The *agency* ~~department~~ may suspend the authority of an organization to enroll new subscribers or revoke the health care provider certificate of any organization, or order compliance within *a time certain* ~~60 days~~, if it finds that any of the following conditions exist:

(a) The organization is in substantial violation of its contracts.

(b) The organization is unable to fulfill its obligations under outstanding contracts entered into with its subscribers.

(c) The organization knowingly utilizes a provider who is furnishing or has furnished health care services and who does not have a subsisting license or other authority to practice or furnish health care services in this state.

(d) The organization no longer meets the requirements for the certificate as originally issued.

(e) The organization has violated any lawful rule or order of the *agency* ~~department~~ or any provision of this part.

(f) The organization has refused to be examined or to produce its accounts, records, and files for examination or to perform any other legal obligation as to such examination, when required by the *agency* ~~department~~.

(g) The organization has not, after given reasonable notice, maintained accreditation or received favorable external *quality assurance reviews under* ~~quality assurance assessments pursuant to~~ s. 641.512 or, following an investigation *under* ~~pursuant to~~ s. 641.515, *has been determined to not materially meet requirements under this part.*

(2) Revocation of an organization's certificate shall be for a period of 2 years. After 2 years, the organization may apply for a new certificate by compliance with all application requirements applicable to first-time applicants.

(3) Suspension of an organization's authority to enroll new subscribers shall be for such period, not to exceed 1 year, as is fixed by the *agency* ~~department~~. The *agency* ~~department~~ shall, in its order suspending the authority of an organization to enroll new subscribers, specify the period during which the suspension is to be in effect and the conditions, if any, which must be met by the organization prior to reinstatement of its authority to enroll new subscribers. The order of suspension is subject to rescission or modification by further order of the *agency* ~~department~~ prior to the expiration of the suspension period. *Authority to enroll new subscribers* ~~Reinstatement~~ shall not be *reinstated* ~~made~~ unless requested by the organization; however, the *agency may* ~~department shall~~ not grant reinstatement if it finds that the circumstances for which the suspension *of authority to enroll new subscribers* occurred still exist or are likely to recur.

(4) *The agency may suspend the health care provider certificate issued to an organization. The agency shall, in its order suspending the health care provider certificate, specify the period during which the suspension is to be in effect and the conditions, if any, which must be met by the organization for reinstatement.* Upon expiration of the suspension period, the organization's certificate ~~shall~~ automatically *reinstates* ~~reinstate~~ unless the *agency* ~~department~~ finds that the causes of the suspension have not been removed or that the organization is otherwise not in compliance with ~~the requirements of~~ this part. If *the agency makes such a finding, the health care provider certificate shall not be reinstated and is considered* ~~not so automatically reinstated, the certificate shall be deemed~~ to have expired as of the end of the suspension period.

(5) If the *agency* ~~department~~ finds that one or more grounds exist for the revocation or suspension of a certificate issued under this part, the *agency* ~~department~~ may, in lieu of such revocation or suspension, impose a fine upon the organization. With respect to any nonwillful violation, *the* ~~such~~ fine *may* ~~shall~~ not exceed $2,500 per violation. ~~In no event shall~~ Such *fines may not* ~~fine~~ exceed an aggregate amount of *$25,000* ~~$10,000~~ for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of a lawful order or rule of the *agency* ~~department~~ or a provision of this part, the *agency* ~~department~~ may impose a fine upon the organization in an amount not to exceed $20,000 for each such violation. ~~In no event shall~~ Such *fines may not* ~~fine~~ exceed an aggregate amount of *$250,000* ~~$100,000~~ for all knowing and willful violations arising out of the same action. *The agency shall, by January 1, 1997, adopt by rule penalty categories that specify varying ranges of fines for willful violations and for nonwillful violations.*

(6) The *agency* ~~department~~ shall immediately notify the Department of Insurance whenever it issues an administrative complaint or an order or otherwise initiates legal proceedings resulting in or which may result in suspension or revocation of an organization's health care provider certificate *or suspension of new enrollment.*

(7) Any ~~health maintenance~~ organization *that* ~~which~~ knowingly utilizes the services of a provider who is not licensed or otherwise authorized by law to provide such services is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 36. Section 641.545, Florida Statutes, is created to read:

641.545 Subscriber risk assessments; requirements.—The agency shall require an organization, when providing services to Medicaid subscribers, to attempt, at least twice if necessary, to contact each new Medicaid subscriber within 3 months after the Medicaid subscriber enrolls, in order to perform a health risk assessment. The health risk assessment instrument must include questions regarding early and periodic screening, diagnosis, and treatment history of Medicaid subscribers who are under 21 years of age and questions regarding pregnancy history. The organization shall ask Medicaid subscribers to release to the plan or its providers medical records from providers who treated the Medicaid subscribers before their enrollment with the organization. The organization must use the health risk assessments and the released medical records to identify Medicaid subscribers who have not received screenings in the past according to the agency-approved periodic schedule. The organization must contact, up to twice if necessary, any Medicaid subscriber who is more than 2 months behind in the periodic screening schedule to urge that Medicaid subscriber or the Medicaid subscriber's responsible party to make an appointment for a screening visit. The agency shall require each organization, for its Medicaid subscribers, to report its early and periodic screening, diagnosis, and treatment rate, the trimester of pregnancy when prenatal care began, and the rate of low birth weight babies born to the organization's Medicaid subscribers. The agency shall monitor the organization's compliance with this section.

Section 37. Section 641.55, Florida Statutes, is amended to read:

641.55 Internal risk management program.—

(1) Every ~~health maintenance~~ organization certified under this part shall, as a part of its administrative functions, establish an internal risk management program which shall include the following components:

(a) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents causing injury to patients;

(b) The development of appropriate measures to minimize the risk of injuries and adverse incidents to patients, including risk management and risk prevention education and training of all nonphysician personnel as follows:

1. Such education and training of all nonphysician personnel as part of their initial orientation; and

2. At least 1 hour of such education and training annually for all nonphysician personnel of the ~~health maintenance~~ organization who work in clinical areas and provide patient care;

(c) The analysis of patient grievances which relate to patient care and the quality of medical services; and

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all providers and all agents and employees of the ~~health maintenance~~ organization to report injuries and adverse incidents to the risk manager.

(2) The risk management program shall be the responsibility of the governing authority or board of the ~~health maintenance~~ organization. Every ~~health maintenance~~ organization which has an annual premium volume of $10 million or more and which directly provides health care in a building owned or leased by the ~~health maintenance~~ organization shall hire a risk manager, certified under ss. 626.941-626.945, who shall be responsible for implementation of the organization's risk management program required by this section. A part-time risk manager shall not be responsible for risk management programs in more than four organizations or facilities. Every ~~health maintenance~~ organization which does not directly provide health care in a building owned or leased by the ~~health maintenance~~ organization and every ~~health maintenance~~ organization with an annual premium volume of less than $10 million shall designate an officer or employee of the ~~health maintenance~~ organization to serve as the risk manager.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of medical malpractice and patient injury claims shall be encouraged and their implementation and operation facilitated. Additional approaches may include extending risk management programs to provider offices or facilities.

(4) The *Agency for Health Care Administration* ~~Department of Health and Rehabilitative Services~~ shall *adopt*~~, after consulting with the Department of Insurance, promulgate~~ rules necessary to carry out the

provisions of this section, including rules governing the establishment of required internal risk management programs to meet the needs of individual *organizations and each specific organization type governed by this part* ~~establishments~~. The Department of Insurance shall assist the *agency* ~~Department of Health and Rehabilitative Services~~ in preparing these rules. Each internal risk management program shall include the use of incident reports to be filed with the risk manager. The risk manager shall have free access to all ~~health maintenance~~ organization or provider medical records. The incident reports shall be considered to be a part of the workpapers of the attorney defending the *organization* ~~establishment~~ in litigation relating thereto and shall be subject to discovery, but not be admissible as evidence in court, nor shall any person filing an incident report be subject to civil suit by virtue of the incident report and the matters it contains. As a part of each internal risk management program, the incident reports shall be utilized to develop categories of incidents which identify problem areas. Once identified, procedures *must* ~~shall~~ be adjusted to correct these problem areas.

(5)(a) Each ~~health maintenance~~ organization subject to this section must submit an annual report to the agency summarizing the incident reports that *were* ~~have been~~ filed in the ~~health maintenance~~ organization *during the preceding calendar* ~~for that~~ year pertaining to services rendered on the premises of the ~~health maintenance~~ organization. The report must be on a form prescribed by rule of the agency and must include, with respect to medical services rendered on the premises of the ~~health maintenance~~ organization:

1. The total number of adverse incidents causing injury to patients.

2. A listing, by category, of the types of operations, diagnostic or treatment procedures, or other actions causing the injuries and the number of incidents occurring within each category.

3. A listing, by category, of the types of injuries caused and the number of incidents occurring within each category.

4. The name of each provider or a code number using *each* ~~the~~ health care professional's license number and a separate code number identifying all other individuals directly involved in adverse incidents causing injury to *a patient* ~~patients~~, the relationship of the individual or provider to the ~~health maintenance~~ organization, and the number of incidents *with the organization* in which each individual or provider has been directly involved. Each ~~health maintenance~~ organization must maintain names of the health care professionals and individuals identified by code numbers for purposes of this section.

5. A description of all medical malpractice claims filed against the ~~health maintenance~~ organization or its providers, including the total number of pending and closed claims and the nature of the incident that led to, the persons involved in, and the status and disposition of each claim. Each report must update status and disposition for all prior reports.

6. A report of all disciplinary actions taken against any provider or any medical staff member of the ~~health maintenance~~ organization, including the nature and cause of the action.

(b) The information reported to the agency under paragraph (a) which relates to *providers* ~~persons~~ licensed under chapter 458, chapter 459, chapter 461, or chapter 466 must also be reported to the *agency* ~~Department of Business and Professional Regulation~~ quarterly. The *agency* ~~Department of Business and Professional Regulation~~ shall review the information and determine whether any of the incidents potentially involved conduct by a licensee that is subject to disciplinary action, in which case s. 455.225 applies.

(c) Except as otherwise provided in this subsection, any identifying information contained in the annual report and the quarterly reports under paragraphs (a) and (b) is confidential and exempt from s. 119.07(1). This information must not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency~~, the Department of Business and Professional Regulation,~~ or the appropriate regulatory board. However, the *agency* ~~Department of Business and Professional Regulation~~ shall make available, upon written request by a practitioner against whom probable cause has been found, any such information contained in the records that form the basis of the determination of probable cause *under* ~~pursuant to~~ s. 455.225. ~~The exemption from s. 119.07(1) provided in this subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(d) The annual report shall also contain the name of the risk manager of the ~~health maintenance~~ organization, a copy of its policy and procedures governing the measures taken by the organization and its risk manager to reduce the risk of injuries and adverse or untoward incidents, and the result of these measures.

(6) If an adverse or untoward incident, whether occurring in the facilities of the ~~health maintenance~~ organization or arising from health care prior to *enrollment by the organization or* admission to the facilities of the organization or in *a* ~~the~~ facility of one of its providers, results in:

(a) The death of a patient;

(b) Severe brain or spinal damage to a patient;

(c) A surgical procedure being performed on the wrong patient; or

(d) A surgical procedure unrelated to the patient's diagnosis or medical needs being performed on any patient,

the organization must report this incident to the agency within 3 working days after its occurrence. A more detailed followup report must be submitted to the agency within 10 days after the first report. The agency may require an additional, final report. Reports under this subsection must be sent immediately by the agency to the *appropriate regulatory board* ~~Department of Business and Professional Regulation~~ whenever they *contain references to* ~~involve~~ a ~~health care~~ provider licensed under chapter 458, chapter 459, chapter 461, or chapter 466. These reports are confidential and are exempt from s. 119.07(1). This information is not available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency~~, the Department of Business and Professional Regulation,~~ or the appropriate regulatory board. However, the *agency* ~~Department of Business and Professional Regulation~~ shall make available, upon written request by a practitioner against whom probable cause has been found, any such information contained in the records that form the basis of the determination of probable cause *under* ~~pursuant to~~ s. 455.225. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken by the ~~health maintenance~~ organization in response to the incident. The *agency* ~~Department of Business and Professional Regulation~~ shall review each incident and determine whether it potentially involved conduct by the licensee which is subject to disciplinary action, in which case s. 455.225 applies. ~~The exemptions from s. 119.07(1) provided in this subsection are subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(7) In addition to any penalty imposed *under* ~~pursuant to~~ s. 641.52, the *agency* ~~department~~ may impose an administrative fine, not to exceed $5,000, for any violation of the reporting requirements of subsection (5) or subsection (6).

(8) The agency and, upon subpoena issued under s. 455.223, the *appropriate regulatory board* ~~Department of Business and Professional Regulation~~ must be given access to all ~~health maintenance~~ organization records necessary to carry out the provisions of this section. Any identifying information contained in the records obtained under this section is confidential and exempt from s. 119.07(1). The identifying information contained in records obtained under s. 455.223 is exempt from s. 119.07(1) to the extent that it is part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the *agency* ~~Department of Business and Professional Regulation~~ or the appropriate regulatory board. However, the *agency* ~~Department of Business and Professional Regulation~~ must make available, upon written request by a practitioner against whom probable cause has been found, any such information contained in the records that form the basis of the determination of probable cause *under* ~~pursuant to~~ s. 455.225, except that, with respect to medical review committee records, s. 766.101 controls. ~~The exemption from s. 119.07(1) provided in this subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(9) The *agency* ~~department~~ shall review, no less frequently than annually, the risk management program of each ~~health maintenance~~ organization regulated by this section to determine whether the program meets standards established in statutes and rules, whether the program is being conducted in a manner designed to reduce adverse incidents,

and whether the program is appropriately reporting incidents under subsections (5) and (6).

(10) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any risk manager certified under part IX of chapter 626 for the implementation and oversight of the risk management program in *an* ~~a health maintenance~~ organization authorized under this chapter for any act or proceeding undertaken or performed within the scope of the function of such risk management program if the risk manager acts without intentional fraud.

(11) If the *agency* ~~department~~, through its receipt of the annual reports prescribed in subsection (5) or through any investigation, has a reasonable belief that conduct by a provider, staff member, or employee of *an* ~~a health maintenance~~ organization may constitute grounds for disciplinary action by the appropriate regulatory board, the *agency* ~~department~~ shall report this fact to the regulatory board.

(12) The agency shall send information bulletins to all ~~health maintenance~~ organizations as necessary to disseminate trends and preventive data derived from its actions under this section or under s. 395.0197.

The gross data compiled *under* ~~pursuant to~~ this section or s. 395.0197 shall be furnished by the *agency* ~~department~~ upon request to ~~health maintenance~~ organizations to be utilized for risk management purposes. The *agency shall adopt* ~~department may promulgate~~ rules necessary to carry out the provisions of this section.

Section 38. Section 641.56, Florida Statutes, is amended to read:

641.56 Rulemaking authority.—The *Agency for Health Care Administration* ~~department~~ is authorized to make rules, not inconsistent with law, which may be necessary to carry out the duties and authority conferred upon *it* ~~the department~~ by this part and to protect the health, safety, and welfare of the public.

Section 39. Section 641.57, Florida Statutes, is amended to read:

641.57 Disposition of moneys collected under this part.—Fees, administrative penalties, examination expenses, and other sums collected by the *Agency for Health Care Administration* ~~department~~ under this part shall be deposited to the credit of the Health Maintenance Organization Quality Care Trust Fund to be administered by the *agency* ~~department~~ and shall be used to defray the expenses of the *agency* ~~department~~ in the discharge of its administrative and regulatory powers and duties as prescribed by this part, including the maintaining of offices and necessary supplies ~~therefor~~, essential equipment and other materials, salaries and expenses of required personnel, and all other legitimate expenses relating to the discharge of the administrative and regulatory powers and duties imposed under such laws.

Section 40. Section 641.58, Florida Statutes, is amended to read:

641.58 ~~Health maintenance organization and prepaid health clinic~~ Regulatory assessment; levy and amount; use of funds; tax returns; penalty for failure to pay.—

(1) In addition to any other license or excise tax now or hereafter imposed, and such taxes as may be imposed under other statutes, there is hereby assessed and imposed upon every ~~health maintenance~~ organization ~~and every prepaid health clinic~~ authorized to engage in business in this state, an annual regulatory assessment not to exceed 0.1 percent of the gross amount of premiums collected by each organization ~~and clinic~~ on contracts or certificates issued to subscribers in this state. For the purpose of this section, "premium" shall include all prepaid per capita fees and prepaid aggregate fees, by whatever name called. The assessment shall be payable annually on or before April 1 to the *Agency for Health Care Administration* ~~department~~ by each organization ~~and clinic~~ on such premiums collected ~~by each~~ during the preceding calendar year, and shall be deposited into the Health Maintenance Organization Quality Care Trust Fund.

(2) The Department of Insurance shall determine the amount of gross premiums for the purposes of the regulatory assessment, *and then* ~~whereupon~~ the *agency* ~~department~~ shall determine on or before December 1 of each year the regulatory assessment percentage necessary to be imposed for that calendar year, payable on or before the following April 1, as herein prescribed, to provide the funds appropriated to the *agency* ~~department~~ to carry out the provisions of subsection (4).

(3) The *agency* ~~department~~ shall make and issue its order setting the regulatory assessment percentage for that calendar year, payable on or before April 1 of the following year, and shall mail a copy of such order to each ~~health maintenance~~ organization ~~and prepaid health clinic~~.

(4) The moneys so received and deposited into the Health Maintenance Organization Quality Care Trust Fund shall be used to defray the expenses of the *agency* ~~department~~ are ~~hereby~~ appropriated for use to defray the expenses of the *agency* ~~department~~ in the discharge of its administrative and regulatory powers and duties *under this* ~~as prescribed by~~ part ~~III of this chapter~~, including the maintaining of offices and necessary supplies ~~therefor~~, essential equipment and other materials, salaries and expenses of required personnel, and all other legitimate expenses relating to the discharge of the administrative and regulatory powers and duties imposed under such part.

(5) If, at the end of any fiscal year, an unencumbered balance of funds received from the regulatory assessment imposed by this section remains in the Health Maintenance Organization Quality Care Trust Fund, such balance shall not revert to the General Revenue Fund of the state, but shall be retained in the Health Maintenance Organization Quality Care Trust Fund to be used for the purposes set forth above. The *agency* ~~department~~ shall take into account the amount of any such remaining funds when determining the regulatory assessment percentage for each calendar year.

(6) Tax returns with respect to the regulatory assessment prescribed by this section shall be made by each *organization* ~~entity~~ liable for payment of such tax on forms to be prescribed by the *agency* ~~department~~ and sworn to by one or more of the executive officers or other persons charged under the law with the management of the *organization* ~~entity~~. In the event of an overpayment on account of the assessment, a refund of the overpayment may be made to the remitter.

(7) If *an* ~~any health maintenance~~ organization ~~or prepaid health clinic~~ fails to pay the assessment required by this section on or before April 1 of each year, the *agency* ~~department~~ may suspend or revoke its health care provider certificate or impose ~~any~~ other *reasonable* administrative *sanctions or* penalties ~~provided under law~~.

Section 41. Section 641.61, Florida Statutes, is created to read:

641.61 Subscriber satisfaction assessment.—Each organization must establish systems for:

(1) Assessing subscriber satisfaction with providers, particularly primary care physicians;

(2) Sharing subscriber-satisfaction indicators and scores with providers;

(3) Publicly acknowledging providers with high positive subscriber-satisfaction scores;

(4) Addressing behaviors of providers with low subscriber-satisfaction scores; and

(5) Assessing subscriber access and physician availability.

Section 42. Section 641.62, Florida Statutes, is created to read:

641.62 Chronic diseases among subscriber populations.—Each organization must:

(1) Annually study its subscriber population to determine the most prevalent chronic diseases of its subscribers, design intervention strategies to reduce the morbidities and mortalities associated with at least two prevalent chronic diseases, measure the outcomes of the interventions implemented, and modify the interventions, if necessary, to improve their effectiveness;

(2) Request the input and assistance of its providers and share the information developed under subsection (1) with its providers and;

(3) Share the information developed under subsections (1) and (2) with subscribers identified as having these chronic diseases.

Section 43. In order to implement the provisions of this act related to credentialing, HMO hotline, choice counseling, enrollment, fiscal agent changes and statewide subscribers assistance panel, there is

hereby appropriated to the Agency for Health Care Administration $235,282 from the General Revenue Fund, $328,393 from the Administrative Trust Fund, $47,215 from the HMO Quality Care Trust Fund and 8 full time equivalent positions. In order to implement the provisions associated with choice counseling and enrollment, the agency is authorized to transfer up to $500,000 in General Revenue and $500,000 in Medical Care Trust Funds from Specific Appropriation 258 (Prepaid Health Plans/Health Maintenance Organizations) to cover the costs. In the event that a similar appropriation for this purpose is provided for in the General Appropriations Act or any other act which becomes law, this section is repealed.

Section 44. There is hereby appropriated to the Department of Insurance, 2 full time equivalent positions and $95,017 from the Insurance Commissioner's Regulatory Trust Fund for 9 months funding necessary to implement the provisions of this act. In the event that a similar appropriation for this purpose is provided for in the General Appropriations Act or any other act which becomes law, this section is repealed.

Section 45. This act shall take effect July 1, 1996.

And the title is amended as follows:

Delete the entire title and insert: A bill to be entitled An act relating to managed care; creating s. 381.0407, F.S.; establishing requirements for managed care and publicly funded primary care program coordination; amending s. 395.1041, F.S.; allowing hospitals to seek financial information from a patient, subject to certain conditions; amending s. 408.7056, F.S.; providing applicability of the Statewide Provider and Subscriber Assistance Program to prepaid health clinics, exclusive provider organizations, and certain prepaid health plans; amending s. 409.901, F.S.; providing definitions; amending s. 409.9071, F.S.; providing for individual educational plans to include medical necessity; amending s. 409.912, F.S., relating to purchase of health care for the Medicaid program by the Agency for Health Care Administration; specifying procedures and conditions for contracting with the Agency for Health Care Administration to provide services to Medicaid recipients on a prepaid basis; providing for contracting with specific entities; providing for purchase of chiropractic services; requiring notice prior to seeking legislative approval of waivers; providing certain financial requirements; specifying the rate of reimbursement for services provided outside the provider's authorized service area; providing procedures for transfer or assignment of Medicaid prepaid contract; specifying prohibited provider practices; providing an administrative fine; restricting use of certain marketing materials; authorizing additional benefits under certain circumstances; providing for agency oversight and requiring publication of consumer service and complaint hotline numbers; requiring establishment of a health care quality improvement system; providing standards and guidelines; requiring providers to achieve specified health screening rates for children; providing a penalty for noncompliance; providing for release of entities' screening rates; authorizing agency contracts for program counseling, enrollment, and disenrollment services; providing for capitation rate adjustments; providing for enhanced managed care quality assurance oversight activities by the agency; requiring background check of persons who own or manage certain prepaid health plans; requiring providers to make available and encourage prenatal, postpartum, and infant care and services; amending s. 409.9122, F.S., relating to Medicaid managed care enrollment; requiring the agency to enroll Medicaid recipients into a managed care plan or MediPass; providing exceptions; providing procedures and requirements; requiring the agency to establish certain standards; providing options for recipients; requiring the agency to establish a complaint and grievance process; requiring managed care plans to document that Medicaid recipients receive entitled care; requiring the agency to consult with Medicaid managed care consumers; providing for guaranteed eligibility for Medicaid recipients; limiting the number of patients treated by managed care providers; creating s. 409.9123, F.S.; requiring the development of quality of care measures; creating s. 409.9124, F.S., relating to managed care reimbursement; requiring the agency to develop and adopt by rule a methodology for reimbursing managed care plans; providing procedures; creating s. 409.9125, F.S.; requiring a study of Medicaid alternative service networks; requiring a report; creating s. 409.9126, F.S., relating to children with special health care needs; providing definitions; requiring children eligible for the Children's Medical Services program and children with special health care needs to be served through the Children's Medical Services network of providers and facilities; authorizing provision of services to such children by school districts; providing for a payment methodology; requiring an evaluation and report; creating s. 409.9128, F.S.; establishing requirements for the provision of emergency services and care by a Medicaid managed care plan or the MediPass program; providing reimbursement procedures; amending s. 641.19, F.S.; revising definitions; amending s. 641.2015, F.S.; providing an exemption from an incorporation requirement for certain public entities; amending s. 641.21, F.S.; specifying additional information to be provided to the Department of Insurance by certain applicants for a health maintenance organization certificate of authority; deleting an exemption from requirements to obtain a health maintenance organization certificate of authority; creating s. 641.217, F.S.; requiring certain entities which contract with the Agency for Health Care Administration to submit minority recruitment and retention plans; providing standards; providing a penalty; amending s. 641.22, F.S.; providing additional requirements for obtaining a certificate of authority; amending s. 641.225, F.S.; requiring certain entities to meet surplus requirements; deleting certain health maintenance organization financial surplus requirements; amending s. 641.23, F.S.; requiring the Department of Insurance to promulgate rules establishing medical loss ratios for Medicaid health maintenance organizations; requiring publication of medical loss ratios; amending s. 641.234, F.S.; allowing the department to examine contracts; deleting a limitation on the department's authority to require copies of certain contracts; amending s. 641.25, F.S.; imposing fines; amending s. 641.255, F.S.; specifying that additional information relating to acquisition, merger, or consolidation of certain health maintenance organizations be provided to the department; amending s. 641.26, F.S.; providing requirements for submission of financial information to the department; amending s. 641.28, F.S., relating to civil remedy; conforming provisions; amending s. 641.31, F.S.; requiring health maintenance contracts to contain definitions relating to emergency services and care; providing requirements relating to coverage for emergency services and care; amending s. 641.37, F.S.; increasing penalties for making false statements regarding health maintenance organization coverage; amending s. 641.386, F.S.; requiring compliance with certain standards when marketing for a health maintenance organization or enrolling subscribers; amending s. 641.3903, F.S., relating to unfair competition and trade practices; prohibiting certain discriminatory practices by health maintenance organizations; amending s. 641.47, F.S.; revising definitions; amending s. 641.48, F.S.; deleting exemptions for certain prepaid health plans; amending s. 641.49, F.S., relating to an application procedure for certification of health maintenance organizations and prepaid health clinics; prescribing applications requirements; amending s. 641.495, F.S.; correcting a cross reference; increasing the validity period for a health care provider certificate; creating s. 641.513, F.S.; specifying requirements for provision of emergency services and care under a health maintenance contract; amending s. 641.515, F.S.; providing access to certain reports; amending s. 641.52, F.S.; providing for disciplinary actions against health maintenance organizations, prepaid health clinics, and prepaid limited health service organizations; revising the aggregated maximum fines for violations of regulations; directing the agency to adopt rules that establish penalty categories that specify varying ranges of fines; creating s. 641.545, F.S.; providing for Medicaid subscriber risk assessments; requiring health maintenance organizations and prepaid health services to provide certain Medicaid subscriber services; requiring the agency to monitor compliance; amending s. 641.55, F.S.; providing for internal risk-management programs; amending s. 641.56, F.S.; prescribing rulemaking authority of the Agency for Health Care Administration; amending s. 641.57, F.S.; providing for the disposition of fees; amending s. 641.58, F.S.; providing for administration of regulatory assessments by the Agency for Health Care Administration; creating s. 641.61, F.S.; providing for subscriber satisfaction assessments; creating s. 641.62, F.S.; providing for a study of subscriber populations relating to chronic diseases and sharing of information pertaining to such populations; providing reimbursement procedures; providing appropriations; providing an effective date.

On motion by Senator Brown-Waite, the Senate concurred in the House amendment.

CS for CS for SB 886 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership, **CS for CS for SB 958** was considered outside the extended call.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 958, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 958—A bill to be entitled An act relating to economic development; creating s. 14.2015, F.S.; creating the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor and prescribing its powers and duties; repealing s. 20.17, F.S., which creates the Department of Commerce; transferring the duties, personnel, property, and unexpended balances of appropriations of the Welcome Center Section of the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce to the Department of Transportation; amending s. 120.54, F.S.; providing duties for agencies and the Office of Tourism, Trade, and Economic Development with respect to rulemaking and rule adoption; creating within the Executive Office of the Governor a rules ombudsman; prescribing duties and functions; amending ss. 159.803 and 159.8083, F.S.; conforming provisions; amending s. 159.8081, F.S.; revising certain allocations from the manufacturing facility bond pool; conforming provisions; amending s. 163.3177, F.S.; clarifying that maintenance may be used as a reason to facilitate deepwater commercial navigation; amending s. 163.3178, F.S.; providing definitions and contract agreements; amending s. 166.231, F.S.; clarifying terms; authorizing an exemption of certain services from tax imposed; amending s. 199.185, F.S.; providing for exemption from intangibles tax on certain credit card receivables to certain banks; amending s. 212.08, F.S.; modifying an exemption for certain machinery and equipment from tax imposed; providing conditions; exempting charges for electricity used in production of certain items or used in association with such production from tax imposed; providing an exemption for certain newspaper, magazine, and newsletter subscriptions; providing applicability; creating s. 414.029, F.S.; providing conditions; creating the WAGES Program Business Registry; requiring reporting; amending s. 212.096, F.S.; providing for computation of the enterprise zone jobs credit against sales tax; exempting a portion of wages for the credit provided; creating ss. 212.098, 212.097, F.S.; creating the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; creating s. 220.189, F.S.; allowing credit for the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; amending s. 220.181, F.S.; providing for computation of the enterprise zone jobs credit; exempting a portion of the wages from the exemption provided; amending s. 220.02, F.S.; specifying the order in which credits may be taken; amending s. 220.13, F.S.; requiring an add-back for the credit pursuant to s. 220.189, F.S.; amending ss. 212.20, 216.136, 220.03, 220.183, F.S.; conforming provisions; amending s. 239.249, F.S.; requiring school districts and community colleges to participate in the performance-based, incentive funding program for vocational and technical education; providing for delayed participation; authorizing a different baseline year for newly participating education agencies; authorizing the Workforce Development Board of Enterprise Florida, Inc., to designate conditions under which technical education programs may be offered to improve the economic development or welfare transition programs of a region; providing for participation by independent postsecondary education institutions; amending s. 272.11, F.S.; requiring the Florida Commission on Tourism to operate the capitol information center; amending s. 287.012, F.S.; authorizing the establishment and operation of foreign offices; amending s. 287.0943, F.S.; designating responsibility for the Minority Business Certification Task Force to the Department of Labor and Employment Security; defining the term "acting as a conduit"; amending s. 287.09431, F.S.; providing for approval of certification core criteria by the department; repealing s. 287.0945, F.S., which provides powers, duties, and functions of the Commission on Minority Economic and Business Development; creating s. 287.09451, F.S.; transferring the Minority Business Advocacy and Assistance Office to the Department of Labor and Employment Security and redefining its powers, duties, and responsibilities; amending s. 287.0947, F.S.; renaming the Florida Council on Small and Minority Business Development as the Florida Advisory Council on Small and Minority Business; reducing the number of members on the council; requiring the council to report to the Secretary of the Department of Labor and Employment Security; redefining the powers and duties of the council; amending s. 288.012, F.S.; providing for the establishment of foreign tourism offices; amending s. 288.017, F.S.; providing for the administration of the cooperative advertising matching grants program; creating s. 288.018, F.S.; creating the Regional Rural Development Grants Program within the Office of Tourism, Trade, and Economic Development; amending s. 288.021, F.S.; providing for the establishment of an economic development liaison within agencies to be the primary point of contact for the agency with the Office of Tourism, Trade, and Economic Development; amending ss. 288.0251, 288.035, F.S.; conforming provisions; amending s. 288.041, F.S.; providing duties of Enterprise Florida, Inc., and of the Department of Community Affairs relating to the solar energy industry; amending s. 288.047, F.S.; providing for costs and expenditures for the Quick-Response Training Program to be documented and separated from those incurred by the training provider; conforming provisions; amending ss. 288.053, 288.054, 288.055, F.S.; conforming provisions; amending s. 288.063, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to make expenditures for direct costs of transportation projects; creating s. 288.065, F.S.; establishing the Rural Community Development Revolving Loan Fund; amending s. 288.095, F.S.; providing for the administration of the Economic Development Trust Fund by the Office of Tourism, Trade, and Economic Development; amending s. 288.106, F.S.; revising the Qualified Target Industry Business Tax Refund Program and providing for its transfer to the Office of Tourism, Trade, and Economic Development; amending s. 288.1162, F.S.; conforming provisions; revising a definition; changing a date for purposes of qualifying as a new professional sports franchise; changing the number of facilities that may be certified; amending ss. 288.1168, 288.1185, F.S.; conforming provisions; amending s. 288.122, F.S.; transferring the Tourism Promotional Trust Fund to the Office of Tourism, Trade, and Economic Development; amending s. 288.1221, F.S.; providing additional legislative intent; amending s. 288.1222, F.S.; revising definitions; amending s. 288.1223, F.S.; revising the membership and duties of the Florida Commission on Tourism; transferring the commission to the Office of Tourism, Trade, and Economic Development; amending s. 288.1224, F.S.; revising powers and duties of the commission; authorizing the commission to contract with a direct-support organization for certain tourism marketing and promotion services, functions, and programs; specifying additional requirements of a marketing plan; requiring the commission to develop a budget for certain purposes; authorizing the commission to establish and operate tourism offices in foreign countries; providing powers of the commission relating to such authority; requiring the commission to create an advisory committee to develop a plan to protect and promote the tourism assets of this state; providing for members of the committee; requiring the committee to submit the plan to the commission for review; amending s. 288.1226, F.S.; requiring the Florida Commission on Tourism to establish a Florida Tourism Industry Marketing Corporation by a certain time; providing that the corporation is not an agency for certain purposes; increasing membership of the board of directors of the corporation; providing additional powers and duties of the corporation; providing for an independent audit of the corporation; requiring the corporation to make quarterly reports to the commission; providing requirements; creating s. 288.1227, F.S.; providing for an annual report and audits for the Florida Commission on Tourism and its direct-support organization; creating s. 288.1228, F.S.; providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization or other not-for-profit corporation to assist in the promotion and development of entertainment industries; creating s. 288.1229, F.S.; providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization to assist in the promotion and development of sports and sports-related industries; amending s. 288.124, F.S.; providing for administration of the convention grants program; creating s. 288.7011, F.S.; providing for assistance to certified development corporations; amending s. 288.703, F.S.; revising and providing definitions relating to small and minority business assistance act; amending s. 288.705, F.S.; deleting a requirement that the Small Business Development Center report to the Department of Commerce and the Commission on Minority Economic and Business Development regarding the statewide contracts register; providing for reports to the Department of Labor and Employment Security regarding the statewide contracts register; amending s. 288.707, F.S.; placing the Florida Black Business Investment Board under the Office of Tourism, Trade, and Economic Development; amending s. 288.709, F.S.; providing for approval of certain rules relating to Black Business Investment Corporations; amending s. 288.7091, F.S.; prescribing duties of the Florida Black Business Investment Board; creating s. 288.7095, F.S.; providing for duties of black business investment corporations; creating s. 288.7096, F.S.; establishing the Black Business Investment Corporations Advisory Council; providing for oversight of black business

investment corporations by the Office of Tourism, Trade, and Economic Development; amending s. 288.714, F.S.; requiring annual reports to the Secretary of the Department of Labor and Employment Security; repealing s. 288.803, F.S., which creates the Florida International Affairs Commission; amending s. 288.772, F.S.; revising and deleting definitions related to the Florida Export Finance Corporation; amending s. 288.773, F.S.; conforming provisions; amending s. 288.774, F.S.; revising the powers and limitations related to the Florida Export Finance Corporation; amending s. 288.775, F.S.; conforming provisions; amending s. 288.776, F.S.; conforming provisions; deleting certain provisions relating to the board of the Florida Export Finance Corporation; amending ss. 288.777, 288.7771, 288.8155, 288.816, 288.8175, 288.826, F.S.; conforming provisions to the transfer of responsibilities made by the act; amending s. 288.809, F.S.; renaming the Florida International Affairs Foundation as the Florida Intergovernmental Relations Foundation; providing that the foundation is organized to support intergovernmental relations programs; replacing references to the Florida International Affairs Commission with the Department of State; amending s. 288.901, F.S.; restructuring the board of Enterprise Florida, Inc.; providing for office location; providing for certain job preferences; providing that an employee lease agreement program may be established by the Department of Management Services; creating s. 288.9015, F.S.; providing for Enterprise Florida, Inc., to be the principal economic development organization for the state; amending s. 288.902, F.S.; revising membership and duties of the Enterprise Florida Nominating Council; amending s. 288.903, F.S.; providing for powers and duties of the board of directors and the president of Enterprise Florida, Inc.; amending s. 288.904, F.S.; revising the powers of the board of directors of Enterprise Florida, Inc.; amending s. 288.905, F.S.; providing for duties of the board of directors of Enterprise Florida, Inc.; providing for the development of a strategic plan for economic development for the state; amending s. 288.906, F.S.; providing for annual reports, audits, and confidentiality for Enterprise Florida, Inc.; creating s. 288.9412, F.S.; creating the International Trade and Economic Development Board within Enterprise Florida, Inc.; creating s. 288.9413, F.S.; providing for the organization of the board of directors of the International Trade and Economic Development Board; creating s. 288.9414, F.S.; establishing the powers and authority of the board of directors of the International Trade and Economic Development Board; amending s. 288.9511, F.S.; prescribing definitions; defining the term "board" to mean the Technology Development Board; amending s. 288.9512, F.S.; providing for the creation, purpose, and membership of the Technology Development Board; amending s. 288.9513, F.S.; providing for the organization of the board of directors for the Technology Development Board; amending s. 288.9514, F.S.; providing for powers and authority of the board of directors for the Technology Development Board; amending s. 288.9515, F.S.; providing for the authorization of programs by the Technology Development Board; amending s. 288.9516, F.S.; providing for the annual report of the Technology Development Board; amending s. 288.9517, F.S.; providing for audits and confidentiality for the Technology Development Board; repealing s. 288.9518, F.S., relating to the indemnification of officers, directors, employees, and agents against personal liability or accountability; amending s. 288.9519, F.S.; authorizing a not-for-profit organization to promote high-technology business and industry in this state; amending s. 288.9520, F.S.; continuing a public records exemption for the Technology Development Board; amending s. 288.9603, F.S.; providing definitions relating to the Florida Development Finance Corporation; amending s. 288.9604, F.S.; conforming provisions; amending s. 288.9606, F.S.; revising the scope of Florida Development Finance Corporation bond validation; amending s. 288.9607, F.S.; revising limitations on loan size; revising requirements related to the guaranty of bond issues; amending s. 288.9608, F.S.; providing for deposits of cash equivalents in guaranty account; amending s. 288.9611, F.S.; establishing a capital development board within Enterprise Florida, Inc.; amending s. 288.9612, F.S.; providing for the organization of the capital development board; amending s. 288.9613, F.S.; prescribing the power and authority of the capital development board; amending s. 288.9614, F.S.; providing for the authorization of programs for the capital development board; amending s. 288.9615, F.S.; providing for the annual report of the capital development board; amending s. 288.9616, F.S.; providing for audits and confidentiality for the capital development board; repealing s. 288.9617, F.S., relating to the indemnification of officers, directors, employees, and agents; transferring, renumbering, and amending s. 288.0475, F.S.; providing for the creation of the workforce development board within Enterprise Florida, Inc.; prescribing legislative intent with respect to transfers of responsibilities made by the act; providing employment preferences for displaced employees of the Department of Commerce; providing conditions and requirements relating to appropriations for Enterprise Florida, Inc.; amending ss. 288.973, 288.975, 288.980, 289.031, 290.004, 290.0056, 290.0066, F.S.; conforming provisions; providing for the designation of additional enterprise zones; providing that certain employees hired after January 1, 1995, may be considered "new employees" for purposes of enterprise zone sales tax and corporate income tax credits; amending s. 290.0058, F.S.; providing a presumption of pervasive poverty for certain census geographic block groups; amending s. 290.0065, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of state-designated enterprise zones under certain circumstances; providing for the designation of certain areas as enterprise zones; providing criteria areas; amending s. 290.0075, F.S.; revising the Enterprise Zone Linked Deposit Program; amending ss. 290.009, 290.014, 311.09, F.S.; conforming provisions; amending s. 311.07, F.S.; providing for program funds to be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade information that will assist Florida's seaports and international trade; creating s. 311.105, F.S.; providing for the creation of the Florida Seaport Environmental Management Committee and its duties; amending s. 311.11, F.S.; conforming provisions; amending s. 313.01, F.S.; providing for the abolishment of the office and position of harbor master in certain counties or municipalities; amending s. 320.08058, F.S.; providing for the transfer of proceeds from the Florida Professional Sports Team License Plate into the Professional Sports Development Trust Fund; conforming provisions; providing an appropriation for port programs; amending s. 370.28, F.S.; providing exceptions to certain enterprise zone requirements for net ban communities; assigning designation responsibility to the Office of Tourism, Trade, and Economic Development; changing application and effective dates; providing for the designation of an additional net ban enterprise zone; amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund; prescribing the manner in which such funds may be used; providing technical changes; amending s. 374.976, F.S.; providing that financial assistance for port projects not be included in calculating ad valorem taxes of the county in which the port is located; amending s. 380.24, F.S.; providing that all permitting and enforcement of dredged-material management be done through the Department of Environmental Protection; amending s. 403.021, F.S.; providing for the Department of Environmental Protection to recognize that the maintenance of water depths is an ongoing and necessary activity and that the permitting and enforcement of dredging and other port-related activities be consolidated within the Division of Environmental Resource Permitting; amending s. 403.061, F.S.; providing for the Department of Environmental Protection to enter into an agreement with the Florida Ports Council to provide a supplemental permitting process; creating an expedited permitting process; providing eligibility criteria for projects; providing legislative intent to foster the economic growth of Florida's deepwater seaports; providing that the act does not affect the regulation of a port by a local government having jurisdiction over the port; amending s. 403.953, F.S.; revising the eligibility criteria for the Job Siting Act; amending s. 624.5105, F.S.; conforming provisions; creating an International Trade Grants Program; providing for the allocation of funds for international business promotion grants; providing for the Office of Tourism, Trade, and Economic Development to be substituted for the Department of Commerce as a party in interest in pending proceedings; continuing binding contracts; providing for severability; prohibiting a state agency, political subdivision of the state, or other entity doing business with a state entity, receiving state funds, or claiming a credit against state taxes from traveling or doing business with a country that lacks diplomatic relations with the United States; repealing ss. 286.24, 288.011, 288.015, 288.025, 288.03, 288.045, 288.0575, 288.06, 288.07, 288.08, 288.09, 288.115, 288.116, 288.117, 288.121, 288.701, 288.779, 288.801, 288.802, 288.8032, 288.804, 288.8041, 288.805, 288.806, 288.807, 288.808, 288.810, 288.811, 288.813, 288.814, 288.815, 288.817, 288.8185, 288.819, 288.820, 288.822, 288.823, 288.824, 288.825, F.S., relating to programs and duties of the Department of Commerce and the Florida International Affairs Commission; providing a contingent effective date for sections in this act that provide additional jobs credits, provide additional sales tax exemptions, and expand tax credits within enterprise zones; providing an effective date.

House Amendment 1 (with title amendment) to unengrossed Senate Amendment 1 (with title amendment)—On page 1, line 17 through page 341, line 18, delete all of said lines and insert:

Section 1. Section 14.2015, Florida Statutes, is created to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development is created within the Executive Office of the Governor. The director of the Office of Tourism, Trade, and Economic Development shall be appointed by and serve at the pleasure of the Governor.

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

(a) Contract, notwithstanding the provisions of part I of chapter 287, with Enterprise Florida, Inc., to guide, stimulate, and promote the economic and trade development of the state.

(b) Contract with the Florida Commission on Tourism to guide, stimulate, and promote the travel and leisure development of the state.

(c) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1228, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, to guide, stimulate, and promote the entertainment industry in the state.

(d) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state.

(e) Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; and rural community development.

(f) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development projects designed to create, expand, and retain Florida businesses and to recruit worldwide business.

(g) Assist the Governor, in cooperation with Enterprise Florida, Inc., and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(h) Plan and conduct quarterly meetings of leaders in business, government, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(i) Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the Florida Jobs Siting Act under ss. 403.950-403.972, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grant Program under s. 288.018, the Florida State Rural Development Council, and the Rural Economic Development Initiative.

(j) Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appropriate direct-support organizations. Such contracts may be multi-year and shall include specific performance measures for each year. The office shall provide the President of the Senate and the Speaker of the House of Representatives with a report by February 1 of each year on the status of these contracts, including the extent to which specific contract performance measures have been met by these contractors.

(k) Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Black Business Investment Board, and the direct-support organizations created to promote the entertainment and sports industries.

(3) The Chief Inspector General, as defined in s. 14.32:

(a) Shall advise public-private partnerships in their development, utilization, and improvement of internal control measures necessary to ensure fiscal accountability.

(b) May conduct, direct, and supervise audits relating to the programs and operations of public-private partnerships.

(c) Shall receive and investigate complaints of fraud, abuses, and deficiencies relating to programs and operations of public-private partnerships.

(d) May request and have access to any records, data, and other information of public-private partnerships that the Chief Inspector General deems necessary to carry out his or her responsibilities with respect to accountability.

(e) Shall monitor public-private partnerships for compliance with the terms and conditions of contracts with the Office of Tourism, Trade, and Economic Development and report noncompliance to the Governor.

(f) Shall advise public-private partnerships in the development, utilization, and improvement of performance measures for the evaluation of their operations.

(g) Shall review and make recommendations for improvements in the actions taken by public-private partnerships to meet performance standards.

(4) The director of the Office of Tourism, Trade, and Economic Development shall designate a position within the office to advocate and coordinate the interests of minority businesses. The person in this position shall report to the director and shall be the primary point of contact for the office on issues and projects important to the recruitment, creation, preservation, and growth of minority businesses.

(5) The director of the Office of Tourism, Trade, and Economic Development shall designate a position within the office to advocate and coordinate the interests of rural communities in the state. The person in this position shall report to the director and shall be the primary point of contact for the office on issues and projects important to the economic capacity of Florida's rural communities.

(6)(a) In order to improve the state's regulatory environment, the Office of Tourism, Trade, and Economic Development shall consider the impact of agency rules on businesses, provide one-stop permit information and assistance, and serve as an advocate for businesses, particularly small businesses, in their dealings with state agencies.

(b) As used in this subsection, the term "permit" means any approval of an agency required as a condition of operating a business in this state, including, but not limited to, licenses and registrations.

(c) The office shall have powers and duties to:

1. Review proposed agency actions for impacts on small businesses and offer alternatives to mitigate such impacts, as provided in s. 120.54.

2. In consultation with the Governor's rules ombudsman, make recommendations to agencies on any existing and proposed rules for alleviating unnecessary or disproportionate adverse effects to businesses.

3. Make recommendations to the Legislature and to agencies for improving permitting procedures affecting business activities in the

state. By October 1, 1997, and annually thereafter, the Office of Tourism, Trade, and Economic Development shall submit a report to the Legislature containing the following:

a. An identification and description of methods to eliminate, consolidate, simplify, or expedite permits.

b. An identification and description of those agency rules repealed or modified during each calendar year to improve the regulatory climate for businesses operating in the state.

c. A recommendation for an operating plan and funding level for establishing an automated one-stop permit registry to provide the following services:

(I) Access by computer network to all permit applications and approval requirements of each state agency.

(II) Assistance in the completion of such applications.

(III) Centralized collection of any permit fees and distribution of such fees to agencies.

(IV) Submission of application data and circulation of such data among state agencies by computer network.

If the Legislature establishes such a registry, subsequent annual reports must cover the status and performance of this registry.

4. Serve as a clearinghouse for information on which permits are required for a particular business and on the respective application process, including criteria applied in making a determination on a permit application. Each state agency that requires a permit, license, or registration for a business shall submit to the Office of Tourism, Trade, and Economic Development by August 1 of each year a list of the types of businesses and professions that it regulates and of each permit, license, or registration that it requires for a type of business or profession.

5. Obtain information and permit applications from agencies and provide such information and permit applications to the public.

6. Arrange, upon request, informal conferences between a business and an agency to clarify regulatory requirements or standards or to identify and address problems in the permit-review process.

7. Determine, upon request, the status of a particular permit application.

8. Receive complaints and suggestions concerning permitting policies and activities of governmental agencies which affect businesses.

(d) Use of the services authorized in this subsection does not preclude a person or business from dealing directly with an agency.

(e) In carrying out its duties under this subsection, the Office of Tourism, Trade, and Economic Development may consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021.

(f) The office shall clearly represent that its services are advisory, informational, and facilitative only. Advice, information, and assistance rendered by the office does not relieve any person or business from the obligation to secure a required permit. The office is not liable for any consequences resulting from the failure to issue or to secure a required permit. However, an applicant who uses the services of the office and who receives a written statement identifying required state permits relating to a business activity may not be assessed a penalty for failure to obtain a state permit that was not identified, if the applicant submits an application for each such permit within 60 days after written notification from the agency responsible for issuing the permit.

(7) Notwithstanding any provision of law to the contrary, the Office of Tourism, Trade, and Economic Development may enter into contracts for assistance in administering programs or carrying out functions that are specifically assigned to the office. No more than 1 percent of the funds appropriated for a particular program or function may be used for such a contract related to that program or function. This subsection does not apply to contracts that the office enters into with Enterprise Florida, Inc., the Florida Commission on Tourism, or any direct-support organization.

(8) The Office of Tourism, Trade, and Economic Development shall develop performance measures, standards, and sanctions for each program it administers under this act and, in conjunction with the applicable entity, for each program for which it contracts with another entity under this act. The performance measures, standards, and sanctions shall be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions shall be included and made a part of each contract entered into for delivery of programs authorized by this act.

(9) The Office of Tourism, Trade, and Economic Development shall ensure that the contract between the Florida Commission on Tourism and the commission's direct-support organization contains a provision to provide the data on the visitor counts and visitor profiles used in revenue estimating, employing the same methodology used in fiscal year 1995-1996 by the Department of Commerce. The Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism must reach agreement with the Consensus Estimating Conference principals before making any changes in methodology used or information gathered.

Section 2. Section 20.17, Florida Statutes, as amended by section 1 of chapter 95-146, Laws of Florida, and section 80 of chapter 95-147, Laws of Florida, is repealed effective December 31, 1996.

Section 3. Welcome centers.—

(1) The responsibilities, duties, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Welcome Center section of the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce are transferred, effective no later than December 31, 1996, by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Transportation as a separate program component and renamed the Welcome Centers Office. Employees of the office shall remain in the career service system.

(2) The Welcome Centers Office is assigned to the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the Department of Transportation.

(3) The Florida Commission on Tourism shall provide direction for the administration of the Welcome Centers Office and direction for the operation of the welcome centers. Funding for the office shall be solely from the rental car surcharge provided to the Tourism Promotional Trust Fund pursuant to section 212.0606(2), Florida Statutes, through a nonoperating transfer to the State Transportation Trust Fund or contract with the commission or the commission's direct-support organization.

Section 4. Appointment of rules ombudsman; duties.—The Governor shall appoint a rules ombudsman, as defined in section 288.703, Florida Statutes, in the Executive Office of the Governor, for considering the impact of agency rules on the state's citizens and businesses. In carrying out duties as provided by law, the ombudsman shall consult with Enterprise Florida, Inc., at which point the office may recommend to improve the regulatory environment of this state. The duties of the rules ombudsman are to:

(1) Carry out the responsibility provided in section 120.54(2), Florida Statutes, with respect to small businesses.

(2) Review state agency rules that adversely or disproportionately impact businesses, particularly those relating to small and minority businesses.

(3) Make recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to businesses.

(4)(a) By December 1, 1997, and annually thereafter, submit a report to the Legislature identifying and describing the extent to which rules of state agencies adversely impact trade promotion, economic growth and diversification in Florida, business profitability and viability, and, in particular, the start-up of new businesses. The report must specifically identify and describe those agency rules repealed or modified during each calendar year in order to improve the regulatory climate for businesses operating in this state. The report must also identify those

proposed rules for review and possible repeal or modification in the next calendar year.

(b) The report must also specifically identify and describe the use and impact of state economic development incentives on minority-owned businesses. The report must detail how many minority-owned businesses received state economic development incentives administered by the Office of Tourism, Trade, and Economic Development, including private activity bonds, and the JOBs benefit.

(5) Each state agency shall cooperate fully with the rules ombudsman in identifying such rules. Further, each agency shall take the necessary steps to waive, modify, or otherwise minimize such adverse effects of any such rules. However, nothing in this section authorizes any state agency to waive, modify, provide exceptions to, or otherwise alter any rule that is:

(a) Expressly required to implement or enforce any statutory provision or the express legislative intent thereof;

(b) Designed to protect persons against discrimination on the basis of race, color, national origin, religion, sex, age, handicap, or marital status; or

(c) Likely to prevent a significant risk or danger to the public health, the public safety, or the environment of the state.

(6) The modification or waiver of any such rule pursuant to this section must be accomplished in accordance with the provisions of chapter 120, Florida Statutes.

Section 5. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 120.54, Florida Statutes, are amended to read:

120.54 Rulemaking; adoption procedures.—

(2)(a) Each agency, prior to the adoption, amendment, or repeal of any rule, shall consider the impact of such proposed action on small business as defined in s. 288.703 and, whenever possible, shall tier such rule to reduce disproportionate impacts on small business and to avoid regulating businesses which do not contribute significantly to the problem the rule is designed to regulate. An agency may define "small business" to include more than *100* ~~50~~ persons if it finds that such a definition is necessary to adapt any rule to the needs and problems of small business. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small business:

1. Establishing less stringent compliance or reporting requirements in the rule for small business.

2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.

3. Consolidating or simplifying the rule's compliance or reporting requirements for small business.

4. Establishing performance standards to replace design or operational standards in the rule for small business.

5. Exempting small business from any or all requirements of the rule.

(3)

(b) If the agency determines that the proposed action will affect small business as defined by the agency as provided in paragraph (2)(a), the agency shall send written notice of such rule to the *Office of Tourism, Trade, and Economic Development* ~~Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce~~ not less than 21 days prior to the intended action.

1. Within the 21-day period after written notice has been sent and the day on which the intended action is to take place, the agency shall give the *Office of Tourism, Trade, and Economic Development* ~~Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce~~ an opportunity to present evidence and argument and to offer alternatives regarding the impact of the rule on small business.

2. Each agency shall adopt those alternatives offered pursuant to this subsection which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small business.

3. If an agency does not adopt all alternatives offered pursuant to this subsection, it shall, prior to rule adoption or amendment and pursuant to subsection (11), file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days of the filing of such notice, the agency shall send a copy of such notice to the *Office of Tourism, Trade, and Economic Development* ~~Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce~~.

Section 6. Subsection (11) of section 159.803, Florida Statutes, is amended to read:

159.803 Definitions.—As used in this part, the term:

(11) "Florida First Business project" means any project which is certified by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ as eligible to receive an allocation from the Florida First Business allocation pool established pursuant to s. 159.8083. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ may certify those projects meeting the criteria set forth in s. 288.106(4)(b) or any project providing a substantial economic benefit to this state.

Section 7. Subsection (2) of section 159.8081, Florida Statutes, is amended to read:

159.8081 Manufacturing facility bond pool.—

(2)*(a)* The first 75 percent of this pool shall be available on a first come, first served basis*, except that 10 percent of the state volume limitation allocated to this pool shall be available as provided in paragraph (b).* Prior to issuing any written confirmations for the remaining 25 percent of this pool, the director shall forward all notices of intent to issue which are received by the division for manufacturing facility projects to the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ and the Department of Community Affairs shall decide, after receipt of the notices of intent to issue, which notices will receive written confirmations. Such decision shall be communicated in writing by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ to the director within 10 days of receipt of such notices of intent to issue. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, in consultation with the Department of Community Affairs, *may* ~~shall~~ develop rules to ensure that allocation of the remaining 25 percent is consistent with the state's economic development policy.

(b) For the first 6 months of each year, 10 percent of such pool shall be available only for manufacturing facility projects located within a county that has a population less than 75,000 residents, or within any county that has a population less than 125,000 residents and is contiguous with a county that has a population less than 75,000 residents, as determined by the most current decennial census, residing in incorporated and unincorporated areas of the county. Any portion of such allocation for which a written confirmation has not been issued by the director or for which an issuance report for bonds using such an allocation has not been received by the division before the end of the first 6 months of each year must be allocated pursuant to paragraph (a).

Section 8. Section 159.8083, Florida Statutes, is amended to read:

159.8083 Florida First Business allocation pool.—The Florida First Business allocation pool is hereby established. The Florida First Business allocation pool shall be available solely to provide written confirmation for private activity bonds to finance Florida First Business projects certified by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ as eligible to receive a written confirmation. Allocations from such pool shall be awarded statewide pursuant to procedures specified in s. 159.805, except that the provisions of s. 159.805(2), (3), and (6) do not apply. Florida First Business projects that are eligible for a carryforward shall not lose their allocation on November 16 if they have applied and have been granted a carryforward. In issuing written confirmations of allocations for Florida First Business

projects, the division shall use the Florida First Business allocation pool. If allocation is not available from the Florida First Business allocation pool, the division shall issue written confirmations of allocations for Florida First Business projects pursuant to s. 159.806 or s. 159.807, in such order. For the purpose of determining priority within a regional allocation pool or the state allocation pool, notices of intent to issue bonds for Florida First Business projects to be issued from a regional allocation pool or the state allocation pool shall be considered to have been received by the division at the time it is determined by the division that the Florida First Business allocation pool is unavailable to issue confirmation for such Florida First Business project. If the total amount requested in notices of intent to issue private activity bonds for Florida First Business projects exceeds the total amount of the Florida First Business allocation pool, the director shall forward all timely notices of intent to issue, which are received by the division for such projects, to the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ which shall render a decision as to which notices of intent to issue are to receive written confirmations. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, in consultation with the division, shall develop rules to ensure that the allocation provided in such pool is available solely to provide written confirmations for private activity bonds to finance Florida First Business projects and that such projects are feasible and financially solvent.

Section 9. Paragraph (g) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(g) For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the policies that shall guide the local government's decisions and program implementation with respect to the following objectives:

1. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.

2. Continued existence of viable populations of all species of wildlife and marine life.

3. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.

4. Avoidance of irreversible and irretrievable loss of coastal zone resources.

5. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.

6. Proposed management and regulatory techniques.

7. Limitation of public expenditures that subsidize development in high-hazard coastal areas.

8. Protection of human life against the effects of natural disasters.

9. The orderly development, *maintenance,* and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.

10. Preservation, including sensitive adaptive use of historic and archaeological resources.

Section 10. Subsections (2), (3), and (5) of section 163.3178, Florida Statutes, are amended to read:

163.3178 Coastal management.—

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environmental, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; barrier islands, including beach and dune systems; unique wildlife habitat; historical and archaeological sites; and other fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

(d) A component which outlines principles for hazard mitigation and protection of human life against the effects of natural disaster, including population evacuation, which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element in the event of an impending natural disaster.

(e) A component which outlines principles for protecting existing beach and dune systems from human-induced erosion and for restoring altered beach and dune systems.

(f) A redevelopment component which outlines the principles which shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

(g) A shoreline use component which identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities, including marinas, along shoreline areas.

(h) Designation of high-hazard coastal areas, which for uniformity and planning purposes herein, are defined as category 1 evacuation zones. However, application of mitigation and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

(i) A component which outlines principles for providing that financial assurances are made that required public facilities will be in place to meet the demand imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(k) A component which includes the comprehensive master plan prepared by each deepwater port listed in s. *311.09(1)* ~~403.021(9)~~, which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port *and proposed expansion areas.* Such component shall be submitted to the appropriate local government at least 6 months prior to the due date of the local plan and shall be integrated with, and shall meet all criteria specified in, the coastal management element. "The appropriate local government" means the municipality having the responsibility for the area in which the deepwater port lies, except that where no municipality *has responsibility, where a municipality and a county each have responsibility, or where* ~~or~~ two or more municipalities each have responsibility for the area in which the deepwater port lies, "the appropriate local government" means the county which has responsibility for the area in which the deepwater port lies. Failure by a deepwater port which is not part of a local government to submit its component to the appropriate local government shall not result in a local government being subject to sanctions pursuant to ss. 163.3184 and 163.3167. However, a deepwater port which is not part of a local government shall be subject to sanctions pursuant to s. 163.3184.

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities *of* ~~within~~ ports listed in s. 403.021(9)*, port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3),* shall not be developments of regional impact where such expansions, *projects or facilities* are consistent with comprehensive master plans that are in compliance with this section.

(5) The appropriate dispute resolution process provided under s. 186.509 must be used to reconcile inconsistencies between port master plans and local comprehensive plans. In recognition of the state's commitment to deepwater ports, ~~the growth management portion of~~ the state comprehensive plan must include goals, objectives, and policies that establish a statewide strategy for enhancement of existing deepwater ports, ensuring that priority is given to water-dependent land uses. As an incentive for promoting plan consistency, ~~a deepwater~~ port *facilities as defined in s. 315.02(6) on lands owned or controlled by a deepwater port as defined in s. 311.09(1), as of the effective date of this act shall not be subject to development of regional impact review provided the port either* ~~may opt out of the development of regional impact review program if it~~ successfully completes an alternative comprehensive development agreement with a local government pursuant to ss. 163.3220-163.3243 *or successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032. Port facilities as defined in s. 315.02(6) on lands not owned or controlled by a deepwater port as defined in s. 311.09(1) as of the effective date of this act shall not be subject to development of regional impact review provided the port successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032.*

Section 11. Subsection (1) of section 166.231, Florida Statutes, is amended, present subsections (6) through (9) are redesignated as subsections (7) through (10), respectively, and a new subsection (6) is added to that section to read:

166.231 Municipalities; public service tax.—

(1)(a) A municipality may levy a tax on the purchase of electricity, *metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled* ~~metered or bottled gas (natural liquefied petroleum gas or manufactured)~~, and water service. The tax shall be levied only upon purchases within the municipality and shall not exceed 10 percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service. Municipalities imposing a tax on the purchase of cable television service as of May 4, 1977, may continue to levy such tax to the extent necessary to meet all obligations to or for the benefit of holders of bonds or certificates which were issued prior to May 4, 1977. *Purchase of electricity means the purchase of electric power by a person who will consume it within the municipality.*

(b) The tax imposed by paragraph (a) shall not be applied against any fuel adjustment charge, and such charge shall be separately stated on each bill. The term "fuel adjustment charge" means all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility subsequent to October 1, 1973.

(6) A municipality may exempt from the tax imposed by this section any amount up to, and including, the total amount of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, or manufactured gas either metered or bottled purchased per month, or reduce the rate of taxation on the purchase of such electricity or gas when purchased by an industrial consumer which uses the electricity or gas directly in industrial manufacturing, processing, compounding or a production process, at a fixed location in the municipality, of items of tangible personal property for sale. The municipality shall establish the requirements for qualification for this exemption in the manner prescribed by ordinance. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the municipality shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption. Any municipality granting an exemption pursuant to this subsection shall grant the exemption to all companies classified in the same SIC Industry Major Group Number.

Section 12. Subsection (7) is added to section 199.185, Florida Statutes, to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(7) A national bank that has its principal place of business in another state, processes credit card credit applications in this state or performs customer service or collection operations in this state, and is not a bank under 12 U.S.C. s. 1941(c)(2)(F), is exempt from paying tax on credit card receivables owed to the bank by a credit card holder domiciled outside this state.

Section 13. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other provisions of law, from the revenues deposited into the State Transportation Trust Fund a maximum of *6* ~~5~~ percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the *6* ~~5~~ percent annual transfer authorized in this subsection, the annual amount transferred under this subsection shall not exceed *$115* ~~$100~~ million. Such transfer shall be payable from the motor and *diesel* ~~special~~ fuel taxes transferred to the State Transportation Trust Fund from the *Fuel* ~~Gas~~ Tax Collection Trust Fund.

Section 14. Paragraph (b) of subsection (5) and paragraph (w) of subsection (7) of section 212.08, Florida Statutes, are amended, and paragraph (ii) is added to subsection (7) of that section, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for use in new businesses which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2. Industrial machinery and equipment purchased for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of *$50,000* ~~$100,000~~ per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of

qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, ~~printing or~~ publishing firms *that do not export at least 50 percent of their finished product out of the state*, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale, or for exclusive use in spaceport activities as defined in s. 212.02, items of tangible personal property.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of the manufacturing, processing, compounding, or producing for sale, or for exclusive use in spaceport activities as defined in s. 212.02, of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

7. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.

(7) MISCELLANEOUS EXEMPTIONS.—

(w) *Certain newspaper, magazine, and newsletter subscriptions* ~~Newspapers~~, shoppers, and community newspapers.—Likewise exempt are *newspaper, magazine, and newsletter subscriptions in which the product is delivered to the customer by mail* ~~newspapers~~. Also exempt are free, circulated publications *that* ~~which~~ are published on a regular basis, the content of which is primarily advertising, and *that* ~~which~~ are distributed through the mail, home delivery, or newsstands. *The exemption for newspaper, magazine, and newsletter subscriptions which is provided in this paragraph applies only to subscriptions entered into after March 1, 1997.*

(ii) Charges for electricity used directly and exclusively at a fixed location in this state to operate machinery and equipment that is used to manufacture, process, compound, or produce items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt from the tax imposed by this part as provided in subparagraph 2. The exemption provided for herein is applicable if the electricity that is used for the exempt purposes is separately metered, or if it is not separately metered, it is irrevocably presumed that 50 percent of the charge for electricity is for nonexempt purposes. This exemption only applies to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption. Such exemption shall be applied as follows:

1. Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt.

2. Beginning July 1, 1997, 40 percent of the charges for such electricity shall be exempt.

3. Beginning July 1, 1998, 60 percent of the charges for such electricity shall be exempt.

4. Beginning July 1, 1999, 80 percent of the charges for such electricity shall be exempt.

5. Beginning July 1, 2000, 100 percent of the charges for such electricity shall be exempt.

Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business. In order to determine whether the exemption provided in this paragraph from the tax on charges for electricity has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Governmental Accountability shall periodically monitor and report on the industries receiving the exemption. The first report shall be submitted no later than January 1, 1997, and must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996, and the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996. The second report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in this paragraph, whether

it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so. Both reports shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

Section 15. Section 414.029, Florida Statutes, is created to read:

414.029 WAGES Program Business Registry.—Each local WAGES coalition created pursuant to s. 414.028 must establish a business registry for business firms committed to assist in the effort of finding jobs for WAGES program participants. Registered businesses agree to work with the coalition and to hire WAGES program participants to the maximum extent possible consistent with the nature of their business. Each quarter, the coalition must publish a list of businesses registered as a prerequisite for receiving a tax exemption and the number of jobs each has provided for program participants.

Section 16. Subsections (2) and (5) of section 212.096, Florida Statutes, are amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(2)(a) It is the legislative intent to encourage the provision of meaningful employment opportunities which will improve the quality of life of those employed and to encourage economic expansion of enterprise zones and the state. Therefore, beginning July 1, 1995, upon an affirmative showing by a business to the satisfaction of the department that the requirements of this section have been met, the business shall be allowed a credit against the tax remitted under this chapter.

(b) The credit shall be computed as *follows:*

1. Ten ~~10~~ percent of the monthly wages paid in this state to each new employee *whose wages do not exceed $1,500 a month.*~~, or,~~ If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 15 percent of the monthly wages paid in this state to each new employee*;*

2. Five percent of the first $1,500 of actual monthly wages paid in this state for each new employee whose wages exceed $1,500 a month; or

3. Fifteen percent of the first $1,500 of actual monthly wages paid in this state for each new employee who is a WAGES Program participant pursuant to chapter 414.

For purposes of this paragraph, monthly wages shall be computed as one-twelfth of the expected annual wages paid to such employee. *The amount paid as wages to a new employee is the compensation paid to such employee that is subject to unemployment tax.* The credit shall be allowed for up to 12 consecutive months, beginning with the first tax return due pursuant to s. 212.11 after approval by the department.

(5) The credit provided in this section does not apply:

(a) For any new employee who is an owner, partner, or stockholder of an eligible business.

~~(b) For any new employee whose actual monthly wages exceed $1,500 a month. The amount paid as wages to a new employee is the compensation paid to such employee that is subject to unemployment tax.~~

(b)~~(c)~~ For any new employee who is employed for any period less than 3 full calendar months.

Section 17. Subsection (1) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(1)(a) Beginning July 1, 1995, there shall be allowed a credit against the tax imposed by this chapter to any business located in an enterprise zone which employs one or more new employees. The credit shall be computed as *follows:*

1. Ten ~~10~~ percent of the actual monthly wages paid in this state to each new employee *whose wages do not exceed $1,500 a month*~~, or,~~ If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 15 percent of the actual monthly wages paid in this state to each new employee, for a period of up to 12 consecutive months*;*

2. Five percent of the first $1,500 of actual monthly wages paid in this state for each new employee whose wages exceed $1,500 a month; or

3. Fifteen percent of the first $1,500 of actual monthly wages paid in this state for each new employee who is a WAGES Program participant pursuant to chapter 414.

(b) This credit applies only with respect to wages subject to unemployment tax and ~~does not apply for any new employee whose wages exceed $1,500 a month. This credit~~ does not apply for any new employee who is employed for any period less than 3 full months.

(c) If this credit is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year after applying the other credits and unused credit carryovers in the order provided in s. 220.02(10).

Section 18. Paragraph (g) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this part shall be as follows:

(g) The proceeds of all other taxes and fees imposed pursuant to this part shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this part shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.664 percent for the remaining months of fiscal year 1992-1993, and 9.653 percent thereafter, of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.054 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. Of the remaining proceeds:

a. Beginning July 1, 1992, $166,667 shall be distributed monthly by the department to each applicant that has been certified ~~by the Department of Commerce~~ as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162 and $41,667 shall be distributed monthly by the department to each applicant that has been certified ~~by the Department of Commerce~~ as a "new spring training franchise facility" pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification ~~by the Department of Commerce~~.

b. Beginning 30 days after notice by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

6. All other proceeds shall remain with the General Revenue Fund.

Section 19. Paragraph (b) of subsection (10) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(10) OCCUPATIONAL FORECASTING CONFERENCE.—

(b) Principals.—The Commissioner of Education, the Executive Office of the Governor, the *director of the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~, the Secretary of Labor, and the director of the Division of Economic and Demographic Research of the Joint Legislative Management Committee, or their designees, are the principals of the Occupational Forecasting Conference. The Commissioner of Education, or the commissioner's designee, shall preside over the sessions of the conference.

Section 20. Paragraph (f) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(f)~~1.~~ "Department" means the Department of Revenue of this state.

~~2. "Department," for the purposes of s. 220.183, means the Department of Commerce. The provisions of this subparagraph shall expire and be void on June 30, 2005.~~

Section 21. Paragraph (d) of subsection (3), paragraph (c) of subsection (4), and subsections (5) and (6) of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.—

(3) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(d) All proposals for the granting of the tax credit shall require the prior approval of the *Office of Tourism, Trade, and Economic Development* ~~secretary~~.

(4) ELIGIBILITY REQUIREMENTS.—

(c) The project must be undertaken by an "eligible sponsor," defined here as:

1. A community action program;

2. A community development corporation;

3. A neighborhood housing services corporation;

4. A local housing authority, created pursuant to chapter 421;

5. A community redevelopment agency, created pursuant to s. 163.356;

6. The Florida Industrial Development Corporation;

7. An historic preservation district agency or organization;

8. A private industry council;

9. A direct-support organization as provided in s. 240.551;

10. An enterprise zone development agency created pursuant to s. 290.0057; or

11. Such other agency as the *Office of Tourism, Trade, and Economic Development* ~~secretary~~ may, from time to time, designate by rule.

In no event shall a contributing business firm have a financial interest in the eligible sponsor.

(5) APPLICATION REQUIREMENTS.—

(a) Any eligible sponsor wishing to participate in this program must submit a proposal to the *Office of Tourism, Trade, and Economic Development* ~~department~~ which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which it is located certifying that the project is consistent with local plans and regulations.

(b) Any business wishing to participate in this program must submit an application for tax credit to the *Office of Tourism, Trade, and Economic Development* ~~department~~, which application sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its willingness to receive the contribution, which verification indicate its willingness to receive the contribution, which verification shall be in writing and shall accompany the application for tax credit.

(c) The business firm must submit a separate application for tax credit for each individual contribution which it proposes to contribute to each individual project.

(6) ADMINISTRATION.—

(a) The *Office of Tourism, Trade, and Economic Development* ~~department~~ is authorized to promulgate all rules necessary to administer this section, including rules for the approval or disapproval of proposals by business firms.

(b) The decision of the *Office of Tourism, Trade, and Economic Development* ~~secretary~~ shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the business firm. A copy of the decision shall be transmitted to the Executive Director of the Department of Revenue, who shall apply such credit to the tax liability of the business firm.

(c) The *Office of Tourism, Trade, and Economic Development* ~~department~~ shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less often than once every 2 years.

(d) The Department of Revenue shall promulgate any rules necessary to ensure the orderly implementation and administration of this section.

Section 22. Section 272.11, Florida Statutes, is amended to read:

272.11 Capitol information center.—The *Florida Commission on Tourism* ~~Division of Tourism of the Department of Commerce~~ shall establish, maintain, and operate a Capitol information center somewhere within the area of the Capitol Center and employ personnel or enter into contracts to maintain same.

Section 23. Subsection (20) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(20) "Office" means the Minority Business Advocacy and Assistance Office of the *Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~.

Section 24. Paragraphs (d), (e), (g), and (j) of subsection (1), paragraph (e) of subsection (2), and paragraph (a) of subsection (4) of section 287.0943, Florida Statutes, are amended to read:

287.0943 Certification of minority business enterprises.—

(1)

(d) A final list of the criteria and procedures proposed by the task force shall be considered ~~for adoption~~ by ~~majority vote of~~ the *secretary* ~~Commission on Minority Economic and Business Development~~. The task force may seek technical assistance from qualified providers of technical, business, and managerial expertise to ensure the reliability of the certification criteria developed.

(e) In assessing the status of ownership and control, certification criteria shall, at a minimum:

1. Link ownership by a minority person, as defined in s. 288.703(3), or as dictated by the legal obligations of a certifying organization, to day-to-day control and financial risk by the qualifying minority owner, and to licensure of a minority owner in any trade or profession that the minority business enterprise will offer to the state when certified; however, the minority licenseholder need not be the controlling owner of the enterprise, but must hold an ownership interest. Minority business enterprises presently certified by the state will not be subject to the licensure requirement until 5 years after the effective date of this act.

2. If present ownership was obtained by transfer, require the minority person on whom eligibility is based to have owned at least 51 percent of the applicant firm for a minimum of 2 years, when any previous majority ownership interest in the firm was by a nonminority who is or was a relative, former employer, or current employer of the minority person on whom eligibility is based. This requirement shall not apply to minority persons who are otherwise eligible who take a 51-percent-or-greater interest in a firm that requires professional licensure to operate and who will be the qualifying licenseholder for the firm when certified.

3. Require that prospective certified minority business enterprises be currently performing a useful business function. A "useful business function" is defined as a business function which results in the provision of materials, supplies, equipment, or services to customers other than state or local government. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. *As used in this section, the term, "acting as a conduit" means, in part, not acting as a regular dealer by making sales of material, goods, or supplies from items bought, kept in stock and regularly sold to the public in the usual course of business. Brokers, manufacturer's representatives, sales representatives, and nonstocking distributors are considered as conduits that do not perform a useful business function, unless normal industry practice dictates.*

(g) The certification criteria approved by the task force and adopted by the *Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~ shall be included in a statewide and interlocal agreement as defined in s. 287.09431 and, in accordance with s. 163.01, shall be executed according to the terms included therein.

(j) The statewide and interlocal agreement shall be guided by the terms and conditions found therein and may be amended at any meeting of the task force and subsequently adopted by *the Secretary of the Department of Labor and Employment Security* ~~majority vote of the Commission on Minority Economic and Business Development~~. The amended agreement must be enacted, initialed, and legally executed by at least two-thirds of the certifying entities party to the existing agreement and adopted by the state as originally executed in order to bind the certifying entity.

(2)

(e) Any participating program receiving three or more challenges to its certification decisions pursuant to subsection (3) from other organizations that are executors to the statewide and interlocal agreement, shall be subject to a review by the office, as provided in paragraphs (a) and (b), of the organization's capacity to perform under such agreement and in accordance with the core criteria established by the task force. The office shall submit a report to the *Secretary of the Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~ regarding the results of the review.

(4)(a) The *Secretary of the Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~ shall execute the statewide and interlocal agreement established under s. 287.09431 on behalf of the state ~~by adoption on a majority vote~~. The office shall certify minority business enterprises in accordance with the agreement and, by affidavit, shall recertify such minority business enterprises not less than once each year.

Section 25. Section 287.09431, Florida Statutes, is amended to read:

287.09431 Statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise.—The statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise is hereby enacted and entered into with all jurisdictions or organizations legally joining therein. If, within 2 years from the date that the certification core criteria are approved by the *Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~, the agreement included herein is not executed by a majority of county and municipal governing bodies that administer a minority business assistance program on the effective date of this act, then the Legislature shall review this agreement. It is the intent of the Legislature that if the agreement is not executed by a majority of the requisite governing bodies, then a statewide uniform certification process should be adopted, and that said agreement should be repealed and replaced by a mandatory state government certification process.

ARTICLE I

PURPOSE, FINDINGS, AND POLICY.—

(1) The parties to this agreement, desiring by common action to establish a uniform certification process in order to reduce the multiplicity of applications by business concerns to state and local governmental programs for minority business assistance, declare that it is the policy of each of them, on the basis of cooperation with one another, to remedy social and economic disadvantage suffered by certain groups, resulting in their being historically underutilized in ownership and control of commercial enterprises. Thus, the parties seek to address this history by increasing the participation of the identified groups in opportunities afforded by government procurement.

(2) The parties find that the State of Florida presently certifies firms for participation in the minority business assistance programs of the state. The parties find further that some counties, municipalities, school boards, special districts, and other divisions of local government require a separate, yet similar, and in most cases redundant certification in order for businesses to participate in the programs sponsored by each government entity.

(3) The parties find further that this redundant certification has proven to be unduly burdensome to the minority-owned firms intended to benefit from the underlying purchasing incentives.

(4) The parties agree that:

(a) They will facilitate integrity, stability, and cooperation in the statewide and interlocal certification process, and in other elements of programs established to assist minority-owned businesses.

(b) They shall cooperate with agencies, organizations, and associations interested in certification and other elements of minority business assistance.

(c) It is the purpose of this agreement to provide for a uniform process whereby the status of a business concern may be determined in a singular review of the business information for these purposes, in order to eliminate any undue expense, delay, or confusion to the minority-owned businesses in seeking to participate in the minority business assistance programs of state and local jurisdictions.

ARTICLE II

DEFINITIONS.—As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

(1) "Awarding organization" means any political subdivision or organization authorized by law, ordinance, or agreement to enter into contracts and for which the governing body has entered into this agreement.

(2) *"Department" means the Department of Labor and Employment Security* ~~"Commission" means the Commission on Minority Economic and Business Development as provided for in s. 287.0945~~.

(3) "Minority" means a person who is a lawful, permanent resident of the state, having origins in one of the minority groups as described and adopted by ~~vote related to this agreement of~~ the *Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~, hereby incorporated by reference.

(4) "Minority business enterprise" means any small business concern as defined in subsection (5) that meets all of the criteria described and adopted by ~~vote related to this agreement of~~ the *Department of Labor and Employment Security* ~~Commission on Minority Economic and Business Development~~, hereby incorporated by reference.

(5) "Participating state or local organization" means any political subdivision of the state or organization designated by such that elects

to participate in the certification process pursuant to this agreement, which has been approved according to s. 287.0943(2) and has legally entered into this agreement.

(6) "Small business concern" means an independently owned and operated business concern which is of a size and type as described and adopted by vote related to this agreement of the commission, hereby incorporated by reference.

ARTICLE III

STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

(1) All awarding organizations shall accept a certification granted by any participating organization which has been approved according to s. 287.0943(2) and has entered into this agreement, as valid status of minority business enterprise.

(2) A participating organization shall certify a business concern that meets the definition of minority business enterprise in this agreement, in accordance with the duly adopted eligibility criteria.

(3) All participating organizations shall issue notice of certification decisions granting or denying certification to all other participating organizations within 14 days of the decision. Such notice may be made through electronic media.

(4) No certification will be granted without an onsite visit to verify ownership and control of the prospective minority business enterprise, unless verification can be accomplished by other methods of adequate verification or assessment of ownership and control.

(5) The certification of a minority business enterprise pursuant to the terms of this agreement shall not be suspended, revoked, or otherwise impaired except on any grounds which would be sufficient for revocation or suspension of a certification in the jurisdiction of the participating organization.

(6) The certification determination of a party may be challenged by any other participating organization by the issuance of a timely written notice by the challenging organization to the certifying organization's determination within 10 days of receiving notice of the certification decision, stating the grounds therefor.

(7) The sole accepted grounds for challenge shall be the failure of the certifying organization to adhere to the adopted criteria or the certifying organization's rules or procedures, or the perpetuation of a misrepresentation or fraud by the firm.

(8) The certifying organization shall reexamine its certification determination and submit written notice to the applicant and the challenging organization of its findings within 30 days after the receipt of the notice of challenge.

(9) If the certification determination is affirmed, the challenging agency may subsequently submit timely written notice to the firm of its intent to revoke certification of the firm.

ARTICLE IV

APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement shall be construed to repeal or otherwise modify any ordinance, law, or regulation of a party relating to the existing minority business assistance provisions and procedures by which minority business enterprises participate therein.

ARTICLE V

TERM.—The term of the agreement shall be 5 years, after which it may be reexecuted by the parties.

ARTICLE VI

AGREEMENT EVALUATION.—The designated state and local officials may meet from time to time as a group to evaluate progress under the agreement, to formulate recommendations for changes, or to propose a new agreement.

ARTICLE VII

OTHER ARRANGEMENTS.—Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party in order to comply with federal law.

ARTICLE VIII

EFFECT AND WITHDRAWAL.—

(1) This agreement shall become effective when properly executed by a legal representative of the participating organization, when enacted into the law of the state and after an ordinance or other legislation is enacted into law by the governing body of each participating organization. Thereafter it shall become effective as to any participating organization upon the enactment of this agreement by the governing body of that organization.

(2) Any party may withdraw from this agreement by enacting legislation repealing the same, but no such withdrawal shall take effect until one year after the governing body of the withdrawing party has given notice in writing of the withdrawal to the other parties.

(3) No withdrawal shall relieve the withdrawing party of any obligations imposed upon it by law.

ARTICLE IX

FINANCIAL RESPONSIBILITY.—

(1) A participating organization shall not be financially responsible or liable for the obligations of any other participating organization related to this agreement.

(2) The provisions of this agreement shall constitute neither a waiver of any governmental immunity under Florida law nor a waiver of any defenses of the parties under Florida law. The provisions of this agreement are solely for the benefit of its executors and not intended to create or grant any rights, contractual or otherwise, to any person or entity.

ARTICLE X

VENUE AND GOVERNING LAW.—The obligations of the parties to this agreement are performable only within the county where the participating organization is located, and statewide for the Minority Business Advocacy and Assistance Office, and venue for any legal action in connection with this agreement shall lie, for any participating organization except the Minority Business Advocacy and Assistance Office, exclusively in the county where the participating organization is located. This agreement shall be governed by and construed in accordance with the laws and court decisions of the state.

ARTICLE XI

CONSTRUCTION AND SEVERABILITY.—This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the State Constitution or the United States Constitution, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the State Constitution, the agreement shall remain in full force and effect as to all severable matters.

Section 26. Section 287.0945, Florida Statutes, is hereby repealed.

Section 27. Section 287.09451, Florida Statutes, is created to read:

287.09451 Minority Business Advocacy and Assistance Office; powers, duties, and functions.—

(1) The Legislature finds that there is evidence of a systematic pattern of past and continuing racial discrimination against minority business enterprises and a disparity in the availability and use of minority business enterprises in the state procurement system. It is determined to be a compelling state interest to rectify such discrimination and disparity. Based upon statistical data profiling this discrimination, the Legislature has enacted race-conscious and gender-conscious remedial programs to ensure minority participation in the economic life of the state, in state contracts for the purchase of commodities and services, and in construction contracts. The purpose and intent of this section is to increase participation by minority business enterprises accomplished by encouraging the use of minority business enterprises and the entry of new and diversified minority business enterprises into the marketplace.

(2) The Minority Business Advocacy and Assistance Office is established within the Department of Labor and Employment Security to assist minority business enterprises in becoming suppliers of commodities, services, and construction to state government.

(3) The secretary shall appoint an executive director for the Minority Business Advocacy and Assistance Office, who shall serve at the pleasure of the secretary.

(4) The Minority Business Advocacy and Assistance Office shall have the following powers, duties, and functions:

(a) To adopt rules to determine what constitutes a "good faith effort" for purposes of state agency compliance with the minority business enterprise procurement goals set forth in s. 287.042. Factors which shall be considered by the Minority Business Enterprise Assistance Office in determining good faith effort shall include, but not be limited to:

1. Whether the agency scheduled presolicitation or prebid meetings for the purpose of informing minority business enterprises of contracting and subcontracting opportunities.

2. Whether the contractor advertised in general circulation, trade association, or minority-focus media concerning the subcontracting opportunities.

3. Whether the agency effectively used services and resources of available minority community organizations; minority contractors' groups; local, state, and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons.

4. Whether the agency provided written notice to a reasonable number of minority business enterprises that their interest in contracting with the agency was being solicited in sufficient time to allow the minority business enterprises to participate effectively.

(b) To adopt rules to determine what constitutes a "good faith effort" for purposes of contractor compliance with contractual requirements relating to the use of services or commodities of a minority business enterprise under s. 287.094(2). Factors which shall be considered by the Minority Business Advocacy and Assistance Office in determining whether a contractor has made good faith efforts shall include, but not be limited to:

1. Whether the contractor attended any presolicitation or prebid meetings that were scheduled by the agency to inform minority business enterprises of contracting and subcontracting opportunities.

2. Whether the contractor advertised in general circulation, trade association, or minority-focus media concerning the subcontracting opportunities.

3. Whether the contractor provided written notice to a reasonable number of specific minority business enterprises that their interest in the contract was being solicited in sufficient time to allow the minority business enterprises to participate effectively.

4. Whether the contractor followed up initial solicitations of interest by contacting minority business enterprises or minority persons to determine with certainty whether the minority business enterprises or minority persons were interested.

5. Whether the contractor selected portions of the work to be performed by minority business enterprises in order to increase the likelihood of meeting the minority business enterprise procurement goals, including, where appropriate, breaking down contracts into economically feasible units to facilitate minority business enterprise participation.

6. Whether the contractor provided interested minority business enterprises or minority persons with adequate information about the plans, specifications, and requirements of the contract or the availability of jobs.

7. Whether the contractor negotiated in good faith with interested minority business enterprises or minority persons, not rejecting minority business enterprises or minority persons as unqualified without sound reasons based on a thorough investigation of their capabilities.

8. Whether the contractor effectively used the services of available minority community organizations; minority contractors' groups; local, state, and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons.

(c) To adopt rules and do all things necessary or convenient to guide all state agencies toward making expenditures for commodities, contractual services, construction, and architectural and engineering services with certified minority business enterprises in accordance with the minority business enterprise procurement goals set forth in s. 287.042.

(d) To monitor the degree to which agencies procure services, commodities, and construction from minority business enterprises in conjunction with the Department of Banking and Finance as specified in s. 17.11.

(e) To receive and disseminate information relative to procurement opportunities, availability of minority business enterprises, and technical assistance.

(f) To advise agencies on methods and techniques for achieving procurement objectives.

(g) To provide a central minority business enterprise certification process which includes independent verification of status as a minority business enterprise.

(h) To develop procedures to investigate complaints against minority business enterprises or contractors alleged to violate any provision related to this section or s. 287.0943, that may include visits to worksites or business premises, and to refer all information on businesses suspected of misrepresenting minority status to the Department of Labor and Employment Security for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the Department of Labor and Employment Security shall refer the matter to the office of the Attorney General, Department of Legal Affairs, for prosecution.

(i) To maintain a directory of all minority business enterprises which have been certified and provide this information to any agency or business requesting it.

(j) To encourage all firms which do more than $1 million in business with the state within a 12-month period to develop, implement, and submit to this office a minority business development plan.

(k) To communicate on a monthly basis with the Small and Minority Business Advisory Council to keep the council informed on issues relating to minority enterprise procurement.

(l) To serve as an advocate for minority business enterprises, and coordinate with the small and minority business ombudsman, as defined in s. 288.703, which duties shall include:

1. Ensuring that agencies supported by state funding effectively target the delivery of services and resources, as related to minority business enterprises.

2. Establishing standards within each industry with which the state government contracts on how agencies and contractors may provide the maximum practicable opportunity for minority business enterprises.

3. Assisting agencies and contractors by providing outreach to minority businesses, by specifying and monitoring technical and managerial competence for minority business enterprises, and by consulting in planning of agency procurement to determine how best to provide opportunities for minority business enterprises.

4. Integrating technical and managerial assistance for minority business enterprises with government contracting opportunities.

(m) To certify minority business enterprises, as defined in s. 288.703, and as specified in ss. 287.0943 and 287.09431, and shall recertify such minority businesses not less than once a year. Minority business enterprises must be recertified annually by affidavit.

(n)1. To develop procedures to be used by an agency in identifying commodities, contractual services, architectural and engineering ser-

vices, and construction contracts, except those architectural, engineering, construction, or other related services or contracts subject to the provisions of chapter 339, that could be provided by minority business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services during the previous fiscal year, except for the state university construction program which shall be based upon public education capital outlay projections for the subsequent fiscal year, and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703(2), or approved joint ventures. However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:

a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic-Americans, and 11 percent for American women.

b. For architectural and engineering contracts: 9 percent for Hispanic-Americans, 1 percent for Asian-Americans, and 15 percent for American women.

c. For commodities: 2 percent for black Americans, 4 percent for Hispanic-Americans, 0.5 percent for Asian-Americans, 0.5 percent for Native Americans, and 17 percent for American women.

d. For contractual services: 6 percent for black Americans, 7 percent for Hispanic-Americans, 1 percent for Asian-Americans, 0.5 percent for Native Americans, and 36 percent for American women.

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, "minority business enterprise" has the same meaning as provided in s. 288.703. "Minority person" has the same meaning as in s. 288.703(3). In order to ensure that the goals established under this paragraph for contracting with certified minority business enterprises are met, the division, with the assistance of the Minority Business Advocacy and Assistance Office, shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations shall be based on statistical data indicating the availability of and disparity in the use of minority businesses contracting with the state. The results of the first updated disparity study must be presented to the Legislature no later than December 1, 1996.

3. In determining the base amounts for assessing compliance with this paragraph, the Minority Business Advocacy and Assistance Office may develop, by rule, guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, guidelines for calculation of base amounts, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Minority Business Advocacy and Assistance Office, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

4. To determine guidelines for the use of price preferences, weighted preference formulas, or other preferences, as appropriate to the particular industry or trade, to increase the participation of minority businesses in state contracting. These guidelines shall include consideration of:

a. Size and complexity of the project.

b. The concentration of transactions with minority business enterprises for the commodity or contractual services in question in prior agency contracting.

c. The specificity and definition of work allocated to participating minority business enterprises.

d. The capacity of participating minority business enterprises to complete the tasks identified in the project.

e. The available pool of minority business enterprises as prime contractors, either alone or as partners in an approved joint venture that serves as the prime contractor.

5. To determine guidelines for use of joint ventures to meet minority business enterprises spending goals. For purposes of this section, "joint venture" means any association of two or more business concerns to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills, and knowledge. The guidelines shall allow transactions with joint ventures to be eligible for credit against the minority business enterprise goals of an agency when the contracting joint venture demonstrates that at least one partner to the joint venture is a certified minority business enterprise as defined in s. 288.703, and that such partner is responsible for a clearly defined portion of the work to be performed, and shares in the ownership, control, management, responsibilities, risks, and profits of the joint venture. Such demonstration shall be by verifiable documents and sworn statements and may be reviewed by the Minority Business Advocacy and Assistance Office at or before the time a contract bid is submitted. An agency may count toward its minority business enterprise goals a portion of the total dollar amount of a contract equal to the percentage of the ownership and control held by the qualifying certified minority business partners in the contracting joint venture, so long as the joint venture meets the guidelines adopted by the office.

(o)1. To establish a system to record and measure the use of certified minority business enterprises in state contracting. This system shall maintain information and statistics on certified minority business enterprise participation, awards, dollar volume of expenditures and agency goals, and other appropriate types of information to analyze progress in the access of certified minority business enterprises to state contracts and to monitor agency compliance with this section. Such reporting must include, but is not limited to, the identification of all subcontracts in state contracting by dollar amount and by number of subcontracts and the identification of the utilization of certified minority business enterprises as prime contractors and subcontractors by dollar amounts of contracts and subcontracts, number of contracts and subcontracts, minority status, industry, and any conditions or circumstances that significantly affected the performance of subcontractors. Agencies shall report their compliance with the requirements of this reporting system at least annually and at the request of the office. All agencies shall cooperate with the office in establishing this reporting system. Except in construction contracting, all agencies shall review contracts costing in excess of CATEGORY FOUR as defined in s. 287.017 to determine if such contracts could be divided into smaller contracts to be separately bid and awarded, and shall, when economical, offer such smaller contracts to encourage minority participation.

2. To report agency compliance with the provisions of subparagraph 1. for the preceding fiscal year to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of the Department of Labor and Employment Security on or before February 1 of each year. The report must contain, at a minimum, the following:

a. Total expenditures of each agency by industry.

b. The dollar amount and percentage of contracts awarded to certified minority business enterprises by each state agency.

c. The dollar amount and percentage of contracts awarded indirectly to certified minority business enterprises as subcontractors by each state agency.

d. The total dollar amount and percentage of contracts awarded to certified minority business enterprises, whether directly or indirectly, as subcontractors.

e. A statement and assessment of good faith efforts taken by each state agency.

f. A status report of agency compliance with subsection (6), as determined by the Minority Business Enterprise Office.

(5)(a) Each agency shall, at the time the specifications or designs are developed or contract sizing is determined for any proposed procurement costing in excess of CATEGORY FOUR, as defined in s. 287.017, forward a notice to the Minority Business Advocacy and Assistance Office of the proposed procurement and any determination on the designs of specifications of the proposed procurement that impose requirements on prospective vendors, no later than 30 days prior to the issuance of a solicitation, except that this provision shall not apply to emergency acquisi-

tions. The 30-day notice period shall not toll the time for any other procedural requirements.

(b) If the Minority Business Advocacy and Assistance Office determines that the proposed procurement will not likely allow opportunities for minority business enterprises, the office may, within 20 days after it receives the information specified in paragraph (a), propose the implementation of minority business enterprise utilization provisions or submit alternative procurement methods that would significantly increase minority business enterprise contracting opportunities.

(c) Whenever the agency and the Minority Business Advocacy and Assistance Office disagree, the matter shall be submitted for determination to the head of the agency or the senior-level official designated pursuant to this section as liaison for minority business enterprise issues.

(d) Should the proposed procurement proceed to competitive bidding, the office is hereby granted standing to protest, pursuant to this section, in a timely manner, any contract award in competitive bidding for contractual services and construction contracts that fail to include minority business enterprise participation, if any responding bidder has demonstrated the ability to achieve any level of participation, or, any contract award for commodities where, a reasonable and economical opportunity to reserve a contract, statewide or district level, for minority participation was not executed or, an agency failed to adopt an applicable preference for minority participation. The bond requirement shall be waived for the office purposes of this subsection.

(e) An agency may presume that a bidder offering no minority participation has not made a good faith effort when other bidders offer minority participation of firms listed as relevant to the agency's purchasing needs in the pertinent locality or statewide to complete the project.

(f) Paragraph (a) will not apply when the Minority Business Advocacy and Assistance Office determines that an agency has established a work plan to allow advance consultation and planning with minority business enterprises and where such plan clearly demonstrates:

1. A high level of advance planning by the agency with minority business enterprises.

2. A high level of accessibility, knowledge, and experience by minority business enterprises in the agency's contract decisionmaking process.

3. A high quality of agency monitoring and enforcement of internal implementation of minority business utilization provisions.

4. A high quality of agency monitoring and enforcement of contractor utilization of minority business enterprises, especially tracking subcontractor data, and ensuring the integrity of subcontractor reporting.

5. A high quality of agency outreach, agency networking of major vendors with minority vendors, and innovation in techniques to improve utilization of minority business enterprises.

6. Substantial commitment, sensitivity, and proactive attitude by the agency head and among the agency minority business staff.

(6) Each state agency shall coordinate its minority business enterprise procurement activities with the Minority Business Advocacy and Assistance Office. At a minimum, each agency shall:

(a) Adopt a minority business enterprise utilization plan for review and approval by the Minority Business Advocacy and Assistance Office which should require meaningful and useful methods to attain the legislative intent in assisting minority business enterprises.

(b) Designate a senior-level employee in the agency as a minority enterprise assistance officer, responsible for overseeing the agency's minority business utilization activities, and who is not also charged with purchasing responsibility. A senior-level agency employee and agency purchasing officials shall be accountable to the agency head for the agency's minority business utilization performance. The Minority Business Advocacy and Assistance Office shall advise each agency on compliance performance.

(c) If an agency deviates significantly from its utilization plan in 2 consecutive or 3 out of 5 total fiscal years, the Minority Business Advocacy and Assistance Office may review any and all solicitations and contract awards of the agency as deemed necessary until such time as the agency meets its utilization plan.

Section 28. Subsections (1), (5), and (6) of section 287.0947, Florida Statutes, are amended to read:

287.0947 Florida Council on Small and Minority Business Development; creation; membership; duties.—

(1) On or after October 1, *1996* ~~1994~~, the *Secretary of the Department of Labor and Employment Security* ~~Commission on Minority Business Economic and Business Development~~ may create the Florida *Advisory* Council on Small and Minority Business Development with the purpose of advising and assisting the *secretary* ~~commission~~ in carrying out *the secretary's* ~~its~~ duties *with respect to minority businesses and economic and business development*. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of *19* ~~21~~ persons, each of whom is or has been actively engaged in small and minority business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall consist of members representing all regions of the state and shall include at least one member from each group identified within the definition of "minority person" in s. 288.703(3), considering also gender and nationality subgroups, and shall consist of the following:

~~(a) The Secretary of Commerce, the Secretary of Community Affairs, the Secretary of Management Services, and the Secretary of Labor and Employment Security, or their respective designees.~~

(a)~~(b)~~ Four members consisting of representatives of local and federal small and minority business assistance programs or community development programs.

(b)~~(c)~~ *Eight* ~~Seven~~ members composed of representatives of the minority private business sector, including certified minority business enterprises and minority supplier development councils, among whom at least two shall be women and at least four shall be minority persons.

(c)~~(d)~~ Two representatives of local government, one of whom shall be a representative of a large local government, and one of whom shall be a representative of a small local government.

(d)~~(e)~~ Two representatives from the banking and insurance industry.

(e)~~(f)~~ Two members from the private business sector, representing the construction and commodities industries.

(f) The chairperson of the Black Business Investment Board or the chairperson's designee.

A candidate for appointment may be considered if eligible to be certified as an owner of a minority business enterprise, or if otherwise qualified under the criteria above. Vacancies may be filled by appointment of the *secretary* ~~commission~~, in the manner of the original appointment.

(5) The powers and duties of the council include, but are not limited to: researching and reviewing the role of small and minority businesses in the state's economy; reviewing issues and emerging topics relating to small and minority business economic development; studying the ability of financial markets and institutions to meet small business credit needs and determining the impact of government demands on credit for small businesses; assessing the implementation of s. 187.201(22), requiring a state economic development comprehensive plan, as it relates to small and minority businesses; assessing the reasonableness and effectiveness of efforts by any state agency or by all state agencies collectively to assist minority business enterprises; and advising the Governor, *the secretary, and* the Legislature~~, and the commission~~ on matters relating to small and minority business development which are of importance to the international strategic planning and activities of this state.

(6) On or before January 1 of each year, the council shall present an annual report to the *secretary* ~~commission~~ that sets forth in appropriate detail the business transacted by the council during the year and any recommendations to the *secretary* ~~commission~~, including those to improve business opportunities for small and minority business enterprises.

Section 29. Section 288.012, Florida Statutes, is amended to read:

288.012 Foreign offices.—

(1) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ is authorized to:

(a) Establish and operate offices in foreign countries *for the purpose of* ~~in the execution of its responsibilities for~~ promoting the *trade and economic* development of ~~tourism, the economic development of~~ the state, and *promoting* the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements *with governmental and private-sector entities* ~~necessary~~ to establish and operate *offices* ~~an office~~ in ~~a~~ foreign *countries* ~~country~~ containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by the *Office of Tourism, Trade, and Economic Development* ~~department~~ to meet such obligations shall be subject only to s. 216.311.

(2) The *Office of Tourism, Trade, and Economic Development* ~~department~~, in connection with the establishment, operation, and management of any of its offices located in a foreign country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.111 relating to communications, and from all statutory provisions relating to state employment~~, if the laws, administrative code, or business practices or customs of the foreign country, or political or administrative subdivision thereof, in which such office is located are in conflict with these provisions~~.

(a) The *Office of Tourism, Trade, and Economic Development* ~~department~~ may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified foreign office, such action shall constitute continuing authority for the *Office of Tourism, Trade, and Economic Development* ~~department~~ to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means a compilation of the specific policies and procedures encompassing the entire scope of the operation and management of an office established by the *Office of Tourism, Trade, and Economic Development* ~~department~~ in a foreign country.

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the *Office of Tourism, Trade, and Economic Development* ~~department~~ shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(3) Where feasible and appropriate, and subject to s. 288.1224(10), foreign offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, and subject to s. 288.1224(10), such offices may also be collocated with other foreign offices of the state.

(4) The Office of Tourism, Trade, and Economic Development is authorized to make and to enter into contracts with Enterprise Florida, Inc., and the Florida Commission on Tourism to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., and the Florida Commission on Tourism to the same degree and subject to the same conditions as applied to the Office of Tourism, Trade, and Economic Development.

Section 30. Section 288.017, Florida Statutes, is amended to read:

288.017 Cooperative advertising matching grants program.—

(1) The *Florida Commission on Tourism* ~~Department of Commerce~~ is authorized to establish a cooperative advertising matching grants program and, pursuant thereto, to make expenditures and enter into contracts with local governments and nonprofit corporations for the purpose of publicizing the ~~agricultural, industrial, and~~ tourism advantages of the state. *The Office of Tourism, Trade, and Economic Development, based on recommendations from the Florida Commission on Tourism, shall have final approval of grants awarded through this program. The commission may contract with its direct-support organization to administer the program.*

(2) *The total annual allocation of funds for this grant program may not exceed $40,000.* Each grant awarded under the program shall be limited to no more than $2,500 and shall be matched by nonstate dollars. All grants shall be restricted to local governments and nonprofit corporations serving and located in municipalities having a population of 50,000 persons or less or in counties with an unincorporated area having a population of 200,000 persons or less.

(3) The *Florida Commission on Tourism* ~~department~~ shall conduct an annual competitive selection process for the award of grants under the program. In determining *its recommendations for the* grant awards, the *commission* ~~department~~ shall consider the demonstrated need of the applicant for advertising assistance, the feasibility and projected benefit of the applicant's proposal, the amount of nonstate funds that will be leveraged, and such other criteria as the *commission* ~~Secretary of Commerce~~ deems appropriate. *In evaluating grant applications, the office shall consider recommendations from the Florida Commission on Tourism. The office, however, has final approval authority for any grant under this section.*

~~(4) The department is authorized to expend up to $80,000 each fiscal year of paid advertising and promotion funds for the purposes outlined in this section and s. 288.124.~~

~~(5) The department shall promulgate rules governing the program pursuant to chapter 120.~~

Section 31. Section 288.018, Florida Statutes, is created to read:

288.018 Regional Rural Development Grants Program.—

(1) The Office of Tourism, Trade, and Economic Development shall establish a matching-grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. The Office of Tourism, Trade, and Economic Development is authorized to approve grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be $20,000 and must be matched each year by an equivalent amount of nonstate resources.

(2) In approving the participants, the Office of Tourism, Trade, and Economic Development shall consider the demonstrated need of the applicant for assistance and require the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.

(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.

(d) Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(e) Demonstration of the manner in which the organization is or will coordinate its efforts with those of other local and state organizations.

(3) The Office of Tourism, Trade, and Economic Development may expend up to $100,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section.

Section 32. Subsection (1) of section 288.021, Florida Statutes, is amended to read:

288.021 Economic development liaison.—

(1) The heads of ~~the Department of Commerce,~~ the Department of Transportation, the Department of Environmental Protection and an additional member appointed by the secretary of the department, the Department of Labor and Employment Security, the Department of Education, the Department of Community Affairs, the Department of Management Services, and the Game and Fresh Water Fish Commission shall designate a high-level staff member from within such agency to serve as the economic development liaison for the agency. This person shall report to the agency head and have general knowledge both of the state's permitting and other regulatory functions and of the state's economic goals, policies, and programs. This person shall also be the primary point of contact for the agency *with the Office of Tourism, Trade, and Economic Development* on issues and projects important to the economic development of Florida, including its rural areas, to expedite project review, to ensure a prompt, effective response to problems arising with regard to permitting and regulatory functions, and to work closely with the other economic development liaisons to resolve interagency conflicts.

Section 33. Section 288.0251, Florida Statutes, is amended to read:

288.0251 *International development* ~~Education~~ outreach activities in Latin America and Caribbean Basin.—The *Office of Tourism, Trade, and Economic Development may* ~~Department of Commerce shall~~ contract for the implementation of Florida's international volunteer corps to provide short-term training and technical assistance activities in Latin America and the Caribbean Basin. The entity contracted under this section must require that such activities be conducted by qualified volunteers who are citizens of the state. The contracting agency must have a statewide focus and experience in coordinating international volunteer programs. ~~The Department of Commerce, in cooperation with the Florida International Affairs Commission, shall evaluate the results of the activities. Any contract issued under the authority of this section must be approved by the Florida International Affairs Commission.~~

Section 34. Subsection (1) of section 288.035, Florida Statutes, is amended to read:

288.035 Economic development activities.—

(1) The Florida Public Service Commission may authorize public utilities to recover reasonable economic development expenses. For purposes of this section, recoverable "economic development expenses" are those expenses described in subsection (2) which are consistent with criteria to be established by rules adopted by the Department of Commerce *as of June 30, 1996, or as those criteria are later modified by the Office of Tourism, Trade, and Economic Development*. ~~Expenses associated with activities for which the department is not authorized to expend public funds shall not be a recoverable economic development expense.~~

Section 35. Subsections (3) and (5) of section 288.041, Florida Statutes, are amended to read:

288.041 Solar energy industry; legislative findings and policy; promotional activities.—

(3) *Enterprise, Florida, Inc., and its boards,* ~~The Division of Economic Development of the Department of Commerce~~ shall assist in the expansion of the solar energy industry in this state. *Such efforts shall be undertaken* in cooperation with the Department of Community Affairs, the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, *and shall include*~~. The department may make expenditures to~~:

(a) Providing assistance and support to new and existing photovoltaic companies, with special emphasis on attracting one or more manufacturers of photovoltaic products to locate within this state.

(b) Sponsoring initiatives which aid and take full advantage of the export market potential of solar technologies.

(c) Informing the business sector of this state about opportunities for cost effective commercial applications of solar technologies.

(d)~~(a)~~ *Encouraging* ~~Encourage~~ employment of residents of this state by solar energy companies.

~~(b) Solicit new and existing photovoltaic companies to locate within this state.~~

(e)~~(c)~~ *Retaining* ~~Retain~~ existing solar energy companies and *supporting* ~~support~~ their expansion efforts in this state.

(f)~~(d)~~ *Supporting* ~~Support~~ the promotion of solar energy by sponsoring workshops, seminars, conferences, and educational programs on the benefits of solar energy.

~~(e) Sponsor programs which facilitate the use of solar technologies by the business sector of this state.~~

~~(f) Sponsor programs which aid the export market potential of solar technologies.~~

(g) *Recognizing* ~~Recognize~~ outstanding developments and achievements in, and contributions to, the solar energy industry.

(h) *Collecting* ~~Collect~~ and *disseminating* ~~disseminate~~ solar energy information *relevant to the promotion of solar energy applications* ~~and initiate advertising campaigns promoting solar energy~~.

(i) *Enlisting* ~~Enlist~~ the support of persons, civic groups, the solar energy industry, and other organizations to promote and improve solar energy products and services.

(5) By January 15 of each year, the Department *of Community Affairs* shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the impact of the solar energy industry on the economy of this state and shall make any recommendations on initiatives to further promote the solar energy industry as the department deems appropriate. *For purposes of the 1997 legislative session, the department's report shall specifically address the job creation and export potential of an expanded solar energy industry in Florida.*

Section 36. Section 288.047, Florida Statutes, is amended to read:

288.047 Quick-response training for economic development.—

(1) The Quick-Response Training Program is created to meet the workforce-skill needs of existing, new, and expanding industries. The program shall be administered by *Enterprise Florida, Inc.,* ~~the Department of Commerce,~~ in conjunction with the Department of Education. *Enterprise Florida, Inc.,* ~~The Department of Commerce~~ shall adopt *guidelines* ~~rules pursuant to chapter 120~~ for the administration of this program. *Enterprise Florida, Inc.,* ~~The Department of Commerce~~ shall provide technical services and shall identify businesses that seek services through the program. The Department of Education shall provide services related to the development and implementation of instructional programs.

(2)(a) A Quick-Response Advisory Committee, composed of the Director of the Division of Applied Technology and Adult Education of the Department of Education; the Director of the Division of Community Colleges of the Department of Education; and the Director of the Division of Jobs and Benefits of the Department of Labor and Employment Security, or their respective designees, and four private sector members, shall review training funded through this program and shall provide policy advice to *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ in the implementation of this program. The committee shall elect a chair from among its members. Members of the committee may receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(b) The four private sector members appointed to the Quick-Response Advisory Committee must be selected from a slate of nominees submitted by the board of directors of Enterprise Florida, Inc. The *President of Enterprise Florida, Inc.,* ~~Secretary of Commerce~~ shall appoint private sector members from this slate for terms of 4 years, except that in making the initial appointments, the *president* ~~secretary~~ shall appoint members for staggered terms, one for 1 year, 2 years, 3 years, and 4 years, respectively. To the maximum extent possible, the *president* ~~secretary~~ shall select private sector members who are representative of diverse industries and regions of the state. The importance of minority representation must be considered when making appointments for each

private sector position. Private sector members may be removed for cause. Absence from three consecutive meetings results in the automatic removal of a private sector member.

(c) The Quick-Response Advisory Committee shall meet at the call of its chair, at the request of a majority of the membership, at the request of *Enterprise Florida, Inc.,* ~~the Department of Commerce,~~ or at times prescribed by its rules. The committee shall serve to advise *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ regarding the administration of the Quick-Response Training Program.

(3) *Enterprise Florida, Inc.,* ~~The Department of Commerce~~ shall ensure that instruction funded pursuant to this section is not available through the local community college, school district, or private industry council and that the instruction promotes economic development by providing specialized entry-level skills to new workers or supplemental skills to current employees whose job descriptions are changing. Such funds may not be expended to subsidize the ongoing staff development program of any business or industry or to provide training for instruction related to retail businesses.

(4) Requests for funding through the Quick-Response Training Program may be produced through inquiries from a specific business or industry, inquiries from a school district director of career education or community college occupational dean on behalf of a business or industry, or through official state economic development efforts. In allocating funds for the purposes of the program, *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ shall establish criteria for approval of requests for funding and shall select the entity that provides the most efficient, cost-effective instruction meeting such criteria. Program funds may be allocated to any area technical center, community college, or state university. Program funds may be allocated to private postsecondary institutions only upon a review that includes, but is not limited to, accreditation and licensure documentation and prior approval by a majority of the advisory committee. Instruction funded through the program must terminate when participants demonstrate competence at the level specified in the request; however, instruction may not exceed 18 months. *Costs and expenditures for the Quick-Response Training Program must be documented and separated from those incurred by the training provider.* ~~Program participants may not be included in calculations of full-time equivalent enrollments for state funding purposes.~~

(5) For the first 6 months of each fiscal year, *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ shall set aside 30 percent of the amount appropriated for the Quick-Response Training Program by the Legislature to fund instructional programs for businesses located in an enterprise zone or to instruct residents of an enterprise zone. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide funding for any program qualifying for funding pursuant to this section.

(6) Prior to the allocation of funds for any request pursuant to this section, *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ shall prepare a grant agreement between the business or industry requesting funds, the educational institution receiving funding through the program, and *Enterprise Florida, Inc.* ~~the Department of Commerce.~~ Such agreement must include, but is not limited to:

(a) An identification of the facility in which the instruction will be conducted and the respective responsibilities of the parties for paying costs associated with facility use.

(b) An identification of the equipment necessary to conduct the program, the respective responsibilities of the parties for paying costs associated with equipment purchase, maintenance, and repair, as well as an identification of which party owns the equipment upon completion of the instruction.

(c) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.

(d) An identification of the estimated length of the instructional program. Such program may not exceed 12 months of full-time instruction or 18 months of total instruction.

(e) An identification of special program requirements that are not addressed otherwise in the agreement.

(f) Permission to access information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes. Information which, if released, would disclose the identity of the person to whom the information pertains or disclose the identity of the person's employer is confidential and exempt from the provisions of s. 119.07(1). ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~ The agreement must specify that any evaluations published subsequent to the instruction may not identify the employer or any individual participant.

(7) For the purposes of this section, *Enterprise Florida, Inc.,* ~~the Department of Commerce~~ may accept grants of money, materials, services, or property of any kind from any agency, corporation, or individual.

(8) *Enterprise Florida, Inc.,* ~~The Department of Commerce~~ may procure equipment as necessary to meet the purposes of this section. Title to and control of such equipment is vested in the Department of Education. Upon the conclusion of instruction, the Department of Education may transfer title to the district school board, community college district board of trustees, or Board of Regents on behalf of a specific state university, where the equipment is physically located. The department may also lease such equipment to the district school board, community college district board of trustees, or Board of Regents for a maximum of 1 year. Such lease may provide for automatic renewal. Either party to a lease has the right to cancel the lease upon a 60-day notice in writing. Any equipment for which no title transfer or lease exists must be returned to a warehouse reserve and be available for use by an instructional program in any area of the state.

(9) In providing instruction pursuant to this section, materials that relate to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, produced, ascertained, or discovered by employees of the respective departments, district school boards, community college district boards of trustees, or other personnel employed for the purposes of this section is confidential and exempt from the provisions of s. 119.07(1). ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~ The state may seek copyright protection for all instructional materials and ancillary written documents developed wholly or partially with state funds as a result of instruction provided pursuant to this section.

Section 37. Subsection (1) of section 288.053, Florida Statutes, is amended to read:

288.053 Florida Film and Television Investment Board; creation; purpose; membership.—

(1) There is hereby created within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ a body politic and corporate known as the Florida Film and Television Investment Board, hereinafter referred to as the "board." The board is constituted as a public instrumentality and shall be deemed to be performing an essential governmental function.

Section 38. Paragraph (q) of subsection (1) and subsections (2) and (3) of section 288.054, Florida Statutes, are amended to read:

288.054 Administration; powers.—

(1) The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(q) Hire an executive director, subject to the provisions of part V of chapter 110, and all necessary employees of the board who shall be exempt from the provisions of part II of chapter 110. ~~The hiring of the executive director by the board shall be made upon the recommendation of the Secretary of Commerce.~~

(2) The executive director or, prior to the appointment of an executive director, the *director of the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~ or a designee, shall be the chief administrative and operational officer of the board and shall direct and supervise administrative affairs and the general management of the board. The chief administrative and operational officer:

(a) May contract with or employ financial, legal, or technical experts and such other consultants and employees, permanent or temporary.

(b) Shall attend meetings of the board.

(c) Shall cause copies to be made of all minutes and other records or documents of the board.

(3) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ may provide administrative funding, provide investment funding pursuant to legislative appropriation, and perform the administrative functions and responsibilities for the board.

Section 39. Subsection (6) of section 288.055, Florida Statutes, is amended to read:

288.055 Florida Film and Television Investment Trust Fund.—

(6) The trust fund will be funded primarily from contributions, gifts, scholarships, grants, and fundraising activities of the board and the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. Additionally, the trust fund is authorized to accept any contributions from the Legislature, when so appropriated.

Section 40. Section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(1) *The Office of Tourism, Trade, and Economic Development* ~~The Division of Economic Development~~ is authorized to make, *and based on a recommendation from Enterprise Florida, Inc., to approve,* expenditures and enter into contracts for direct costs of transportation projects with the appropriate governmental body. *The Office of Tourism, Trade, and Economic Development has final approval authority for any project under this section.*

(2) Any contract with a governmental body for construction of any transportation project executed by the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ shall:

(a) Specify and identify the transportation project to be constructed for a new or expanding business and the number of full-time permanent jobs that will result from the project.

(b) Require that the appropriate governmental body award the construction of the particular transportation project to the lowest and best bidder in accordance with applicable state and federal statutes or regulations unless the project can be constructed with existing local government employees within the contract period specified by the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~.

(c) Require that the appropriate governmental body provide the *Office of Tourism, Trade, and Economic Development* ~~division~~ with quarterly progress reports. Each quarterly progress report shall contain a narrative description of the work completed according to the project schedule, a description of any change orders executed by the appropriate governmental body, a budget summary detailing planned expenditures versus actual expenditures, and identification of minority business enterprises used as contractors and subcontractors. Records of all progress payments made for work in connection with such transportation projects, and any change orders executed by the appropriate governmental body and payments made pursuant to such orders, shall be maintained by that governmental body in accordance with accepted governmental accounting principles and practices and shall be subject to financial audit as required by law. In addition, the appropriate governmental body, upon completion and acceptance of the transportation project, shall make certification to the *Office of Tourism, Trade, and Economic Development* ~~division~~ that the project has been completed in compliance with the terms and conditions of the contractual agreements between the *Office of Tourism, Trade, and Economic Development* ~~division~~ and the appropriate governmental body and meets minimum construction standards established in accordance with s. 336.045.

(d) Specify that the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ shall transfer funds upon receipt of a request for funds from the local government, on no more than a quarterly basis, consistent with project needs. A contract totaling less than $200,000 is exempt from this transfer requirement. The *Office of Tourism, Trade, and Economic Development* ~~division~~ shall not transfer any funds unless construction has begun on the facility of the business on whose behalf the award was made. Local governments shall expend funds in a timely manner.

(e) Require that program funds be used only on those transportation projects that have been properly reviewed and approved in accordance with the criteria set forth in this section.

(f)~~(e)~~ Require that the governing board of the appropriate local governmental body agree by resolution to accept future maintenance and other attendant costs occurring after completion of the transportation project if the project is construction on a county or municipal system.

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1988, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state. The *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities.

(4) The *Office of Tourism, Trade, and Economic Development may adopt* ~~Division of Economic Development shall adopt rules, pursuant to chapter 120, setting forth the~~ criteria by which transportation projects are to be specified and identified~~, and providing for the administration of this section~~. In *approving* ~~selecting~~ transportation projects for funding, the *Office of Tourism, Trade, and Economic Development* ~~division~~ shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a community development corporation service area as defined in s. 290.035(2); the unemployment rate of the surrounding area; the poverty rate of the community; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j). *The Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.*

~~(5) The factors specified in subsection (4) shall be considered by a committee composed of the Secretary of Commerce, the Secretary of Transportation, the Secretary of Community Affairs, the Secretary of Labor and Employment Security, the Secretary of Environmental Protection, the chair of the Economic Development Advisory Council, and the executive administrator of the Commission on Minority Economic and Business Development or their designees. The committee members shall provide a written record of their individual votes on each project considered. Four members present shall constitute a quorum for decisionmaking. Meetings of the committee shall be called by the Secretary of Commerce as needed.~~

(5)~~(6)~~ No project that has not been specified and identified by *the Office of Tourism, Trade, and Economic Development* ~~the division~~ in accordance with *subsection* ~~subsections~~ (4) ~~and (5)~~ prior to the initiation of construction shall be eligible for funding.

(6)~~(7)~~ The Department of Transportation may be the contracting agency when the project is on the State Highway System. In addition, upon request by the appropriate governmental body, the department may advise and assist it or plan and construct other such transportation projects for it.

(7)~~(8)~~ Each local government receiving funds under this section shall submit to the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ a financial audit of the local entity conducted by an independent certified public accountant. The *Office of Tourism, Trade, and Economic Development* ~~division~~ shall develop procedures to ensure that audits are received and reviewed in a timely manner and that deficiencies or questioned costs noted in the audit are resolved.

(8)~~(9)~~ The *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development~~ shall monitor on site each grant recipient, including, but not limited to, the construction of the business facility, to ensure compliance with contractual requirements.

(9)~~(10)~~ Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.

Section 41. Section 288.065, Florida Statutes, is created to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established in the Office of Tourism, Trade, and Economic Development to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments within counties with populations less than 50,000, or any county that has a population of 100,000 or less and is contiguous to a county with a population less than 50,000, as determined by the most recent official estimate pursuant to s. 186.901, residing in incorporated and unincorporated areas of the county. Requests for loans shall be made by application to the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the local government and the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the local government. All repayments of principle and interest shall be returned to the loan fund and made available for loans to other applicants.

(3) The Office of Tourism, Trade, and Economic Development shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The Office of Tourism, Trade, and Economic Development shall have final approval authority for any loan under this section.

(4) The sum of $2 million shall be appropriated in fiscal year 1996-97 to fund the provisions of this section.

Section 42. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development of the Department of Commerce~~. Moneys deposited into the fund must be used only to support the authorized activities and operations of the *office* ~~division~~.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under ss. 288.104 and 288.106, and local financial support provided under ss. 288.104 and 288.106. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

(3)(a) Contingent upon an annual appropriation by the Legislature, the *Office of Tourism, Trade, and Economic Development* ~~secretary~~ may approve not more than the lesser of $10 million in tax refunds pursuant to ss. 288.104 and 288.106 or the amount appropriated to the Economic Development Incentives Account for such tax refunds, for a fiscal year pursuant to paragraph (b).

(b) The total amount of tax refunds approved by the *Office of Tourism, Trade, and Economic Development* ~~secretary~~ pursuant to ss. 288.104 and 288.106 shall not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the department for tax refunds under ss. 288.104 and 288.106 in a fiscal year, the *Office of Tourism, Trade, and Economic Development* ~~secretary~~ shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the secretary shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(c) By September 30 of each year, the *Office of Tourism, Trade, and Economic Development* ~~department~~ shall submit a complete and detailed report to the Board of Directors of Enterprise Florida, Inc., created under part VII of this chapter, of all applications received, final *decisions* ~~orders~~ issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The *Office of Tourism, Trade, and Economic Development* ~~department~~ shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065, including the finding required by s. 288.106(4)(e)2. By December 1 of each year, the Board of Directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner.

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and other payments authorized under s. 288.104 or s. 288.106.

(e) The *Office of Tourism, Trade, and Economic Development* ~~department~~ *may* ~~shall~~ adopt rules necessary to carry out the provisions of this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

Section 43. Section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of target industries provides high-quality employment opportunities for citizens of this state and enhances the economic foundations of this state. It is the policy of this state to encourage the growth of a high-value-added employment and economic base by providing tax refunds to qualified target industry businesses that create new high-wage employment opportunities in this state by expanding existing businesses within this state or by bringing new businesses to this state.

(2) DEFINITIONS.—As used in this section:

(a) "Account" means the Economic Development Incentives Account within the Economic Development Trust Fund established under s. 288.095.

(b) "Average wage in the area" means *the statewide private-sector average wage or* the average of all wages and salaries in the county or in the standard metropolitan area in which the business is located.

(c) "Business" means *an employing unit, as defined in s. 443.036, which is registered with the Department of Labor and Employment Security for unemployment compensation purposes or a subcategory or division of an employing unit which is accepted by the Department of Labor and Employment Security as a reporting unit* ~~any business entity authorized to do business in this state, including all members of an affiliated group of corporations as defined in s. 220.03(1)(b)~~.

(d) "Corporate headquarters business" means an international, national, or regional headquarters office of a multinational or multistate business enterprise or national trade association, whether separate from or connected with other facilities used by such business.

(e) *"Office"* ~~"Department"~~ means the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~.

~~(f) "Division" means the Division of Economic Development of the Department of Commerce.~~

(f)~~(g)~~ "Enterprise zone" means an area designated as an enterprise zone pursuant to s. 290.0065.

(g)~~(h)~~ "Expansion of an existing business" means the expansion of a business by or through additions to real and personal property on a site colocated with a commercial or industrial operation owned by the same business, resulting in a net increase in employment of not less than 10 percent at such business.

(h)~~(i)~~ "Fiscal year" means the fiscal year of the state.

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

(j)~~(k)~~ "Local financial support" means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified target industry business. A qualified target industry business may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(k)~~(l)~~ "Local financial support exemption option" means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a county designated by the Rural Economic Development Initiative~~, provided that the county commissioners of the county in which the project will be located adopt a resolution requesting that the applicant's project be exempt from the local financial support requirement~~. Any applicant that exercises this option shall not be eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(l)~~(m)~~ "New business" means a business which heretofore did not exist in this state, first beginning operations on a site located in this state and clearly separate from any other commercial or industrial operations owned by the same business.

(m)~~(n)~~ "Project" means the creation of a new business or expansion of an existing business.

(n)~~(o)~~ *"Director"* ~~"Secretary"~~ means the *Director of the Office of Tourism, Trade, and, Economic Development* ~~secretary of the department~~.

(o)~~(p)~~ "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to *the following* criteria developed by the *office* ~~department through rulemaking,~~ in consultation with Enterprise Florida, Inc.*:*

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to Florida's growing access to international markets or to replacing imports.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not necessarily subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis.

6. Economic benefits.—The industry should have strong positive impacts on or benefits to the state and regional economies.

The *office, in consultation with Enterprise Florida, Inc.,* ~~department~~ shall develop a list of such target industries annually and submit such list as part of the ~~department's strategic plan submitted pursuant to s. 186.022 and~~ final agency legislative budget request submitted pursuant to s. 216.023(1). ~~Such list shall be approved annually by the Legislature. Any proposed changes to the target industry list shall be developed and submitted in a like manner.~~ A target industry business may not include any industry engaged in retail activities; any electrical utility company; ~~any communications company;~~ any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; ~~any printing or publishing firm;~~ or any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(p)~~(q)~~ "Taxable year" means taxable year as defined in s. 220.03(1)(z).

(q)~~(r)~~ "Qualified target industry business" means a target industry business that has been approved by the *director* ~~secretary~~ to be eligible for tax refunds pursuant to this section.

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the *director* ~~secretary~~ which were paid by such business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b) The *director* ~~secretary~~ may approve a qualified target industry business to receive tax refund payments of up to $5,000 times the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or up to $7,500 times the number of jobs if the project is located in an enterprise zone. A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than $1.5 million in refunds under this section in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than $5 million in refund payments under this section in all fiscal years, or more than $7.5 million if the project is located in an enterprise zone.

(c) After entering into a tax refund agreement under subsection (5), a qualified target industry business may receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business which begins after entering into the agreement:

1. Taxes on sales, use, and other transactions under part I of chapter 212.

2. Corporate income taxes under chapter 220.

3. Intangible personal property taxes under chapter 199.

4. Emergency excise taxes under chapter 221.

5. Excise taxes on documents under chapter 201.

6. Ad valorem taxes paid, as defined in s. 220.03(1).

7. Insurance premium tax under s. 624.509.

However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption

granted to that business for any of such taxes. If a refund for such taxes is provided by the *office* ~~department~~, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the *office* ~~department~~ within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(d) A qualified target industry business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the *office* ~~division~~ before the business has made the decision to locate a new business in this state or before the business had made the decision to expand an existing business in this state. The application shall include, but is not limited to, the following information:

1. The applicant's federal employer identification number and the applicant's state sales tax registration number.

2. The permanent location of the applicant's facility in this state at which the project is or is to be located.

3. A description of the type of business activity or product covered by the project, including four-digit SIC codes for all activities included in the project.

4. The number of full-time equivalent jobs in this state that are or will be dedicated to the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state.

6. The anticipated commencement date of the project.

7. The amount of:

a. Taxes on sales, use, and other transactions paid under part I of chapter 212;

b. Corporate income taxes paid under chapter 220;

c. Intangible personal property taxes paid under chapter 199;

d. Emergency excise taxes paid under chapter 221; *and*

e. Excise taxes on documents paid under chapter 201.~~; and~~

~~f. Ad valorem taxes projected to be due in the 4 fiscal years immediately following the date of the application;~~

~~during the 5 fiscal years immediately preceding the date of the application, and the project amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.~~

8. The estimated amount of tax refunds to be claimed in each fiscal year.

9. A brief statement concerning the role that the tax refunds requested will play in the decision of the applicant to locate or expand in this state.

10. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

11.~~a.~~ A resolution adopted by the *governing* board of ~~county commissioners of~~ the county *or municipality* in which the project will be located, which resolution recommends that *certain types of businesses* ~~the target industry business~~ be approved as a qualified target industry business and states that the commitments of local financial support necessary for the target industry business exist. Before adoption of the resolution, the *governing* board ~~of county commissioners~~ may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided~~; or, for a target industry business located in a rural economic development initiative county, a resolution adopted by the board of county commissioners which exercises that county's exemption from the local financial support requirement~~.

~~b. If such project is located in a county with an enterprise zone but the project is located outside the enterprise zone, whether the amount of local financial support offered by any jurisdiction was also offered to the project for location or expansion in any enterprise zone within the jurisdiction. If appropriate, the resolution shall also include a request that the requirement to offer a similar amount of financial support for location or expansion in an enterprise zone be waived by the secretary because the particular nature of the business or the location of an existing business that is being expanded makes it impractical to locate or expand the project in an enterprise zone.~~

12. Any additional information requested by the *office* ~~division~~.

(b) To qualify for review by the *office* ~~division~~, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the *office* ~~division~~:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the business is to be located *or the statewide private-sector average wage.*

2. The target industry business's project must result in the creation of at least *10* ~~100~~ jobs at such project~~, or the creation of at least 50 jobs if such project is located in an enterprise zone or a county having a population of less than 50,000 persons~~.

~~3. The expansion of an existing business must result in at least a 10-percent increase in the number of jobs at such business.~~

3.~~4.~~ The business activity or product for the applicant's project is within an industry or industries that have been identified by the *office* ~~department~~ to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

(c) Each application meeting the requirements of paragraph (b) must be submitted to the *office* ~~division~~ for determination of eligibility. The *office* ~~division~~ shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the long-term effects of the project and of the applicant on the state economy.

2. The economic benefit of the jobs created by the project in this state, taking into account the cost and average wage of each job created.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project.

5. The effect of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The effect of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will be undertaken in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

7. The expected long-term commitment to this state resulting from the project.

8. A review of the business's past activities in this state or other states, including whether such business has been subjected to criminal or civil fines and penalties. Nothing in this subparagraph shall require the disclosure of confidential information.

~~9. If such project is located in a county with an enterprise zone but the project is located outside the enterprise zone, whether the amount of local financial support offered by a jurisdiction was also made available to the project for location or expansion in any enterprise zone within the jurisdiction. If appropriate, the evaluation shall also include a determination of whether it was impractical to locate or expand the project in an enterprise zone due to the particular nature of the business or the location of an existing business that is being expanded.~~

(d) The *office* ~~division~~ shall forward its written findings and evaluation concerning each application meeting the requirements of paragraph (b) to the *director* ~~secretary~~ within *45* ~~60~~ calendar days after receipt of a complete application. The *office* ~~division~~ shall notify each target industry business when its application is complete, and of the time when the *45-day* ~~60-day~~ period begins. In its written report to the *director* ~~secretary~~, the *office* ~~division~~ shall specifically address each of the factors specified in paragraph (c) and shall make a specific assessment with respect to the minimum requirements established in paragraph (b). The *office* ~~division~~ shall include in its report projections of the tax refund claim that will be sought by the target industry business in each fiscal year based on the information submitted in the application.

(e)1. Within 30 days after receipt of the *office's* ~~division's~~ findings and evaluation, the *director* ~~secretary~~ shall enter a final order that either approves or disapproves the application of the target industry business. The decision must be in writing and must provide the justifications for approval or disapproval.

~~2. No such application shall be approved for any project located outside an enterprise zone, in any county with a designated enterprise zone, absent a specific finding by the secretary that within a jurisdiction a similar amount of local financial support was also made available to the project for location within any enterprise zone. However, if the secretary determines that, due to the particular nature of the business or the location of an existing business that is being expanded, it is impractical to locate or expand the project in an enterprise zone, the secretary may waive the requirement to offer a similar amount of local financial support. The secretary shall include a specific finding on whether a similar amount of local support was offered for location or expansion in an enterprise zone or reasons why a waiver of such support requirement was granted in the report required pursuant to s. 288.095(3)(c).~~

2.~~3.~~ If appropriate, the *director* ~~secretary~~ shall enter into a written agreement with the qualified target industry business pursuant to subsection (5).

(f) The *director* ~~secretary~~ may not enter a final order that certifies any target industry business as a qualified target industry business if the value of tax refunds to be included in that final order exceeds the available amount of authority to enter final orders as determined in s. 288.095(3). A final order that approves an application must specify the maximum amount of tax refund that will be available to the qualified industry business in each fiscal year and the total amount of tax refunds that will be available to the business for all fiscal years.

(g) Nothing in this section shall create a presumption that an applicant will receive any tax refunds under this section. *However, the office may issue nonbinding opinion letters, upon the request of prospective applicants, as to the applicants' eligibility and the potential amount of refunds.*

(5) TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with the *office* ~~department~~ which specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. This information must be the same as the information contained in the application submitted by the business under subsection (4).

2. The maximum amount of tax refunds which the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive in each fiscal year.

3. That the *office* ~~department~~ may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date after which, in each fiscal year, the qualified target industry business may file an annual claim under subsection (6).

5. That local financial support will be annually available and will be paid to the account.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the *director* ~~secretary~~ of the certification of the business entity as a qualified target industry business.

(c) The agreement must be signed by the *director* ~~secretary~~ and by an authorized officer of the qualified target industry business within 30 days after entry of a final order certifying the business entity as a qualified target industry business under subsection (4).

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points in size: "This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of moneys sufficient to pay amounts authorized in section 288.106, Florida Statutes."

(6) ANNUAL CLAIM FOR REFUND.—

(a) A qualified target industry business that has entered into a tax refund agreement with the *office* ~~department~~ under subsection (5) may apply once each fiscal year to the *office* ~~department~~ for a tax refund. The application must be made on or after the date specified in that agreement.

(b) The claim for refund by the qualified target industry business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought and data related to achievement of each performance item specified in the tax refund agreement. The amount requested as a tax refund may not exceed the amount specified for that fiscal year in that agreement.

(c) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account in that fiscal year. If the local financial support provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995; and the amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted; and the limitations in subsection (3) and paragraph (4)(f) must be reduced by the amount of any such tax abatement. A report listing all sources of the local financial support shall be provided to the *office* ~~division~~ when such support is paid to the account.

(d) A prorated tax refund, less a 5-percent penalty, shall be approved for a qualified target industry business provided all other applicable requirements have been satisfied and the business proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment.

(e)~~(d)~~ The *director* ~~secretary~~, with such assistance as may be required from the *office* ~~division~~, the Department of Revenue, or the Department of Labor and Employment Security, shall specify by written final order the amount of the tax refund that is authorized for the

qualified target industry business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the *office* ~~department~~.

(f)~~(e)~~ The total amount of tax refunds approved by the *director* ~~secretary~~ under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

(g)~~(f)~~ Upon approval of the tax refund under paragraphs (c), ~~and~~ (d), *and (e)* the Comptroller shall issue a warrant for the amount specified in the final order. If the final order is appealed, the Comptroller may not issue a warrant for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(7) ADMINISTRATION.—

~~(a) The department shall adopt rules pursuant to chapter 120 for the administration of this section.~~

(a)~~(b)~~ The *office* ~~department~~ is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(b)~~(c)~~ To facilitate the process of monitoring and auditing applications made under this program, the *office* ~~department~~ may provide a list of qualified target industry businesses to the Department of Revenue, to the Department of Labor and Employment Security, or to any local government or authority. The *office* ~~department~~ may request the assistance of those entities with respect to monitoring the payment of the taxes listed in subsection (3).

(8) EXPIRATION.—This section expires June 30, 2004.

Section 44. Section 288.1162, Florida Statutes, is amended to read:

288.1162 Professional sports franchises; spring training franchises; ~~department~~ duties.—

(1) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying an applicant as a "facility for a new professional sports franchise," a "facility for a retained professional sports franchise," or a "new spring training franchise facility."

(2) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall develop rules for the receipt and processing of applications for funding pursuant to s. 212.20.

(3) As used in this section:

(a) "New professional sports franchise" means a professional sports franchise that is not based in this state prior to *April* ~~July~~ 1, *1987* ~~1990~~.

(b) "Retained professional sports franchise" means a professional sports franchise that has had a league-authorized location in this state on or before December 31, 1976, and has continuously remained at that location, and has never been located at a facility that has been previously certified under any provision of this section.

(4) Prior to certifying an applicant as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise," the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ must determine that:

(a) A "unit of local government" as defined in s. 218.369 is responsible for the construction, management, or operation of the professional sports franchise facility or holds title to the property on which the professional sports franchise facility is located.

(b) The applicant has a verified copy of a signed agreement with a new professional sports franchise for the use of the facility for a term of at least 10 years, or in the case of a retained professional sports franchise, an agreement for use of the facility for a term of at least 20 years.

(c) The applicant has a verified copy of the approval from the governing authority of the league in which the new professional sports franchise exists authorizing the location of the professional sports franchise in this state after *April* ~~July~~ 1, *1987* ~~1990~~, or in the case of a retained professional sports franchise, verified evidence that it has had a league-authorized location in this state on or before December 31, 1976. The term "league" means the National League or the American League of Major League Baseball, the National Basketball Association, the National Football League, or the National Hockey League.

(d) The applicant has projections, verified by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by the *Office of Tourism, Trade, and Economic Development* ~~department~~, which demonstrates that the amount of the revenues generated by the taxes imposed under part I of chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed $2 million annually.

(f) The municipality in which the facility for a new or retained professional sports franchise is located, or the county if the facility for a new or retained professional sports franchise is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(g) The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) No applicant previously certified under any provision of this section who has received funding under such certification shall be eligible for an additional certification.

(5) As used in this section, "new spring training franchise" means a spring training franchise that is not based in this state prior to July 1, 1990.

(6) Prior to certifying an applicant as a "new spring training franchise facility," the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ must determine that:

(a) A "unit of local government" as defined in s. 218.369 is responsible for the construction, management, or operation of the new spring training franchise facility or holds title to the property on which the new spring training franchise facility is located.

(b) The applicant has a verified copy of a signed agreement with a new spring training franchise for the use of the facility for a term of at least 15 years.

(c) The applicant has a financial commitment to provide 50 percent or more of the funds required by an agreement for the use of the facility by the new spring training franchise.

(d) The proposed facility for the new spring training franchise is located within 20 miles of an interstate or other limited-access highway system.

(e) The applicant has projections, verified by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, which demonstrate that the new spring training franchise facility will attract a paid attendance of at least 50,000 annually.

(f) The new spring training franchise facility is located in a county that is levying a tourist development tax pursuant to s. 125.0104(3)(b), (c), (d), and (l), at the rate of 4 percent by March 1, 1992, and, 87.5 percent of the proceeds from such tax are dedicated for the construction of a spring training complex.

(7) An applicant certified as a facility for a new professional sports franchise or a facility for a retained professional sports franchise or as a new spring training franchise facility may use funds provided pursuant to s. 212.20 only for the public purpose of paying for the construction, reconstruction, or renovation of a facility for a new professional sports franchise, a facility for a retained professional sports franchise, or a new spring training franchise facility or to pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate

obligations, or other amounts payable with respect to, bonds issued for the construction, reconstruction, or renovation of such facility or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(8) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall notify the Department of Revenue of any facility certified as a facility for a new professional sports franchise or a facility for a retained professional sports franchise or as a new spring training franchise facility. The *Office of Tourism, Trade, and Economic Development* ~~department~~ may certify no more than *eight* ~~six~~ facilities as facilities for a new professional sports franchise, as facilities for a retained professional sports franchise, or as new spring training franchise facilities*, including in such total any facilities certified by the Department of Commerce before July 1, 1996*. The *office* ~~department~~ may make no more than one certification for any facility.

(9) The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required in this section. Such information is subject to the confidentiality requirements of chapter 213. If the Department of Revenue determines that the distributions pursuant to this section have not been expended as required by this section, it may pursue recovery of such funds pursuant to the laws and rules governing the assessment of taxes.

(10) An applicant shall not be qualified for certification under this section if the franchise formed the basis for a previous certification, unless the previous certification was withdrawn by the facility or invalidated by the *Office of Tourism, Trade, and Economic Development or the Department of Commerce* ~~department~~ before any funds were distributed pursuant to s. 212.20. This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed pursuant to s. 212.20 for the second certification shall be offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification have been distributed.

Section 45. Section 288.1168, Florida Statutes, is amended to read:

288.1168 Professional golf hall of fame facility; ~~department~~ duties.—

(1) The Department of Commerce shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying one applicant as the professional golf hall of fame facility in the state.

(2) Prior to certifying the professional golf hall of fame facility, the Department of Commerce must determine that:

(a) The professional golf hall of fame facility is the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc.

(b) The applicant is a unit of local government as defined in s. 218.369 or a private sector group that has contracted to construct or operate the professional golf hall of fame facility on land owned by a unit of local government.

(c) The municipality in which the professional golf hall of fame facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(d) There are existing projections that the professional golf hall of fame facility will attract a paid attendance of more than 300,000 annually.

(e) There is an independent analysis or study, using methodology approved by the department, which demonstrates that the amount of the revenues generated by the taxes imposed under part I of chapter 212 with respect to the use and operation of the professional golf hall of fame facility will equal or exceed $2 million annually.

(f) The applicant has submitted an agreement to provide $2 million annually in national and international media promotion of the professional golf hall of fame facility, Florida, and Florida tourism, through the PGA Tour, Inc., or its affiliates, at the then current commercial rate, during the period of time that the facility receives funds pursuant to s. 212.20. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ and the PGA Tour, Inc., or its affiliates, must agree annually on a reasonable percentage of advertising specifically allocated for generic Florida advertising. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall have final approval of all generic advertising. Failure on the part of the PGA Tour, Inc., or its affiliates to annually provide the advertising as provided in this paragraph or subsection (6) shall result in the termination of funding as provided in s. 212.20.

(g) Documentation exists that demonstrates that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) The application is signed by an official senior executive of the applicant and is notarized according to Florida law providing for penalties for falsification.

(3) The applicant may use funds provided pursuant to s. 212.20 for the public purpose of paying for the construction, reconstruction, renovation, or operation of the professional golf hall of fame facility, or to pay or pledge for payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds issued for the construction, reconstruction, or renovation of the facility or for the reimbursement of such costs or the refinancing of bonds issued for such purpose.

(4) Upon determining that an applicant is or is not certifiable, the Secretary of Commerce shall notify the applicant of his or her status by means of an official letter. If certifiable, the secretary shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the professional golf hall of fame facility to the public and notify the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ that the professional golf hall of fame facility is open to the public.

(5) The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required by this section. Such information is subject to the confidentiality requirements of chapter 213. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(6) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ must recertify every 10 years that the facility is open, continues to be the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc., and is meeting the minimum projections for attendance or sales tax revenue as required at the time of original certification. If the facility is not certified as meeting the minimum projections, the PGA Tour, Inc., shall increase its required advertising contribution of $2 million annually to $2.5 million annually in lieu of reduction of any funds as provided by s. 212.20. The additional $500,000 must be allocated in its entirety for the use and promotion of generic Florida advertising as determined by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. If the facility is not open to the public or is no longer in use as the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc., the entire $2.5 million for advertising must be used for generic Florida advertising as determined by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~.

Section 46. Subsection (1), paragraph (g) of subsection (2), paragraph (a) of subsection (3), and subsection (6) of section 288.1185, Florida Statutes, are amended to read:

288.1185 Recycling Markets Advisory Committee.—

(1) There is created the Recycling Markets Advisory Committee, hereinafter referred to as the "committee," to be administratively housed in the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. The purpose of the committee shall be to serve as the mechanism for coordination among state agencies and the private sector to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recovered

materials. The committee may not duplicate or replace agency programs, but shall enhance, coordinate, and recommend priorities for those programs.

(2)

(g) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall coordinate with agencies listed in paragraph (3)(a) to provide support as necessary to enable the committee to adequately carry out its functions.

(3)(a) The heads of ~~the Department of Commerce,~~ the Department of Transportation, the Department of Environmental Protection, the Department of Management Services, the Department of Agriculture and Consumer Services, the Florida Energy Office, and the Governor shall each designate a staff member from within the agency to serve as the recycling market development liaison for the agency. This person shall have knowledge of recycling and the issues and problems related to recycling and recycled materials market development. This person shall be the primary point of contact for the agency on issues related to recycled materials market development. These liaisons shall be available for committee meetings and shall work closely with the committee and other recycling market development liaisons to further the goals of the committee, as appropriate.

(6) In order to support the functions of the committee, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ may hire staff or contract with other agencies for staff support and enter into contracts for support, research, planning, evaluation, and communication and promotion services.

Section 47. Effective December 31, 1996, section 288.122, Florida Statutes, is amended to read:

288.122 Tourism Promotional Trust Fund.—

~~(1)~~ There is created within the *Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor* ~~Division of Tourism~~ the Tourism Promotional Trust Fund. *Moneys deposited in the Tourism Promotional Trust Fund shall only be used to support the authorized activities and operations of the Florida Commission on Tourism, and to support tourism promotion and marketing activities, services, functions, and programs administered by the Florida Commission on Tourism through a contract with the commission's direct-support organization created under s. 288.1226.*

~~(2) The division is empowered to purchase and hold for resale promotional items and products, the proceeds from the sale of which shall be deposited in the Tourism Promotional Trust Fund. As used in this subsection, "promotional products and items" means beverages and foodstuffs commonly distributed from vending machines and literature of an informational or promotional nature, and any items related to current division publicity or advertising campaigns or other state agency promotional campaigns deemed appropriate by the division.~~

~~(3)(a) Moneys deposited in the Tourism Promotional Trust Fund shall only be used to support the authorized activities and operations of the division, including, but not limited to, the purchase of additional promotional items and products.~~

~~(b) For the 1995-1996 fiscal year only, funds in the Tourism Promotional Trust Fund may be appropriated to fund international trade activities in the Division of International Trade and Development of the Department of Commerce. This paragraph is repealed on July 1, 1996.~~

Section 48. Section 288.1221, Florida Statutes, is amended to read:

288.1221 Legislative intent.—

(1) It is the intent of the Legislature to establish a public-private partnership to provide policy direction to and technical expertise in the promotion and marketing of the state's tourism attributes. The Legislature further intends to authorize this partnership to recommend the tenets of an industry standard 5-year marketing plan for an annual marketing plan for tourism promotion and recommend a comparable organizational structure to carry out such a plan. The Legislature intends to have such a plan funded by that portion of the rental car surcharge annually dedicated to the Tourism Promotional Trust Fund, pursuant to s. 212.0606, and by the tourism industry. The Legislature intends that the exercise of this authority by the public-private partnership shall take into consideration the recommendations made to the 1992 Legislature in the report submitted by the Florida Tourism Commission created pursuant to chapter 91-31, Laws of Florida.

(2) Further, it is the intent of the Legislature to mobilize all the available resources of Florida's vital tourism industry in a state-sponsored public-private partnership to promote and enhance Florida tourism. The state's consistent, clearly articulated, and long-standing policy has been to promote collective action by state and local government authorities and the various representatives of the tourist industry to upgrade the image of Florida as a quality destination and to assure, to the maximum extent possible, that the benefits of such collective action are extended equitably throughout the state. To carry out the implementation of this policy, the Legislature finds that is in the public interest to maintain the Florida Commission on Tourism under the aegis of the Executive Office of the Governor to focus and provide state supervision of on-going collective action to promote Florida tourism. The Legislature further finds that it is in the public interest for activities in promotion and support of Florida tourism to be carried out by a private-sector, direct-support organization created expressly for such purpose as the Florida Tourism Industry Marketing Corporation. By creating this public-private partnership, it is the intent of the Legislature to coordinate existing private and public-funded tourism promotional activities in a cost-effective manner to avoid waste and duplication in these activities while achieving the maximum public benefit from all expenditures that directly and indirectly support Florida tourism.

Section 49. Section 288.1222, Florida Statutes, is amended to read:

288.1222 Definitions.—For the purposes of *s. 288.017,* ss. *288.121-288.1226, and s. 288.124* ~~288.1221-288.1224~~, the term:

(1) "Tourism promotion" means any marketing efforts exercised to attract domestic and international visitors from outside the state to destinations in Florida and to stimulate Florida resident tourism to areas within the state.

(2) "Tourist" means any person who participates in trade or recreation activities outside *the country of his or her* ~~a 100-mile radius of their primary~~ permanent residence *or who rents or leases transient living quarters or accommodations as described in s. 125.0104(3)(a).*

(3) *"Commission"* ~~"Division"~~ means the *Florida Commission on* ~~Division of~~ Tourism ~~of the Department of Commerce~~.

(4) "County destination marketing organization" means a public or private agency that is funded by local option tourist development tax revenues under s. 125.0104, or local option convention development tax revenues under s. 212.0305, and is officially designated by a county commission to market and promote the area for tourism or convention business or, in any county which has not levied such taxes, a public or private agency that is officially designated by the county commission to market and promote the area for tourism or convention business.

(5) "Direct-support organization" means the Florida Tourism Industry Marketing Corporation.

Section 50. Section 288.1223, Florida Statutes, is amended to read:

288.1223 Florida Commission on Tourism; creation; purpose; membership.—

(1) There is created within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ the Florida Commission on Tourism. The purpose of the commission is to *oversee this state's efforts to increase* ~~assist the division in increasing~~ the positive impact of tourism, including increased employment for state citizens, to all sectors of the economy through effective marketing activities; to ~~assist the division in promoting tourism to~~ continually upgrade the image of Florida as a quality destination; to *promote tourism* ~~advise the division on creating~~ objectives with all geographic, socioeconomic, and community sectors considered equitably; and to judge its efforts by the same standards of accountability and integrity as those used by successful, respected private sector businesses.

(2)(a) The commission shall consist of 17 *general tourism-industry-related* members appointed by the Governor, subject to confirmation by the Senate, *and 11 additional tourism-industry-related members, appointed by the Governor no later than July 31, 1996, including three*

representatives from the statewide rental car industry, three representatives from tourist-related statewide associations, including those that represent hotels, campgrounds, and attractions, three representatives from county destination marketing organizations, one representative from the cruise industry, and one representative from the airline industry, who will each serve for a term of 2 years, the Governor, and two additional ex officio members, who will serve for a term of 2 years, appointed no later than July 31, 1996, including a member of the Senate appointed by the President of the Senate and a member of the House of Representatives appointed by the Speaker of the House of Representatives.

(b) When making *the 17 general tourism-industry-related* appointments to the commission, the Governor shall appoint persons who are residents of the state, recognized tourism leaders, including, but not limited to, representatives of tourist development councils, convention and visitor bureaus, and associations, and chairs of the board, presidents, chief executive officers, chief operating officers, or persons of comparable executive level or influence of leading or otherwise important tourism industries. Consideration shall be given to appointing members who represent those *tourist-related lodging* ~~hospitality~~, retail, attraction, and transportation industries which contribute significantly to the promotion of Florida as a tourist destination from their private budgets and publicly through their voluntary tourism promotion investment contributions. Minority persons, as defined in s. 288.703, shall be included in the appointments to the commission and to any advisory committee appointed by the commission, so that the commission and advisory committees are broadly representative of the population of Florida. In addition, members shall be appointed in such a manner as to equitably represent all geographic areas of the state, with no fewer than two and no more than four members from any of the following regions:

1. Region 1, composed of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

2. Region 2, composed of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union Counties.

3. Region 3, composed of Brevard, Indian River, Lake, Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and Volusia Counties.

4. Region 4, composed of Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

5. Region 5, composed of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, and Lee Counties.

6. Region 6, composed of Broward, Dade, Martin, Monroe, and Palm Beach Counties.

No more than one member may be an employee of any one company, organization, council, or bureau.

(c) The *17 general tourism-industry-related* members of the commission shall be appointed no later than 60 days after July 2, 1992.

(d) Initially, *of the 17 general tourism-industry-related members,* the Governor shall appoint seven members for terms of 4 years, five members for terms of 2 years, and five members for terms of 1 year. Thereafter, after receiving recommendations from the Florida Commission on Tourism, the Governor shall appoint all members for terms of 4 years. Any vacancy shall be filled for the unexpired portion of the term by a person possessing the proper qualifications and shall reflect the proper balance of representation described in paragraph (b).

(e) *General tourism-industry-related* members shall be limited to two 4-year full consecutive terms.

(f) The commission shall hold its first meeting no later than September 1992 and must meet at least quarterly. ~~The commission shall elect a chair and a vice chair annually from among its members.~~ A majority of the members shall constitute a quorum for the purpose of conducting business.

(g) The Governor shall serve as chair of the commission. The commission shall biennially elect one of its tourism-industry-related members as vice-chair, who shall preside in the absence of the chair.

(h)~~(g)~~ The commission may appoint advisory committees, representing each of the six regions named in this section, and any other advisory committees the commission deems appropriate, which may include members from outside the commission to study special problems or issues and advise the commission on those subjects. *The commission may also establish an executive committee comprised of 9 members recommended by the vice-chair and appointed by the chair.* The operating procedures of such committees shall be established by the commission.

(i)~~(h)~~ The members of the commission shall *serve without compensation but will* be entitled to per diem and travel expenses pursuant to s. 112.061 while in the performance of their duties.

(j)~~(i)~~ Each member of the commission shall file full and public disclosure of financial interests at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing that provision.

Section 51. Section 288.1224, Florida Statutes, is amended to read:

288.1224 Powers and duties.—The commission:

(1) *Notwithstanding the provisions of part I of chapter 287, upon the approval of the Office of Tourism, Trade, and Economic Development, shall contract, no later than December 31, 1996, with a direct-support organization incorporated as a private, not-for-profit corporation, as defined in s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, to execute the tourism marketing and promotion services, functions, and programs for this state including, but not limited to, the activities prescribed by the 4-year marketing plan. The Office of Tourism, Trade, and Economic Development shall review such contract in an expedient manner and shall timely make any recommendations so as to allow for the date of the contract to be met. The commission shall serve as contract administrator.* ~~May, subject to the approval of the Secretary of Commerce, hire and establish the salary for an executive director to serve as the chief administrator of the commission's duties, who shall be exempt from the provisions of part II of chapter 110.~~

(2) Shall advise the *Office of Tourism, Trade, and Economic Development and the direct-support organization* ~~Secretary of Commerce and the division~~ regarding the domestic and international tourism promotion programs for this state~~, including, but not limited to, those being administered as of July 1, 1991, authorized by s. 288.121~~.

(3) *Shall be responsible for the prudent use of all public and private funds and shall ensure that the use of such funds is in accordance with all applicable laws, bylaws, and contractual requirements.* ~~Shall develop a program to provide incentives and to attract and recognize those entities which make significant financial and promotional contributions towards the expanded tourism promotion activities of the commission and the division.~~

~~(4) Shall commission and adopt, in cooperation with the division, an official tourism logo to be used in all promotional materials directly produced by the division, contracted by the division, or used in programs co-opted with the division. The commission may recommend a cooperative marketing program with other public and private entities which allows the use of this logo in tourism promotion campaigns which meet the standards of the commission and the division, for which the division may charge a reasonable fee.~~

(4)(a)~~(5)~~ Shall, *no later than* ~~prior to~~ December *31, 1996,* ~~1, 1992,~~ recommend the tenets of a *4-year* ~~5-year~~ marketing plan to sustain tourism growth, which plan shall be annual in construction and ongoing in nature. The initial plan shall use as its model the marketing plan recommended by the Florida Tourism Commission, created pursuant to chapter 91-31, Laws of Florida, and presented to the Legislature. Any annual revisions of such a plan shall carry forward the concepts of the remaining *3-year* ~~4-year~~ portion of that plan and consider a continuum portion to preserve the *4-year* ~~5-year~~ timeframe of the plan. *Such plan shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader no later than January 1, 1997.*

(b) The plan shall include an emergency response component and research designs.

(c) The plan shall include provisions for the direct-support organization to reach the targeted one-to-one match of private to public contribu-

tions within a period of 4 calendar years after the implementation date of the plan.

(d) The plan shall include recommendations regarding specific performance standards and measurable outcomes. By July 1, 1997, the Florida Commission on Tourism, in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for the commission and its direct-support organization. The commission, in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop a plan for monitoring its operations to ensure that performance data are maintained and supported by records of the organization.

(e) Prior to the 2000 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of, and prepare a report on, the Florida Commission on Tourism and its direct-support organization. The review shall be comprehensive in its scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. The progress toward achieving the established outcomes.

2. The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.

3. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organization.

The report shall be submitted by January 1, 2000, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(f) Prior to the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct another review of the Florida Commission on Tourism and its direct-support organization, using the criteria prescribed in paragraph (e). The report shall be submitted by January 1, 2003, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

~~(6) May assist the division in carrying out any program of information, special events, and publicity designed to attract tourists, visitors, and other interested persons from in and outside the state.~~

~~(7) May assist the division, as appropriate, in the creation of tourism promotion campaigns for each of the six regions created in s. 288.1223 to represent those regions using, to the extent possible, the experience and expertise of the many components of the tourism industry represented throughout those regions. Such campaigns may be developed and funded on a cooperative basis in accordance with rules adopted by the division pursuant to chapter 120.~~

(5)~~(8)~~ Shall *develop* ~~recommend~~ an operational structure *for implementation* ~~to the Legislature~~ no later than December *31, 1996,* ~~1, 1992,~~ to carry out the marketing plan recommended by the commission pursuant to this section.

~~(9) In the performance of its duties, may make and enter into contracts, with the approval of the Secretary of Commerce, and assume such other functions as are necessary to carry out the provisions of ss. 288.1221-288.1224 that are not inconsistent with this or any other law.~~

~~(10) May request or accept any grant, payment, or gift of funds or property made by this state or by the United States or any department or agency thereof or by any individual, firm, corporation, municipality, county, or organization for any or all of the purposes specified in ss. 288.1221-288.1224. Such funds shall be deposited in the Tourism Promotion Investment Trust Fund. The commission may expend such funds in accordance with the terms and conditions of any such grant, payment, or gift, or in the pursuit of its administration or in support of the programs it recommends to the division.~~

(6)~~(11)~~ May appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government.

(7)~~(12)~~ In the performance of its duties ~~and in cooperation with the division~~, may undertake or commission marketing research and advertising research studies.

(a) The identity of any person who responds to a marketing or advertising research project conducted pursuant to this subsection, and trade secrets, as defined by s. 812.081, obtained pursuant to such research, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(b) Any person who violates the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(13) May recommend to the division rules necessary to carry out the provisions of ss. 288.1221-288.1224.~~

(8)~~(14)~~ Shall consult with tourism industry leaders, appropriate members of the legislative and executive branches, and others the commission deems necessary to identify and recommend to the Legislature by December *31, 1996,* ~~1, 1992,~~ additional funding sources as may be required to fulfill the long-range objectives of the commission's marketing plan.

(9) Shall develop a budget, in conjunction with the Office of Tourism, Trade, and Economic Development, and in keeping with the commission's 4-year marketing plan, for the operation and activities of the commission and for the provision of tourism promotion programs, services, and functions through a contract with a direct-support organization created for such purposes. The budget shall be submitted to the Governor.

(10) Is authorized to establish and operate tourism offices in foreign countries in the execution of its responsibilities for promoting the development of tourism. To facilitate the performance of these responsibilities, the commission is authorized to contract with the commission's direct-support organization to establish and administer such offices. Where feasible, appropriate, and recommended by the 4-year marketing plan, the commission may collocate the programs of foreign tourism offices in cooperation with any foreign office operated by any agency of this state.

(a) The commission, or its direct support organization, may enter into agreements necessary to establish and operate an office in a foreign country containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by the commission, or its direct-support organization, to meet such obligations shall be subject only to s. 216.311.

(b) The Florida Commission on Tourism, or its direct-support organization, in connection with the establishment, operation, and management of any of its tourism offices located in a foreign country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.111 relating to communications, and from all statutory provisions relating to state employment, if the laws, administrative code, or business practices or customs of the foreign country, or political or administrative subdivision thereof, in which such office is located are in conflict with these provisions.

(11) Shall create an advisory committee of the commission which shall be charged with developing a regionally based plan to protect and promote all of the natural, coastal, historical, cultural and commercial tourism assets of this state.

(a) Members of the advisory committee shall be appointed by the chair of the commission and shall include representatives of the commission, the Departments of Agriculture, Environmental Protection, Community Affairs, Transportation, and State, the Florida Greenways Coordinating Council, the Florida Game and Freshwater Fish Commission, and, as deemed appropriate by the chair of the commission, representatives from other federal, state, regional, local, and private sector associations representing environmental, historical, cultural, recreational, and tourism-related activities.

(b) The advisory committee shall submit its plan to the commission by December 1, 1997.

(c) The commission shall review and make recommendations on the plan, including recommending any legislation considered necessary for implementing the plan, to the Legislature by January 1, 1998.

Section 52. Section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; *duties;* audit.—

(1) DEFINITIONS.—For the purposes of this section, the term~~:~~

~~(a)~~ "corporation" means the Florida Tourism Industry Marketing Corporation.

~~(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.~~

(2) ESTABLISHMENT.—The Florida Commission on Tourism shall establish*, no later than July 31, 1996,* the Florida Tourism Industry Marketing Corporation as a direct-support organization:

(a) Which is a corporation not for profit*, as defined in s. 501(c)(6) of the Internal Revenue Code of 1986, as amended,* that is incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) Which is organized and operated exclusively to request, receive, hold, invest, and administer property and to *manage and* make expenditures *for the operation of the activities, services, functions, and programs of this state which relate to the statewide, national, and international promotion and marketing of tourism* ~~to or for the operation of the Florida Commission on Tourism and tourism promotion~~.

(c) Which the *Florida Commission on Tourism and the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~, after review, *have* ~~has~~ certified *whether it is* ~~to be~~ operating in a manner consistent with the policies and goals of the commission and its long-range marketing plan.

(d) Which shall not be considered an agency for the purposes of chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254, relating to leasing of buildings; ss. 283.33 and 283.35, relating to bids for printing; s. 215.31; and parts I, II, and IV through VIII of chapter 112.

(e) Which shall be subject to the provisions of chapter 119, relating to public meetings, and those provisions of chapter 286 relating to public meetings and records.

(3) USE OF PROPERTY.—The commission:

(a) Is authorized to permit the use of property *and*~~,~~ facilities~~, and personal services~~ of the commission by the corporation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the corporation must comply in order to use property *and*~~,~~ facilities~~, or personal services~~ of the commission. Such conditions shall provide for budget and audit review and for oversight by the *commission* ~~Secretary of Commerce~~.

(c) Shall not permit the use of property *and*~~,~~ facilities~~, or personal services~~ of the *commission* ~~corporation~~ if the corporation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(4) BOARD OF DIRECTORS.—The board of directors of the corporation shall be composed of *28 tourism-industry-related* ~~17~~ members, appointed by the *Florida* Commission *on Tourism* from its own membership. The *vice-chair* ~~chair~~ of the commission shall serve as chair of the *corporation's* board *of directors.*

(5) POWERS AND DUTIES.—The corporation, in the performance of its duties:

(a) May make and enter into contracts and assume such other functions as are necessary to carry out the provisions of the Florida Commission on Tourism's 4-year marketing plan and the corporation's contract with the commission which are not inconsistent with this or any other provision of law.

(b) May develop a program to provide incentives and to attract and recognize those entities which make significant financial and promotional contributions towards the expanded tourism promotion activities of the corporation.

(c) May commission and adopt, in cooperation the commission, an official tourism logo to be used in all promotional materials directly produced by the corporation. The corporation may establish a cooperative marketing program with other public and private entities which allows the use of this logo in tourism promotion campaigns which meet the standards of the commission and the Office of Tourism, Trade, and Economic Development for which the corporation may charge a reasonable fee.

(d) May sue and be sued and appear and defend in all actions and proceedings in its corporate name to the same extent as a natural person.

(e) May adopt, use, and alter a common corporate seal. However, such seal must always contain the words "corporation not for profit."

(f) Shall elect or appoint such officers and agents as its affairs shall require and allow them reasonable compensation.

(g) Shall hire and establish salaries and personnel and employee benefit programs for such permanent and temporary employees as are necessary to carry out the provisions of the Florida Commission on Tourism's 4-year marketing plan and the corporation's contract with the commission which are not inconsistent with this or any other provision of law.

(h) May adopt, change, amend, and repeal bylaws, not inconsistent with law or its articles of incorporation, for the administration of the provisions of the Florida Commission on Tourism's 4-year marketing plan and the corporation's contract with the commission.

(i) May conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this act in any state, territory, district, or possession of the United States or any foreign country. Where feasible, appropriate, and recommended by the 4-year marketing plan developed by the Florida Commission on Tourism, the corporation may collocate the programs of foreign tourism offices in cooperation with any foreign office operated by any agency of this state.

(j) May appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government.

(k) May request or accept any grant, payment, or gift, of funds or property made by this state or by the United States or any department or agency thereof or by any individual, firm, corporation, municipality, county, or organization for any or all of the purposes of the Florida Commission on Tourism's 4-year marketing plan and the corporation's contract with the commission that are not inconsistent with this or any other provision of law. Such funds shall be deposited in a bank account established by the corporation's board of directors. The corporation may expend such funds in accordance with the terms and conditions of any such grant, payment, or gift, in the pursuit of its administration or in support of the programs it administers. The corporation shall separately account for the public funds and the private funds deposited into the corporation's bank account.

(l) Shall establish a plan for participation in the corporation which will provide additional funding for the administration and duties of the corporation.

(m) In the performance of its duties, may undertake, or contract for, marketing projects and advertising research projects.

(n) In addition to any indemnification available under chapter 617, the corporation may indemnify, and purchase and maintain insurance on behalf of, directors, officers, and employees of the corporation against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

(6)~~(5)~~ ANNUAL AUDIT.—The corporation shall make provision for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant. The annual audit report shall be due *prior to* December 1 of each year, shall include a management letter, and shall be submitted to the Auditor General*, the Office of Policy Analysis and Government Accountability,* and the *Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~ for review. The *Office of Program Policy Analysis and Government Accountability, the Office of Tourism, Trade, and Economic Development,* ~~Secretary of Commerce~~ and the Auditor General have the authority to require and

receive from the corporation or from its independent auditor any detail or supplemental data relative to the operation of the corporation. *The Office of Tourism, Trade, and Economic Development shall annually certify whether the corporation is operating in a manner and achieving the objectives that are consistent with the policies and goals of the commission and its long-range marketing plan.* The identity of a donor or prospective donor to the corporation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(7) The corporation shall provide a quarterly report to the commission which shall:

(a) Measure the current vitality of the visitor industry of this state as compared to the vitality of such industry for the year to date and for comparable quarters of past years. Indicators of vitality shall be determined by the commission and shall include, but not be limited to, estimated visitor count and party size, length of stay, average expenditure per party, and visitor origin and destination.

(b) Provide detailed, unaudited financial statements of sources and uses of public and private funds.

(c) Measure progress towards annual goals and objectives set forth in the commissions 4-year marketing plan.

(d) Review all pertinent research findings.

(e) Provide other measures of accountability as requested by the commission.

Section 53. Section 288.1227, Florida Statutes, is created to read:

288.1227 Annual report of the Florida Commission on Tourism; audits.—

(1) Prior to December 1 of each year, the Florida Commission on Tourism shall submit to the Governor, the director of the Office of Tourism, Trade, and Economic Development, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth for itself and its direct-support organization:

(a) Its operations and accomplishments during the fiscal year.

(b) Its business and operational plan and its tourism-marketing plan, including recommendations on methods for implementing and funding the tourism-marketing plan.

(c) The assets and liabilities of the direct-support organization at the end of its most recent fiscal year.

(d) A copy of the annual financial and compliance audit conducted under s. 288.1226(6).

(2) The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the commission or its direct-support organization.

Section 54. Section 288.1228, Florida Statutes, is created to read:

288.1228 Promotion and development of entertainment industries; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, to assist the office in the promotion and development of the motion picture, television, video, recording, and related entertainment industries.

(2) To be authorized as a direct-support organization, an organization must:

(a) Be incorporated as a corporation not for profit pursuant to chapter 617.

(b) Be governed by a board of directors, which must consist of the following members:

1. An ex officio nonvoting member of the Senate who shall be appointed by the President of the Senate and serve at the pleasure of the President;

2. An ex officio nonvoting member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker; and

3. Twelve members appointed by the Governor.

(c) Have as its purpose, as stated in its articles of incorporation, to receive, hold, invest, and administer property, to raise funds and receive gifts, and to promote and develop Florida's motion picture, television, video, recording, and related entertainment industries.

(d) Function as a body from which the Office of Tourism, Trade, and Economic Development may obtain differing views as to what actions or proposals are needed throughout the state regarding development of the motion picture, television, video, recording, and related entertainment industries.

(e) Have a prior determination by the Office of Tourism, Trade, and Economic Development that the organization will benefit the office and act in the best interests of the state as a direct-support organization to the office.

(3)(a) Members appointed by the Governor must be highly knowledgeable of, or active in, the motion picture, television, video, recording, or entertainment industry.

(b) Members appointed by the Governor shall be appointed for terms of 4 years, except that in making the initial appointments the Governor shall appoint two members for terms of 1 year, three members for terms of 2 years, three members for terms of 3 years, and four members for terms of 4 years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

(c) In making appointments to the board of directors, the Governor shall endeavor to ensure proportional geographic representation and shall also endeavor to ensure inclusion of a broad range of individuals representing small, medium, and large business as well as freelance or self-employed industry workers.

(d) A vacancy on the board of directors shall be filled for the remainder of the unexpired term.

(e) The Governor's initial appointments to the board of directors shall be made from a list of nominees submitted by the nominating council created pursuant to this section. Thereafter, such appointments shall be made by the Governor from a list of nominees submitted by the remaining members of the board of directors.

(f) Absence from three consecutive meetings shall result in automatic removal from the board.

(4)(a) There is created a nominating council for the purpose of providing the Governor with a list of nominees for initial appointment to the board of directors of the direct-support organization created pursuant to this section. The nominating council shall consist of one member each from the Florida Motion Picture and Television Association, the Independent Feature Project/South, the Florida Film Commissioners Association, the Screen Actors Guild, the Association of Independent Commercial Producers, the International Alliance of Theatrical and Stage Employees, the Florida Film Producers Association, the Professional Actors Association of Florida, the Directors Guild of America, the Black Filmmakers Group, the Women of the Motion Picture Industry-South Florida, Women in Film-Central Florida, the International Television Association, the American Federation of Television and Radio Artists, the National Arts and Entertainment Association, Model Agent Production Photography Association, and the American Women in Radio and Television for a total of 17 members.

(b) Each member of the nominating council shall nominate not less than three persons for the positions on the board of directors. Nominations of the council shall be nonpartisan. The nominees and appointments must represent a balance in representation from all entertainment businesses and organizations, including organizations other than those represented on the nominating council. The importance of minority representation shall be considered when making nominations for the board of directors.

(c) The Governor shall appoint no more than two members nominated by any single member of the nominating council and no more than five members from individuals who have submitted applications for appointment directly through the Executive Office of the Governor. The Governor shall have the authority to reject the group of nominees submitted by any member of the nominating council.

(d) The Governor shall select and appoint 12 members to the board of directors within 30 days after receipt of the nominations from the nominating council and from individuals who have submitted applications for appointment directly through the Executive Office of the Governor.

(5) The Office of Tourism, Trade, and Economic Development may contract with the organization and shall include in the contract that:

(a) The office must review and approve the organization's articles of incorporation and bylaws.

(b) The organization shall submit an annual budget proposal to the office, on a form prescribed by the office, in accordance with office procedures for filing budget proposals based upon the recommendation of the office.

(c) Any funds that the organization holds in trust shall revert to the state upon the expiration or cancellation of the contract.

(d) The organization is subject to an annual financial and performance review by the office to determine whether the organization is complying with the terms of the contract and whether it is acting in a manner consistent with the goals of the office and in the best interests of the state.

(e) The fiscal year of the organization will begin July 1 of each year and end June 30 of the next ensuing year.

(f) The offices or headquarters of the direct-support organization shall not be located on any property or space which is within the premises of the studio lot of any entity related to the industry to be promoted by the direct-support organization.

(6) The Office of Tourism, Trade, and Economic Development may allow the organization to use the property, facilities, personnel, and services of the office if the organization provides equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, subject to the approval of the director of the office.

(7) The organization shall provide an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant pursuant to rules established by the Auditor General. The auditor shall submit the audit report to the director of the office for review and approval. When the audit report is approved, the office shall certify the audit report to the Auditor General for review.

(8)(a) The board of directors shall appoint an executive director, after a nationwide search, to serve at the pleasure of the board as the chief administrator of the corporation's duties. This search shall commence immediately upon the incorporation of the direct-support organization and proceed in an expeditious manner. The executive director shall be exempt from the provisions of part II of chapter 110, and the board of directors shall set the salary for the executive director.

(b) The executive director shall:

1. Have an established reputation with a variety of individuals representing large and small entertainment-related businesses, industry associations, and local community entertainment industry liaisons.

2. Have a working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the direct-support organization.

3. Have marketing and promotion experience related to the motion picture, television, and recording industries.

(9) The Office of Tourism, Trade, and Economic Development must adopt rules in accordance with the provisions of chapter 120, providing for the organizational structure and procedure of the direct-support organization.

(10) Any state funds received by the direct-support organization, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, must be appropriated to the Office of Tourism, Trade, and Economic Development as a line item in the General Appropriations Act, with specific direction that the funds may be contracted to a direct-support organization or to a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries.

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

Section 55. Section 288.1229, Florida Statutes, is created to read:

288.1229 Promotion and development of sports-related industries; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in the promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(2) To be authorized as a direct-support organization, an organization must:

(a) Be incorporated as a corporation not for profit pursuant to chapter 617.

(b) Be governed by a board of directors, which must consist of 15 members appointed by the Governor and up to 15 members appointed by the existing board of directors. In making appointments, the board must consider a potential member's background in community service and sports activism in, and financial support of, the sports industry. Members must be residents of the state and highly knowledgeable about or active in professional sports. The board must contain representatives of all geographical regions of the state and must represent ethnic and gender diversity. The terms of office of the members shall be 4 years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

(c) Have as its purpose, as stated in its articles of incorporation, to receive, hold, invest, and administer property, to raise funds and receive gifts, and to promote and develop the sports industry and related industries for the purpose of increasing the economic presence of these industries in Florida.

(d) Have a prior determination by the Office of Tourism, Trade, and Economic Development that the organization will benefit the office and act in the best interests of the state as a direct-support organization to the office.

(3) The Office of Tourism, Trade, and Economic Development shall contract with the organization and shall include in the contract that:

(a) The office may review the organization's articles of incorporation.

(b) The organization shall submit an annual budget proposal to the office, on a form provided by the office, in accordance with office procedures for filing budget proposals based upon the recommendation of the office.

(c) Any funds that the organization holds in trust will revert to the state upon the expiration or cancellation of the contract.

(d) The organization is subject to an annual financial and performance review by the office to determine whether the organization is complying with the terms of the contract and whether it is acting in a manner consistent with the goals of the office and in the best interests of the state.

(e) The fiscal year of the organization will begin July 1 of each year and end June 30 of the next ensuing year.

(4) The Office of Tourism, Trade, and Economic Development may allow the organization to use the property, facilities, personnel, and services of the office if the organization provides equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, subject to the approval of the director of the office.

(5) The organization shall provide an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant pursuant to rules established by the Office of Tourism, Trade, and Economic Development. The auditor shall submit the audit report to the director of the office for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

(6) The organization is not granted any taxing power.

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

Section 56. Section 288.124, Florida Statutes, is amended to read:

288.124 Convention grants program.—The *Commission on* ~~Division of~~ Tourism is authorized to establish a convention grants program and, pursuant thereto, to *recommend to the Office of Tourism, Trade, and Economic Development* ~~make~~ expenditures and ~~enter into~~ contracts with local governments and nonprofit corporations or organizations for the purpose of attracting national conferences and conventions to Florida. Preference *shall be given to local governments and nonprofit corporations or organizations seeking to attract minority conventions to Florida. Minority conventions are events that primarily involve* ~~in the award of such grants shall be given to groups representing~~ minority persons, as defined in s. 288.703*, who are residents or nonresidents of the state.* The *commission* ~~division~~ shall *establish guidelines* ~~promulgate rules pursuant to chapter 120~~ governing the award of grants and the administration of this program. *The Office of Tourism, Trade, and Economic Development has final approval authority for any grants under this section. The total annual allocation of funds for this program shall not exceed $40,000.*

Section 57. Section 288.7011, Florida Statutes, is created to read:

288.7011 Assistance to certified development corporation.—The Office of Tourism, Trade, and Economic Development is authorized to enter into contracts to provide assistance to a nonprofit, statewide development corporation certified pursuant to s. 503 of the Small Business Investment Act of 1958, as amended, in the form of administrative and technical staff assistance and support, including, without limitation, assistance to the development corporation in the packaging and servicing of loans for the purpose of stimulating and expanding the availability of private equity capital and long-term loans to small businesses. Any contract between the office and such corporation shall provide that the corporation must reimburse, to the extent possible, the office for expenses resulting from the provision of administrative and technical staff assistance and support and that such assistance and support will cease when the corporation has attained a revenue-generating capacity sufficient to defray on its own the expense for such assistance and support. Any contract between the office and such corporation shall specify that the records of the corporation must be available for audit by the office and by the Auditor General to verify the extent of the ability of the corporation to reimburse the office for, or to defray entirely, the expense of such administrative and technical staff assistance and support.

Section 58. Subsections (3) and (5) of section 288.703, Florida Statutes, are amended and subsection (8) is added to that section to read:

288.703 Definitions.—As used in this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent:

(3) "Minority person" means a lawful, permanent resident of Florida who is:

(a) An African-American, a person having origins in any of the racial groups of the African Diaspora.

(b) A Hispanic-American, a person of Spanish or Portuguese culture with origins in *Spain, Portugal,* Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian-American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.

(d) A Native American, a person who has origins in any of the Indian Tribes of North America prior to 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services.

(e) An American woman.

(5) *"Department" means the Department of Labor and Employment Security.* ~~"Commission" means the Commission on Minority Economic and Business Development.~~

(8) "Secretary" means the Secretary of the Department of Labor and Employment Security.

Section 59. Section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System, a Type I center of the State University System funded as provided in Pub. L. No. 96-302, as amended, with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall coordinate with Minority Business Development Centers to compile and distribute such information to Florida small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to the Department of *Labor and Employment Security* ~~Commerce and the Commission on Minority Economic and Business Development~~ on utilization of the statewide contracts register. Such report shall include, but not be limited to, information relating to:

(1) The total number of solicitations received from state agencies during the calendar year.

(2) The number of solicitations received from each state agency during the calendar year.

(3) The method of distributing solicitation information to those businesses requesting such service.

(4) The total number of businesses using the service.

(5) The percentage of businesses using the service which are owned and controlled by minorities.

Section 60. Subsection (3) of section 288.707, Florida Statutes, is amended to read:

288.707 Florida Black Business Investment Board.—

(3) There is hereby created within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ a body politic and corporate to be known as the Florida Black Business Investment Board, hereinafter referred to as the "board." The board is hereby constituted a public instrumentality and the exercise by the board of the powers conferred by ss. 9-21, chapter 85-104, Laws of Florida, shall be deemed to be the performance of an essential governmental function.

(a) The board shall consist of seven members appointed by the Governor subject to confirmation by the Senate, six of whom shall be experienced in investment finance and business development, *one of whom must be a member of a Black Business Investment Corporation*. The chair of the Florida Development Finance Corporation, created pursuant to s. 288.9604, shall be an ex officio member of the board.

(b) Members appointed by the Governor shall serve terms of 4 years, except that in making the initial appointments, the Governor shall appoint one member to serve for a term of 1 year, two members to serve for terms of 2 years, two members to serve for terms of 3 years, and two members to serve for terms of 4 years.

(c) Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment.

(d) The Governor shall appoint the chairperson who shall be a member of the board. The board shall annually elect one of its members as vice chairperson and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all books, documents, and papers filed with the board, of the minute books of the board, and of its official seal. A majority of the members of the board shall constitute a quorum.

(e) Members of the board shall serve without compensation, but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(f) Each member of the board shall file full and public disclosure of financial interests at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.

Section 61. Section 288.7091, Florida Statutes, is amended to read:

288.7091 Duties of the Florida Black Business Investment Board.—The Florida Black Business Investment Board shall:

(1) Establish certification criteria for black business investment corporations. Certification criteria shall include administrative capacity, fiduciary controls, and, in the case of existing black business investment corporations, solvency and soundness of prior loan decisions;

(2) Develop a memorandum of understanding with Enterprise Florida, *Inc.*, that outlines a strategy for collaboration with the *programs and boards of Enterprise Florida, Inc.* ~~Capital, Innovation, and Jobs and Education partnerships~~;

(3) Include in the criteria for loan decisions, occupational forecasting results set forth in s. 216.136(10) which target high growth jobs;

(4) Establish, in communities that are not currently served by an existing black business investment corporation, memoranda of understanding with local financial institutions that will provide loan guarantees for loans to black business enterprises;

(5) Develop memoranda of understanding with the Departments of Labor and Employment Security, Education, Transportation, *and* Management Services, ~~and Commerce,~~ as well as the State Board of Regents, detailing efforts of common interest and collaborations to expand black business development;

(6) Intensify efforts to increase the number of the black business enterprises in construction and construction-related projects, focusing on federal, state, and local government financed construction projects; and

(7) Annually, prepare a report detailing the performance of each black business investment corporation, addressing the number of jobs created and/or retained, success and failure rates among loan recipients, and the amount of funds leveraged from other sources.

Section 62. Section 288.7095, Florida Statutes, is created to read:

288.7095 Duties of the black business investment corporations.—The black business investment corporations shall coordinate with Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development to avoid duplication and to develop local business and the necessary infrastructure to support it.

Section 63. Paragraph (a) of subsection (3) of section 288.707, Florida Statutes, is amended to read:

288.707 Florida Black Business Investment Board.—

(3) There is hereby created within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ a body politic and corporate to be known as the Florida Black Business Investment Board, hereinafter referred to as the "board." The board is hereby constituted a public instrumentality and the exercise by the board of the powers conferred by ss. 9-21, chapter 85-104, Laws of Florida, shall be deemed to be the performance of an essential governmental function.

(a) The board shall consist of seven members appointed by the Governor subject to confirmation by the Senate, six of whom shall be experienced in investment finance and business development, *one of which shall be a member of a Black Business Investment Corporation*. The chair of the Florida Development Finance Corporation, created pursuant to s. 288.9604, shall be an ex officio member of the board.

Section 64. Subsection (1) of section 288.709, Florida Statutes, is amended to read:

288.709 Powers of the Florida Black Business Investment Board.—The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of ss. 9-21, chapter 85-104, Laws of Florida, including, but not limited to, the power to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business and rules pursuant to chapter 120. *However, any proposed rules affecting the operation or administration or financial well being of any of the Black Business Investment Corporations must first be approved by a majority of the Black Business Investment Corporations.*

Section 65. Section 288.714, Florida Statutes, is amended to read:

288.714 Annual report.—By March 31 of each year the board shall submit to the Governor, the President of the Senate, ~~and~~ the Speaker of the House of Representatives, *and the Secretary of the Department of Labor and Employment Security* a complete and detailed report setting forth:

(1) Operations and accomplishments of the board;

(2) The number of black business enterprises which participated during the past year in programs established or administered by the board;

(3) The number of black business enterprises receiving assistance from the board and the manner in which the assistance was received;

(4) The status of black business enterprises which participated in programs established or administered by the board;

(5) The total number of jobs represented by black business enterprises participating in programs established or administered by the board;

(6) Receipts and expenditures of the board during its most recent fiscal year in accordance with the categories or classifications established by the board for its operating and capital accounts;

(7) Assets and liabilities of the board at the end of its most recent fiscal year and the status of its trust funds; and

(8) A schedule of local bonds outstanding authorized by the board and capital participation instruments issued by the board for the year and the total to date.

Section 66. Section 288.803, Florida Statutes, as amended by section 879 of chapter 95-148, Laws of Florida, is repealed effective December 31, 1996.

Section 67. Section 288.772, Florida Statutes, is amended to read:

288.772 Definitions.—For purposes of *ss. 288.771-288.778* ~~ss. 288.771-288.779~~:

(1) "Account" means the Florida Export Finance Corporation account in the Florida *Intergovernmental Relations* ~~International Affairs~~ Foundation, Inc.

(2) "Board" means the board of directors of the *Enterprise Florida International Trade and Economic Development Board or persons designated by Enterprise Florida, Inc., to oversee the operations of the corporation* ~~Florida Export Finance Corporation~~.

~~(3) "Commission" means the Florida International Affairs Commission as defined in s. 288.803.~~

(3)~~(4)~~ "Corporation" means the Florida Export Finance Corporation.

~~(5) "Council" means the Florida International Banking and Finance Council as defined in s. 288.819.~~

~~(6) "Department" means the Department of Commerce.~~

(4)~~(7)~~ "Domiciled in this state" means registered to do business in this state.

~~(8) "Executive director" means the chief executive officer of the Florida International Affairs Commission as defined in s. 288.803(2).~~

(5)~~(9)~~ "Financial institution" shall have the same meaning as that term is defined in s. 655.005(1)(h).

(6)~~(10)~~ "President" means the chief executive officer of the Florida Export Finance Corporation.

(7)~~(11)~~ "Small and medium-sized businesses" or "businesses" means businesses domiciled in this state which employ less than 250 people and have a net worth of less than $6 million.

Section 68. Subsections (1) and (5) of section 288.773, Florida Statutes, are amended to read:

288.773 Florida Export Finance Corporation.—The Florida Export Finance Corporation is hereby created as a corporation not for profit, to be incorporated under the provisions of chapter 617 and approved by the Department of State. The corporation is organized on a nonstock basis. The purpose of the corporation is to expand employment and income opportunities for residents of this state through increased exports of goods and services, by providing businesses domiciled in this state information and technical assistance on export opportunities, exporting techniques, and financial assistance through guarantees and direct loan originations for sale in support of export transactions. The corporation shall have the power and authority to carry out the following functions:

(1) To coordinate the efforts of the corporation with programs and goals of the United States Export-Import Bank, the International Trade Administration of the United States Department of Commerce, the Foreign Credit Insurance Association, *Enterprise Florida, Inc., and its boards,* ~~the Department of Commerce, the Florida International Affairs Commission and its related councils,~~ and other private and public programs and organizations, domestic and foreign, designed to provide export assistance and export-related financing.

(5) To insure, coinsure, lend, and guarantee loans, and to originate for sale direct export-related loans, extended to small and medium-sized businesses in this state pursuant to criteria, bylaws, rules, and policies adopted by the board ~~and approved by the commission~~.

Section 69. Subsection (3) of section 288.774, Florida Statutes, is amended to read:

288.774 Powers and limitations.—

(3)*(a)* The board shall adopt rules on the terms and limits for loans, guarantees, and direct loan originations, but a loan guarantee or a direct loan origination shall not exceed 90 percent of the transaction contract.

(b) In providing assistance, the board shall be guided by the statewide economic development plan adopted pursuant to s. 288.905.

(c) The board shall explore the possibility of organizing Florida financial institutions and international bank syndicates for the purpose of offering nonrecourse postexport financing to Florida exporters.

Section 70. Subsection (1) of section 288.775, Florida Statutes, is amended to read:

288.775 Florida Export Finance Corporation Account.—

(1) The Florida *Intergovernmental Relations* ~~International Affairs~~ Foundation, Inc., as established in s. 288.809, shall create the Florida Export Finance Corporation Account for the purpose of receiving state, federal, and private financial resources, and the return from investments of those resources, and for the purposes of this part. The account shall be under the exclusive control of the board ~~of the corporation~~.

Section 71. Section 288.776, Florida Statutes, is amended to read:

288.776 Board of directors*; powers and duties.*—

~~(1)(a) The corporation shall have a board of directors consisting of 15 members representing all regions of the state. The commission shall appoint 10 members of the board. The importance of minority and gender representation shall be considered when making appointments to the board. The board membership must include:~~

~~1. One member from each of the six regions established in s. 288.803.~~

~~2. A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.~~

~~3. The following persons or their designees: the Secretary of Commerce, the Comptroller, the Executive Director of the Florida International Affairs Commission, a senior official of the United States Department of Commerce, and the chair of the Black Business Investment Board.~~

~~(b) Appointees who are not state or Federal Government officials shall serve for a period of 3 years and shall be eligible for reappointment on the recommendation of the commission. Nonstate and nonfederal official vacancies on the board shall be filled by the commission within 30 days after the effective date of the vacancy.~~

~~(c) The articles of incorporation shall reflect the provisions of this subsection and subsection (2).~~

~~(2) The board shall commence formal action pursuant to this part within 90 days after the establishment of the corporation.~~

~~(3) Board members shall serve without compensation but may be reimbursed for all necessary expenses in the performance of their duties, including attending board meetings and conducting board business.~~

~~(4)~~ The board shall:

~~(a) Elect a chair and vice chair from among its members. The chair shall preside at meetings of the board. In the absence of the chair, the vice chair shall preside at meetings of the board. The board shall have a quorum of nine.~~

(1)~~(b)~~ Prior to the expenditure of funds from the export finance account, adopt bylaws, rules, and policies which are necessary to carry out the responsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans by the corporation to support export transactions. The corporation's bylaws, rules, and policies shall be reviewed and approved by *Enterprise Florida, Inc.,* ~~the commission~~ prior to final adoption by the board.

(2)~~(c)~~ Hold regularly scheduled meetings, at least quarterly, in order to carry out the objectives and responsibilities of the board.

(3)~~(d)~~ Issue an annual report *to Enterprise Florida, Inc.,* ~~no later than March 31 of each calendar year for the preceding calendar year or part thereof,~~ on the activities of the corporation, including an evaluation of activities and recommendations for change. The evaluation shall include the corporation's impact on the following:

(a)~~1.~~ Participation of private banks and other private organizations and individuals in the corporation's export financing programs.

(b)~~2.~~ Access of small and medium-sized businesses in this state to federal export financing programs.

(c)~~3.~~ Export volume of the small and medium-sized businesses in this state accessing the corporation's programs.

(d)~~4.~~ Other economic and social benefits to international programs in this state.

~~The report must include statistics to indicate: the number of businesses which succeeded in independently obtaining export financing following program assistance; the number of businesses which had already completed export transactions before receiving program assistance; the level of businesses' export activity before program assistance; and the current operational status of the businesses. A copy of the report shall be sent to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Comptroller, the Treasurer, and the Secretary of Commerce.~~

(4)~~(e)~~ Adopt policies, including criteria, establishing which exporters and export transactions shall be eligible for insurance, coinsurance, loan guarantees, and direct, guaranteed, or collateralized loans which may be extended by the corporation. Pursuant to this subsection, the board shall adopt rules to include the following criteria:

(a)~~1.~~ Any individual signing any corporation loan application and loan or guarantee agreement shall have an equity in the business applying for financial assistance.

(b)~~2.~~ Each program shall exclusively support the export of goods and services by small and medium-sized businesses which are domiciled in this state. Priority shall be given to goods which have value added in this state.

(c)~~3.~~ Financial assistance shall only be extended when at least one of the following circumstances exists:

1.~~a.~~ The assistance is required to secure the participation of small and medium-sized export businesses in federal, state, or private financing programs.

2.~~b.~~ No conventional source of lender support is available for the business from public or private financing sources.

Personal financial records, trade secrets, or proprietary information of applicants shall be confidential and exempt from the provisions of s. 119.07(1). ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(5)~~(f)~~ Adopt requirements to ensure the full repayment of loans and loan guarantees, plus accrued interest, full-recourse claims, and indemnities on direct loan originations sold by the corporation, and the solvency of any insurance and coinsurance program extended under this part.

(6)~~(g)~~ Approve any extension of insurance, coinsurance, loans, loan guarantees, or direct loan originations for sale, under this part.

(7)~~(h)~~ Consult with *Enterprise Florida, Inc., and its boards* ~~the department~~, or any ~~other~~ state or federal agency, to ensure that the respective loan guarantee or working capital loan origination programs are not duplicative and that each program makes full use of, to the extent practicable, the resources of the other.

(8)~~(i)~~ Work to secure a delegated line of authority from the United States Export-Import Bank or other appropriate federal or state agency or private sector entity in order to take advantage of this possible funding or guarantee source.

(9)~~(j)~~ Develop a streamlined application and review process, including a survey of businesses to obtain the statistics required in *subsection (3)* ~~paragraph (d)~~.

Section 72. Subsection (1) of section 288.777, Florida Statutes, is amended to read:

288.777 President of the corporation.—

(1) The *board of directors of Enterprise Florida, Inc.,* ~~commission~~ shall appoint a president of the Florida Export Finance Corporation from a list of nominees submitted by the board. The president shall be knowledgeable about private and public export assistance and export financing programs.

Section 73. Section 288.7771, Florida Statutes, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.—By December 1 of each year, the corporation shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

(1) The evaluation required in s. 288.7772(1).

(2) The report required in *s. 288.776(3)* ~~s. 288.776(4)(d)~~.

(3) Its assets and liabilities at the end of its most recent fiscal year.

Section 74. Section 288.809, Florida Statutes, is amended to read:

288.809 Florida *Intergovernmental Relations* ~~International Affairs~~ Foundation; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "Florida *Intergovernmental Relations* ~~International Affairs~~ Foundation" means a direct-support organization:

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Which is organized and operated exclusively to solicit, receive, hold, invest, and administer property and, subject to the approval of the *Department of State* ~~Florida International Affairs Commission~~, to make expenditures to or for the promotion of *intergovernmental relations* ~~international affairs trade and international education~~ programs; and

3. Which the *Department of State* ~~commission~~, after review, has certified to be operating in a manner consistent with the policies and goals of the *department* ~~commission's strategic plan~~.

(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.

(2) USE OF PROPERTY.—The *department* ~~commission~~:

(a) Is authorized to permit the use of property, facilities, and personal services of the *department* ~~commission~~ by the foundation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the foundation must comply in order to use property, facilities, or personal services of the *department* ~~commission~~. Such conditions shall provide for budget and audit review and for oversight by the *department* ~~commission~~.

(c) Shall not permit the use of property, facilities, or personal services of the foundation if the foundation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(3) BOARD OF DIRECTORS.—The board of directors of the foundation shall be composed of seven members~~, including six~~ appointed by the *Secretary of State* ~~commission from its own membership~~, of whom no more than three shall be employees or elected officials of the state. ~~The executive director of the commission shall serve as chair of the board.~~

(4) ANNUAL AUDIT.—The foundation shall make provision for an annual postaudit of its financial accounts to be conducted by an independent, certified public accountant. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the *department* ~~commission~~ for review. The *department* ~~commission~~ and the Auditor General have the authority to require and receive from the foundation or from its independent auditor any detail or supplemental data relative to the operation of the foundation. The identity of a donor or prospective donor to the foundation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 75. Section 288.8155, Florida Statutes, is amended to read:

288.8155 International Trade Data Resource and Research Center.—*Enterprise Florida, Inc.,* ~~The Department of Commerce, the Florida International Affairs Commission,~~ and the Florida Seaport Transportation and Economic Development Council *may* ~~shall~~ establish a comprehensive trade data resource and research center to be known as the "International Trade Data Resource and Research Center." The center may join with other public sector or private sector entities, domestic or foreign, to accomplish its purposes.

(1) *Enterprise Florida, Inc.,* ~~The department, commission,~~ and *the* council shall prepare an operational plan for the management and establishment of the International Trade Data Resource and Research Center ~~within 90 days after the effective date of this act~~. The operational plan shall contain a pro forma budget that includes, but is not limited to, the acquisition of equipment, data, personnel, and other related services.

(2) *Enterprise Florida, Inc.,* ~~The department~~ shall contract with the center for the purpose of developing a trade information system that may include, but is not limited to, timely import and export information; trade opportunities; intermodal transportation information that measures cargo flow by transportation mode; commodity trends; trade activity between Florida and specific countries; and other information as determined by *Enterprise Florida, Inc.,* ~~the department, commission,~~ and *the* council. ~~Any such contract shall be approved by the department, commission, and council.~~ In addition, this agreement may:

(a) Provide the budget and cost for operating the center.

(b) Provide that *Enterprise Florida, Inc.,* ~~the department~~ will assist in providing research on trade opportunities in specific countries; that *Enterprise Florida, Inc.,* ~~the department~~ will have complete access to all information produced by the center; that *Enterprise Florida, Inc.,* ~~the department~~ and *the* ~~its~~ foreign offices *of the state* may provide a computer linkup with the center; that *Enterprise Florida, Inc.,* ~~the department~~ and the center will develop a plan that provides for the sale, promotion, and packaging of information provided by the center to both Florida and non-Florida businesses; that the center will set fees to be charged for trade data information or research developed by the center; and that fees may be paid by cash, credit card, or electronic transfer.

~~(c) Provide that, if any contract causes the department to provide services or make expenditures that are not funded in the department's appropriated budget, the center shall fund the cost of such services or expenditures.~~

(c)~~(d)~~ Provide any other terms and conditions required to effect the intent of the Legislature to ensure the general availability of trade data and research to Florida users and to promote the development of a center for the purposes enumerated in this section.

Section 76. Section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(1) The *Secretary of State* ~~Office of the Executive Director~~ shall be responsible for consular operations and the sister city and sister state program and shall serve as liaison with foreign, federal, and other state international organizations and with county and municipal governments in Florida.

(2) The *secretary* ~~office~~ shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The *secretary* ~~office~~ shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The *secretary* ~~office~~ shall promulgate rules which shall:

(a) Establish a viable system of registration for foreign government officials residing or having jurisdiction in the state. Emphasis shall be placed on maintaining active communication between the *secretary* ~~office~~ and the United States Department of State in order to be currently informed regarding foreign governmental personnel stationed in, or with official responsibilities for, Florida. Active dialogue shall also be maintained with foreign countries which historically have had dealings with Florida in order to keep them informed of the proper procedure for registering with the state.

(b) Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates.

(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.

(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.

(e) Verify entitlement to issuance of special motor vehicle license plates by the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.

(f) Establish a system of communication to provide all state and local enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen. Such agencies shall be informed that when such arrest or incarceration occurs, the agency must notify the *secretary* ~~office~~, *who* ~~which~~ in turn shall notify the appropriate foreign governmental official.

(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 281.20.

(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.

(i) Notify all newly arrived foreign governmental officials of the services offered by the *secretary* ~~office~~.

(3) The *Secretary of State* ~~Office of the Executive Director~~ shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the *secretary* ~~office~~ shall have the power and authority to:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.

(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.

(4) The *Secretary of State* ~~Office of the Executive Director~~ shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. *All inquiries received regarding international economic trade development or reverse investment opportunities shall be referred to Enterprise Florida, Inc.* In addition, *the secretary* ~~this office~~ shall serve as liaison with other states with respect to ~~any~~ international programs of interest to Florida. The *secretary* ~~office~~ shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) The *Secretary of State* ~~Office of the Executive Director~~ shall have the power and duty to encourage the relocation to Florida of consular offices *and*~~,~~ multilateral and international agencies and organizations~~, and international business associations~~.

(6) The Secretary of State, through membership on the board of directors of Enterprise Florida, Inc., shall help to contribute an international perspective to the state's development efforts.

Section 77. Subsections (1), (2), (3), (5), (7), (8), and (9) of section 288.8175, Florida Statutes, are amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(1) There are created, within the *Department of Education* ~~Florida International Affairs Commission~~, Florida linkage institutes. A primary purpose of these institutes is to assist in the development of stronger economic and social ties between this state and strategic foreign countries through the promotion of expanded public and private dialogue on cooperative research and technical assistance activities, increased bilateral commerce, student and faculty exchange, cultural exchange, and the enhancement of language training skills between the postsecondary institutions in this state and those of selected foreign countries. Each institute must ensure that minority students are afforded an equal opportunity to participate in the exchange programs.

(2) Each institute must be governed by an agreement, approved by the *Department of Education* ~~Florida International Affairs Commission~~, between the State University System and the Community College System with the counterpart organization of higher education in the foreign country. Each institute must report to the *department* ~~Florida International Affairs Commission~~ regarding its program activities, expenditures, and policies.

(3) Each institute must be co-administered in this state by a university-community college partnership, as designated in subsection (4), and must have a private sector and public sector advisory committee. The advisory committee must be representative of the international education and commercial interests of the state and may have members who are native to the foreign country partner. Six members must be appointed by the *Department of Education* ~~Florida International Affairs Commission and the Secretary of Commerce~~. *The department* ~~Both the commission and the Secretary of Commerce~~ must appoint at least one member who is an international educator. The presidents, or their designees, of the participating university and community college must also serve on the advisory committee. ~~All appointments to the advisory committees must be ratified by the Florida International Affairs Commission.~~

(5) Each institute is allowed to exempt from s. 240.1201 up to 25 full-time equivalent students per year from the respective host countries to study in any of the state universities or community colleges in this state as resident students for tuition purposes. The institute directors shall develop criteria, to be approved by the *Department of Education* ~~commission~~, for the selection of these students. Students must return home within 3 years after their tenure of graduate or undergraduate study for a length of time equal to their exemption period.

(7) No later than 60 days before every regular session of the Legislature, the *Department of Education* ~~Florida International Affairs Commission~~ shall present to the Speaker of the House of Representatives, the President of the Senate, and the minority leaders of the House of Representatives and the Senate a review of linkage institute program activity, criteria for their operation, accountability standards, recommended funding levels, and recommendations for establishing, maintaining, or abolishing linkage institutes. *The criteria shall be developed in consultation with Enterprise Florida, Inc.* The criteria must include, but need not be limited to, the purpose stated in subsection (1) and:

(a) The importance of economic, political, and social ties between this state and the country or region.

(b) The potential for growth and expansion of commercial, educational, and cultural links.

(c) The viability of regionally oriented, rather than country-specific, linkages, based on historical or emerging regional economic or political trading blocs.

(8) A linkage institute may not be created or funded except upon the recommendation of the *Department of Education* ~~Florida International Affairs Commission~~ and except by amendment to this section.

(9) The *Department of Education* ~~Florida International Affairs Commission~~ shall review and make linkage-institute budget requests to the Governor and the Legislature. State appropriations for institutes created under this section must be made by a single lump-sum line item to the *department* ~~Florida International Affairs Commission~~, which must apportion the funds among the various institutes in accordance with criteria established by the *department* ~~commission~~.

Section 78. Section 288.826, Florida Statutes, is amended to read:

288.826 Florida International Trade and Promotion Trust Fund.—

~~(1)~~ There is hereby established in the State Treasury the Florida International Trade and Promotion Trust Fund. *The* ~~Of the~~ moneys deposited into this trust fund~~, one-seventh~~ shall be *administered by the Office of Tourism, Trade, and Economic Development* for the ~~use of the Executive Office of the Governor for~~ operation of *Enterprise Florida, Inc., and its boards and* ~~the Florida International Affairs Commission in the performance of its statutory duties, and six-sevenths shall be for the use of the Department of Commerce~~ for the operation of Florida foreign offices *under s. 288.012* ~~for purposes of trade or other international business promotion~~.

~~(2) For the 1995-1996 fiscal year only, funds from the six-sevenths of the moneys deposited into the trust fund may also be appropriated to the Division of International Trade and Development of the Department of Commerce. This subsection is repealed on July 1, 1996.~~

Section 79. Section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(1) There is created a nonprofit corporation, to be known as "Enterprise Florida, Inc.," which shall be registered, incorporated, organized, and operated in compliance with chapter 617, *and which shall not be a unit or entity of state government* ~~but which shall have only the powers and obligations enumerated in ss. 288.901-288.906~~. *The Legislature determines, however, that public policy dictates that Enterprise Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Enterprise Florida Inc., and its boards are subject to the provisions of chapter 119, relating to public records and those provisions of chapter 286 relating to public meetings and records.* ~~Prior to filing its articles of incorporation with the Department of State, Enterprise Florida, Inc., shall submit its proposed articles of incorporation and bylaws to the Department of Commerce for review.~~

(2) Enterprise Florida, Inc., shall establish one or more corporate offices, at least one of which shall be located in Leon County. Persons employed by the Department of Commerce on the day prior to the effective date of this subsection, whose jobs are privatized, shall be given preference, if qualified, for similar jobs at Enterprise Florida, Inc. When practical, those jobs shall be located in Leon County. All available resources, including telecommuting, must be employed to minimize the negative impact on the Leon County economy caused by job losses associated with the privatization of the Department of Commerce. The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who, as of June 30, 1996, is employed by the Department of Commerce. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System. The Department of Management Services shall establish the terms and conditions of such lease agreements.

(3)~~(2)~~ Enterprise Florida, Inc., shall be governed by a board of directors. The board of directors shall consist of the following members:

(a) The Governor or the Governor's designee.

~~(b) The Lieutenant Governor or the Lieutenant Governor's designee.~~

(b)~~(c)~~ The Commissioner of Education or the commissioner's designee.

~~(d) The Chancellor of the State University System or the Chancellor's designee.~~

~~(e) The executive director of the State Community College System or the executive director's designee.~~

~~(f) The Secretary of Commerce or the secretary's designee.~~

(c)~~(g)~~ The Secretary of Labor and Employment Security or the secretary's designee.

(d)~~(h)~~ A member of the Senate, who shall be appointed by the President of the Senate *as an ex officio member of the board* and serve at the pleasure of the President.

(e)~~(i)~~ A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives *as an ex officio member of the board* and serve at the pleasure of the Speaker.

(f) The chairperson of the board for international trade and economic development.

(g) The chairperson of the board for capital development.

(h) The chairperson of the board for technology development.

(i) The chairperson of the board for workforce development.

(j) *Twelve members from the private sector, 6 of whom shall be appointed by the Governor, 3 of whom shall be appointed by the President of the Senate, and 3 of whom shall be appointed by the Speaker of the House of Representatives. All appointees are subject to Senate confirmation. In making such appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall ensure that the composition of the board is reflective of the diversity of Florida's business community, and to the greatest degree possible shall include, but not be limited to, individuals representing large companies, small companies, minority companies, and individuals representing municipal, county, or regional economic development organizations. Of the 12 members from the private sector, 7 must have significant experience in international business, with expertise in the areas of transportation, finance, law, and manufacturing. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall also consider whether the current board members, together with potential appointees, reflect the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state.* ~~Twelve members from the private sector, who shall be appointed by the Governor, subject to Senate confirmation, one of whom must be a member of the Florida International Affairs Commission.~~

(k) The Secretary of State or the secretary's designee.

(4)~~(3)~~*(a) Members appointed to the board before July 1, 1996, shall serve the remainder of their unexpired term. Vacancies occurring after July 1, 1996, as a result of the annual expiration of terms, shall be filled in the following manner and sequence.*

1. Of the first three vacancies, the Governor shall appoint one member, the President of the Senate shall appoint one member, and the Speaker of the House of Representatives shall appoint one member.

2. Of the second three vacancies, the Governor shall appoint one member, the President of the Senate shall appoint one member, and the Speaker of the House of Representatives shall appoint one member.

3. Of the third three vacancies, the President of the Senate shall appoint one member and the Governor shall appoint two members.

4. Of the fourth three vacancies, the Speaker of the House of Representatives shall appoint one member and the Governor shall appoint two members.

Thereafter, any vacancies which occur will be filled by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.

(b) Members appointed by the Governor, *the President of the Senate, and the Speaker of the House of Representatives* shall be appointed for terms of 4 years~~, except that in making the initial appointments the Governor shall appoint three members for terms of 1 year, three members for terms of 2 years, three members for terms of 3 years, and three members for terms of 4 years~~. Any member is eligible for reappointment.

(c) Of the six members appointed by the Governor, one shall be, at the time of appointment, a board member of a community development corporation meeting the requirements of s. 290.035, and one shall be representative of the international business community. Of the three members appointed by the President of the Senate and Speaker of the House of Representatives, respectively, one each shall be representative of the international business community, and one each shall be an executive director of a local economic development council.

(5)~~(4)~~ A vacancy on the board of directors shall be filled for the remainder of the unexpired term.

(6)~~(5)~~ The initial appointments to the board of directors shall be made by the Governor from a list of nominees submitted by the Enterprise Florida Nominating Council. Thereafter, appointments shall be made by the Governor, *the President of the Senate, and the Speaker of the House of Representatives* from a list of nominees submitted by the remaining appointive members of the board of directors. *The board of directors shall take into consideration the current membership of the board and shall select nominees who are reflective of the diverse nature of Florida's business community, including, but not limited to, individuals representing large companies, small companies, minority companies, companies engaged in international business efforts, companies engaged in domestic business efforts, and individuals representing municipal, county, or regional economic development organizations. The board shall also consider whether the current board members, together with potential appointees, reflect the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state.*

(7)~~(6)~~ Appointive members may be removed by the Governor, *the President of the Senate, or the Speaker of the House of Representatives, respectively,* for cause. Absence from three consecutive meetings results in automatic removal.

(8)~~(7)~~ The Governor shall serve as chairperson of the board of directors. The board of directors shall biennially elect one of its appointive members as vice chairperson ~~and shall designate a secretary-treasurer, who need not be a member of the board of directors~~. The *president* ~~secretary-treasurer~~ shall keep a record of the proceedings of the board of directors and is the custodian of all books, documents, and papers filed with the board of directors, the minutes of the board of directors, and the official seal of Enterprise Florida, Inc.

(9)~~(8)~~ The board of directors shall meet at least four times each year, upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the total number of all directors fixed by subsection *(3)* ~~(2)~~ shall constitute a quorum. The board of directors may take official action by a majority vote of the members present at any meeting at which a quorum is present.

(10)~~(9)~~ Members of the board of directors shall serve without compensation, but *members, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.* ~~may be reimbursed for per diem and travel expenses.~~

(11)~~(10)~~ Each member of the Board of Directors of Enterprise Florida, Inc., who was appointed after June 30, 1992, and who is not otherwise required to file financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.

(12) Notwithstanding the provisions of subsection (3), the board of directors may by resolution appoint at-large members to the board from the private sector, each of whom may serve a 1-year term. At-large members shall have the powers and duties of other members of the board, except that they may not serve on an executive committee. An at-large member is eligible for reappointment but may not vote on his or her own reappointment. An at-large member shall be eligible to fill vacancies occurring among private-sector appointees under subsection (3).

Section 80. Section 288.9015, Florida Statutes, is created to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(1) Enterprise Florida, Inc., is the principal economic development organization for the state. It shall be the responsibility of Enterprise Florida, Inc., to provide leadership for business development in Florida by aggressively establishing a unified approach to Florida's efforts of international trade and reverse investment, by aggressively marketing the state as a pro-business location for potential new investment, and by aggressively assisting in the creation, retention, and expansion of existing businesses. In support of this effort, Enterprise Florida, Inc., may develop and implement specific programs or strategies that address the creation, expansion, and retention of Florida business, the development of import and export trade, and the recruitment of worldwide business.

(2) It shall be the responsibility of Enterprise Florida, Inc., to promote and strengthen the creation and growth of small and minority businesses, and to increase the opportunities for short-term and long-term rural economic development.

(3) It shall be the responsibility of Enterprise Florida, Inc., to develop a comprehensive approach to workforce development that will result in better employment opportunities for the residents of this state. Such comprehensive approach must include:

(a) Creating and maintaining a highly skilled workforce that is capable of responding to rapidly changing technology and diversified market opportunities.

(b) Training, educating, and assisting target populations such as those who are economically disadvantaged or who receive public assistance to become independent, self-reliant, and self-sufficient. This approach must ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(4) Enterprise Florida, Inc., shall not endorse any candidate for any elected public office, nor shall it contribute moneys to the campaign of any such candidate.

Section 81. Section 288.902, Florida Statutes, is amended to read:

288.902 Enterprise Florida Nominating Council.—

(1) There is created the Enterprise Florida Nominating Council for the purpose of providing ~~the Governor with~~ a list of nominees for *appointments* ~~initial appointment~~ to the Board of Directors of Enterprise Florida, Inc. *and to each board within the corporate structure of Enterprise Florida, Inc. Appointments to a board shall be for a term of four years.* The nominating council shall consist of *six* ~~five~~ members. One member shall be appointed by the Florida Chamber of Commerce, one member shall be appointed by the Associated Industries of Florida, one member shall be appointed by the Florida Council of 100, one member shall be appointed by the Florida Economic Development Council, *one member shall be appointed by the Florida Council of International Development,* and one member shall be appointed by the Florida Chapter of the National Federation of Independent Businesses.

(2) No later than 30 days before the end of a term of a sitting private sector board member in any given year, the nominating council shall meet to nominate individuals for that upcoming vacancy. Each member of the nominating council shall nominate three individuals per upcoming vacancy; however, nominations shall not be related to any specific vacancy within a board and each nominee shall be eligible to be appointed to any vacancy within a board. The members of the nominating council shall take into consideration the current membership of the board and select nominees who are reflective of the diverse nature of Florida's business community and who reflect the racial, ethnic, and gender diversity, as well as the geographic distribution of the population of the state. In considering the Florida's business community, the members shall consider, but not be limited to, individuals representing large companies, small companies, minority companies, companies engaged in international business efforts, companies engaged in domestic business efforts, and individuals representing municipal, county, or regional economic development organizations.

(3) The names of the nominees selected by the members of the nominating council shall be forwarded to the respective board of directors for consideration by its appointive members. Each board shall consider the nominees and recommend six nominees per upcoming vacancy; however, such nominations shall not be related to any specific vacancy within a board and each nominee shall be eligible to be appointed to any vacancy within a board. A board may interview the nominees prior to making its recommendations. In considering the nominees to be recommended, a board may not eliminate all the nominees of any one nominating council member. The appointive members of a board shall take into consideration the current membership of the board and select nominees who are reflective of the diverse nature of Florida's business community and who reflect the racial, ethnic, and gender diversity, as well as the geographic distribution of the population of the state. In considering the Florida's business community, the appointive members shall consider, but not be limited to, individuals representing large companies, small companies, minority companies, companies engaged in international business efforts, companies engaged in domestic business efforts, and individuals representing municipal, county, or regional economic development organizations. A board shall recommend, and forward, its nominees to the Governor, President of the Senate, or Speaker of the House of Representatives, as appropriate, within 30 days of receiving the nominees from the nominating council.

~~(2) Each member of the nominating council shall nominate not fewer than seven persons for the private sector positions on the board of directors, and the nominating council shall submit its initial nominations to the Governor by August 1, 1992. Nominations of the council shall be nonpartisan. The nominating council shall nominate, and the Governor shall appoint, persons who represent all geographical regions of the state, including both urban and rural regions, both small, medium, and large businesses, and both existing and emerging industries. The nominees and appointments must represent a balance in representation from all business and economic development organizations, including organizations other than those represented on the nominating council. The importance of minority representation shall be considered when making nominations for each private sector position on the board of directors.~~

~~(3) The Governor shall not appoint more than three members nominated by any single member of the nominating council. The Governor shall have the authority to reject the group of nominees submitted by any member of the nominating council. The council member whose group was rejected shall submit a new group of nominees to the Governor within 30 days after notice of rejection.~~

~~(4) The Governor shall select and appoint 12 members from the private sector to the board of directors within 30 days after receipt of the nominations from the nominating council. If the Senate refuses to confirm or rejects an appointment by the Governor, the Governor shall appoint a replacement from the original list of nominations submitted by the nominating council.~~

(4) In nominating and appointing board members, the nominating council, each board, the Governor, President of the Senate and Speaker of the House of Representatives shall ensure that international interests in business development, trade and reverse investment are strongly represented.

(5) Notwithstanding the provisions of ss. 288.901, 288.9412, 288.9512, 288.9611, and 288.9620 regarding the process of selecting nominees for a board, all nominations shall be conducted in accordance with the provisions of this section. All statutory requirements of board members and all statutory requirements regarding the composition of all boards shall be considered and complied with throughout the nominating process.

Section 82. Section 288.903, Florida Statutes, is amended to read:

288.903 Board of Directors of Enterprise Florida, Inc.; *president* ~~executive director~~; employees.—

(1) The *president* ~~executive director of the Board of Directors~~ of Enterprise Florida, Inc., ~~who may also be designated as secretary-treasurer,~~ shall be appointed by the board of directors. The *president* ~~executive director~~ is the chief administrative and operational officer of the board of directors *and of Enterprise Florida, Inc.,* and shall direct and supervise the administrative affairs of the board of directors *and any other boards of Enterprise Florida, Inc. The board of directors may delegate to its president those powers and responsibilities it deems appropriate, except for the appointment of a president.*

(2) The board of directors may establish an executive committee consisting of the vice chair and as many additional members of the board of directors as the board deems appropriate, except that such committee

must have a minimum of five members. One member of the executive committee shall be selected by each of the following: the Governor, the President of the Senate, and the Speaker of the House of Representatives. Remaining members of the executive committee shall be selected by the board of directors. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate the authority to hire or fire the president.

(3) The *president* ~~executive director~~:

(a)~~(1)~~ May contract with or employ legal and technical experts and such other employees, both permanent and temporary, as authorized by the board of directors.

(b) Shall employ and supervise the president of any board established within the Enterprise Florida, Inc., corporate structure and shall coordinate the activities of any such boards.

(c)~~(2)~~ Shall attend all meetings of the board of directors.

(d)~~(3)~~ Shall cause copies to be made of all minutes and other records and documents of the board of directors and shall certify that such copies are true copies. All persons dealing with the board of directors may rely upon such certifications.

(e) Shall be responsible for coordinating and advocating the interests of rural, minority, and small businesses within Enterprise Florida, Inc., its boards and in all its economic development efforts.

(f) Shall administer the finances of Enterprise Florida, Inc., and its boards to ensure appropriate accountability and the prudent use of public and private funds.

(g) Shall be the chief spokesperson for Enterprise Florida, Inc., regarding economic development efforts in the state.

(h) Shall supervise and coordinate the collection, research, and analysis of information for Enterprise Florida, Inc., and its boards.

(4) The board of directors of Enterprise Florida, Inc., and its officers shall be responsible for the prudent use of all public and private funds and shall ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements.

Section 83. Section 288.904, Florida Statutes, is amended to read:

288.904 Powers of the Board of Directors of Enterprise Florida, Inc.—

(1) The Board of Directors of Enterprise Florida, Inc., shall have the power to:

(a) Secure funding for programs and activities of Enterprise Florida, Inc., *and its boards* from federal, state, local, and private sources and from fees charged for services and published materials and solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property and make expenditures consistent with the powers *granted to it* ~~set forth in ss. 288.901-288.906~~.

(b) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions, except that *any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.* ~~no contract may be made with any organization represented on the nominating council or on the board of directors.~~

(c) Sue and be sued, and appear and defend in all actions and proceedings, in its corporate name to the same extent as a natural person.

(d) Adopt, use, and alter a common corporate seal *for Enterprise Florida, Inc., and its boards. Notwithstanding any provisions of chapter 617 to the contrary, this seal is not required to*~~; however, such seal must~~ contain the words "corporation not for profit."

(e) Elect or appoint such officers and agents as its affairs require and allow them reasonable compensation.

(f) Adopt, amend, and repeal bylaws, not inconsistent with *the powers granted to it* ~~ss. 288.901-288.906~~ or the articles of incorporation, for the administration of the affairs of Enterprise Florida, Inc., and the exercise of its corporate powers.

(g) Acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses, *royalties,* and other rights or interests thereunder or therein.

(h) Do all acts and things necessary or convenient to carry out the powers ~~expressly~~ granted *to it* ~~in ss. 288.901-288.906~~.

(i) Use the state seal, notwithstanding the provisions of s. 15.03, when appropriate, to establish that Enterprise Florida, Inc., is the principal economic and trade development organization for the state, and for other standard corporate identity applications. Use of the state seal is not to replace use of a corporate seal as provided in this section.

(j) Carry forward any unexpended state appropriations into succeeding fiscal years.

(k) Procure insurance or require bond against any loss in connection with the property of Enterprise Florida, Inc., and its boards, in such amounts and from such insurers as is necessary or desirable.

(2) The powers granted to Enterprise Florida, Inc., shall be liberally construed in order that Enterprise Florida, Inc., may aggressively pursue its purpose of being the principal economic development organization for the state.

(3)~~(2)~~ Under no circumstances may the credit of the State of Florida be pledged on behalf of Enterprise Florida, Inc.

(4) In addition to any indemnification available under chapter 617, Enterprise Florida, Inc., may indemnify, and purchase and maintain insurance on behalf of, directors, officers, and employees of Enterprise Florida, Inc., and its boards against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

Section 84. Section 288.905, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.905, F.S., for present text.)

288.905 Duties of the Board of Directors of Enterprise Florida, Inc.—

(1) In the performance of its functions and duties, the board of directors may establish and implement policies, strategies, and programs for Enterprise Florida, Inc., and its boards. In developing such policies, strategies, and programs, the board of directors shall, among other things, address the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities. In developing such policies, strategies, and programs, the board of directors shall solicit advice from and consider the recommendations of its boards.

(2) The board of directors shall, in conjunction with the Office of Tourism, Trade, and Economic Development, develop a strategic plan for economic development for the state of Florida. Such plan shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1, 1997.

(3)(a) The strategic plan shall include recommendations regarding specific performance standards and measurable outcomes. By July 1, 1997, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for Enterprise Florida, Inc., and its boards. Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop a plan for monitoring its operations to ensure that performance data are maintained and supported by records of the organization. By July 1, 1998, and biennially thereafter, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall review the performance-measure outcomes for Enterprise Florida, Inc., and its boards, and make any appropriate modifications to them. The performance standards and measurable outcomes established and regularly reviewed by Enterprise Florida, Inc., under this subsection must

also include benchmarks and goals to measure the impact of state economic development policies and programs. Such benchmarks and goals may include, but are not limited to:

1. Net annual job growth rate in this state compared to neighboring southern states and the United States as a whole.

2. Unemployment rate in this state compared to neighboring southern states and the United States as a whole.

3. Wage distribution based on the percentage of people working in this state who earned 15 percent below the state average, within 15 percent of the state average, and 15 percent or more above the state average.

4. Annual percentage of growth in the production of goods and services within Florida compared to neighboring southern states and the United States as a whole.

5. Changes in jobs in this state by major industry based on the percentage of growth or decline in the number of full-time or part-time jobs in this state.

6. Number of new business start-ups in this state.

7. Goods produced in this state that are exported to other countries.

8. Capital investment for commercial and industrial purposes, agricultural production and processing, and international trade.

(b) Prior to the 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of Enterprise Florida, Inc., and its boards. The review shall be comprehensive in its scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. The progress towards achieving the established outcomes.

2. The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.

3. The progress towards achieving the established goals of the Cypress Equity Fund and whether the strategy underlying the fund is appropriate.

4. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organizations. The report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(c) Prior to the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability, shall conduct another review of Enterprise Florida, Inc., and its boards using the criteria in (b). The report shall be submitted by January 1, 2003, to the President of the Senate, the Speaker of the House of Representatives, and Senate Minority Leader, and the House Minority Leader.

(4) The board of directors shall coordinate the economic development activities and policies of Enterprise Florida, Inc., with municipal, county, and regional economic development organizations to establish and further develop the role of local economic development organizations as the primary service-delivery agents for economic development services. Where feasible, the board shall work with regional economic development organizations in the delivery of services of Enterprise Florida, Inc., and its boards.

(5) Enterprise Florida, Inc., shall deposit, into African-American-qualified public depositories and Hispanic-American-qualified public depositories, a portion of any moneys received by Enterprise Florida, Inc., and its boards, from the state.

Section 85. Section 288.906, Florida Statutes, is amended to read:

288.906 Annual report of Enterprise Florida, Inc.; audits; confidentiality.—

(1) Prior to December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

(a) Its operations and accomplishments during the fiscal year;

(b) Its business and operational plan and its economic development plan, including recommendations on methods for implementing and funding the economic development plan;

(c) Its assets and liabilities at the end of its most recent fiscal year; and

(d) A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.

The detailed report required by this subsection shall also include the information identified in paragraphs (a)-(d), if applicable, for any board established within the corporate structure of Enterprise Florida, Inc.

(2)(a) The Auditor General may, pursuant to his or her own authority or at the direction of the Joint Legislative Auditing Committee, conduct an audit of Enterprise Florida, Inc., *including any of its boards*. The audit or report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., pursuant to paragraph (b).

(b) The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 86. Section 288.9412, Florida Statutes, is created to read:

288.9412 International Trade and Economic Development Board.—

(1) There is created within the nonprofit corporate structure of Enterprise Florida, Inc., a nonprofit public-private board known as the Florida International Trade and Economic Development Board the purpose of which shall be to advise and assist in promoting and developing international trade and reverse investment, marketing the state for potential new investment, and creating, expanding and retaining Florida businesses.

(2) The International Trade and Economic Development Board shall be governed by a board of directors. The board of directors shall consist of the following members:

(a) The Lieutenant Governor or the Lieutenant Governor's designee.

(b) The president of the Florida Chamber of Commerce or the president's designee.

(c) The Secretary of State or the secretary's designee.

(d) The chairperson of the Florida State Rural Development Council or the chairperson's designee.

(e) A member of the Senate, who shall be appointed by the President of the Senate as an ex officio member of the board and serve at the pleasure of the President.

(f) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives as an ex officio member of the board and serve at the pleasure of the Speaker of the House of Representatives.

(g) Members to be appointed by the Governor, subject to confirmation by the Senate, consisting of the following:

1. The chairperson of the World Trade Association of Florida or the chairperson's designee.

2. Two representatives from the state's deepwater ports, chosen from a list of three names submitted to the Governor by the Florida Ports Council. One representative shall be from the Gulf of Mexico coast ports and one representative shall be from the Atlantic coast ports.

3. The chairperson of the Florida Airport Managers Association or the chairperson's designee.

4. The chairperson of the Florida Custom Brokers and Forwarders Association or the chairperson's designee.

5. A person having extensive experience in foreign language instruction or international education.

6. The chairperson of the International Law Section of the Florida Bar or the chairperson's designee.

7. The chairperson of the Florida International Banking Association or the chairperson's designee.

8. A representative of a company in this state that is actively engaged in the manufacture of products in this state for sale in foreign markets.

9. A member of the Florida Citrus Commission experienced in the exportation of citrus products who owns, operates, or is employed by a major company in this state that is actively engaged in the exportation of citrus products from this state to international markets.

10. A representative of a major multinational company with offices in this state.

11. The chairperson of the Latin Chamber of Commerce of the United States or the chairperson's designee.

(h) Nine to 11 members from the public and private sector, consisting of one member representing a municipal economic development organization, one member representing a county economic development organization, one member representing a regional economic development organization, and one member representing an international economic development organization, and one member who, at the time of appointment, is a board member of a community development corporation that meets the requirements of s. 290.035, with the remaining members representing, and being actively involved in, Florida business, who shall be appointed by the Governor, subject to Senate confirmation.

(3) Members appointed by the Governor shall be appointed for terms of 4 years, except that, in making the initial appointments, the Governor shall appoint three to five members for terms of 4 years, three members for terms of 3 years, and three members for terms of 2 years.

(4) The chair and vice chair of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board from a slate of candidates submitted by Enterprise Florida, Inc. The chair and vice chair of Enterprise Florida, Inc., may request that additional candidates be submitted by Enterprise Florida, Inc., if the chair and vice chair cannot agree on a list of nominees submitted. Appointments to the board of directors shall be made by the Governor from the list of nominees jointly selected by the chair and vice chair of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors.

(5) The Governor shall appoint the initial 9 to 11 members from the public and private sector to the board within 30 days after receipt of the nominations from the chair and vice chair of Enterprise Florida, Inc.

(6) A vacancy on the board shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(7) A member may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

Section 87. Section 288.9413, Florida Statutes, is created to read:

288.9413 Organization.—

(1) The Lieutenant Governor shall serve as chair of the board of directors of the International Trade and Economic Development Board. The board of directors shall biennially elect one of its appointive members as vice chair.

(2) The president of the board shall be hired by the president of Enterprise Florida, Inc., and shall serve in the capacity as an executive director and secretary of the board of directors, with any additional staff being hired by the president of Enterprise Florida, Inc., within the parameters established by the board of directors of Enterprise Florida, Inc.

(3) The board of directors shall meet at least quarterly and at other times upon call of the chair.

(4) A quorum shall be a majority of the total current membership of the board of directors.

(5) A majority of those voting is required to organize and conduct the business of the board, except that a majority of the entire board of directors is required to adopt or amend the operational plan.

(6) Except as delegated or authorized by the board of directors, individual board members have no authority to control or direct the operations of the board or the actions of its officers and employees, including the president.

(7) The board of directors may delegate to its president those powers and responsibilities it deems appropriate.

(8) Members shall serve without compensation but members of the board of directors, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.

(9) The board of directors may establish an executive committee consisting of the vice chair and at least two additional board members selected by the board of directors. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.

Section 88. Section 288.9414, Florida Statutes, is created to read:

288.9414 Powers and authority of board of directors of International Trade and Economic Development Board.—

(1) The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:

(a) Advising and assisting in formulating and coordinating the state's economic development policy, both domestically and internationally, consistent with the policies of the board of directors of Enterprise Florida, Inc.

(b) Using a corporate seal.

(c) Advising and assisting in developing the state's economic development strategic planning process.

(d) Evaluating the performance and effectiveness of the state's economic development programs.

(e) Reporting to the board of directors of Enterprise Florida, Inc., regarding its functions, duties, recommendations, and responsibilities.

(f) Soliciting, borrowing, accepting, receiving, and investing funds from any public or private source.

(g) Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.

(h) Carrying forward any unexpended state appropriations into succeeding fiscal years.

(i) Providing an annual report to the board of directors of Enterprise Florida, Inc., by November 1 of each year setting forth:

1. Its operations and accomplishments during the fiscal year.

2. Its business and operations plan.

3. Its assets and liabilities at the end of its most recent fiscal year.

4. A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.

(2) The board shall design specific programs or entities to address the actions listed in subsection (1).

(3) Develop intensive export assistance programs for small and medium-sized export firms. The partnership, through Enterprise Florida, Inc., may enter into contractual relations with export-ready firms, and may impose fees or other charges for services provided.

Section 89. Section 288.9511, Florida Statutes, is amended to read:

288.9511 Definitions.—As used in *ss. 288.9511-288.9517* ~~ss. 288.9510-288.9518~~, the term:

(1) "Educational institutions" means Florida technical institutes and vocational schools, and public and private community colleges, colleges, and universities in the state.

(2) "Enterprise" means a firm with its principal place of business in this state which is engaged, or proposes to be engaged, in this state in agricultural industries, natural-resource-based or other manufacturing, research and development, or the provision of knowledge-based services.

(3) "*Board* ~~Partnership~~" means the *technology development board* ~~Enterprise Florida Innovation Partnership~~.

(4) "Person" means any individual, partnership, corporation, or joint venture that carries on business, or proposes to carry on business, within the state.

(5) "Product" means any product, device, technique, or process that is, or may be, developed or marketed commercially; the term does not refer, however, to basic research, but rather to products, devices, techniques, or processes that have advanced beyond the theoretical stage and are in a prototype or industry practice stage.

(6) "Qualified security" means a public or private financial arrangement that involves any note, security, debenture, evidence of indebtedness, certificate of interest of participation in any profit-sharing agreement, preorganization certificate or subscription, transferable security, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application thereof, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a security or any certificate for, receipt for, guarantee of, or option warrant or right to subscribe to or purchase any of the foregoing to the extent allowed by law.

(7) "Technology application" means the introduction and adaptation of off-the-shelf technologies and state-of-the-art management practices to the specific circumstances of an individual firm.

(8) "Technology commercialization" means the process of bringing an investment-grade technology out of an enterprise, university, or federal laboratory for first-run application in the marketplace.

(9) "Technology development" means strategically focused research aimed at developing investment-grade technologies essential to market competitiveness.

Section 90. Section 288.9512, Florida Statutes, is amended to read:

288.9512 *Technology development board* ~~Enterprise Florida Innovation Partnership~~; creation; purpose; membership.—

(1) There is created *within the nonprofit corporate structure of Enterprise Florida, Inc., a nonprofit public-private board the purpose of which* ~~a body politic and corporate known as Enterprise Florida Innovation Partnership. The purpose of the Enterprise Florida Innovation Partnership~~ shall be to foster growth of high technology and other value-added industries and jobs in this state *and to provide leadership and market-driven, performance-based economic development tools to create the diverse cross-section of innovation-driven firms which is essential to a competitive economy in this state, characterized by better employment opportunities leading to higher wages.*

~~(2) Enterprise Florida Innovation Partnership shall be a corporation not for profit pursuant to chapter 617. The articles of incorporation and bylaws establishing Enterprise Florida Innovation Partnership shall be submitted to Enterprise Florida, Inc., and the Department of Commerce for review and approval prior to filing.~~

(2)~~(3)~~ *The board* ~~Enterprise Florida Innovation Partnership~~ shall be governed by a board of directors. The board of directors shall consist of the following members:

~~(a) The Commissioner of Education or the commissioner's designee.~~

(a)~~(b)~~ The Chancellor of the State University System or the Chancellor's designee.

(b)~~(c)~~ The executive director of the State Community College System or the executive director's designee.

(c)~~(d)~~ A member of the Senate, who shall be appointed by the President of the Senate *as an ex officio member of the board* and serve at the pleasure of the President.

(d)~~(e)~~ A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives *as an ex officio member of the board* and serve at the pleasure of the Speaker of the House of Representatives.

(e)~~(f)~~ Nine to 11 members from the public and private sector, consisting of, but not limited to, individuals who represent technology-based businesses and industrial interests throughout the state who shall be appointed by the Governor, subject to Senate confirmation.

(3)~~(4)~~ Members appointed by the Governor shall be appointed for terms of 4 years, except that, in making the initial appointments, the Governor shall appoint three to five members for terms of 4 years, three members for terms of 3 years, and three members for terms of 2 years.

(4)~~(5)~~ The chair and vice chair of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board of directors from a slate of candidates submitted by Enterprise Florida, Inc. The chair and vice chair of Enterprise Florida, Inc., may request that additional candidates be submitted by Enterprise Florida, Inc., if the chair and vice chair cannot agree on a list of nominees submitted. Appointments to the board of directors shall be made by the Governor from the list of nominees jointly selected by the chair and vice chair of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors.

(5)~~(6)~~ The Governor shall appoint the initial 9 to 11 members from the public and private sector to the board of directors within 30 days after receipt of the nominations from the chair and vice chair of Enterprise Florida, Inc.

(6)~~(7)~~ A vacancy on the board of directors shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(7)~~(8)~~ A member may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

Section 91. Section 288.9513, Florida Statutes, is amended to read:

288.9513 Organization.—

(1) The board of directors of *the technology development board* ~~Enterprise Florida Innovation Partnership~~ shall be chaired by a board member selected by a majority vote of the board. The chair position shall be for a term of 2 years.

(2) The president of *the board* ~~Enterprise Florida Innovation Partnership~~ shall be *hired* ~~appointed~~ by the *president of Enterprise Florida, Inc.,* ~~board of directors~~ and shall serve in the capacity as an executive director and secretary of the board of directors, with *any* additional staff being hired by the president *of Enterprise Florida, Inc.,* within the pa-

rameters established by *the board of directors of Enterprise Florida, Inc.* ~~Enterprise Florida Innovation Partnership in its bylaws.~~

~~(3) The board of directors may establish an executive committee consisting of the chair, the secretary of the board of directors, and not more than three additional board members selected by the chair. The executive committee shall have such authority as the board of directors delegates to it, except that the board of directors may not delegate to the executive committee the authority to take actions that require approval by a majority of the board of directors as provided in subsection (6).~~

(3)~~(4)~~ The board of directors shall meet at least quarterly and at other times upon call of the chair.

(4)~~(5)~~ A quorum shall be a majority of the total current membership of the board of directors of *the board* ~~Enterprise Florida Innovation Partnership~~.

(5)~~(6)~~ A majority of those voting is required to organize and conduct the business of *the board* ~~Enterprise Florida Innovation Partnership~~, except that a majority of the entire board of directors is required to ~~hire or fire the president and~~ adopt or amend the operational plan.

(6)~~(7)~~ Except as delegated or authorized by the board of directors, individual board members have no authority to control or direct the operations of the *board* ~~Enterprise Florida Innovation Partnership~~ or the actions of its officers and employees, including the president.

(7) The board of directors may delegate to its president those powers and responsibilities it deems appropriate.

(8) Members shall serve without compensation but members of the board of directors, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by *the board of directors of* Enterprise Florida*, Inc.* ~~Innovation Partnership in its bylaws.~~

(9) The board of directors may establish an executive committee consisting of the chair and at least two additional board members selected by the board of directors. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.

Section 92. Section 288.9514, Florida Statutes, is amended to read:

288.9514 Powers and authority of board of directors.—

(1) *The technology development board* ~~Enterprise Florida Innovation Partnership~~ shall achieve the purposes stated in *s. 288.9512* ~~s. 288.9510~~ through technology application, technology commercialization, and technology development, as well as other activities related to building a competitive, knowledge-based economy. The *board* ~~Enterprise Florida Innovation Partnership board~~ shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate *its* ~~the~~ functions, duties, and responsibilities ~~of Enterprise Florida Innovation Partnership~~, including, but not limited to:

(a) *Advising and* assisting in formulating and coordinating the state's economic development policy regarding technology development and expansion *consistent with the policies of the board of directors of Enterprise Florida, Inc.*

(b) Taking actions in partnership with private enterprise, educational institutions, and other organizations to:

1. Increase the rate of technology application across manufacturing and other knowledge-based firms throughout the state.

2. Increase the amount of technology development occurring in Florida.

3. Increase the rate at which technologies with potential commercial application are moved out of university, private, and public laboratories into the marketplace.

(c) *Using* ~~Adopting, using, and altering at will~~ a corporate seal.

~~(d) Hiring the president and employees of Enterprise Florida Innovation Partnership.~~

(d)~~(e)~~ *Advising and* assisting in developing the state's technology development strategic planning process.

(e)~~(f)~~ Evaluating the performance and effectiveness of the state's technology enhancement and development programs.

(f)~~(g)~~ Reporting to the Board of Directors of Enterprise Florida, Inc., regarding its *recommendations*, functions, duties, and responsibilities.

(g)~~(h)~~ Soliciting, borrowing, accepting, receiving, *and* investing~~, and expending~~ funds from any public or private source.

~~(i) Procuring insurance or requiring bond against any loss in connection with its property in such amounts and from such insurers as may be necessary or desirable.~~

(h)~~(j)~~ Contracting with public and private entities as necessary to further the directives of this act*, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.*

~~(k) Approving an annual budget.~~

(i)~~(l)~~ Carrying forward any unexpended state appropriations into succeeding fiscal years.

(j)~~(m)~~ Providing an annual report to *the board of directors of Enterprise Florida, Inc.*, ~~the Governor and the Legislature~~ by *November* ~~December~~ 1 of each year setting forth:

1. Its operations and accomplishments during the fiscal year.

2. Its business and operation's plan and its technology development plan, including recommendations on methods for implementing and funding the technology development plan.

3. Its assets and liabilities at the end of its most recent fiscal year.

4. A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.

(2) *The board* ~~Enterprise Florida Innovation Partnership~~ shall design specific programs or entities to address the actions listed in paragraph (1)(b).

Section 93. Section 288.9515, Florida Statutes, is amended to read:

288.9515 Authorized programs *of technology development board*.—

(1) The *board may* ~~partnership shall~~ create a technology applications service, to be called the Florida Innovation Alliance. The Florida Innovation Alliance shall serve as an umbrella organization for technology applications service providers throughout the state which provide critical, managerial, technological, scientific, and related financial and business expertise essential for international and domestic competitiveness to small-sized and medium-sized manufacturing and knowledge-based service firms. The *board is authorized* ~~partnership shall have~~ the following powers ~~and duties~~ in order to carry out the functions of the Florida Innovation Alliance:

(a) Providing communication and coordination services among technology applications service providers throughout the state.

(b) Providing coordinated marketing services to small-sized and medium-sized manufacturers in the state on behalf of, and in partnership with, technology applications service providers.

(c) Securing additional sources of funds on behalf of, and in partnership with, technology applications service providers.

(d) Developing plans and policies to assist *small-sized* ~~small~~ and medium-sized manufacturing companies or other knowledge-based firms in Florida.

(e) Entering into contracts with technology applications service providers for expanded availability of high-quality assistance to small-sized

and medium-sized manufacturing companies or knowledge-based service firms, including, but not limited to, technological, human resources development, market planning, finance, and interfirm collaboration. The *board* ~~partnership~~ shall ensure that all contracts in excess of $20,000 for the delivery of such assistance to Florida firms shall be based on competitive requests for proposals. The *board* ~~partnership~~ shall establish clear standards for the delivery of services under such contracts. Such standards include, but are not limited to:

1. The ability and capacity to deliver services in sufficient quality and quantity.

2. The ability and capacity to deliver services in a timely manner.

3. The ability and capacity to meet the needs of firms in the proposed market area.

(f) Assisting other educational institutions, enterprises, or the entities providing business assistance to small-sized and medium-sized manufacturing enterprises.

(g) Establishing a system to evaluate the effectiveness and efficiency of Florida Innovation Alliance services provided to small-sized and medium-sized enterprises.

(h) Establishing special education and informational programs for Florida enterprises and for educational institutions and enterprises providing business assistance to Florida enterprises.

(i) Evaluating and documenting the needs of firms in this state for technology application services, and developing means to ensure that these needs are met, consistent with the powers provided for in this subsection.

(j) Maintaining an office in such place or places as the *board recommends and the board of directors of Enterprise Florida, Inc., approves* ~~partnership may designate~~.

(k) Making and executing contracts with any person, enterprise, educational institution, association, or any other entity necessary or convenient for the performance of its duties and the exercise of the *board's* ~~partnership's~~ powers and functions under this subsection.

(l) Receiving funds from any source to carry out the purposes of the Florida Innovation Alliance, including, but not limited to, gifts or grants from any department, agency, or instrumentality of the United States or of the state, or any enterprise or person, for any purpose consistent with the provisions of the Florida Innovation Alliance.

(m) Acquiring or selling, conveying, leasing, exchanging, transferring, or otherwise disposing of the alliance's property or interest therein.

(2) When choosing contractors, preference shall be given to existing institutions, organizations, and enterprises so long as these existing institutions, organizations, and enterprises demonstrate the ability to perform at standards established by the *board* ~~partnership~~ under paragraph (1)(e). Neither the provisions of *ss. 288.9511-288.9517* ~~ss. 288.9510-288.9518~~ nor the actions of the alliance shall impair or hinder the operations, performance, or resources of any existing institution, organization, or enterprise.

(3) The *board may* ~~partnership shall~~ create a technology development financing fund, to be called the Florida Technology Research Investment Fund. The fund shall increase technology development in this state by investing in technology development projects that have the potential to generate investment-grade technologies of importance to the state's economy as evidenced by the willingness of private businesses to coinvest in such projects. The *board may* ~~partnership shall~~ also demonstrate and develop effective approaches to, and benefits of, commercially oriented research collaborations between businesses, universities, and state and federal agencies and organizations. The *board* ~~partnership~~ shall endeavor to maintain the fund as a self-supporting fund once the fund is sufficiently capitalized as reflected in the minimum funding report required in s. 288.9516. The technology research investment projects may include, but are not limited to:

(a) Technology development projects expected to lead to a specific investment-grade technology that is of importance to industry in this state.

(b) Technology development centers and facilities expected to generate a stream of products and processes with commercial application of importance to industry in this state.

(c) Technology development projects that have, or are currently using, other federal or state funds such as federal Small Business Innovation Research awards.

~~(d) Technology development projects of the Florida Black Business Investment Board.~~

(4) The *board* ~~partnership~~ shall invest moneys contained in the Florida Technology Research Investment Fund in technology application research or for technology development projects that have the potential for commercial market application. The partnership shall coordinate any investment in any space-related technology projects with the Spaceport Florida Authority and the Technological Research and Development Authority.

(a) The investment of moneys contained in the Florida Technology Research Investment Fund is limited to investments in qualified securities in which a private enterprise in this state coinvests at least 40 percent of the total project costs, in conjunction with other cash or noncash investments from state educational institutions, state and federal agencies, or other institutions.

(b) For the purposes of *this fund* ~~ss. 288.9510-288.9518~~, qualified securities include loans, loans convertible to equity, equity, loans with warrants attached that are beneficially owned by the *board* ~~partnership~~, royalty agreements, or any other contractual arrangement in which the *board* ~~partnership~~ is providing scientific and technological services to any federal, state, county, or municipal agency, or to any individual, corporation, enterprise, association, or any other entity involving technology development.

(c) Not more than $175,000 or 5 percent of the revenues generated by investment of moneys contained in the Florida Technology Research Investment Fund, whichever is greater, may be used to pay the partnership's operating expenses associated with operation of the Florida Technology Research Investment Fund.

(d) In the event of liquidation or dissolution of *Enterprise Florida, Inc.,* ~~the partnership~~ or the Florida Technology Research Investment Fund, any rights or interests in a qualified security or portion of a qualified security purchased with moneys invested by the State of Florida shall vest in the state, under the control of the State Board of Administration. The state is entitled to, in proportion to the amount of investment in the fund by the state, any balance of funds remaining in the Florida Technology Research Investment Fund after payment of all debts and obligations upon liquidation or dissolution of *Enterprise Florida, Inc.,* ~~the partnership~~ or the fund.

(e) The investment of funds contained in the Florida Technology Research Investment Fund does not constitute a debt, liability, or obligation of the State of Florida or of any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision.

(5)~~(a)~~ The *board may* ~~partnership shall~~ create technology commercialization programs in partnership with private enterprises, educational institutions, and other institutions to increase the rate at which technologies with potential commercial application are moved from university, public, and industry laboratories into the marketplace. Such programs shall be created based upon research to be conducted by the *board* ~~partnership pursuant to paragraph (b)~~.

~~(b) The partnership shall conduct a thorough research-gathering effort in partnership with the State University System. Such research shall include a review of policies and institutions in other states and nations, and an investigation of optimal policies to balance the teaching mission of the university with opportunities for effective commercially oriented university and industry research collaboration. The results of this research shall be presented by the partnership to the Governor, the State University System, the Legislature, and Enterprise Florida, Inc., by December 1, 1993.~~

Section 94. Section 288.9516, Florida Statutes, is amended to read:

288.9516 Annual report of *technology development board* ~~Enterprise Florida Innovation Partnership~~.—By December 1 of each year, *Enter-*

prise Florida, Inc., ~~the partnership~~ shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report *by the board* setting forth:

(1) The *audit* ~~evaluation required~~ in s. 288.9517(1)*, if conducted*.

(2) The operations and accomplishments of each of the programs or entities *established pursuant to* ~~listed in~~ s. 288.9515.

(3) Recommendation on methods for implementing and funding the programs or entities *established pursuant to* ~~listed in~~ s. 288.9515. This recommendation shall include the *minimum* ~~minimal~~ levels of funding necessary for the *board* ~~partnership~~ to continue to operate *such* ~~the~~ programs or entities ~~listed in s. 288.9515~~.

(4) An examination of comparable technology applications, commercialization, and development services in other states, including showing how and at what level these programs are funded by those states.

~~(5) Its assets and liabilities at the end of its most recent fiscal year.~~

Section 95. Section 288.9517, Florida Statutes, is amended to read:

288.9517 Audits; confidentiality.—

~~(1) By September 1, 1993, the partnership in cooperation with the Auditor General shall develop research designs, including goals and measurable objectives for each of the programs or entities listed in s. 288.9515, which will provide the Legislature with a quantitative evaluation of such programs. The partnership shall utilize the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.~~

~~(2) Prior to the 1996 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of ss. 288.9510-288.9518, together with the programs or entities listed in s. 288.9515, using the research designs promulgated pursuant to subsection (1). The report shall critique the partnership and each program or entity listed in s. 288.9515. A report of the findings and recommendations of the Auditor General shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 1996 Regular Session.~~

(1)~~(3)~~ The Auditor General may, pursuant to his or her own authority or at the direction of the ~~Joint~~ Legislative Auditing Committee, conduct an audit of *the technology development board* ~~Enterprise Florida Innovation Partnership~~ or the programs or entities created by the *board* ~~partnership~~. The audit or report may not reveal the identity of any person who has anonymously made a donation to *the board* ~~Enterprise Florida Innovation Partnership~~ pursuant to subsection *(2)* ~~(4)~~.

(2)~~(4)~~ The identity of a donor, prospective donor, or inventor who contributes to the *board* ~~partnership~~ who desires to remain anonymous and all information identifying such donor, prospective donor, or inventor who contributes to the *board* ~~partnership~~ are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 96. Section 288.9518, Florida Statutes, is repealed.

Section 97. Section 288.9519, Florida Statutes, is amended to read:

288.9519 Not-for-profit corporation.—

(1) It is the intent of the Legislature to promote the development of the state economy and to *authorize the establishment of* ~~establish~~ a not-for-profit organization that shall promote the competitiveness and profitability of high-technology business and industry through technology development projects of importance to specific manufacturing sectors in this state. This not-for-profit corporation shall work cooperatively with the *technology development board* ~~Enterprise Florida Innovation Partnership, recognizing the partnership as the statewide organization responsible for the overall strategic technological advancement of the economic base of this state~~, and shall avoid duplicating the activities, programs, and functions of the *board* ~~Enterprise Florida Innovation Partnership~~.

(2) In addition to all other powers and authority, not explicitly prohibited by statutes, this not-for-profit organization has the following powers and duties:

(a) To receive funds appropriated to the organization by the Legislature. Such funds may not duplicate funds appropriated to the *technology development board* ~~Enterprise Florida Innovation Partnership~~, but shall serve to further the advancement of the state economy, jointly and collaboratively with the *board* ~~partnership~~.

(b) To submit a legislative budget request through a state agency.

(c) To accept gifts, grants, donations, expenses, in-kind services, or other ~~valued~~ goods or services for carrying out its purposes, and to expend such funds or assets in any legal manner according to the terms and conditions of acceptance and without interference, control, or restraint by the state.

(d) To carry forward any unexpended state appropriations into succeeding fiscal years.

Section 98. Section 288.9520, Florida Statutes, is amended to read:

288.9520 Public records exemption.—Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, financial and proprietary information, and agreements or proposals to receive funding that are received, generated, ascertained, or discovered by the *technology development board* ~~Enterprise Florida Innovation Partnership~~, including its affiliates or subsidiaries and partnership participants, such as private enterprises, educational institutions, and other organizations, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a recipient of *board* ~~partnership~~ research funds shall make available, upon request, the title and description of the research project, the name of the researcher, and the amount and source of funding provided for the project. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 99. Section 288.9603, Florida Statutes, is amended to read:

288.9603 Definitions.—

(1) "Act" means the Florida Development Finance Corporation Act of 1993, and all acts supplemental thereto and amendatory thereof.

(2) "Amortization payments" means periodic payments, such as monthly, semiannually, or annually, of interest on premiums, if any, and installments of principal of revenue bonds as required by an indenture of the corporation.

(3) "Applicant" means the individual, firm, or corporation, whether for profit or nonprofit, charged with developing the project under the terms of the indenture of the corporation.

(4) "Cash equivalents" shall include letters of credit issued by investment grade rated financial institutions or their subsidiaries; direct obligations of the government of the United States of America, or any agency thereof, or obligations unconditionally guaranteed by the United States of America; certificates of deposit issued by investment grade rated financial institutions or their subsidiaries; and investments in commercial paper which, at the time of acquisition by the corporation is accorded the highest rating by Standard & Poor's Corporation, Moody's Investors Services, Inc., or any other nationally recognized credit rating agency of similar standing, provided that in each such case such investments shall be convertible to cash as may be reasonably necessary for application of such moneys as and when the same are to be applied in accordance with the provisions of this act.

(5)~~(4)~~ "Corporation" means the Florida Development Finance Corporation.

(6) "Debt service" shall mean for any bonds issued by the corporation and for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608, for any period for which such determination is to be made, the aggregate amount of all interest charges due or which shall become due on or with respect to such bonds during the period for which such determination is being made, plus the aggregate amount of scheduled principal payments due or which shall become due on or with

respect to such bonds during the period for which such determination is being made. Scheduled principal payments may include only principal payments that are scheduled as part of the terms of the original bond issue and that result in the reduction of the outstanding principal balance of the bonds.

(7)~~(5)~~ "Economic development specialist" means a resident of the state who is professionally employed in the discipline of economic development or industrial development.

(8)~~(6)~~ "Financial institution" means any banking corporation or trust company, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds in this state.

(9) "Maximum debt service" shall mean, for any period of six-months or one year, as the case may be, during the life of any bonds issued by the corporation and for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608 and for which such determination is being made, the maximum amount of the debt service which is due or will become due during such period of time on or with respect to such bonds. For the purposes of calculating the amount of the maximum debt service with respect to any bonds which bear interest at a variable rate, the corporation shall utilize a fixed rate which it in its reasonable discretion determines to be appropriate.

(10)~~(7)~~ "Partnership" means the ~~body corporate and politic created by the~~ Enterprise Florida *capital development board* ~~Capital Partnership~~ created under *s. 288.9611* ~~this act~~.

(11)~~(8)~~ "Guaranty agreement" means an agreement by and between the corporation and a public agency pursuant to the provisions of s. 288.9607.

(12)~~(9)~~ "Guaranty fund" means the Revenue Bond Guaranty Reserve Account established by the corporation pursuant to s. 288.9608.

(13)~~(10)~~ "Interlocal agreement" means an agreement by and between the Florida Development Finance Corporation and a public agency of this state, pursuant to the provisions of s. 163.01.

(14)~~(11)~~ "Public agency" means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state, government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, and any similar entity of any other state of the United States.

Section 100. Subsection (3) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the authority.—

(3) Upon activation of the corporation, the Governor, subject to confirmation by the Senate, shall appoint the board of directors of the corporation, who shall be five in number. The terms of office for the directors shall be for 4 years, except that three of the initial directors shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointment, and all other directors shall be designated to serve terms of 4 years from the date of their appointment. A vacancy occurring during a term shall be filled for the unexpired term. A director shall be eligible for reappointment. At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by the Enterprise Florida *capital development board* ~~Capital Partnership~~, and one of the directors shall be an economic development specialist. The ~~secretary of the Department of Commerce and the~~ chairperson of the Florida Black Business Investment Board shall be *an* ex officio *member* ~~members~~ of the board *of the corporation*.

Section 101. Subsection (5) of section 288.9606, Florida Statutes, is amended to read:

288.9606 Issue of revenue bonds.—

(5) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this act, or the security therefor, any such bond reciting in substance that it has been issued by the corporation in connection with any purpose of the act shall be conclusively deemed to have been issued for such purpose, and such purpose shall be conclusively deemed to have been carried out in accordance with the act. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the interlocal agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06, in Leon County and in each county where the public agencies which were initially a party to the interlocal agreement are located. Obligations of the corporation pursuant to a loan agreement as described in this subsection may be validated as provided in chapter 75. The validation of at least the first *bonds approved by* ~~bond issue of~~ the corporation shall be appealed to the Florida Supreme Court. The complaint in the validation proceeding shall specifically address the constitutionality of using the investment of the earnings accrued and collected upon the investment of the minimum balance funds required to be maintained in the State Transportation Trust Fund to guarantee such bonds. If such proceeding results in an adverse ruling and such bonds and guaranty are found to be unconstitutional, invalid, or unenforceable, then the corporation shall no longer be authorized to use the investment of the earnings accrued and collected upon the investment of the minimum balance of the State Transportation Trust Fund to guarantee any bonds.

Section 102. Subsections (1), (3), (4), (6), and (7) of section 288.9607, Florida Statutes, are amended to read:

288.9607 Guaranty of bond issues.—

(1) The corporation is hereby authorized to approve or deny, by a majority vote of the membership of the directors, the guaranty of any revenue bonds issued pursuant to this act. *The guaranty may also be of the obligations of the corporation with respect to any letter of credit, bond insurance or other form of credit enhancement provided by any person with respect to any revenue bonds issued by the corporation pursuant to this act.*

(3) *All applicants which have entered into a guaranty agreement with the corporation shall pay a guaranty premium on such terms and at such rates as the corporation shall determine prior to the issuance of the bonds. The corporation may adopt such guaranty premium structures as it deems appropriate, including, without limitation, guaranty premiums which are payable one-time upon the issuance of bonds or annual premiums payable upon the outstanding principal balance of bonds from time to time.* ~~All applications for a guaranty must be accompanied by a premium payment to the guaranty fund established pursuant to s. 288.9608, in an amount which shall be determined by the corporation.~~ The premium payment may be collected by the corporation from the lessee of the project involved, *from the applicant,* or from *any other* ~~the~~ payee of the loan agreement involved.

(4) All applications for a guaranty must *acknowledge that as a condition to the issuance of the guaranty, the financing must be secured by a mortgage or security interest on the property acquired which will have such priority over other liens on such property as may be required by the corporation* ~~be accompanied by documentation providing that loans be secured by a first mortgage on the property financed~~, and that the financing *must be guaranteed by such person or persons with such ownership interest in the applicant as may be required by the corporation* ~~include a personal guarantee by the principal owner of the business being financed~~.

(6) If the application for a guaranty is approved by the corporation, the corporation and the applicant shall enter into a guaranty agreement. In accordance with the provisions of the guaranty agreement, the corporation guarantees to use the funds on deposit in its Revenue Bond Guaranty Reserve Account to meet amortization payments on the bonds as they become due, in the event and to the extent that the applicant is unable to meet such payments in accordance with the terms of the bond indenture when called to do so by the trustee of the bondholders, *or to make similar payments to reimburse any person which has provided credit enhancement for the bonds and which has advanced funds to meet such amortization payments as they become due. If the applicant defaults on bond amortization payments,* ~~Whenever the corporation, acting under the terms of the guaranty agreement, deems it necessary to assume the obligation of maintenance of any building or facility financed with bond~~

~~proceeds,~~ the corporation may use funds on deposit in the Revenue Bond Guaranty Reserve Account to pay insurance, ~~and~~ maintenance*, and other* costs *which may be* required for the preservation of *any project or other collateral security for any bond issued by the corporation, or to otherwise* ~~the building or facility and to~~ protect the reserve account from loss, or to minimize losses *to the reserve account*, in *each case in* such manner as *may be* deemed necessary and advisable by the corporation.

(7)(a) The corporation is authorized to enter into an investment agreement with the Department of Transportation and the State Board of Administration concerning the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(7)(b). Such investment shall be limited as follows:

1. Not more than $4 million of the investment earnings earned on the investment of the minimum balance of the State Transportation Trust Fund in a fiscal year shall be at risk at any time on one or more bonds or series of bonds issued by the corporation.

2. The investment earnings shall not be used to guarantee any bonds issued after June 30, 1998, and in no event shall the investment earnings be used to guarantee any bond issued for a maturity longer than 15 years.

3. The corporation shall pay a reasonable fee, set by the State Board of Administration, in return for the investment of such funds. The fee shall not be less than the comparable rate for similar investments in terms of size and risk.

4. The proceeds of bonds*, or portions thereof,* issued by the corporation for which a guaranty has been or will be issued pursuant to s. 288.9606, s. 288.9608, or this section used to make loans to any one person, including any related interests, as defined in s. 658.48, of such person, shall not exceed 20 percent of the principal of all such outstanding bonds of the corporation issued prior to the first composite bond issue of the corporation, or December 31, 1995, whichever comes first, and shall not exceed 15 percent of the principal of all such outstanding bonds of the corporation issued thereafter*, in each case determined as of the date of issuance of the bonds for which such determination is being made and taking into account the principal amount of such bonds to be issued.* The provisions of this subparagraph shall not apply when the total amount of all such outstanding bonds issued by the corporation is less than *$10 million* ~~$2 million~~*. For the purpose of calculating the limits imposed by the provisions of this subparagraph, the first $10 million of bonds issued by the corporation shall be taken into account.*

5. The corporation shall establish a debt service reserve account which contains not less than 6 months' debt service reserves from the proceeds of the sale of any bonds*, or portions thereof,* guaranteed by the corporation.

6. The corporation shall establish an account known as the Revenue Bond Guaranty Reserve Account, the Guaranty Fund. The corporation shall deposit a sum of money *or other cash equivalents* into this fund and maintain a balance *of money or cash equivalents* in this fund, from sources other than the investment of earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund, not less than a sum equal to 1 year of maximum debt service on all outstanding bonds*, or portions thereof,* of the corporation *for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608.* In the event the corporation fails to maintain the balance required pursuant to this subparagraph for any reason other than a default on a bond issue of the corporation guaranteed pursuant to this section *or because of the use by the corporation of any such funds to pay insurance, maintenance or other costs which may be required for the preservation of any project or other collateral security for any bond issued by the corporation, or to otherwise protect the Revenue Bond Guaranty Reserve Account from loss while the applicant is in default on amortization payments, or to minimize losses to the reserve account in each case in such manner as may be deemed necessary or advisable by the corporation, the corporation shall immediately notify the Department of Transportation of such deficiency. Any supplemental funding authorized by an investment agreement entered into with the Department of Transportation and the State Board of Administration concerning the use of investment earnings of the minimum balance of funds is void unless such deficiency of funds is cured by the corporation within 90 days after the corporation has notified the Department of Transportation of such deficiency*~~, any guaranty authorized for any bond issue of the corporation shall be void~~.

(b) Unless specifically prohibited in the General Appropriations Act, the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund may continue to be used pursuant to paragraph (a).

(c) The guaranty shall not be a general obligation of the corporation or of the state, but shall be a special obligation, which constitutes the investment of a public trust fund. In no event shall the guaranty constitute an indebtedness of the corporation, the State of Florida, or any political subdivision thereof within the meaning of any constitutional or statutory limitation. Each guaranty agreement shall have plainly stated on the face thereof that it has been entered into under the provisions of this act and that it does not constitute an indebtedness of the corporation, the state, or any political subdivision thereof within any constitutional or statutory limitation, and that neither the full faith and credit of the State of Florida nor any of its revenues is pledged to meet any of the obligations of the corporation under such guaranty agreement. Each such agreement shall state that the obligation of the corporation under the guaranty shall be limited to the funds available in the Revenue Bond Guaranty Reserve Account as authorized by this section.

The corporation shall include, as part of the annual report prepared pursuant to s. 288.9610, a detailed report concerning the use of guaranteed bond proceeds for loans guaranteed or issued pursuant to any agreement with the Florida Black Business Investment Board, including the percentage of such loans guaranteed or issued and the total volume of such loans guaranteed or issued.

Section 103. Paragraph (a) of subsection (2) of section 288.9608, Florida Statutes, is amended to read:

288.9608 Creation and funding of the guaranty account.—

(2)(a) The corporation shall establish an account known as the Revenue Bond Guaranty Reserve Account, the Guaranty Fund. The corporation shall deposit a sum of money *or other cash equivalents* into this fund and maintain a balance in this fund, from sources other than the State Transportation Trust Fund, not less than a sum equal to 1 year of maximum debt service on all outstanding bonds*, or portions thereof,* of the corporation *for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608.*

Section 104. Section 288.9611, Florida Statutes, is amended to read:

288.9611 *Capital development board* ~~Enterprise Florida Capital Partnership~~; creation, purpose, membership.—

(1) There is created *within the nonprofit corporate structure of Enterprise Florida, Inc., a nonprofit public-private board the purpose of which shall be* ~~a body politic and corporate known as the Enterprise Florida Capital Partnership. The purpose of the capital partnership shall be~~ to create a Florida economy characterized by better employment opportunities leading to higher wages by building access to financial markets for firms critical to this mission. The *board shall be comprised of members from* ~~capital partnership shall be a partnership of~~ the private and public sectors of Florida ~~which uses~~ *and shall use* leadership, investment, and changes in public policy *in formulating recommendations* to ensure access to the most appropriate forms of finance for such firms on a scale sufficient to achieve the purpose of this *board* ~~partnership~~.

~~(2) The Enterprise Florida Capital Partnership shall be a not-for-profit corporation pursuant to chapter 617. The articles of incorporation and bylaws establishing the Enterprise Florida Capital Partnership shall be submitted to Enterprise Florida, Inc., and the Department of Commerce for review and approval prior to filing.~~

~~(3) The business and affairs of the partnership shall be managed and conducted by a board of directors, a chair, a vice chair, a secretary, a treasurer, and such other officers and such agents as the partnership bylaws shall authorize.~~

(2)~~(4)~~ *The capital development board* ~~Enterprise Florida Capital Partnership~~ shall be governed by a board of directors. The board of directors shall consist of the following members:

(a) A member of the Senate, who shall be appointed by the President of the Senate *as an ex officio member of the board* and serve at the pleasure of the President.

(b) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives *as an ex officio member of the board* and serve at the pleasure of the Speaker.

(c) Nine to 11 members from the public and private sector consisting of, but not limited to, at least three representatives of the commercial banking industry, a representative of the venture capital industry, an economic development professional, and a manufacturing industry representative, who shall be appointed by the Governor from a list of nominees as provided herein, subject to Senate confirmation.

(3)~~(5)~~ Members appointed by the Governor shall be appointed for terms of 4 years, except that in making the initial appointments, the Governor shall appoint three members for terms of 4 years, three members for terms of 3 years, and three members for terms of 2 years.

(4)~~(6)~~ The chair and vice chair of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board of directors from a slate of candidates submitted by Enterprise Florida, Inc. The chair and vice chair of Enterprise Florida, Inc., may request that additional candidates be submitted by Enterprise Florida, Inc., if the chair and vice chair cannot agree on a list of nominees submitted. Appointments to the board of directors shall be made by the Governor from the list of nominees jointly selected by the chair and vice chair of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors.

(5)~~(7)~~ The Governor shall appoint the initial 9 to 11 members from the public and private sector to the board of directors within 30 days after receipt of the list of nominees from the chair and vice chair of Enterprise Florida, Inc.

(6)~~(8)~~ A vacancy on the board of directors shall be filled for the remainder of the unexpired term.

(7)~~(9)~~ Appointive members may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

Section 105. Section 288.9612, Florida Statutes, is amended to read:

288.9612 *Capital development board* ~~Enterprise Florida Capital Partnership~~; organization.—

(1) The *governing* board of the *capital development board* ~~Enterprise Florida Capital Partnership~~ shall be chaired by a board member selected by a majority vote of the board.

(2) The president of the *board* ~~partnership~~ shall be *hired* ~~appointed~~ by the *president of Enterprise Florida, Inc.,* ~~board~~ and shall serve in the capacity of an executive director and secretary of the board, with *any* additional staff being hired by the president *of Enterprise Florida, Inc.,* within the parameters established by the *board of directors of Enterprise Florida, Inc.* ~~partnership in its bylaws.~~

~~(3) The board may establish an executive committee consisting of the chair, the secretary of the board, and not more than three additional board members selected by the chair. The executive committee shall have such authority as the board delegates to it, except that the board shall not delegate to the executive committee the authority to take actions requiring the approval by a majority of the board as provided in subsection (6).~~

(3)~~(4)~~ The board shall meet at least quarterly and at other times upon call of the chair.

(4)~~(5)~~ A quorum shall be a majority of the total current membership of the board ~~of the partnership~~.

(5)~~(6)~~ A majority of those voting shall be required to organize and conduct the business of the *board* ~~partnership~~, except that a majority of the entire board shall be required to ~~hire or fire the president and~~ adopt or amend the operational plan.

(6)~~(7)~~ Except as may be delegated or authorized by the board, individual board members shall have no authority to control or direct the operations of the *board* ~~partnership~~ or the actions of its officers and employees, including the president.

(7) The board of directors may delegate to its president those powers and responsibilities it deems appropriate.

(8) Members of the board shall serve without compensation, but members, the president, and all *staff* ~~employees of the partnership~~ may be reimbursed for *all reasonable, necessary, and actual expenses as determined by the board of directors of Enterprise Florida, Inc.* ~~per diem and travel expenses in accordance with s. 112.061. The president and all employees of the partnership shall be exempt from the provisions of part II of chapter 110, and the president shall be subject to the provisions of part IV of chapter 110.~~

(9) The board of directors may establish an executive committee consisting of the chair and at least two additional board members selected by the board of directors. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.

Section 106. Section 288.9613, Florida Statutes, is amended to read:

288.9613 Powers and authority of the *capital development* ~~Enterprise Florida Capital Partnership~~ board.—The *capital development* ~~Enterprise Florida Capital Partnership~~ board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this act, as well as the functions, duties, and responsibilities of the *board* ~~partnership~~, including, but not limited to, the following:

(1) *Advise and* assist in the formulation and coordination of the state's economic development policy regarding capital availability for the formation, growth, and development of firms critical to achieve the purposes of the capital *board* ~~partnership~~, as stated in this act *and consistent with the policies of the board of directors of Enterprise Florida Inc.*

(2) *Use a corporate* ~~Adopt an official~~ seal.

~~(3) Hire the president and employees of the partnership.~~

(3)~~(4)~~ *Advise and* assist in developing the state's strategic capital availability development plan and subsequent implementation plans as part of the strategic economic development plan of Enterprise Florida, Inc.

(4)~~(5)~~ *Advise and* assist in the state's capital availability development strategic planning process.

(5)~~(6)~~ Evaluate the performance and effectiveness of Florida's capital availability programs.

(6)~~(7)~~ Report to the board of directors of Enterprise Florida, Inc., regarding its functions, duties, *recommendations,* and responsibilities.

(7)~~(8)~~ Solicit, borrow, accept, receive, *and* invest~~, and expend~~ funds from any public or private source.

(8)~~(9)~~ Contract with public and private entities as necessary to further the directives of this act, *except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.*

~~(10) Approve an annual budget.~~

(9)~~(11)~~ Carry forward any unexpended state appropriations into succeeding fiscal years.

(10)~~(12)~~ Provide an annual report *by November 1 of each year* to *the board of directors of* Enterprise Florida, Inc.~~, the Governor, the Speaker of the House of Representatives, and the President of the Senate.~~

(11)~~(13)~~ Annually review and prepare a report showing how and at what level other state governments support the availability of capital for businesses essential to economic growth and development. The *board* ~~partnership~~ shall recommend appropriate levels of support from Florida state government, the Federal Government, and private enterprise

which will cause the access of Florida businesses to capital which is competitive with those of other states. The findings and recommendations of the *board* ~~partnership~~ shall be submitted to Enterprise Florida, Inc.~~, the Governor, and the Legislature.~~

Section 107. Section 288.9614, Florida Statutes, is amended to read:

288.9614 Authorized programs.—The *capital development board may* ~~Enterprise Florida Capital Partnership shall~~ take any action which it deems necessary to achieve the purposes of this act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of *small-sized* ~~small~~ and medium-sized firms, to expand availability of venture capital, and ~~to work closely with the Florida International Affairs Commission~~ to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

Section 108. Section 288.9615, Florida Statutes, is amended to read:

288.9615 Annual report of *capital development board* ~~Enterprise Florida Capital Partnership~~.—By December 1 of each year, *Enterprise Florida, Inc.,* ~~the partnership~~ shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report *by the board* setting forth:

(1) The *audit* ~~evaluation required~~ in s. 288.9616(1)*, if conducted*.

(2) The operations and accomplishments of the *board* ~~partnership~~.

(3) The report required in *s. 288.9613(11)* ~~s. 288.9613(13)~~.

(4) *A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.* ~~Its assets and liabilities at the end of its most recent fiscal year.~~

Section 109. Section 288.9616, Florida Statutes, is amended to read:

288.9616 Audits; confidentiality.—

~~(1) By September 1, 1993, the Florida Development Finance Corporation and the partnership in cooperation with the Auditor General shall develop research designs, including goals and measurable objectives for the Florida Development Finance Corporation and the partnership, which will provide the Legislature with a quantitative evaluation of the Florida Development Finance Corporation and the partnership. The Florida Development Finance Corporation and the partnership shall utilize the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.~~

~~(2) Prior to the 1996 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of the Florida Development Finance Corporation and the partnership using the research designs promulgated pursuant to subsection (1). The report shall critique the Florida Development Finance Corporation and the partnership. A report of the findings and recommendations of the Auditor General shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 1996 Regular Session.~~

(1)~~(3)~~ The Auditor General may, pursuant to his or her own authority or at the direction of the ~~Joint~~ Legislative Auditing Committee, conduct an audit of the Florida Development Finance Corporation or the *capital development board* ~~Enterprise Florida Capital Partnership~~ or the programs or entities created by the *board* ~~partnership~~. The audit or report may not reveal the identity of any person who has anonymously made a donation to *the board* ~~Enterprise Florida Capital Partnership~~ pursuant to subsection *(2)* ~~(4)~~.

(2)~~(4)~~ The identity of a donor or prospective donor to the *board* ~~Enterprise Florida Capital Partnership~~ who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report. ~~This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 110. Section 288.9617, Florida Statutes, is repealed.

Section 111. Section 288.0475, Florida Statutes, is transferred, and renumbered as section 288.9620, Florida Statutes, and is amended to read:

288.9620 ~~288.0475~~ *Workforce development board* ~~Enterprise Florida Jobs and Education Partnership.—~~

(1) The Legislature finds that the growth and competitive strength of Florida's economy depend upon the state's ability to attract and support industries that add to the value of the state's social capital as well as to its economic capital. It is crucial to the retention and growth of these high-value-added industries to assure that skilled human resources are adequate in quality and quantity. The Legislature intends to adopt a uniform policy to guide education, training, and employment programs, so that the combined efforts of all the programs accomplish the following objectives:

(a) Provide for a skilled workforce to enable Florida to compete in a global economy.

(b) Respond to changes in technology and to emerging industries.

(c) Promote the development of market-driven programs through a planning and funding system based upon products of the Occupational Forecasting Conference created in s. 216.136.

(d) Base evaluations of program success on student and participant outcomes rather than processes.

(e) Coordinate state, federal, local, and private funds for maximum impact.

(f) Encourage the participation, education, and training of members of populations selected by state or federal policy to receive additional resources, guidance, or services. The selected populations must include people with disabilities or economic disadvantages, especially those who are eligible for public assistance or are dislocated workers.

(2) There is created *within the nonprofit corporate structure of Enterprise Florida, Inc., a nonprofit public-private board the purpose of which* ~~a body politic and corporate known as the Enterprise Florida Jobs and Education Partnership. The purpose of the Jobs and Education Partnership~~ is to create a Florida economy characterized by better employment opportunities leading to higher wages by creating and maintaining a highly skilled workforce that responds to the rapidly changing technology and diversified market opportunities critical to this mission.

~~(3) The Enterprise Florida Jobs and Education Partnership is to be a not-for-profit corporation pursuant to chapter 617. The articles of incorporation and bylaws establishing the Enterprise Florida Jobs and Education Partnership must be submitted to Enterprise Florida, Inc., and the Department of Commerce for review and approval prior to filing.~~

(3)~~(4)~~ *The workforce development board shall* ~~Enterprise Florida Jobs and Education Partnership is to~~ be governed by a board of directors. The board of directors is to consist of the following members:

(a) The Commissioner of Education.

(b) The Secretary of the Department of Elderly Affairs.

(c) The Secretary of the Department of Health and Rehabilitative Services.

(d) The Secretary of the Department of Labor and Employment Security.

(e)~~(a)~~ *The Chancellor of the State University System or the Chancellor's designee.* ~~The Lieutenant Governor or the Lieutenant Governor's designee.~~

(f)~~(b)~~ *The executive director of the State Community College System or the executive director's designee.* ~~The Commissioner of Education or the commissioner's designee.~~

(g)~~(c)~~ A member of the Senate, to be appointed by the President of the Senate *as an ex officio member of the board* and serve at the pleasure of the President.

(h)~~(d)~~ A member of the House of Representatives, to be appointed by the Speaker of the House of Representatives *as an ex officio member of the board* and serve at the pleasure of the Speaker.

(i)~~(e)~~ *Eleven to 13* members from the public and private sectors *who possess an understanding of the broad spectrum of education, training, and employment needs of the residents of the state,* with the majority from the private sector, to be appointed by the Governor, subject to Senate confirmation. These members must *represent those industries critical to the state's economic base, as well as that portion of the state's population which has limited employment skills and work experience* ~~be selected from the highest ranking officials in manufacturing and other industries critical to the state's economic base, as well as state agencies, departments, and organizations that have a direct impact on the training and education of workers in the state~~. The members from the public sector must also include an occupational dean of a community college and a school district vocational director with responsibility for postsecondary programs. The members from the private sector must include a private business representative from a private industry council, ~~and~~ a representative of organized labor, *and a representative from a licensed, independent postsecondary institution that conducts vocational education and job training programs in the state.*

(j) Additional members may be appointed, subject to Senate confirmation, when necessary to conform to the requirements of the Job Training Partnership Act or the requirements of any other federal act establishing or designating a Human Resources Investment Council or other federal workforce development board.

(k)~~(f)~~ Private sector members appointed by the Governor must be appointed for 4-year, staggered terms. Public sector members appointed by the Governor shall serve at the pleasure of the Governor. *After July 1, 1996, public-sector members appointed by the Governor must be appointed to 4-year terms.*

(4)~~(5)~~(a) *The chair and vice chair of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board of directors from a slate of candidates submitted by Enterprise Florida, Inc. The chair and vice chair of Enterprise Florida, Inc., may request that additional candidates be submitted by Enterprise Florida, Inc., if the chair and vice chair cannot agree on a list of nominees submitted. Appointments to the board of directors shall be made by the Governor from the list of nominees jointly selected by the chair and vice chair of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors. A vacancy on the board of directors shall be filled for the remainder of the unexpired term in the same manner as the original appointment.* ~~Enterprise Florida, Inc., shall assist the Governor in the appointment of the initial members by providing a list of at least 18 nominees for membership in the partnership. For subsequent appointments, the chair of the Jobs and Education Partnership and the vice chair of Enterprise Florida, Inc., shall provide at least one nominee for each vacancy. The nominees must be selected within 90 days after a vacancy occurs, and the Governor must make the appointments within 30 days after receiving the nominations. Appointees must be representative of all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation must be considered when making nominations for each position on the board of directors.~~

(b) The Governor shall appoint the initial members from the public sector and private sector to the board of directors within 30 days after the receipt of the nominations from Enterprise Florida, Inc.

(c) A member may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

(d) The State Job Training Coordinating Council shall appoint an advisory committee, which must include a member of a private industry council. This committee, the Committee of Practitioners established as required by Pub. L. No. 101-392, and the Quick-Response Advisory Committee, established by s. 288.047, shall provide the *board* ~~partnership~~ with technical advice, policy consultation, and information about workforce development issues.

(5)~~(6)~~(a) The Board of Directors of the *workforce development board* ~~Jobs and Education Partnership~~ shall be chaired by a board member designated by the Governor.

(b) The *president of the* board shall *be hired by* ~~appoint~~ the president *of Enterprise Florida, Inc., and shall* ~~of the partnership to~~ serve in the capacity of an executive director and secretary of the board. The president *of Enterprise Florida, Inc.,* shall hire *any* additional staff within the parameters established by the *board of directors of Enterprise Florida, Inc.* ~~partnership in its bylaws.~~

~~(c) The board may establish an executive committee consisting of its chair, the secretary of the board, and not more than three additional board members selected by the chair. The executive committee shall have such authority as the board delegates to it, except that the board may not delegate to the executive committee the authority to take actions requiring the approval by a majority of the board as provided in paragraph (f).~~

(c)~~(d)~~ The board shall meet at least quarterly and at other times upon call of its chair.

(d)~~(e)~~ A majority of the total current membership of the board ~~of the partnership~~ comprises a quorum of the board.

(e)~~(f)~~ A majority of those voting is required to organize and conduct the business of the *board* ~~partnership~~, except that a majority of the entire board is required ~~to hire or fire the president or~~ to adopt or amend the operational plan.

(f)~~(g)~~ Except as delegated or authorized by the board, individual board members have no authority to control or direct the operations of the *board* ~~partnership~~ or the actions of its officers and employees, including the president.

(g) The board of directors may delegate to its president those powers and responsibilities it deems appropriate.

(h) Members of the board shall serve without compensation, but members, the president, and all employees of the *board* ~~partnership~~ may be reimbursed for *all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.* ~~per diem and travel expenses in accordance with s. 112.061. The president and all employees of the partnership are exempt from the provisions of part II of chapter 110, but the president is subject to the provisions of part IV of chapter 110.~~

(i) The board of directors may establish an executive committee consisting of the chair and at least two additional board members selected by the board of directors. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.

(6)~~(7)~~ The *workforce development* ~~Jobs and Education Partnership~~ board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this section, as well as *its* ~~the~~ functions, duties, and responsibilities ~~of the partnership~~, including, but not limited to, the following:

(a) *Advising and* assisting in the formulation and coordination of the state's economic policy regarding workforce development critical to achieve the purposes of the *board* ~~partnership~~, as stated in this section *and consistent with the policies of the board of directors of Enterprise Florida, Inc.*

(b) *Using a corporate* ~~Adopting an official~~ seal.

~~(c) Hiring the president and employees of the partnership.~~

(c)~~(d)~~ *Advising and* assisting in developing the state's strategic workforce development plan and subsequent implementation plans as part of the strategic economic development plan of Enterprise Florida, Inc.

(d)~~(e)~~ *Advising and* assisting in the state's workforce development strategic planning process.

(e)~~(f)~~ Evaluating the performance and effectiveness of Florida's workforce development programs.

(f)~~(g)~~ Reporting to the board of directors of Enterprise Florida, Inc., regarding its *recommendations,* functions, duties, and responsibilities.

(g)~~(h)~~ Soliciting, borrowing, accepting, receiving, investing, and expending funds from any public or private source.

(h)~~(i)~~ Contracting with public and private entities as necessary to further the directives of this section, *except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.*

(i)~~(j)~~ Approving an annual budget.

(j)~~(k)~~ Carrying forward any unexpended state appropriations into succeeding fiscal years.

(k)~~(l)~~ Providing an annual report to *the board of directors of* Enterprise Florida, Inc., *by November 1 of each year which will include a copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General* ~~the Governor, the President of the Senate, and the Speaker of the House of Representatives~~.

(7)~~(8)~~ The *board* ~~Jobs and Education Partnership~~ may take any action that it deems necessary to achieve the purposes of this section *and consistent with the policies of the board of directors of Enterprise Florida, Inc.*, in partnership with private enterprises, public agencies, and other organizations. The *board* ~~partnership~~ shall advise and make recommendations to the Board of Directors of Enterprise Florida, Inc., *and through the board of directors to* the State Board of Education~~,~~ and the Legislature concerning action needed to bring about the following benefits to the state's social and economic resources:

(a) A state employment, education, and training policy that ensures that programs to prepare workers are responsive to present and future business and industry needs and complement the initiatives of the *boards* ~~Capital Partnership and Innovation Partnership~~ of Enterprise Florida, *Inc.*

(b) A funding system that provides incentives to improve the outcomes of *vocational* ~~degree career and certificate career~~ education programs and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.

(c) A comprehensive approach to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(d) The designation of Institutes of Applied Technology composed of postsecondary institutions working together to ensure that technical and *vocational* ~~degree career and certificate career~~ education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry.

(e) A system to project and evaluate labor market supply and demand using the results of the Occupational Forecasting Conference created in s. 216.136 and the career education performance standards identified in s. 239.233.

(f) A review of the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs. ~~The partnership shall specifically consider whether restructuring the Department of Labor and Employment Security and the Department of Commerce would better serve the state's labor force. An interagency workgroup shall assist the partnership in its deliberations concerning restructuring. The workgroup must include representatives of the Senate, the House of Representatives, the Executive Office of the Governor, the Department of Labor and Employment Security, the Department of Education, the Department of Commerce, the Department of Health and Rehabilitative Services, the Department of Elderly Affairs, and the Department of Community Affairs, with the advice of major business associations and labor organizations.~~

(8)~~(9)~~ By December 1 of each year, *Enterprise Florida, Inc.*, ~~the partnership~~ shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report *by the board* setting forth:

(a) The *audit* ~~evaluation required~~ in subsection *(9), if conducted* ~~(10)~~.

(b) The operations and accomplishments of the partnership including the programs or entities listed in subsection *(7)* ~~(8)~~.

~~(c) Its assets and liabilities at the end of its most recent fiscal year.~~

~~(10)(a) By September 1, 1994, the partnership in cooperation with the Auditor General shall develop research designs, including goals and measurable objectives for the Jobs and Education Partnership, which will provide the Legislature with a quantitative evaluation of the partnership. The partnership must use the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.~~

~~(b) Before the 1996 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of the partnership using the research designs developed under paragraph (a). The report must critique the partnership. A report of the findings and recommendations of the Auditor General must be submitted to the President of the Senate and the Speaker of the House of Representatives before the 1996 Regular Session.~~

(9)~~(c)~~ The Auditor General may, pursuant to his or her own authority or at the direction of the ~~Joint~~ Legislative Auditing Committee, conduct an audit of the *board* ~~partnership~~ or the programs or entities created by the *board* ~~partnership~~.

Section 112. (1) It is the intent of the Legislature that the transfer of responsibilities from the Department of Commerce and the Florida International Affairs Commission to Enterprise Florida, Inc., and the Florida Commission on Tourism, Inc., be accomplished with minimal disruption of services provided to the public and with minimal disruption to the employees of the department and commission. To that end, the Legislature believes that a transition period during which the activities of the department can be systematically reduced and the activities of Enterprise Florida, Inc., and of the Florida Commission on Tourism, Inc., can be strategically increased is appropriate and warranted. The Secretary of the Department of Commerce and the vice chairperson of the Florida International Affairs Commission shall assist, and cooperate fully with Enterprise Florida, Inc., and the Florida Tourism Commission, Inc., in planning and implementing the transfer of responsibilities.

(2) The Department of Commerce, the Department of Labor and Employment Security, and the Department of Management Services shall provide coordinated reemployment assistance to employees of the Department of Commerce who are dislocated as a result of this act.

(3) The state and its political subdivisions shall give preference in the appointment and the retention of employment to employees of the Department of Commerce who are dislocated as a result of this act. Furthermore, for those positions for which an examination is used to determine the qualifications for entrance into employment with the state or its political subdivisions, 10 points shall be added to the earned ratings of any employee of the Department of Commerce who is dislocated as a result of this act, if such person has obtained a qualifying score on the examination for the position. Preference is considered to have expired once such person has been employed by Enterprise Florida, Inc., the Florida Commission on Tourism, Inc., any state agency, or any agency of a political subdivision of the state.

(4) The Office of Tourism, Trade, and Economic Development shall contract with Enterprise Florida, Inc., to take the necessary initial steps in preparation of becoming the state's primary economic development organization as of January 1, 1997. Such preparation may include hiring additional staff and securing additional workspace and shall be contingent upon funding being provided in the 1996-1997 General Appropriations Act.

(5) The Office of Tourism, Trade, and Economic Development shall contract with the Florida Commission on Tourism, Inc., to take the necessary initial steps in preparation for becoming the state's primary

tourism development organization as of January 1, 1997. Such preparation may include hiring additional staff and securing additional workspace and shall be contingent upon funding being provided in the 1996-1997 General Appropriations Act.

(6) The transfer of any programs, activities, and functions under this act shall include the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such programs, activities, and functions. Any surplus records and unexpended balances of appropriations, allocations, or other funds not so transferred shall be transferred to the Office of Tourism, Trade, and Economic Development for proper disposition. Unless otherwise provided, the Office of Tourism, Trade, and Economic Development shall become the custodian of any property of the Department of Commerce and the Florida International Affairs Commission for the purposes of chapter 273, Florida Statutes. The office is authorized to permit the use of such property by organizations with which the state contracts under the provisions of this act.

Section 113. (1) From funds appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development for the purpose of annually contracting with Enterprise Florida, Inc., 10 percent of such funds for the fiscal year 1996-1997, 20 percent of such funds for the fiscal year 1997-1998, 30 percent of such funds for the fiscal year 1998-1999, 40 percent of such funds for the fiscal year 1999-2000, and 50 percent of such funds for the fiscal year 2000-2001 shall be placed in reserve by the Executive Office of the Governor. The funds may be released through a budget amendment, in accordance with chapter 216, Florida Statutes, as requested by Enterprise Florida, Inc., through the Office of Tourism, Trade, and Economic Development if Enterprise Florida, Inc., has provided sufficient documentation that the same amount of matching private funds as the amount placed in reserve has been contributed during the same fiscal year to Enterprise Florida, Inc., in support of its economic development efforts. If sufficient documentation is not provided by the end of the fiscal year, such funds shall revert back to the General Revenue Fund.

(2) Prior to the 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of the contributions made to Enterprise Florida, Inc., during the prior three years pursuant to this section of this act. The review must be conducted in such a manner as to determine the amount and type of matching private funds contributed and the circumstances affecting to the ability to achieve or not achieve the specified amount of matching private funds for each year. Based on this information and historical data, the Office of Program Policy Analysis and Governmental Accountability shall determine whether the funding levels of matching private funds for fiscal year 1999-2000, and fiscal year 2000-2001, as specified in this section of this act, are appropriate. This report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(3) For the purposes of this section, matching private funds include a conveyance of property, employee wages paid during training, or payment or distribution of cash or anything of value, including contributions in-kind having an attributable monetary value in any form. Contributions in-kind include, but are not limited to, goods or services rendered. The cost of the contribution shall be the reasonable cost to the sponsor of the goods or services.

Section 114. Paragraphs (a), (b), and (h) of subsection (1) of section 288.973, Florida Statutes, are amended to read:

288.973 Florida Defense Conversion and Transition Commission.—

(1)(a) The Florida Defense Conversion and Transition Commission is created and assigned to the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ for administrative and primary staff support. The commission shall advise the Governor and the Legislature in the development and implementation of military base reuse and transition policy.

(b) The commission shall consist of:

1. A member of the Senate, appointed by the President of the Senate.

2. A member of the House of Representatives, appointed by the Speaker of the House of Representatives.

3. Two members of the Florida Congressional Delegation, one from the House of Representatives and one from the Senate.

4. The ~~Secretary of Commerce, the~~ Secretary of Labor and Employment Security, the Adjutant General, the executive director of the Department of Veterans' Affairs, the Commissioner of Education, the Chancellor of the Board of Regents, the executive director of the State Board of Community Colleges, the Secretary of Community Affairs, the Secretary of Environmental Protection, the director of the State Job Training Coordinating Council, and the director of the Florida Office of State-Federal Relations, or their designees.

5. The vice chair of Enterprise Florida, Inc., or his or her designee from the Enterprise Florida, *Inc., board of directors* ~~Board~~.

6. The chairs, or their designees, of officially recognized community base closure committees.

7. One member appointed from a labor organization which represents workers in the defense industry.

8. One representative from the military services, appointed by the Governor from candidates recommended by the United States Department of Defense.

9. Up to 10 private sector members, appointed by the Governor, at least one of whom must be chosen from each of the following categories: prime defense contractors, defense subcontractors, defense suppliers, and other businesses directly affected by base closures or other defense reductions.

10. At the discretion of the Governor, up to six members who are representatives of communities not represented by officially recognized community base closure committees which have been substantially affected by defense reductions.

(h) In addition to the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, Enterprise Florida, Inc., and the Department of Labor and Employment Security shall provide staff support to the commission.

Section 115. Subsections (3), (8), and (9) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

(3) No later than 6 months after May 31, 1994, or 6 months after the designation of a military base for closure by the Federal Government, whichever is later, each host local government shall notify the *Secretary* ~~secretaries~~ of the Department of Community Affairs and the *director of the Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ in writing, by hand delivery or return receipt requested, as to whether it intends to use the optional provisions provided in this act. If a host local government does not opt to use the provisions of this act, land use planning and regulation pertaining to base reuse activities within those host local governments shall be subject to all applicable statutory requirements, including those contained within chapters 163 and 380.

(8) At the request of a host local government, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall coordinate a presubmission workshop concerning a military base reuse plan within the boundaries of the host jurisdiction. Agencies that shall participate in the workshop shall include any affected local governments, the Department of Environmental Protection, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, the Department of Community Affairs, the Department of Transportation, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, the Department of State, the Game and Fresh Water Fish Commission, and any applicable water management districts and regional planning councils. The purposes of the workshop shall be to assist the host local government to understand issues of concern to the above listed entities pertaining to the military base site and to identify opportunities for better coordination of planning and review efforts with the information and analyses generated by the federal environmental impact statement process and the federal community base reuse planning process.

(9) If a host local government elects to use the optional provisions of this act, it shall, no later than 12 months after notifying the agencies of its intent pursuant to subsection (3) either:

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments, the Department of Environmental Protection, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, the Department of Community Affairs, the Department of Transportation, the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, the Department of State, the Florida Game and Fresh Water Fish Commission, and any applicable water management districts and regional planning councils, or

(b) Petition the secretary of the Department of Community Affairs for an extension of the deadline for submitting a proposed reuse plan. Such an extension request must be justified by changes or delays in the closure process by the federal Department of Defense or for reasons otherwise deemed to promote the orderly and beneficial planning of the subject military base reuse. The secretary of the Department of Community Affairs may grant up to a 1-year extension to the required submission date of the reuse plan.

Section 116. Subsections (2), (3), and (4) of section 288.980, Florida Statutes, are amended to read:

288.980 Base closure or realignment; legislative intent; grants program.—

(2)(a) The *Office of Tourism, Trade, and Economic Development* ~~secretary of the Department of Commerce~~ is authorized to award grants from funds specifically appropriated for this purpose to applicants' eligible projects. Eligible projects shall be limited to:

1. Activities related to the retention of military installations potentially affected by federal base closure or realignment.

2. Activities related to preventing the potential realignment or closure of a military installation officially identified by the Federal Government for potential realignment or closure.

(b) "Activities" as used herein means studies, presentations, analyses, plans, and modeling. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(3)(a) The amount of any grant provided to an applicant in any one year shall not exceed $250,000. The *Office of Tourism, Trade, and Economic Development* ~~department~~ shall require that an applicant:

1. Represent a community with a military installation or military installations that could be adversely affected by federal base realignment or closure.

2. Agree to provide a match of at least 100 percent of any grant awarded by the department directly related to the activities for which the grant is being sought.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for realignment or closure of a military installation located in the applicant's community and the adverse impacts such realignment or closure will have on the applicant's community.

(b) In making grant awards for eligible projects, the *office* ~~department~~ shall consider, at a minimum, the following factors:

1. The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations vulnerable to closure.

2. The potential job displacement within the local community should the military installation be closed.

3. The potential adverse impact on industries and technologies which service the military installation.

(c) For purposes of this section, "applicant" means one or more counties, or a base closure or realignment commission created by one or more counties, to oversee the potential or actual realignment or closure of a military installation within the jurisdiction of such local government.

(4) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall *establish guidelines*~~, pursuant to chapter 120, adopt rules~~ to implement and carry out the purpose and intent of this section.

Section 117. Subsection (8) of section 289.031, Florida Statutes, is amended to read:

289.031 Special corporate powers.—In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations generally by the provisions of general statute, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(8) To cooperate with and avail itself of the facilities of the United States Department of Commerce, the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development of the Department of Commerce~~, and any other similar state or federal governmental agency and to cooperate with, assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance, and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

Section 118. Section 290.004, Florida Statutes, is amended to read:

290.004 Definitions.—As used in ss. 290.001-290.016:

(1) "Community investment corporation" means a black business investment corporation, a certified development corporation, a small business investment corporation, or other similar entity incorporated under Florida law that has limited its investment policy to making investments solely in minority business enterprises.

(2) "Department" means the Department of Commerce.

(3) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(4)~~(3)~~ "Governing body" means the council or other legislative body charged with governing the county or municipality.

(5)~~(4)~~ "Interagency coordinating council" means the Enterprise Zone Interagency Coordinating Council created pursuant to s. 290.009.

(6)~~(5)~~ "Minority business enterprise" has the same meaning as in s. 288.703.

(7) "Office" means the Office of Tourism, Trade, and Economic Development.

(8)~~(6)~~ "Secretary" means the Secretary of Commerce.

(9)~~(7)~~ "Small business" has the same meaning as in s. 288.703.

Section 119. It is the intent of the Legislature that the Office of Tourism, Trade, and Economic Development designate a total of 20 areas as enterprise zones pursuant to section 290.0065, Florida Statutes. If the office has not designated a total of 20 areas of the state as enterprise zones by July 1, 1996, the office shall conduct additional designation processes until the office has selected a total of 20 areas. The office shall complete such additional processes by July 1, 1997, and any area designated as an enterprise zone pursuant to this section shall be effective July 1, 1997, and such designation shall operate retroactively to July 1, 1996.

Section 120. (1) Notwithstanding the provisions of sections 212.096, 220.03(1)(q), and 220.181, Florida Statutes, which require that new employees must have been hired after July 1, 1995, in order for a business to be eligible for the enterprise zone sales tax and corporate tax credits, an employee who is hired after January 1, 1995, may be defined as a "new employee" for purposes of such tax credits.

(2) This section applies only to any business located within an area that was designated as a state enterprise zone before December 31, 1994, and was subsequently redesignated or received a designation as a state enterprise zone on July 1, 1995, if the employing business transferred for employment within an enterprise zone, at least 100 full-time employees from a location outside this state between January 1, 1995, and July 1, 1995.

(3) Notwithstanding section 220.181(6), Florida Statutes, any business that is eligible to receive a tax credit pursuant to this section must submit an application pursuant to sections 212.096 and 220.181, Florida Statutes, within 4 months after the effective date of this act. All other requirements of sections 212.096 and 220.181, Florida Statutes, apply to such a business.

Section 121. Subsections (11) and (12) of section 290.0056, Florida Statutes, are amended to read:

290.0056 Enterprise zone development agency.—

(11) Prior to December 1 of each year, the agency shall submit to the *Office of Tourism, Trade, and Economic Development* ~~department~~ a complete and detailed written report setting forth:

(a) Its operations and accomplishments during the fiscal year.

(b) The accomplishments and progress concerning the implementation of the strategic plan.

(c) The number and type of businesses assisted by the agency during the fiscal year.

(d) The number of jobs created within the enterprise zone during the fiscal year.

(e) The usage and revenue impact of state and local incentives granted during the calendar year.

(f) Any other information required by the *office* ~~department~~.

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

Section 122. Subsection (2) of section 290.0058, Florida Statutes, is amended to read:

290.0058 Tests of pervasive poverty, unemployment, and general distress.—

(2) Pervasive poverty shall be evidenced by a showing that poverty is widespread throughout the nominated area. The poverty rate of the nominated area shall be established using the following criteria:

(a) In each census geographic block group within a nominated area, the poverty rate shall be not less than 20 percent.

(b) In at least 50 percent of the census geographic block groups within the nominated area, the poverty rate shall not be less than 30 percent.

(c) Census geographic block groups with no population shall be treated as having a poverty rate which meets the standards of paragraph (a), but shall be treated as having a zero poverty rate for purposes of applying paragraph (b).

(d) A nominated area may not contain a noncontiguous parcel unless such parcel separately meets the criteria set forth under paragraphs (a) and (b).

For purposes of this subsection, pervasive poverty within a noncontiguous area of an enterprise zone containing two or more noncontiguous areas that was nominated by a county and one or more municipalities together shall be presumed within the noncontiguous area if such area encompasses only one municipality and has fewer than 3 contiguous census geographic block groups, provided at least one such group has a poverty level of more than 20 percent. The provisions of this paragraph shall stand repealed on July 1, 1997.

Section 123. Subsection (8) is added to section 290.0065, Florida Statutes, to read:

290.0065 State designation of enterprise zones.—

(8) The Office of Tourism, Trade, and Economic Development may amend the boundaries of any noncontiguous area of an enterprise zone containing two or more noncontiguous areas that was designated pursuant to this section based on an application submitted by a county, other than a county defined in s. 125.011(1), and one or more municipalities together, provided such noncontiguous area encompasses only one municipality and has fewer than 3 contiguous census geographic block groups. Any amendments made pursuant to this subsection can not exceed 1 square mile and must be made by June 30, 1997, and be consistent with the categories, criteria, and limitation imposed by this section and s. 290.0055 upon the establishment of such enterprise zone. The provisions of this subsection shall stand repealed on July 1, 1997.

Section 124. Subsections (8) and (9) are added to section 290.0065, Florida Statutes, to read:

290.0065 State designation of enterprise zones.—

(8)(a) Notwithstanding s. 290.0055, any area existing as a state enterprise zone as of December 30, 1994, which has received at least $1 million in state community development funds and at least $500,000 in federal community development funds, which has less than 300 businesses located within the boundaries of the enterprise zone, and which has been designated by the United States Department of Agriculture as a "Champion Community" shall be redesignated as a state enterprise zone upon the creation of an enterprise zone development agency pursuant to s. 290.0056 and the completion of a strategic plan pursuant to s. 290.0057.

(b) Such designation shall be in addition to the limitations of state enterprise zone designation set out in subsection (1).

(9) The Office of Tourism, Trade, and Economic Development may amend the boundaries of any enterprise zone designated by the state pursuant to this section, consistent with the categories, criteria, and limitations imposed in this section upon the establishment of such enterprise zone and only if consistent with the determinations made in paragraph s. 290.0058(2)(e).

Section 125. Subsection (1) of section 290.0066, Florida Statutes, is amended to read:

290.0066 Revocation of enterprise zone designation.—

(1) The *director* ~~secretary~~ may revoke the designation of an enterprise zone if the *director* ~~secretary~~ determines that the governing body or bodies:

(a) Have failed to make progress in achieving the benchmarks set forth in the strategic plan; or

(b) Have not complied substantially with the strategic plan.

Section 126. Section 290.0075, Florida Statutes, is amended to read:

290.0075 Enterprise zone linked deposit program.—

(1) The Department of Banking and Finance, in consultation with the *interagency coordinating council* ~~department~~, is authorized to create an enterprise zone linked deposit program to encourage financial institutions to increase the volume of loans made to small businesses in enterprise zones.

(2)(a) The *Department of Banking and Finance* ~~department~~, in consultation with the interagency coordinating council, may select ~~one~~ designated state enterprise *zones* ~~zone~~ from each of the categories established by s. 290.0065(3)(a) for participation in this program.

(b) Participating enterprise zones shall provide a 100-percent match of any state treasury funds deposited pursuant to subsection (3). Participating enterprise zones shall select financial institutions for receipt of such funds by a competitive bid process based upon guidelines developed by the Department of Banking and Finance and the competitive selection process employed by the Office of the Treasurer for deposit of certificates of deposit. The participating enterprise zones may select more than one financial institution. The Treasurer may reject any financial institution selected for participation in this program and request that another financial institution be selected.

(3) Notwithstanding the provisions of s. 18.10, the Treasurer may designate, for the length of this program, up to $10 million of the state's short-term treasury deposits for deposit in financial institutions selected pursuant to paragraph (2)(b), except that the Treasurer *must designate for deposit an equal amount of state short-term treasury deposits for each*

category established by s. 290.0065(3)(a) ~~may not deposit more than $2 million in financial institutions located in one enterprise zone~~. *State funds designated for deposit for a category must be made available for deposit in the following manner. First, such funds must be made available to enterprise zones on a ranked basis, as determined by the Department of Banking and Finance in consultation with the interagency coordinating council, within each respective category. Thereafter, any funds that have not been deposited after being made available to the enterprise zones within that category must be made available to any enterprise zone within any category.*

(4) The Treasurer may not approve the deposit of state funds under this act until the receipt of written documentation from the Comptroller noting the financial institutions approved for deposit under this act. Such selected financial institutions must be qualified public depositories pursuant to chapter 280.

(5)~~(4)~~ Selected financial institutions shall provide a 100-percent match of any state treasury funds and local funds that are deposited within the financial institution pursuant to subsections (2) and (3). The selected financial institution's share of matching funds shall be used to provide loans or lines of credit to individuals for small business startup or expansion, working capital, or inventory financing. Loans shall be made to individuals for small businesses located in enterprise zones.

(6)~~(5)~~ The Department of Banking and Finance shall provide an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the *Office of Tourism, Trade, and Economic Development* ~~department~~ prior to February 1 of each year which contains:

(a) The number and amount of loans made to small businesses under this program during the previous calendar year.

(b) The average interest rate for small business loans made by each selected financial institution under this program during the previous calendar year.

(c) The number of completed small business loan applications that were denied or disapproved during the previous calendar year by each selected financial institution under this program.

(d) Recommendations concerning the continuation, expansion, improvement, or termination of this program.

(7)~~(6)~~ This section shall stand repealed on June 30, 2000, and upon such repeal, the designated short-term treasury deposits shall be returned to the Treasurer.

Section 127. Subsections (1) and (3) and paragraph (a) of subsection (2) of section 290.009, Florida Statutes, are amended to read:

290.009 Enterprise Zone Interagency Coordinating Council.—

(1) There is created within the *Office of Tourism, Trade, and Economic Development* ~~department~~ the Enterprise Zone Interagency Coordinating Council. The council shall be composed of the secretaries or executive directors, or their designees, of the Department of Community Affairs, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, the Department of Health and Rehabilitative Services, the Department of Labor and Employment Security, the Department of State, the Department of Transportation, the Department of Environmental Protection, the Department of Law Enforcement, and the Department of Revenue; the Attorney General or his or her designee; and the executive directors or their designees of the State Community College System, the Black Business Investment Board, and the Florida State Rural Development Council.

(2) The purpose of the council is to:

(a) Advise the *office* ~~department~~ in planning, developing, implementing, and performing evaluation and reporting activities related to the Florida Enterprise Zone Act of 1994.

(3) The *director of the office* ~~secretary~~ or his or her designee shall serve as the chair of the council.

Section 128. Section 290.014, Florida Statutes, is amended to read:

290.014 Annual reports on enterprise zones.—

(1) By February 1 of each year, the Department of Revenue shall submit an annual report to the *Office of Tourism, Trade, and Economic Development* ~~department~~ detailing the usage and revenue impact by county of the state incentives listed in s. 290.007.

(2) By March 1 of each year, the *office* ~~department~~ shall submit an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report shall include the information provided by the Department of Revenue pursuant to subsection (1) and the information provided by enterprise zone development agencies pursuant to s. 290.0056. In addition, the report shall include an analysis of the activities and accomplishments of each enterprise zone, and any additional information prescribed pursuant to s. 290.015.

Section 129. Subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218, and the auditing provisions of s. 11.45(3)(a)4. *Program funds also may be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade data information products which will assist Florida's seaports and international trade.* ~~Moneys in the trust fund may also be used for the acquisition of economic benefit and trade data information.~~

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.

Section 130. Subsections (1), (3), (5), (8), (9), (10), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina, the secretary of the Department of Transportation or his or her designee as an ex officio nonvoting member, the *director* ~~secretary~~ of the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ or his or her designee as an ex officio nonvoting member, and the secretary of the Department of Community Affairs or his or her designee as an ex officio nonvoting member.

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to the state. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, the Department of Transportation, and the Department of Community Affairs. The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually, beginning no later than February 1, 1991.

(5) The council shall review and approve or disapprove each project eligible to be funded pursuant to the Florida Seaport Transportation and Economic Development Program. The council shall annually submit to the Secretary of Transportation, the *director of the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~, and the Secretary of Community Affairs a list of projects which have been approved by the council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

(8) The *Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc.,* ~~Department of Commerce~~ shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall review the economic benefits of each project based upon the rules adopted pursuant to subsection (4). The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the council of its findings.

(9) The council shall review the findings of the Department of Community Affairs, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (6), (7), and (8) and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (8) shall not be included in the list of projects to be funded.

(10) The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program for expenditure of funds of not less than $8 million per year. Such budget shall include funding for projects approved by the council which have been determined by each agency to be consistent and which have been determined by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ to be economically beneficial. The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted as part of the needs and project list prepared pursuant to s. 339.135.

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members except for members representing the Department of Transportation, the Department of Community Affairs, and the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. A vote of the majority of the voting members present is sufficient for any action of the council, unless the bylaws of the council require a greater vote for a particular action.

Section 131. Section 311.105, Florida Statutes, is created to read:

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.—

(1)(a) There is created the Florida Seaport Environmental Management Committee, which shall be under the direction of the Florida Seaport Transportation and Economic Development Council.

(b) The committee shall consist of the following members: the Secretary of Environmental Protection, or his or her designee, as an ex officio, nonvoting member; a designee from the United States Army Corps of Engineers, as an ex officio, nonvoting member; a designee from the Florida Inland Navigation District, as an ex officio, nonvoting member; the Secretary of Community Affairs, or his or her designee, as an ex officio, nonvoting member; and five or more port directors, as voting members, appointed to the committee by the council chair, who shall also designate one such member as committee chair.

(c) The committee shall meet at the call of the chair, but must meet at least semiannually. A majority of the voting members constitutes a quorum for the purpose of transacting business of the committee, and a vote of the majority of the voting members present is required for official action by the committee.

(d) The committee shall provide a forum for discussion of environmental issues, including, but not limited to, those relating to maintenance dredging and dredged-material management, environmental mitigation, air and water quality permitting, and the maintenance of navigation channels, port harbors, turning basins, harbor berths, and associated facilities.

(e) The committee shall work closely with the Department of Environmental Protection, United States Army Corps of Engineers, and ports listed in s. 403.021(9)(b) to ensure that suitable dredged material is deposited on Florida's beaches to the extent the committee determines to be economically feasible and consistent with beach restoration and other beneficial uses criteria of the Department of Environmental Protection.

(2) Each application for a permit authorized pursuant to s. 403.061(38) must include:

(a) A description of maintenance dredging activities to be conducted and proposed methods of dredged-material management.

(b) A characterization of the materials to be dredged and the materials within dredged-material management sites.

(c) A description of dredged-material management sites and plans.

(d) A description of measures to be undertaken, including environmental compliance monitoring, to minimize adverse environmental effects of maintenance dredging and dredged-material management.

(e) Such scheduling information as is required to facilitate state supplementary funding of federal maintenance dredging and dredged-material management programs consistent with beach restoration criteria of the Department of Environmental Protection.

(3) Each application for a permit authorized pursuant to s. 403.061(39) must include the provisions of paragraphs (2)(b)-(e) and the following:

(a) A description of dredging and dredged-material management and other related activities associated with port development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.

(b) A discussion of environmental mitigation as is proposed for dredging and dredged-material management for port development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.

(4) Environmental mitigation is not required for dredging and dredged-material management for the maintenance of port harbors, navigation channels, turning basins, or harbor berths if all prior conditions of the original permit to construct the port harbor, navigation channel, dredged-material management site, turning basin, or harbor berth issued by the Department of Environmental Protection or its predecessor agency are met.

(5) Where appropriate, the Department of Environmental Protection shall provide mitigation credits to those deepwater ports that provide for innovative approaches to the onshore and nearshore placement of suitable dredged material consistent with beach restoration and other beneficial uses criteria of the department.

(6) Dredged-material management activities authorized pursuant to s. 403.061(38) or (39) shall be incorporated into port master plans developed pursuant to s. 163.3178(2)(k).

Section 132. Section 311.11, Florida Statutes, is amended to read:

311.11 Seaport Employment Training Grant Program.—

(1) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within the *office* ~~department~~. The *office* ~~department~~ may grant funds appropriated by the Legislature to seaport employment training programs for the purpose of training residents in job skills associated with employment opportunities related to economic development activities developed by any seaport member of the council or developed by the private sector in cooperation with any seaport member of the council. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The *office's* ~~department's~~ contribution to any specific training program may not exceed 50 percent of the total cost of the program. Matching contributions from the seaport and its private sector component may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

(2) There is created the Seaport Employment Training Trust Fund within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ to fund employment training programs that will provide job skills to improve the movement of cargo or passengers in commerce and trade and to support the interests, purposes, and requirements of ports located in this state.

(3) The *office* ~~department~~ shall adopt *criteria* ~~rules~~ to implement this section.

Section 133. Subsection (2) of section 313.01, Florida Statutes, is amended to read:

313.01 Appointment and removal of harbormasters.—

(2) In all counties having a population of more than 300,000, according to the last official census, *or in counties or municipalities where port authorities have been created by special act or ordinance,* the office and position of harbormaster as provided in chapters 313 and 314, is abolished.

Section 134. Paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. These funds must be deposited into the Professional Sports Development Trust Fund within the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce as defined in s. 288.116~~.

3. The Florida Sports Foundation shall provide an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ as specified in *s. 288.1229(5)* ~~s. 20.17(5)(d)~~. The auditor shall submit the audit report to the *Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~ for review and approval. If the audit report is approved, the *office* ~~department~~ shall certify the audit report to the Auditor General for review.

Section 135. Section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, *must* ~~shall~~ be distributed monthly, as collected, *as follows* ~~to the following funds~~:

(1) The first proceeds, to the extent necessary to comply with the provisions of s. 18 of Art. XII of the State Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968 revised constitution, and the additional provisions of s. 9(d) and s. 236.602, *must* ~~shall~~ be deposited in the district Capital Outlay and Debt Service School Trust Fund.

(2) Twenty-five million dollars per year of such revenues *must* ~~shall~~ be deposited in the State Transportation Trust Fund, with priority use assigned to completion of the interstate highway system. However, any excess funds may be utilized for general transportation purposes, consistent with the Department of Transportation's legislatively approved objectives. Prior to such utilization, the department's comptroller shall certify that adequate funds are available to assure expeditious

(3) Notwithstanding any other provision of law except subsections (1) and (2), on July 1, 1996, and annually thereafter, $25 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided for in chapter 311. Such revenues shall be distributed on a 50-50 matching basis to any port listed in s. 311.09(1) to be used for funding projects as described in s. 311.07(3)(b). Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the State of Florida. The state does hereby covenant

with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend in any manner which will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. Any revenues which are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07. The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects which have been approved pursuant to s. 311.09(5)-(9). The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection are limited to eligible projects listed in this subsection. Income derived from a project completed with the use of program funds, beyond operating costs and debt service, shall be restricted to further port capital improvements consistent with maritime purposes and for no other purpose. Use of such income for non-maritime purposes is prohibited.

(4)~~(3)~~(a) Except as provided in paragraph (c), the remainder of such revenues *must* ~~shall~~ be deposited in the State Transportation Trust Fund.

(b) Beginning July 1, 1989, the State Comptroller each month shall deposit in the State Transportation Trust Fund an amount, drawn from other funds in the State Treasury which are not immediately needed or are otherwise in excess of the amount necessary to meet the requirements of the State Treasury, which when added to such remaining revenues each month will equal one-twelfth of the amount of the anticipated annual revenues to be deposited in the State Transportation Trust Fund under paragraph (a) as estimated by the most recent revenue estimating conference held pursuant to s. 216.136(3). The transfers required hereunder may be suspended by action of the Administration Commission in the event of a significant shortfall of state revenues.

(c) In any month in which the remaining revenues derived from the registration of motor vehicles exceed one-twelfth of those anticipated annual remaining revenues as determined by the revenue estimating conference, the excess shall be credited to those state funds in the State Treasury from which the amount was originally drawn, up to the amount which was deposited in the State Transportation Trust Fund under paragraph (b). A final adjustment *must* ~~shall~~ be made in the last months of a fiscal year so that the total revenue deposited in the State Transportation Trust Fund each year equals the amount derived from the registration of motor vehicles, less the amount distributed under subsection (1). For the purposes of this paragraph and paragraph (b), the term "remaining revenues" means all revenues deposited into the State Transportation Trust Fund under paragraph (a) and *subsections (2) and (3)* ~~subsection (2)~~. In order that interest earnings continue to accrue to the General Revenue Fund, the Department of Transportation may not invest an amount equal to the cumulative amount of funds deposited in the State Transportation Trust Fund under paragraph (b) less funds credited under this paragraph as computed on a monthly basis. The amounts to be credited under this and the preceding paragraph *must* ~~shall~~ be calculated and certified to the Comptroller by the Executive Office of the Governor.

Section 136. The Department of Transportation shall request approval from the State Comptroller to declare uncollectible and write-off any debt owned by a local government for utility relocation cost reimbursements in connection with highway construction improvements pursuant to section 337.403, Florida Statutes, if no joint participation agreement has been executed by the department and the affected local government entity for work completed prior to April 1, 1996.

Section 137. Section 337.276, Florida Statutes, is amended to read:

337.276 ~~Advanced acquisition of right-of-way;~~ Issuance of bonds for right-of-way land acquisition and state bridge construction.—

~~(1) The department shall identify right-of-way parcels for acquisition as far in advance of project construction as is practical, including access rights and right-of-way necessary for intersection improvements and grade separations, and shall include in its annual budget request specific allocations of funds from bond proceeds and other department revenues for advanced right-of-way acquisition in each fiscal year. Department records shall clearly support the projected cost savings or other bases used by the department to select parcels for advanced acquisition.~~

~~(2) The amounts allocated for advanced right-of-way acquisition shall be divided between the following programs:~~

~~(a) A program for acquiring right-of-way necessary to support project construction phases planned 3 to 4 years from the date of the acquisition.~~

~~(b) A program for acquiring right-of-way necessary for future transportation corridors for which construction phases are planned a minimum of 5 years from the date of acquisition. Priority shall be given to acquiring right-of-way for projects contained in the Florida Intrastate Highway System.~~

~~For the purposes of this subsection, the term "planned" means the department's good faith estimate, at the time the advanced right-of-way acquisition is programmed, of when a project's construction phase will be undertaken.~~

(1)~~(3)~~ The Division of Bond Finance of the State Board of Administration is authorized, in accordance with s. 215.605, to issue state bonds on behalf of the department to finance right-of-way land acquisition and to finance state bridge construction. The total amount of bonds to be issued under this section shall be limited by the debt service requirements of the bonds issued, and such requirements shall not exceed 90 percent of the pledged revenue authorized to be transferred pursuant to s. 206.46(2). ~~The proceeds from the sale of these bonds shall be allocated by the department to fund advanced right-of-way projects identified pursuant to the programs contained in subsection (2) and to fund state bridge construction. If the total amount of bonds issued under this section exceeds $500 million, then no less than $200 million of the total bond proceeds shall be allocated to fund projects identified pursuant to the program contained in paragraph (2)(b).~~

(2)~~(4)~~ If right-of-way purchased from the proceeds of such bonds is used for a revenue-producing facility, the owner of that facility may reimburse the Right-of-Way Acquisition and Bridge Construction Trust Fund in an amount equal to the cost of acquiring that right-of-way.

~~(5)(a) Notwithstanding subsections (2) and (3), the department is authorized to expend bond proceeds pursuant to this section to acquire right-of-way for a project in the department's adopted work program that does not fall within the parameters established in subsection (2), if:~~

~~1. The acquisition of such right-of-way is necessary to ensure the continued availability of previously donated right-of-way for such project;~~

~~2. The majority of the costs for the construction phase of a project will be financed by local or private funds;~~

~~3. A local government enters into an agreement to advance the construction phase in accordance with the provisions set forth in s. 339.12; or~~

~~4. Any funds become available for the project, and it is in the public interest to provide for the expeditious completion of the project.~~

~~(b) Any use of bond proceeds pursuant to this subsection must be specifically and separately identified in the tentative work program.~~

Section 138. There is hereby appropriated from the State Transportation Trust Fund $25 million to the Department of Transportation to fund the Florida Seaport Transportation and Economic Development Program as provided in chapter 311, Florida Statutes, and pursuant to section 320.20, Florida Statutes, for fiscal year 1996-1997.

Section 139. Subsections (1) and (2) of section 370.28, Florida Statutes, are amended, and subsections (3) and (4) are added to that section to read:

370.28 Enterprise zone designation; communities adversely impacted by net limitations.—

(1) The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ is directed to identify communities suffering

adverse impacts from the adoption of the constitutional amendment limiting the use of nets to harvest marine species.

(2)*(a)* Such communities having a population of less than 7,500 persons and such communities in rural and coastal counties with a county population of less than *25,000* ~~20,000~~ may apply to the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ by *August* ~~May~~ 15, 1996, for the designation of an area as an enterprise zone. The community must comply with the requirements of s. 290.0055*, except that, for a community having a total population of 7,500 persons or more but less than 20,000 persons, the selected area shall not exceed 5 square miles*. Notwithstanding the provisions of s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ may designate an enterprise zone in eight of the identified communities. The governing body having jurisdiction over such area shall create an enterprise zone development agency pursuant to s. 290.0056 and submit a strategic plan pursuant to s. 290.0057. Enterprise zones designated pursuant to this section shall be effective *January 1, 1997* ~~July 1, 1996~~, and shall terminate December 31, 2005.

(b) Notwithstanding any provisions of this section to the contrary, communities in coastal counties with a county population greater than 20,000, which can demonstrate that the community has historically been a fishing community and has therefore had a direct adverse impact from the adoption of the constitutional amendment limiting the use of nets, shall also be eligible to apply for designation of an area as an enterprise zone. The community must comply with the requirements of s. 290.0055, except s. 290.0055(3). Such communities shall apply to the Office of Tourism, Trade, and Economic Development by August 15, 1996. The office may designate one enterprise zone under this paragraph, which shall be effective January 1, 1997, and which shall be in addition to the eight zones authorized under paragraph (a). Such enterprise zone shall terminate December 31, 2005. The governing body having jurisdiction over such area shall create an enterprise zone development agency pursuant to s. 290.0056 and submit a strategic plan pursuant to s. 290.0057.

(3) For the purpose of nominating and designating areas pursuant to subsection (2), the requirements set out in s. 290.0058(2) shall not apply.

(4) Notwithstanding the enterprise zone residency requirements set out in ss. 212.096(1)(c) and 220.03(1)(q), businesses located in enterprise zones designated pursuant to this section may receive the credit provided under s. 212.096 or s. 220.181 for hiring any person within the jurisdiction of the nominating community of such enterprise zone. All other provisions of ss. 212.096, 220.03(1)(q), and 220.181 apply to such businesses.

Section 140. Subsections (3) and (5) of section 374.976, Florida Statutes, are amended to read:

374.976 Authority to address impacts of waterway development projects.—

(3) All financial assistance and support furnished by the Florida Inland Navigation District and the West Coast Inland Navigation District to member counties and local governments within the districts shall require matching funds. Such matching funds shall be clearly identified and enumerated as to amount and source. Such financial assistance and support except as provided pursuant to paragraph (1)(a) *and except for a project approved in a county that is recovering from a state of emergency declared under chapter 252,* shall not exceed the proportional share of ad valorem tax collections from each county.

(5) The Florida Inland Navigation District may furnish assistance and support to seaports for the purpose of planning and carrying out dredge material management projects and other environmental mitigation projects. Port projects shall benefit publicly maintained channels and harbors. Any port eligible for funding shall be located in a member county of the district, and each port shall contribute matching funds for funded projects. *Financial assistance for such port projects shall not be included in calculating the proportional share of ad valorem tax collections of the county in which the port is located, provided the port seeking assistance can demonstrate a regional benefit realized from the port's activities. However, no port project funded pursuant to this section can exceed the proportional share of ad valorem taxation of the counties in the district which are benefited from the project.*

Section 141. Section 380.24, Florida Statutes, is amended to read:

380.24 Local government participation.—Units of local government abutting the Gulf of Mexico or the Atlantic Ocean, or which include or are contiguous to waters of the state where marine species of vegetation listed by rule as ratified in s. 373.4211 constitute the dominant plant community, shall develop a coastal zone protection element pursuant to s. 163.3177. Such units of local government shall be eligible to receive technical assistance from the state in preparing coastal zone protection elements and shall be the only units of local government eligible to apply to the department for available financial assistance. Local government participation in the coastal management program authorized by this act shall be voluntary. *All permitting and enforcement of dredged-material management and other related activities subject to permit under the provisions of chapters 161 and 253 and part IV of chapter 373 for deepwater ports identified in s. 403.021(9)(b) shall be done through the Department of Environmental Protection consistent with the provisions of s. 403.021(9).*

Section 142. Subsection (9) of section 403.021, Florida Statutes, is amended to read:

403.021 Legislative declaration; public policy.—

(9)(a) The Legislature finds and declares that it is essential to preserve and maintain authorized water depth in the existing navigation channels, port harbors, turning basins, and harbor berths of this state in order to provide for the continued safe navigation of deepwater shipping commerce. The department shall recognize that maintenance of authorized *water* ~~channel~~ depths *consistent with port master plans developed pursuant to s. 163.3178(2)(k)* is an ongoing, continuous, beneficial, and necessary activity *that is in the public interest*; and it shall develop a regulatory process *that* ~~which~~ shall enable the ports of this state to conduct such activities in an environmentally sound, *safe,* expeditious, and *cost-efficient* ~~efficient~~ manner. *It is the further intent of the Legislature that the permitting and enforcement of dredging, dredged-material management, and other related activities for Florida's deepwater ports pursuant to this chapter and chapters 161, 253, and 373 shall be consolidated within the department's Division of Environmental Resource Permitting and, with the concurrence of the affected deepwater port or ports, may be administered by a district office of the department or delegated to an approved local environmental program.*

(b) The provisions of paragraph (a) apply only to the port waters, *dredged-material management* ~~spoil disposal~~ sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, ~~and~~ Pensacola, *Fernandina, and Key West.*

Section 143. Subsections (38) and (39) are added to section 403.061, Florida Statutes, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(38) Enter into a memorandum of agreement with the Florida Ports Council which provides a supplemental permitting process for the issuance of a joint coastal permit pursuant to s. 161.055 or environmental resource permit pursuant to part IV of chapter 373, to a port listed in s. 311.09(1), for maintenance dredging and the management of dredged materials from maintenance dredging of all navigation channels, port harbors, turning basins, and harbor berths. Such permit shall be issued for a period of 5 years and shall be annually extended for an additional year if the port is in compliance with all permit conditions at the time of extension.

(39) Enter into a memorandum of agreement with the Florida Ports Council which provides a supplemental permitting process for the issuance of a conceptual joint coastal permit pursuant to s. 161.055 or environmental resource permit pursuant to part IV of chapter 373, to a port listed in s. 311.09(1), for dredging and the management of materials from dredging and for other related activities necessary for development, including the expansion of navigation channels, port harbors, turning basins, harbor berths, and associated facilities. Such permit shall be issued for a period of up to 15 years.

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 144. This act does not prevent or otherwise affect the regulation of a port that is a department of a local government by a separate department of that local government having regulatory jurisdiction over the port.

Section 145. Section 403.953, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 403.953, F.S., for present text.)

403.953 Eligibility criteria.—In determining if a proposed project is eligible for review under this part, the director of the Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., the Secretary of Environmental Protection, the Secretary of Community Affairs, and the Secretary of Transportation, has discretion and flexibility to determine the project's inherent quality, such as its overall benefits to the economy and the community, as well as the ways in which the project's design and location would minimize adverse environmental impacts.

(1) The eligibility criteria for a proposed project are:

(a) The permanent location of a business or government facility or the expansion of an existing business or government facility in this state.

(b) The creation of at least 100 jobs. This number may be reduced at the discretion of the affected local government if the governing body of the local government adopts a resolution specifying how the proposed project, with fewer jobs created, especially benefits the local economy. A project may not be reviewed under this part if it creates fewer than 25 jobs.

(c) Payment of an estimated annual average wage that equals at least 115 percent of the area average wage.

(d) The proposed project is economically and technically feasible and viable in the judgment of the Office of Tourism, Trade, and Economic Development and based on available evidence.

(e) All onsite infrastructure necessary to support the project will be constructed and maintained.

(f) The concurrence of the affected local government that the proposed project should be allowed to use the process under this section.

(g) In the judgment of the Office of Tourism, Trade, and Economic Development and based on available evidence, the applicant proposing the project is committed to quality development, as reflected by the project's desirable economic, community, and environmental attributes. Such commitment shall be to:

1. Create high-quality jobs that diversify the economic base of the state and the community and raise the average wages of workers in the state.

2. Site the project in a community that is experiencing relatively high rates of unemployment, underemployment, or poverty or is experiencing some other economic distress.

3. Site and design the project so as to protect and preserve the natural resources of the state.

4. Engineer the project so as to prevent and reduce pollution.

(2) The following projects are ineligible for review under this part:

(a) A project funded and operated by a local government, as defined in s. 377.709, and located within that government's jurisdiction.

(b) A project, the primary purpose of which is to:

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.

2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project.

3. Extract natural resources.

4. Produce oil.

5. Construct, maintain, or operate an oil, petroleum, natural gas, or sewage pipeline. This subparagraph does not apply to a natural gas pipeline or sewage pipeline used for building sanitation and comfort.

Section 146. It is the intent of the Legislature to foster the economic growth of Florida's deepwater seaports. Florida's seaports are working together as political subdivisions of the state to accomplish the planning for and development of Florida's future economic growth. The Legislature intends that state funds be used on a matching basis with Florida's ports for the investment in port facility expansion. The Legislature also recognizes that the dredging of port channels and harbors and the safe navigation of shipping is in the public interest. Therefore, the Legislature establishes a planning process by which seaports and environmental agencies will work in advance of the need for a dredging permit to resolve environmental issues to provide for a more timely and efficient environmental permitting process for Florida's deepwater seaports.

Section 147. Expedited permitting.—

(1) It is the intent of the Legislature to encourage and facilitate the location and expansion of those types of economic development projects which offer job creation and high wages, strengthen and diversify the state's economy, and have been thoughtfully planned to take into consideration the protection of the state's environment. It is also the intent of the Legislature to provide for an expedited permitting process for such projects.

(2) The Governor, through the Office of Tourism, Trade, and Economic Development shall direct the creation of regional permit action teams, for the purpose of expediting review of permit applications submitted by businesses creating at least 100 jobs, or the creation of at least 50 jobs if the project is located in an enterprise zone, in a county having a population of less than 50,000 or in a county having a population of less than 100,000 which is contiguous to a county having a population of 50,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county. Jobs are defined as full-time-equivalent positions not including construction jobs. The regional teams shall be established through the execution of memoranda of agreement between the office and the respective heads of the Departments of Environmental Protection, Community Affairs, Transportation, and Agriculture and Consumer Services, the Game and Fresh Water Fish Commission, appropriate regional planning councils, and any appropriate water management districts. The memoranda of agreement should also accommodate participation in this expedited process by local governments and federal agencies as circumstances warrant.

(3) Each memorandum of agreement shall include a process for final agency action on permit applications within 90 days after receipt of a completed application, unless the applicant agrees to a longer time period or the office determines that unforeseen or uncontrollable circumstances preclude final agency action within the 90-day time frame. Permit applications governed by federally delegated or approved permitting programs whose requirements would prohibit or be inconsistent with the 90-day time frame are exempt from this provision.

(4) Each agreement shall be executed by the office no later than January 1, 1997. The office shall inform the Legislature by February 1, 1997, of which agencies have not entered into an agreement, and identify the barriers to achieving an agreement for legislative consideration and action, as necessary.

(5) The memoranda of agreement may provide for the waiver or modification of procedural rules prescribing forms, fees, procedures, or time limits for the review or processing of permit applications under the jurisdiction of those agencies that are party to the memoranda of agreement. Notwithstanding any other provision of law to the contrary, a memoranda of agreement may provide for proceedings and hearings otherwise held separately by the parties to the memoranda of agreement to be combined into one proceeding or held jointly and at one location. Such waivers or modifications shall not be available for permit applications governed by federally delegated or approved permitting programs, the requirements of which would prohibit, or be inconsistent with, such a waiver or modification.

(6) The memoranda of agreement shall include guidelines to be used in working with state, regional, and local permitting authorities. Guidelines may include, but are not limited to, the following:

(a) A central contact point for filing permit applications and obtaining information on permit requirements;

(b) Identification of individuals within each respective agency who will be responsible for processing the permit for that agency;

(c) An agreement that any challenges be brought pursuant to the summary hearing provisions of section 120.54, Florida Statutes;

(d) A mandatory preapplication review process to reduce permitting conflicts by providing guidance to applicants regarding the permits needed from each agency, site planning and development, site suitability and limitations, facility design and steps the applicant can take to ensure expeditious permit application review. As a part of this process, the first interagency meeting to discuss a project shall be held within 14 days after the office's determination that the project is eligible for expedited review; and

(e) Additional incentives for an applicant to propose a project that provides a net ecosystem benefit.

(7) This expedited permitting process shall not modify, qualify, or otherwise alter existing agency nonprocedural standards for permit approval, unless expressly authorized by law. If it is determined that the company is not eligible to use this process, the company must permit the project through the normal permitting processes.

(8) The Office of Tourism, Trade, and Economic Development shall be responsible for certifying a business as eligible for undergoing expedited review under this agreement. Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development Initiative may recommend to the Office of Tourism, Trade, and Economic Development that a project meeting the minimum job creation threshold undergo expedited review. On a case-by-case basis and at the request of a county or municipal government, the office may allow a business not meeting the minimum job creation threshold, but creating a minimum of 25 jobs, to use the expedited permit review process. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the Office of Tourism, Trade, and Economic Development to certify that any project is eligible for expedited review under this part.

(9) The Office of Tourism, Trade, and Economic Development, working with the Rural Economic Development Initiative and the teams established through the memoranda of agreement, shall provide technical assistance in preparing permits for counties having a population of less than 50,000 residents, or counties having less than 100,000 residents which are contiguous to counties having less than 50,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

(10) The following projects are ineligible for review under this part:

(a) A project funded and operated by a local government, as defined in section 377.709, Florida Statutes, and located within that government's jurisdiction.

(b) A project, the primary purpose of which is to:

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.

2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project.

3. Extract natural resources.

4. Produce oil.

5. Construct, maintain, or operate an oil, petroleum, natural gas, or sewage pipeline.

Section 148. Paragraph (d) of subsection (3) and subsections (4), (5), (6), and (7) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; legislative findings; policy and purpose; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(3) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(d) Each proposal for the granting of such tax credit requires the prior approval of the *director* ~~secretary~~.

(4) ELIGIBILITY REQUIREMENTS.—

(a) Each community contribution by an insurer must be in a form specified in subsection (7).

(b) Each community contribution must be reserved exclusively for use in a project.

(c) The project must be undertaken by an "eligible sponsor," which term is defined as:

1. A community action program;

2. A community development corporation;

3. A neighborhood housing services corporation;

4. A local housing authority created pursuant to chapter 421;

5. A community redevelopment agency created pursuant to s. 163.356;

6. The Florida Industrial Development Corporation;

7. A historic preservation district agency or organization;

8. A private industry council;

9. An enterprise zone development agency created pursuant to s. 290.0057; or

10. Such other agency as the *director* ~~secretary~~ may, from time to time, designate by rule.

In no event shall a contributing insurer have a financial interest in the eligible sponsor.

(d) The project shall be located in an area designated as an enterprise zone pursuant to s. 290.0065. Any project designed to construct or rehabilitate low-income housing is exempt from the area requirement of this paragraph.

(5) APPLICATION REQUIREMENTS.—

(a) Any eligible sponsor wishing to participate in this program must submit a proposal to the *Office of Tourism, Trade, and Economic Development* ~~department~~ which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which the proposed project is located certifying that the project is consistent with local plans and regulations.

(b)1. Any insurer wishing to participate in this program must submit an application for tax credit to the *office* ~~department~~ which sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor must verify, in writing, the terms of the application and indicate its willingness to receive the contribution, which verification must accompany the application for tax credit.

2. The insurer must submit a separate application for tax credit for each individual contribution which it proposes to contribute to each individual project.

(6) ADMINISTRATION.—

(a)1. The *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ is authorized to adopt all rules necessary to

administer this section, including rules for the approval or disapproval of proposals by insurers.

2. The decision of the *director* ~~secretary~~ shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the insurer. A copy of the decision shall be transmitted to the Executive Director of the Department of Revenue, who shall apply such credit to the tax liability of the insurer.

3. The *office* ~~Department of Commerce~~ shall monitor all projects periodically, in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less frequently than once every 2 years.

(b) The Department of Revenue shall adopt any rules necessary to ensure the orderly implementation and administration of this section.

(7) DEFINITIONS.—For the purpose of this section:

(a) "Community contribution" means the grant by an insurer of any of the following items:

1. Cash or other liquid assets.

2. Real property.

3. Goods or inventory.

4. Other physical resources which are identified by the department.

(b) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(c)~~(b)~~ "Local government" means any county or incorporated municipality in the state.

(d) "Office" means the Office of Tourism, Trade, and Economic Development.

(e)~~(c)~~ "Project" means any activity undertaken by an eligible sponsor, as defined in subsection (4), which is designed to construct, improve, or substantially rehabilitate housing or commercial, industrial, or public resources and facilities or to improve entrepreneurial and job-development opportunities for low-income persons.

~~(d) "Secretary" means the secretary of the Department of Commerce.~~

Section 149. There is created an International Trade Grants Program to be administered by Enterprise Florida, Inc. Enterprise Florida, Inc., may accept and administer moneys appropriated to it for providing international trade grants. The International Trade and Economic Development Board shall establish an application, review, and selection process similar to the guidelines as established for cultural facilities in section 265.701, Florida Statutes. The implementation of this program is contingent upon funds being provided in the 1996-1997 General Appropriations Act. No more than 1 percent of such appropriated funds may be used for administrative costs associated with implementing and administering this program. The International Trade and Economic Development Board shall have complete and final authority regarding grant awards under this program.

Section 150. This act does not affect the validity of any judicial or administrative proceeding pending as of December 31, 1996. The Office of Tourism, Trade, and Economic Development shall be substituted, as of January 1, 1997, for the Department of Commerce as a party in interest in any such pending proceedings.

Section 151. Notwithstanding any other provision of law, any contract or interagency agreement existing on or before December 31, 1996, between the Department of Commerce or entities or agents of the department, and other agencies, entities, or persons, shall continue as binding contracts or agreements with the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

Section 152. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 153. Section 286.24, Florida Statutes; section 288.011, Florida Statutes, as amended by section 218 of chapter 95-148, Laws of Florida; sections 288.015 and 288.025, Florida Statutes; section 288.03, Florida Statutes; section 873 of chapter 95-148, Laws of Florida; sections 288.045, 288.0575, 288.06, 288.07, 288.08, 288.09, 288.115, and 288.116, Florida Statutes; section 288.117, Florida Statutes, as amended by section 222 of chapter 95-148, Laws of Florida; section 288.121, Florida Statutes, as amended by section 1 of chapter 95-368, Laws of Florida; sections 288.701, 288.779, 288.801, 288.802, 288.8032, 288.804, 288.8041, 288.805, 288.806, 288.807, 288.808, 288.810, 288.811, and 288.813, Florida Statutes; section 288.814, Florida Statutes, as amended by section 226 of chapter 95-148, Laws of Florida; section 288.815, Florida Statutes, as amended by section 3 of chapter 95-368, Laws of Florida; section 288.817, Florida Statutes; section 288.8185, Florida Statutes, as amended by section 227 of chapter 95-148, Laws of Florida; section 288.819, Florida Statutes, as amended by section 228 of chapter 95-148, Laws of Florida; sections 288.820 and 288.822, Florida Statutes; section 288.823, Florida Statutes, as amended by section 229 of chapter 95-148, Laws of Florida; section 288.824, Florida Statutes, as amended by section 230 of chapter 95-148, Laws of Florida; and section 288.825, Florida Statutes, are repealed effective December 31, 1996.

Section 154. (1) An officer, employee, agent, or representative of:

(a) A state agency;

(b) A political subdivision of the state; or

(c) A corporation, partnership, association, or other entity that does business or contracts with a state agency, receives state funds, or claims a credit against any tax imposed by the state may not travel to or do business with any country located in the Western Hemisphere which lacks diplomatic relations with the United States.

(2) A political subdivision that violates this section is ineligible to receive state funds.

(3) A corporation, partnership, association, or other entity that violates this section is ineligible to:

(a) Engage in business or contract with a state agency;

(b) Receive state funds; or

(c) Claim a credit against any tax imposed by the state.

Section 155. Sections 16 and 17 of this act providing additional jobs credits, section 13 of this act providing additional sales tax exemptions, and sections 15 and 18 of this act expanding tax credits within enterprise zones shall take effect only if CS/SB 1662 or similar legislation becomes law.

Section 156. Paragraph (h) is added to subsection (1) of section 206.41, Florida Statutes, as amended by chapter 95-417, Laws of Florida, to read:

206.41 State taxes imposed on motor fuel.—

(1) The following taxes are imposed on motor fuel under the circumstances described in subsection (6):

(h) An additional tax is imposed on each net gallon of motor fuel and is designated as the Federal Replacement Fuel Tax. Such tax shall be levied only on a contingent basis under the following circumstances:

1. Each time the Federal Government reduces the federal tax on gasoline imposed in s. 4081(a)(2)(A)(i) of Title 26, U.S.C., excepting that portion directed to the General Fund for deficit reduction.

2. Imposition of each increment of the Federal Replacement Fuel Tax shall occur on the effective date of the federal tax reduction, and shall be at a rate equal to the amount of such reduction.

3. Distribution of the proceeds of the tax shall be as provided in s. 206.606.

Section 157. Subsection (1) of section 206.606, Florida Statutes, as created by chapter 95-417, Laws of Florida, is amended to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) *and (h)* and 206.87(1)(e) *and (f)* shall be deposited in the Fuel Tax Collection Trust Fund created by s. 206.875. Such moneys, exclusive of the service charges imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 206.41, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) $7,550,000 shall be transferred to the Department of Environmental Protection in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. $1,250,000 of the amount transferred shall be deposited annually in the Motorboat Revolving Trust Fund and must be used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be deposited in the Aquatic Plant Control Trust Fund and must be used for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least $1 million of such funds to the eradication of melaleuca.

(b) $1,250,000 shall be transferred to the State Game Trust Fund in the Game and Fresh Water Fish Commission in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year, and must be used for recreational boating activities of a type consistent with projects eligible for funding under the Florida Boating Improvement Program administered by the Department of Environmental Protection, and freshwater fisheries management and research.

(c) $1.5 million per year shall be transferred to the Board of Regents and shall be spent solely for purposes of s. 334.065.

Section 158. Paragraph (f) is added to subsection (1) of section 206.87, Florida Statutes, as amended by chapter 95-417, Laws of Florida, to read:

206.87 Levy of tax.—

(1)(a) An excise tax of 4 cents per gallon is hereby imposed upon each net gallon of diesel fuel subject to the tax under subsection (2), except alternative fuels which are subject to the fee imposed by s. 206.877.

(f) An additional tax is imposed on each net gallon of diesel fuel and is designated as the Federal Replacement Fuel Tax. Such tax shall be levied only on a contingent basis under the following circumstances:

1. Each time the Federal Government reduces the federal tax on diesel fuel imposed in s. 4081(a)(2)(A)(ii) of Title 26, U.S.C., excepting that portion directed to the General Fund for deficit reduction.

2. Imposition of each increment of the Federal Replacement Fuel Tax shall occur on the effective date of the federal tax reduction, and shall be at a rate equal to the amount of such reduction.

3. Distribution of the proceeds of the tax shall be as provided in s. 206.606.

Section 159. Section 337.19, Florida Statutes, is amended to read:

337.19 Suits by and against department; limitation of actions; forum.—

(3) Any action or suit brought against the department shall be brought in the county or counties where the cause of action accrued, *or in the county of the department's district headquarters responsible for the work,* or in Leon County.

Section 160. Subsection (1) of section 849.161, Florida Statutes, is amended to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(1)*(a)1.* Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

2. Nothing contained in this chapter shall be taken or construed as applicable to any retail dealer who operates as a truck stop, as defined in chapter 336 and which operates a minimum of 6 functional diesel fuel pumps, having amusement games or machines which operate by means of the insertion of a coin or other currency and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise limited to noncash prizes, toys, novelties, and Florida Lottery products, excluding alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played. This subparagraph applies only to games and machines which are operated for the entertainment of the general public and tourists as bona fide amusement games or machines. This subsection shall not apply, however, to any game or device defined as a gambling device in Chapter 24 of the United States Code, under section 1171, which requires identification of each device by permanently affixing seriatim numbering and name, trade name, and date of manufacture under section 1173, and registration with the United States Attorney General, unless excluded from applicability of the chapter under section 1178. This subsection shall not be construed to authorize video poker games.

Section 161. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this part transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; ~~and~~

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part*; and*~~.~~

d. Sales, uses, leases, rentals, and licenses to or by fair associations of real property or personal property; charges made by a fair association for parking and admissions; and other transactions by a fair association subject to chapter 616 which are incurred in the financing, construction, and operation of a fair, exposition, or other event or facility that is authorized by s. 616.08. However, all sales of food, beverages, and merchandise by concessionaires, vendors, exhibitors, and licensees are fully taxable. All prior or existing claims of the state for taxes that are inconsistent with this section are waived.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of

which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this part.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

Section 162. Effective October 1, 1996, subsection (6) is added to section 212.13, Florida Statutes, to read:

212.13 Records required to be kept; power to inspect; audit procedure.—

(6) Any fair association subject to chapter 616 which leases or licenses its property to, or allows its assets or property to be used by, any concessionaire, vendor, exhibitor, or licensee shall distribute to the concessionaire, vendor, exhibitor, or licensee a form adopted by the department which requests, at a minimum, the name of the concessionaire, vendor, exhibitor, or licensee; the sales tax registration number of the concessionaire, vendor, exhibitor, or licensee; and the amount of the daily revenue that the concessionaire, vendor, exhibitor, or licensee receives as a result of activities and sales on the fairgrounds or as a result of the use of the assets or other property of the fair association. Each vendor, concessionaire, exhibitor, or licensee that uses a fair association's property or other assets shall complete and submit such a form to the management of the fair association each day, and the fair association shall make the completed forms available to the department as requested by the department. The failure of a vendor, concessionaire, exhibitor, or licensee to complete and submit such form must be reported to the department by the fair association within 24 hours after the form becomes due. This subsection does not require the fair association to be responsible for collecting or remitting the tax owed by any such concessionaire, vendor, exhibitor, or licensee.

Section 163. (1) The sum of $1 million is hereby appropriated from the General Revenue Fund to the Florida International Trade and Promotion Trust Fund for fiscal year 1996-1997 to provide a trade information system at all State of Florida foreign international trade offices.

(2) The sum of $3 million is hereby appropriated from the General Revenue Fund to the Florida International Trade and Promotion Trust Fund for fiscal year 1996-1997 to provide loan guarantees by the Florida Export Finance Corporation pursuant to part V of chapter 288, Florida Statutes.

(3) The sum of $1.5 million is hereby appropriated from the General Revenue Fund to the Florida International Trade and Promotion Trust

Fund for fiscal year 1996-1997 to create a program providing intensive export assistance.

Section 164. The Executive Office of the Governor shall allocate $3,000,000 from funds appropriated in Specific Appropriation 1481A, in HB 2715 from trust funds (Florida International Trade and Promotions Trust Fund) to the International Trade and Economic Development Board. These funds shall be used by the board for international business promotion grants designed to promote the export of Florida goods and services. These funds are to be competitively awarded to private, not-for-profit, chambers of commerce and economic development organizations, not created by state statute or local ordinance, with a documented history and expertise in trade promotion. Particular emphasis shall be placed in assisting Florida small businesses and minority firms to penetrate and succeed in the international marketplace. The International Trade and Economic Development Board shall adopt criteria and procedures to be applied in reviewing grant applications and administering the grant program.

Section 165. Except as otherwise provided in this act, this act shall take effect July 1, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; creating s. 14.2015, F.S.; creating the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor and prescribing its powers and duties; repealing s. 20.17, F.S., which creates the Department of Commerce; transferring the duties, personnel, property, and unexpended balances of appropriations of the Welcome Center Section of the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce to the Department of Transportation; amending s. 120.54, F.S.; providing duties for agencies and the Office of Tourism, Trade, and Economic Development with respect to rulemaking and rule adoption; creating within the Executive Office of the Governor a rules ombudsman; prescribing duties and functions; amending ss. 159.803 and 159.8083, F.S.; conforming provisions; amending s. 159.8081, F.S.; revising certain allocations from the manufacturing facility bond pool; conforming provisions; amending s. 163.3177, F.S.; clarifying that maintenance may be used as a reason to facilitate deepwater commercial navigation; amending s. 163.3178, F.S.; providing definitions and contract agreements; amending s. 166.231, F.S.; clarifying terms; authorizing an exemption of certain services from tax imposed; amending s. 199.185, F.S.; providing for exemption from intangibles tax on certain credit card receivables to certain banks; amending s. 206.46, F.S.; modifying use of revenues in the State Transportation Fund; amending s. 212.08, F.S.; modifying an exemption for certain machinery and equipment from tax imposed; providing conditions; exempting charges for electricity used in production of certain items or used in association with such production from tax imposed; providing an exemption for certain newspaper, magazine, and newsletter subscriptions; providing applicability; creating s. 414.029, F.S.; providing conditions; creating the WAGES Program Business Registry; requiring reporting; amending s. 212.096, F.S.; providing for computation of the enterprise zone jobs credit against sales tax; exempting a portion of wages for the credit provided; amending s. 220.181, F.S.; providing for computation of the enterprise zone jobs credit; exempting a portion of the wages from the exemption provided; amending s. 220.02, F.S.; specifying the order in which credits may be taken; amending s. 220.13, F.S.; requiring an add-back for the credit pursuant to s. 220.189, F.S.; amending ss. 212.20, 216.136, 220.03, 220.183, F.S.; conforming provisions; amending s. 272.11, F.S.; requiring the Florida Commission on Tourism to operate the capitol information center; amending s. 287.012, F.S.; authorizing the establishment and operation of foreign offices; amending s. 287.0943, F.S.; designating responsibility for the Minority Business Certification Task Force to the Department of Labor and Employment Security; defining the term "acting as a conduit"; amending s. 287.09431, F.S.; providing for approval of certification core criteria by the department; repealing s. 287.0945, F.S., which provides powers, duties, and functions of the Commission on Minority Economic and Business Development; creating s. 287.09451, F.S.; transferring the Minority Business Advocacy and Assistance Office to the Department of Labor and Employment Security and redefining its powers, duties, and responsibilities; amending s. 287.0947, F.S.; renaming the Florida Council on Small and Minority Business Development as the Florida Advisory Council on Small and Minority Business; reducing the number of members on the council; requiring the council to report to the Secretary of the Department of Labor and Employment Security; redefining the powers and duties of the council; amending s. 288.012, F.S.; providing for the establishment of foreign tourism offices; amending s. 288.017, F.S.; providing for the administration of the cooperative advertising matching grants program; creating s. 288.018, F.S.; creating the Regional Rural Development Grants Program within the Office of Tourism, Trade, and Economic Development; amending s. 288.021, F.S.; providing for the establishment of an economic development liaison within agencies to be the primary point of contact for the agency with the Office of Tourism, Trade, and Economic Development; amending ss. 288.0251, 288.035, F.S.; conforming provisions; amending s. 288.041, F.S.; providing duties of Enterprise Florida, Inc., and of the Department of Community Affairs relating to the solar energy industry; amending s. 288.047, F.S.; providing for costs and expenditures for the Quick-Response Training Program to be documented and separated from those incurred by the training provider; conforming provisions; amending ss. 288.053, 288.054, 288.055, F.S.; conforming provisions; amending s. 288.063, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to make expenditures for direct costs of transportation projects; creating s. 288.065, F.S.; establishing the Rural Community Development Revolving Loan Fund; amending s. 288.095, F.S.; providing for the administration of the Economic Development Trust Fund by the Office of Tourism, Trade, and Economic Development; amending s. 288.106, F.S.; revising the Qualified Target Industry Business Tax Refund Program and providing for its transfer to the Office of Tourism, Trade, and Economic Development; amending s. 288.1162, F.S.; conforming provisions; revising a definition; changing a date for purposes of qualifying as a new professional sports franchise; changing the number of facilities that may be certified; amending ss. 288.1168, 288.1185, F.S.; conforming provisions; amending s. 288.122, F.S.; transferring the Tourism Promotional Trust Fund to the Office of Tourism, Trade, and Economic Development; amending s. 288.1221, F.S.; providing additional legislative intent; amending s. 288.1222, F.S.; revising definitions; amending s. 288.1223, F.S.; revising the membership and duties of the Florida Commission on Tourism; transferring the commission to the Office of Tourism, Trade, and Economic Development; amending s. 288.1224, F.S.; revising powers and duties of the commission; authorizing the commission to contract with a direct-support organization for certain tourism marketing and promotion services, functions, and programs; specifying additional requirements of a marketing plan; requiring the commission to develop a budget for certain purposes; authorizing the commission to establish and operate tourism offices in foreign countries; providing powers of the commission relating to such authority; requiring the commission to create an advisory committee to develop a plan to protect and promote the tourism assets of this state; providing for members of the committee; requiring the committee to submit the plan to the commission for review; amending s. 288.1226, F.S.; requiring the Florida Commission on Tourism to establish a Florida Tourism Industry Marketing Corporation by a certain time; providing that the corporation is not an agency for certain purposes; increasing membership of the board of directors of the corporation; providing additional powers and duties of the corporation; providing for an independent audit of the corporation; requiring the corporation to make quarterly reports to the commission; providing requirements; creating s. 288.1227, F.S.; providing for an annual report and audits for the Florida Commission on Tourism and its direct-support organization; creating s. 288.1228, F.S.; providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization or other not-for-profit corporation to assist in the promotion and development of entertainment industries; creating s. 288.1229, F.S.; providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization to assist in the promotion and development of sports and sports-related industries; amending s. 288.124, F.S.; providing for administration of the convention grants program; creating s. 288.7011, F.S.; providing for assistance to certified development corporations; amending s. 288.703, F.S.; revising and providing definitions relating to small and minority business assistance act; amending s. 288.705, F.S.; deleting a requirement that the Small Business Development Center report to the Department of Commerce and the Commission on Minority Economic and Business Development regarding the statewide contracts register; providing for reports to the Department of Labor and Employment Security regarding the statewide contracts register; amending s. 288.707, F.S.; placing the Florida Black Business Investment Board under the Office of Tourism, Trade, and Economic Development; amending s. 288.7091, F.S.; prescribing duties of the Florida Black Business Investment Board; creating s. 288.7095, F.S.; providing for duties of black business investment corporations; creating s. 288.7096, F.S.; establishing the Black Business Investment Corporations Advisory Council; providing for oversight of black business investment corporations by the

Office of Tourism, Trade, and Economic Development; amending s. 288.714, F.S.; requiring annual reports to the Secretary of the Department of Labor and Employment Security; repealing s. 288.803, F.S., which creates the Florida International Affairs Commission; amending s. 288.772, F.S.; revising and deleting definitions related to the Florida Export Finance Corporation; amending s. 288.773, F.S.; conforming provisions; amending s. 288.774, F.S.; revising the powers and limitations related to the Florida Export Finance Corporation; amending s. 288.775, F.S.; conforming provisions; amending s. 288.776, F.S.; conforming provisions; deleting certain provisions relating to the board of the Florida Export Finance Corporation; amending ss. 288.777, 288.7771, 288.8155, 288.816, 288.8175, 288.826, F.S.; conforming provisions to the transfer of responsibilities made by the act; amending s. 288.809, F.S.; renaming the Florida International Affairs Foundation as the Florida Intergovernmental Relations Foundation; providing that the foundation is organized to support intergovernmental relations programs; replacing references to the Florida International Affairs Commission with the Department of State; amending s. 288.901, F.S.; restructuring the board of Enterprise Florida, Inc.; providing for office location; providing for certain job preferences; providing that an employee lease agreement program may be established by the Department of Management Services; creating s. 288.9015, F.S.; providing for Enterprise Florida, Inc., to be the principal economic development organization for the state; amending s. 288.902, F.S.; revising membership and duties of the Enterprise Florida Nominating Council; amending s. 288.903, F.S.; providing for powers and duties of the board of directors and the president of Enterprise Florida, Inc.; amending s. 288.904, F.S.; revising the powers of the board of directors of Enterprise Florida, Inc.; amending s. 288.905, F.S.; providing for duties of the board of directors of Enterprise Florida, Inc.; providing for the development of a strategic plan for economic development for the state; amending s. 288.906, F.S.; providing for annual reports, audits, and confidentiality for Enterprise Florida, Inc.; creating s. 288.9412, F.S.; creating the International Trade and Economic Development Board within Enterprise Florida, Inc.; creating s. 288.9413, F.S.; providing for the organization of the board of directors of the International Trade and Economic Development Board; creating s. 288.9414, F.S.; establishing the powers and authority of the board of directors of the International Trade and Economic Development Board; amending s. 288.9511, F.S.; prescribing definitions; defining the term "board" to mean the Technology Development Board; amending s. 288.9512, F.S.; providing for the creation, purpose, and membership of the Technology Development Board; amending s. 288.9513, F.S.; providing for the organization of the board of directors for the Technology Development Board; amending s. 288.9514, F.S.; providing for powers and authority of the board of directors for the Technology Development Board; amending s. 288.9515, F.S.; providing for the authorization of programs by the Technology Development Board; amending s. 288.9516, F.S.; providing for the annual report of the Technology Development Board; amending s. 288.9517, F.S.; providing for audits and confidentiality for the Technology Development Board; repealing s. 288.9518, F.S., relating to the indemnification of officers, directors, employees, and agents against personal liability or accountability; amending s. 288.9519, F.S.; authorizing a not-for-profit organization to promote high-technology business and industry in this state; amending s. 288.9520, F.S.; continuing a public records exemption for the Technology Development Board; amending s. 288.9603, F.S.; providing definitions relating to the Florida Development Finance Corporation; amending s. 288.9604, F.S.; conforming provisions; amending s. 288.9606, F.S.; revising the scope of Florida Development Finance Corporation bond validation; amending s. 288.9607, F.S.; revising limitations on loan size; revising requirements related to the guaranty of bond issues; amending s. 288.9608, F.S.; providing for deposits of cash equivalents in guaranty account; amending s. 288.9611, F.S.; establishing a capital development board within Enterprise Florida, Inc.; amending s. 288.9612, F.S.; providing for the organization of the capital development board; amending s. 288.9613, F.S.; prescribing the power and authority of the capital development board; amending s. 288.9614, F.S.; providing for the authorization of programs for the capital development board; amending s. 288.9615, F.S.; providing for the annual report of the capital development board; amending s. 288.9616, F.S.; providing for audits and confidentiality for the capital development board; repealing s. 288.9617, F.S., relating to the indemnification of officers, directors, employees, and agents; transferring, renumbering, and amending s. 288.0475, F.S.; providing for the creation of the workforce development board within Enterprise Florida, Inc.; prescribing legislative intent with respect to transfers of responsibilities made by the act; providing employment preferences for displaced employees of the Department of Commerce; providing conditions and requirements relating to appropriations for Enterprise Florida, Inc.; amending ss. 288.973, 288.975, 288.980, 289.031, 290.004, 290.0056, 290.0066, F.S.; conforming provisions; providing for the designation of additional enterprise zones; providing that certain employees hired after January 1, 1995, may be considered "new employees" for purposes of enterprise zone sales tax and corporate income tax credits; amending s. 290.0058, F.S.; providing a presumption of pervasive poverty for certain census geographic block groups; amending s. 290.0065, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of state-designated enterprise zones under certain circumstances; providing for the designation of certain areas as enterprise zones; providing criteria areas; amending s. 290.0075, F.S.; revising the Enterprise Zone Linked Deposit Program; amending ss. 290.009, 290.014, 311.09, F.S.; conforming provisions; amending s. 311.07, F.S.; providing for program funds to be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade information that will assist Florida's seaports and international trade; creating s. 311.105, F.S.; providing for the creation of the Florida Seaport Environmental Management Committee and its duties; amending s. 311.11, F.S.; conforming provisions; amending s. 313.01, F.S.; providing for the abolishment of the office and position of harbor master in certain counties or municipalities; amending s. 320.08058, F.S.; providing for the transfer of proceeds from the Florida Professional Sports Team License Plate into the Professional Sports Development Trust Fund; conforming provisions; providing an appropriation for port programs; amending s. 370.28, F.S.; providing exceptions to certain enterprise zone requirements for net ban communities; assigning designation responsibility to the Office of Tourism, Trade, and Economic Development; changing application and effective dates; providing for the designation of an additional net ban enterprise zone; amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund; prescribing the manner in which such funds may be used; providing technical changes; allowing the Department of Transportation to write off certain debts; amending s. 337.276, F.S.; revising provisions related to issuance of bonds for right-of-way land acquisition; amending s. 374.976, F.S.; providing that financial assistance for port projects not be included in calculating ad valorem taxes of the county in which the port is located; amending s. 380.24, F.S.; providing that all permitting and enforcement of dredged-material management be done through the Department of Environmental Protection; amending s. 403.021, F.S.; providing for the Department of Environmental Protection to recognize that the maintenance of water depths is an ongoing and necessary activity and that the permitting and enforcement of dredging and other port-related activities be consolidated within the Division of Environmental Resource Permitting; amending s. 403.061, F.S.; providing for the Department of Environmental Protection to enter into an agreement with the Florida Ports Council to provide a supplemental permitting process; creating an expedited permitting process; providing eligibility criteria for projects; providing legislative intent to foster the economic growth of Florida's deepwater seaports; providing that the act does not affect the regulation of a port by a local government having jurisdiction over the port; amending s. 403.953, F.S.; revising the eligibility criteria for the Job Siting Act; amending s. 624.5105, F.S.; conforming provisions; creating an International Trade Grants Program; providing for the Office of Tourism, Trade, and Economic Development to be substituted for the Department of Commerce as a party in interest in pending proceedings; continuing binding contracts; providing for severability; prohibiting a state agency, political subdivision of the state, or other entity doing business with a state entity, receiving state funds, or claiming a credit against state taxes from traveling or doing business with a country that lacks diplomatic relations with the United States; repealing ss. 286.24, 288.011, 288.015, 288.025, 288.03, 288.045, 288.0575, 288.06, 288.07, 288.08, 288.09, 288.115, 288.116, 288.117, 288.121, 288.701, 288.779, 288.801, 288.802, 288.8032, 288.804, 288.8041, 288.805, 288.806, 288.807, 288.808, 288.810, 288.811, 288.813, 288.814, 288.815, 288.817, 288.8185, 288.819, 288.820, 288.822, 288.823, 288.824, 288.825, F.S., relating to programs and duties of the Department of Commerce and the Florida International Affairs Commission; providing a contingent effective date for sections in this act that provide additional jobs credits, provide additional sales tax exemptions, and expand tax credits within enterprise zones; creating s. 212.08(7), F.S.; creating a sales tax exemption for fair associations; creating s. 210.13(6), F.S.; adding tax record requirements for fair associations; providing appropriations for international trade development programs; amending s. 206.41, F.S.; providing for a Federal Replacement Fuel Tax on motor fuel; amending s. 206.606, F.S.; conforming references; amending s. 206.87, F.S.; providing for a Federal Replacement Fuel Tax on diesel fuel; amending s. 337.19, F.S.; providing that suits or actions brought against the Department of Transportation

may be brought in the county of the department's district headquarters responsible for the work, in addition to other locations; amending s. 849.161, F.S.; authorizing the use of certain amusement games or machines at specified locations; providing application; providing an effective date.

House Amendment 1 to House Amendment 1 (with title amendment) to unengrossed Senate Amendment 1 (with title amendment)—On page 306, lines 14-19, delete all of said lines and insert:

Section 155. Sections 14, 16 and 17 of this act shall take effect only if CS for SB 1662 or similar legislation becomes law.

House Amendment 2 (with title amendment) to House Amendment 1 (with title amendment) to unengrossed Senate Amendment 1 (with title amendment)—On page 318, between lines 13 and 14, insert:

Section 165. Subsection (2) of section 212.0515, Florida Statutes, is amended to read:

212.0515 Sales from vending machines; sales to vending machine operators; special provisions; registration; quarterly reports; penalties.—

(2) Notwithstanding any other provision of law, the amount of the tax to be paid on food and beverage items that are sold in vending machines shall be calculated by dividing the gross receipts from such sales for the applicable reporting period by a divisor, determined as provided in this subsection, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. The divisor shall be equal to the sum of 1.0665 for beverage items, or 1.0645 for food items, *except that for counties with a 0.5 percent sales surtax rate the divisor shall be equal to the sum of 1.0707 for beverage items or 1.0686 for food items, for counties with a 1 percent sales surtax rate the divisor shall be equal to the sum of 1.0749 for beverage items or 1.0726 for food items, and for counties with a 1.5 percent sales surtax rate the divisor shall be equal to the sum of 1.0791 for beverage items or 1.0767 for food items* ~~plus any applicable local option tax authorized by this part, expressed as a decimal~~. However, the amount of the tax to be paid on natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products, natural fruit juices, or natural vegetable juices shall be calculated using the divisor that is specified for food items. (Renumber subsequent section.)

And the title is amended as follows:

On page 333, line 18, after the semicolon (;) insert: amending s. 212.0515, F.S.; revising the requirements for calculating the tax on sales of foods and beverages through vending machines in counties levying a local option tax;

House Amendment 3 (with title amendment) to House Amendment 1 (with title amendment) to unengrossed Senate Amendment 1 (with title amendment)—On page 310, between lines 25 and 26, insert:

Section 161. Subsection (26) is added to section 212.02, Florida Statutes, to read:

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

(26) "Solar energy system" means the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity.

Section 162. Effective July 1, 1997, paragraph (ii) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(ii) Solar energy systems.—Also exempt are solar energy systems or any component thereof. The Florida Solar Energy Center shall from time to time certify to the department a list of equipment and requisite hardware considered to be a solar energy system or a component thereof. This exemption is repealed July 1, 2002. (Renumber subsequent section.)

And the title is amended as follows:

On page 333, line 1, before "creating" insert: amending ss. 212.02 and 212.08, F.S.; defining "solar energy system" and exempting solar energy systems and components thereof from the tax on sales, use, and other transactions; requiring the Florida Solar Energy Center to certify the equipment used in such systems;

House Amendment 4 to House Amendment 1 (with title amendment) to unengrossed Senate Amendment 1 (with title amendment)—On page 282, line 8, delete "*$25*" and insert: *$15*

And on page 287, line 15, delete "$25" and insert: $15 ~~$25~~

House Amendment 5 (with title amendment) to House Amendment 1 (with title amendment) to unengrossed Senate Amendment 1 (with title amendment)—On page 306, line 20 through page 309, line 10, delete all of said lines and insert:

Section 156. (1) It is the intent of the Legislature to protect the Department's Five-Year Work Program in the event Congress enacts legislation to roll back the federal gas tax.

(2) The department shall deliver to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, the Transportation Committees of the Senate and the House of Representatives, the House Appropriations Committee, the Senate Ways and Means Committee, and the Florida Transportation Commission, within 90 days after such Congressional action, a "modified tentative" Five-Year Work Program that is based on a revised financial plan. If the tax is not replaced, the revised financial plan shall show a reduction of $60 million per year per penny of reduction. The department shall also deliver a comparison of the current Adopted Five-Year Work Program with the "modified tentative" Five-Year Work Program which shows specific projects that will be deleted or delayed if the tax is not replaced. Consistent with department policy, if the tax is not replaced, the first priority for deletion or delay will be new highway construction or reconstruction and public transportation capital improvements.

(3) The "modified tentative" Five-Year Work Program shall be developed, to the extent feasible, in accordance with sections 339.135, 339.155, and 339.175, Florida Statutes. The department shall use the most current information available from local government comprehensive plans, metropolitan planning organization plans, and other local government priorities in the development of the "modified tentative" Five-Year Work Program. Upon review and approval by the Florida Transportation Commission, the department shall proceed to amend the adopted work program pursuant to section 339.135, Florida Statutes.

And the title is amended as follows:

On page 333, lines 5-10, delete all of said lines and insert: development programs; providing legislative intent; requiring the Department of Transportation to prepare and deliver a certain five-year work program; providing additional duties of the department; providing five-year work program criteria and requirements; amending s. 337.19, F.S.;

House Amendment 6 to House Amendment 1 (with title amendment) to unengrossed Senate Amendment 1 (with title amendment)—On page 283, line 18, after the period (.) insert: *The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection.*

House Amendment 7 (with title amendment) to House Amendment 1 (with title amendment) to unengrossed Senate Amendment 1 (with title amendment)—On page 310, line 26 through page 317, line 12, delete all of said lines and insert:

Section 161. Paragraph (ii) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(ii) Fair associations.—Also exempt from the tax imposed by this part is the sale, use, lease, rental, or grant of a license to use, made directly to or by a fair association, of real or tangible personal property; any charge made by a fair association, or its agents, for parking, admissions, or for temporary parking of vehicles used for sleeping quarters; rentals, subleases, and sublicenses of real or tangible personal property between the owner of the central amusement attraction and any owner of amusement devices and amusement attractions, as those terms are used in ss. 616.15(1)(b) and 616.242(3)(a) and (i), for the furnishing of amusement devices and amusement attractions at a public fair or exposition; and other transactions of a fair association which are incurred directly by the fair association in the financing, construction, and operation of a fair, exposition, or other event or facility that is authorized by s. 616.08. As used in this paragraph, the terms "fair association" and "public fair or exposition" have the same meaning as those terms are defined in s. 616.001. This exemption does not apply to the sale of tangible personal property made by a fair association through an agent or independent contractor; sales of admissions and tangible personal property by a concessionaire, vendor, exhibitor, or licensee; or rentals and subleases of tangible personal property or real property between the owner of the central amusement attraction and a concessionaire, vendor, exhibitor, or licensee, except for the furnishing of amusement devices or amusement attractions, which transactions are exempt.

Section 162. No tax imposed by part I of chapter 212, Florida Statutes, before July 1, 1996, which has not been collected or paid by the taxpayer as of the effective date of this act on a transaction that is made exempt from taxation under section 2 of this act is due from the taxpayer with respect to such transaction.

Section 163. Subsection (6) is added to section 212.13, Florida Statutes, to read:

212.13 Records required to be kept; power to inspect; audit procedure.—

(6) Any fair association subject to chapter 616 which leases or licenses its real property to, or allows its assets or property to be used by, any concessionaire, vendor, exhibitor, or licensee shall distribute to the concessionaire, vendor, exhibitor, or licensee a form suggested by the department which requests, at a minimum, the name, business address, and telephone number of the concessionaire, vendor, exhibitor, or licensee; its sales tax registration number; and the amount of the daily revenue that it receives as a result of activities and sales on the fairgrounds or as a result of the use of the assets or other property of the fair association. Each vendor, concessionaire, exhibitor, or licensee that uses a fair association's real property or other assets shall complete and submit such a form to the management of the fair association daily within 24 hours after the close of a day's business, and the fair association shall make the completed forms available to the department as requested by the department. The failure of a vendor, concessionaire, exhibitor, or licensee to complete and submit such a form must be reported to the department by the fair association within 24 hours after the form becomes due. This subsection does not require the fair association to be responsible for collecting or remitting the tax owed by any such concessionaire, vendor, exhibitor, or licensee. (Renumber subsequent section.)

And the title is amended as follows:

On page 332, line 31 through page 333, line 1, delete all of said lines and insert: amending s. 212.08, F.S.; exempting certain transactions by fair associations incorporated under chapter 616, F.S., from taxation; providing that the exemption does not apply to sales, rentals, or subleases of an independent contractor, concessionaire, vendor, exhibitor, or licensee; providing that payment of taxes on a transaction made exempt by the act is not due if such tax is uncollected by the taxpayer before a specified date; amending s. 212.213, F.S.; requiring certain fair associations to keep certain records; providing exceptions; creating

House Amendment 2 (with title amendment) to unengrossed Senate Amendment 1 (with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. Section 849.10, Florida Statutes, is amended to read:

849.10 Printing lottery tickets, etc., prohibited.—

(1) *Except as otherwise provided by law,* it is unlawful for any person, in any house, office, shop or building in this state to write, typewrite, print, or publish any lottery ticket or advertisement, circular, bill, poster, pamphlet, list or schedule, announcement or notice, of lottery prizes or drawings or any other matter or thing in any way connected with any lottery drawing, scheme or device, or to set up any type or plate for any such purpose, to be used or distributed in this state, or to be sent out of this state.

(2) *Except as otherwise provided by law,* it is unlawful for the owner or lessee of any such house, shop or building knowingly to permit the printing, typewriting, writing or publishing therein of any lottery ticket or advertisement, circular, bill, poster, pamphlet, list, schedule, announcement or notice of lottery prizes or drawings, or any other matter or thing in any way connected with any lottery drawing, scheme or device, or knowingly to permit therein the setting up of any type or plate for any such purpose to be used or distributed in this state, or to be sent out of the state.

(3) Nothing in this chapter shall make unlawful the printing or production of any advertisement or any lottery ticket for a lottery conducted in any other state or nation where such lottery is not prohibited by the laws of such state or nation, or the sale of such materials by the manufacturer thereof to any person or entity conducting or participating in the conduct of such a lottery in any other state or nation. This section does not authorize any advertisement within Florida relating to lotteries of any other state or nation, or the sale or resale within Florida of such lottery tickets, chances, or shares to individuals, or any other acts otherwise in violation of any laws of the state.

(4)~~(3)~~ Any violation of this section shall be a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. (Renumber subsequent section.)

And the title is amended as follows:

On page 326, between lines 28 and 29, insert: amending s. 849.10, F.S.; providing an exception to the prohibition against printing or publishing lottery tickets or any other matter or thing connected with a lottery drawing;

On motion by Senator McKay, the Senate concurred in the House amendments.

CS for CS for SB 958 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—1

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership, **CS for SJR 978** was considered outside the extended call.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for SJR 978, with amendment(s), by the required Constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SJR 978—A joint resolution proposing amendments to sections 2, 8, 10, 11, and 12 of Article V of the State Constitution relating to the Judiciary.

House Amendment 1 (with title amendment)—On page 1, line 9 through page 12, line 14, delete all of said lines and insert:

That the following amendments to Sections 11, and 12 of Article V of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or

at an earlier special election specially authorized by law for that purpose:

ARTICLE V

JUDICIARY

SECTION 11. Vacancies.—

(a) The governor shall fill each vacancy on the supreme court or on a district court of appeal by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of *not fewer than* three persons *nor more than six persons* nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election *occurring at least one year after the date of appointment*, one of not fewer than three persons *nor more than six persons* nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to him.

(d) There shall be a separate judicial nominating commission as provided by general law for the supreme court, each district court of appeal, and each judicial circuit for all trial courts within the circuit. Uniform rules of procedure shall be established by the judicial nominating commissions at each level of the court system. Such rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. Except for deliberations of the judicial nominating commissions, the proceedings of the commissions and their records shall be open to the public.

SECTION 12. Discipline; removal and retirement.—

(a) *JUDICIAL QUALIFICATIONS COMMISSION. A judicial qualifications commission is created.*

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, (without regard to the effective date of this section) demonstrates a present unfitness to hold office, and to investigate and recommend the *discipline* ~~reprimand~~ of a justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966 (without regard to the effective date of this section), warrants such *discipline* ~~a reprimand~~. *For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge.* The commission shall be composed of:

a.~~(1)~~ Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;

b.~~(2)~~ *Four* ~~Two~~ electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and

c.~~(3)~~ Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(2)~~(b)~~ The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a ~~justice or~~ judge shall be eligible for state judicial office *while acting as* ~~so long as he is~~ a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may ~~participate in his own~~ campaign for judicial office and hold that office. The commission shall elect one of its members as its *chairperson* ~~chairman~~.

(3)~~(c)~~ Members of the judicial qualifications commission not subject to impeachment shall be subject to removal from the commission pursuant to the provisions of Article IV, Section 7, Florida Constitution.

(4)~~(d)~~ The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, *the rotation of members between the panels,* and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. *The commission shall have power to issue subpoenas.* Until formal charges against a justice or judge are filed by the *investigative panel* ~~commission~~ with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the *investigative panel* ~~commission~~ with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public. ~~The commission may with seven members concurring recommend to the supreme court the temporary suspension of any justice or judge against whom formal charges are pending.~~

(5)~~(e)~~ The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives or the governor, the commission shall make available all information in the possession of the commission for use in consideration of impeachment or suspension, respectively.

(b) PANELS. The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges form the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT. The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission and it

~~(f) Upon recommendation of two-thirds of the members of the judicial qualifications commission, the supreme court~~ may order that the justice or judge be *subjected to appropriate discipline,* ~~disciplined by appropriate reprimand,~~ or be removed from office with termination of compensation for willful or persistent failure to perform *judicial* ~~his~~ duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of *judicial* ~~his~~ duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the *investigative panel* ~~commission~~, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

(d)~~(g)~~ The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment ~~and to the power of suspension by the governor and removal by the senate~~.

(e)~~(h)~~ Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

(f)~~(i)~~ SCHEDULE TO SECTION 12.—

(1) Except to the extent inconsistent with the provisions of this section, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(2) After this section becomes effective and until adopted by rule of the commission consistent with it:

a. The commission shall be divided, as determined by the chairperson, into one investigative panel and one hearing panel to meet the responsibilities set forth in this section.

b. The investigative panel shall be composed of:

1. Four judges,

2. Two members of the bar of Florida, and

3. Three non-lawyers.

c. The hearing panel shall be composed of:

1. Two judges,

2. Two members of the bar of Florida, and

3. Two non-lawyers.

d. Membership on the panels may rotate in a manner determined by the rules of the commission provided that no member shall vote as a member of the investigative and hearing panel on the same proceeding.

e. The commission shall hire separate staff for each panel.

f. The members of the commission shall serve for staggered terms of six years.

g.~~(1)~~ The terms of office of the present members of the judicial qualifications commission shall expire *upon the effective date of the amendments to this section approved by the legislature during the regular session of the legislature in 1996* ~~on January 1, 1975~~ and new members shall be appointed to serve the following staggered terms:

1.~~a.~~ Group I.—The terms of five members, composed of two electors as set forth in s. *12(a)(1)c.* ~~12(a)(3)~~ of Article V, one member of the bar of Florida as set forth in s. *12(a)(1)b.* ~~12(a)(2)~~ of Article V, one judge from the district courts of appeal and one circuit judge as set forth in s. *12(a)(1)a.* ~~12(a)(1)~~ of Article V, shall expire on December 31, *1998* ~~1976~~.

2.~~b.~~ Group II.—The terms of *five* ~~four~~ members, composed of one elector as set forth in s. *12(a)(1)c.* ~~12(a)(3)~~ of Article V, one member of the bar of Florida as set forth in s. *12(a)(1)b.* ~~12(a)(2)~~ of Article V, one circuit judge and one county judge as set forth in s. *12(a)(1)a.* ~~12(a)(1)~~ of Article V shall expire on December 31, *2000* ~~1978~~.

3.~~c.~~ Group III.—The terms of *five* ~~four~~ members, composed of two electors as set forth in s. *12(a)(1)c.* ~~12(a)(3)~~ of Article V, *one member of the bar of Florida as set forth in s. 12(a)(1)b.*, one judge from the district courts of appeal and one county judge as set forth in s. *12(a)(1)a.* ~~12(a)(1)~~ of Article V, shall expire on December 31, *2002* ~~1980~~.

h. An appointment to fill a vacancy of the commission shall be for the remainder of the term.

i. Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.

j. The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.

k. The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.

~~(2) The 1976 amendment to section 12 of Article V, if submitted at a special election, shall take effect upon approval by the electors of Florida.~~

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE V, SECTIONS 11 and 12

JUDICIARY.—Proposing amendments to the State Constitution to allow judicial nominating commissions to recommend from three up to six persons to fill a court vacancy; and to restructure the Judicial Qualifications Commission and permit additional sanctions for judicial misconduct.

And the title is amended as follows:

On page 1, line 3, delete "2, 8, 10,"

MOTION

On motion by Senator Dudley, the Senate concurred in the House amendment. **CS for SJR 978** as amended was read in full as follows:

CS for SJR 978—A joint resolution proposing amendments to sections 11, and 12 of Article V of the State Constitution relating to the Judiciary.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Sections 11, and 12 of Article V of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specially authorized by law for that purpose:

ARTICLE V
JUDICIARY

SECTION 11. Vacancies.—

(a) The governor shall fill each vacancy on the supreme court or on a district court of appeal by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of *not fewer than* three persons *nor more than six persons* nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election *occurring at least one year after the date of appointment,* one of not fewer than three persons *nor more than six persons* nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to him.

(d) There shall be a separate judicial nominating commission as provided by general law for the supreme court, each district court of

appeal, and each judicial circuit for all trial courts within the circuit. Uniform rules of procedure shall be established by the judicial nominating commissions at each level of the court system. Such rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. Except for deliberations of the judicial nominating commissions, the proceedings of the commissions and their records shall be open to the public.

SECTION 12. Discipline; removal and retirement.—

(a) *JUDICIAL QUALIFICATIONS COMMISSION. A judicial qualifications commission is created.*

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, (without regard to the effective date of this section) demonstrates a present unfitness to hold office, and to investigate and recommend the *discipline* ~~reprimand~~ of a justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966 (without regard to the effective date of this section), warrants such *discipline* ~~a reprimand~~. *For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge.* The commission shall be composed of:

a.~~(1)~~ Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;

b.~~(2)~~ *Four* ~~Two~~ electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and

c.~~(3)~~ Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(2)~~(b)~~ The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a ~~justice or~~ judge shall be eligible for state judicial office *while acting as* ~~so long as he is~~ a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may ~~participate in his own~~ campaign for judicial office and hold that office. The commission shall elect one of its members as its *chairperson* ~~chairman~~.

(3)~~(c)~~ Members of the judicial qualifications commission not subject to impeachment shall be subject to removal from the commission pursuant to the provisions of Article IV, Section 7, Florida Constitution.

(4)~~(d)~~ The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, *the rotation of members between the panels,* and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. *The commission shall have power to issue subpoenas.* Until formal charges against a justice or judge are filed by the *investigative panel* ~~commission~~ with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the *investigative panel* ~~commission~~ with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public. ~~The commission may with seven members concurring recommend to the supreme court the temporary suspension of any justice or judge against whom formal charges are pending.~~

(5)~~(e)~~ The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives or the governor, the commission shall make available all information in the possession of the commission for use in consideration of impeachment or suspension, respectively.

(b) PANELS. The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges form the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT. The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission and it

~~(f) Upon recommendation of two-thirds of the members of the judicial qualifications commission, the supreme court~~ may order that the justice or judge be *subjected to appropriate discipline,* ~~disciplined by appropriate reprimand,~~ or be removed from office with termination of compensation for willful or persistent failure to perform *judicial* ~~his~~ duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of *judicial* ~~his~~ duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the *investigative panel* ~~commission~~, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

(d)~~(g)~~ The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment ~~and to the power of suspension by the governor and removal by the senate~~.

(e)~~(h)~~ Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

(f)~~(i)~~ SCHEDULE TO SECTION 12.—

(1) Except to the extent inconsistent with the provisions of this section, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(2) After this section becomes effective and until adopted by rule of the commission consistent with it:

a. The commission shall be divided, as determined by the chairperson, into one investigative panel and one hearing panel to meet the responsibilities set forth in this section.

b. The investigative panel shall be composed of:

1. Four judges,

2. Two members of the bar of Florida, and

3. Three non-lawyers.

c. The hearing panel shall be composed of:

1. Two judges,

2. Two members of the bar of Florida, and

3. Two non-lawyers.

d. Membership on the panels may rotate in a manner determined by the rules of the commission provided that no member shall vote as a member of the investigative and hearing panel on the same proceeding.

e. The commission shall hire separate staff for each panel.

f. The members of the commission shall serve for staggered terms of six years.

g.~~(1)~~ The terms of office of the present members of the judicial qualifications commission shall expire *upon the effective date of the amendments to this section approved by the legislature during the regular session of the legislature in 1996* ~~on January 1, 1975~~ and new members shall be appointed to serve the following staggered terms:

1.~~a.~~ Group I.—The terms of five members, composed of two electors as set forth in s. *12(a)(1)c.* ~~12(a)(3)~~ of Article V, one member of the bar of Florida as set forth in s. *12(a)(1)b.* ~~12(a)(2)~~ of Article V, one judge from the district courts of appeal and one circuit judge as set forth in s. *12(a)(1)a.* ~~12(a)(1)~~ of Article V, shall expire on December 31, *1998* ~~1976~~.

2.~~b.~~ Group II.—The terms of *five* ~~four~~ members, composed of one elector as set forth in s. *12(a)(1)c.* ~~12(a)(3)~~ of Article V, one member of the bar of Florida as set forth in s. *12(a)(1)b.* ~~12(a)(2)~~ of Article V, one circuit judge and one county judge as set forth in s. *12(a)(1)a.* ~~12(a)(1)~~ of Article V shall expire on December 31, *2000* ~~1978~~.

3.~~c.~~ Group III.—The terms of *five* ~~four~~ members, composed of two electors as set forth in s. *12(a)(1)c.* ~~12(a)(3)~~ of Article V, *one member of the bar of Florida as set forth in s. 12(a)(1)b.*, one judge from the district courts of appeal and one county judge as set forth in s. *12(a)(1)a.* ~~12(a)(1)~~ of Article V, shall expire on December 31, *2002* ~~1980~~.

h. An appointment to fill a vacancy of the commission shall be for the remainder of the term.

i. Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.

j. The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.

k. The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.

~~(2) The 1976 amendment to section 12 of Article V, if submitted at a special election, shall take effect upon approval by the electors of Florida.~~

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE V, SECTIONS 11 and 12

JUDICIARY.—Proposing amendments to the State Constitution to allow judicial nominating commissions to recommend from three up to six persons to fill a court vacancy; and to restructure the Judicial Qualifications Commission and permit additional sanctions for judicial misconduct.

—and **CS for SJR 978** as amended passed by the required constitutional three-fifths vote of the membership and was ordered enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1 to House Amendment 2, concurred in same as amended, and passed SB 2206, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 2206—A bill to be entitled An act relating to the code of ethics; amending s. 112.312, F.S.; redefining the term "gift"; providing an effective date.

House Amendment 1 to Senate Amendment 1 to House Amendment 2—On page 11, line 19, delete "*attending*" and insert: *invited to*

On motion by Senator Crist, the Senate concurred in the House amendment.

SB 2206 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 2550, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 2550—A bill to be entitled An act relating to airports; creating s. 331.22, F.S.; exempting specified information relating to airports and airport employees from disclosure under the public records law; providing a finding of public necessity; providing for future review and repeal; providing an effective date.

House Amendment 1 (with title amendment)—On page 2, lines 4 through 9, delete all of said lines and insert: disclosure.—Airport security plans of an aviation authority created by act of the Legislature or of an aviation department of a county or municipality which operates an international airport are exempt from

And the title is amended as follows:

On page 1, line 4, delete said line and insert: relating to airports

House Amendment 2—On page 1, lines 15-16, delete all of said lines and insert: public disclosure for airport

On motion by Senator Dyer, the Senate concurred in the House amendments.

SB 2550 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership, **SB 2830** was considered outside the extended call.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 2830, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 2830—A bill to be entitled An act relating to domestic violence; amending s. 784.035, F.S.; providing that with respect to battery as domestic violence, a third or subsequent conviction for battery constitutes a felony of the third degree, notwithstanding a suspension of sentence or withholding of adjudication; providing an effective date.

House Amendment 1 (with title amendment)—On page 1, line 11, delete everything after the enacting clause and insert:

Section 1. Subsection (6) is added to section 61.052, Florida Statutes, to read:

61.052 Dissolution of marriage.—

(6) Any injunction for protection against domestic violence arising out of the dissolution of marriage proceeding shall be issued as a separate order in compliance with chapter 741 and shall not be included in the judgment of dissolution of marriage.

Section 2. Section 741.281, Florida Statutes, is amended to read:

741.281 Court to order batterers' intervention program attendance.—If a person is found guilty of, *has had adjudication withheld on, or has pled nolo contendere to* ~~committing~~ a crime of domestic violence, as defined in s. 741.28, that person shall be ordered by the court to a minimum term of 1 year's probation and the court shall order that the defendant attend a batterers' intervention program as a condition of probation. If a person is admitted to a pretrial diversion program and has been charged with an act of domestic violence, as defined in s. 741.28, the court shall order as a condition of the program that the defendant attend a batterers' intervention program. The court must impose the condition of the batterers' intervention program for a defendant placed on probation or pretrial diversion under this section, *but the court, in its discretion, may determine not to impose the condition if it states on the record* ~~unless it makes written factual findings in its judgment or order which are based on competent substantial evidence, stating~~ why a batterers' intervention program *might* ~~would~~ be inappropriate. It is preferred, *but not mandatory,* that such programs be certified under s. 741.32. The imposition of probation under this section shall not preclude the court from imposing any sentence of imprisonment authorized by s. 775.082.

Section 3. Paragraph (d) of subsection (6) and paragraph (c) of subsection (7) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(6)

(d) An injunction for protection against domestic violence entered pursuant to this section, on its face, *may* ~~shall~~ order that the respondent attend a batterers' intervention program as a condition of the injunction.~~,~~ Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers' intervention programs would be inappropriate, *the court shall order the respondent to attend a batterers' intervention program if:*

1. It finds that the respondent willfully violated the ex parte injunction;

2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or

3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice.

It is preferred, *but not mandatory,* that such programs be certified under s. 741.32.

(7)

(c)1. Within 24 hours after the court issues an injunction for protection against domestic violence or changes, continues, extends, or vacates an injunction for protection against domestic violence, the clerk of the court must forward a *certified* copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with this subsection.

2. Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives ~~both~~ a *certified* copy of the injunction for protection against domestic violence ~~and written proof of service of process upon the respondent~~, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5.~~4.~~ Within 24 hours after an injunction for protection against domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

Section 4. Section 741.31, Florida Statutes, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—

(1) In the event of a violation of the injunction for protection against domestic violence when there has not been an arrest, the petitioner may contact the clerk of the circuit court of the county in which the violation is alleged to have occurred. The clerk shall either assist the petitioner in the preparation of an affidavit in support of the violation or direct the petitioner to the office operated by the court within the circuit that has been designated by the chief judge of that circuit as the central intake point for injunction violations and where the petitioner can receive assistance in the preparation of the affidavit in support of the violation.

(2) The affidavit shall be immediately forwarded by the office assisting the petitioner to the state attorney of that circuit and to such court or judge as the chief judge of that circuit determines to be the recipient of affidavits of violation. If the affidavit alleges a crime has been committed, the office assisting the petitioner shall also forward a copy of the petitioner's affidavit to the appropriate law enforcement agency for investigation. No later than 20 days after receiving the initial report, the local law enforcement agency shall complete their investigation and forward the report to the state attorney. The policy adopted by the state attorney in each circuit under s. 741.2901(2), shall include a policy regarding intake of alleged violations of injunctions for protection against domestic violence under this section. The intake shall be supervised by a prosecutor who, pursuant to s. 741.2901(1), has been designated and assigned to handle domestic violence cases. The state attorney shall determine within 30 working days whether its office will proceed to file criminal charges, or prepare a motion for an order to show cause as to why the respondent should not be held in criminal contempt, or prepare both as alternative findings, or file notice that the case remains under investigation or is pending subject to some other action.

(3) If the court has knowledge, based on its familiarity with the case, that the petitioner, the children of the petitioner, or another person is in immediate danger if the court fails to act prior to the decision of the state attorney to prosecute, it should immediately issue an order of appointment of the state attorney to file a motion for an order to show cause as to why the respondent should not be held in contempt. If the court does not issue an order of appointment of the state attorney, it shall immediately notify the state attorney that the court is proceeding to enforce the violation through criminal contempt.

(4) A person who willfully violates an injunction for protection against domestic violence, issued pursuant to s. 741.30, by:

(a) Refusing to vacate the dwelling that the parties share;

(b) Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

(c) Committing an act of domestic violence against the petitioner;

(d) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner; or

(e) Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Whether or not there is a criminal prosecution under subsection (4), the court shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.

(6)~~(5)~~ In order to determine the effectiveness of enforcement of injunctions, the Legislature requests the Association of Florida Clerks of Court in conjunction with the Executive Office of the Governor and the Governor's Task Force on Domestic Violence, to coordinate and prepare a report to determine:

(a) How many violations of injunctions for protection against domestic violence were filed in this state by petitioners or others on their behalf.

(b) How many violations the state attorney assists the court in the enforcement of by filing a motion for an order to show cause, or similar motions.

(c) How the courts dispose of the violations.

(d) How many violations of injunctions for protection against domestic violence are prosecuted as crimes under ss. 741.31 and 784.047, or any other section of Florida law.

(e) Any other information that would show the extent of the effectiveness of judicial actions to enforce violations.

(f) The effectiveness of batterers' intervention programs, measured in quantifiable terms, including the number of respondents ordered to a batterers' intervention program but later assessed as inappropriate for the program, the number referred to other programs after such assessment, the number who successfully complete the program to which they were assigned, the number who fail to complete the program to which they were assigned and the reason for such failure, the number of respondents who attend a batterers' intervention program and subsequently engage in domestic violence, and any other measures that would reveal the effectiveness of such programs.

The report must be filed with the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court no later than December 1, 1996.

(7)~~(6)~~ Any person who suffers an injury and/or loss as a result of a violation of an injunction for protection against domestic violence may be awarded damages for that injury and/or loss by the court issuing the injunction. Damages includes costs and attorneys' fees for enforcement of the injunction.

Section 5. Effective October 1, 1996, section 784.03, Florida Statutes, is amended to read:

784.03 Battery*; felony battery*.—

(1)*(a) The offense of battery occurs when* a person ~~commits battery if he~~:

1.~~(a)~~ Actually and intentionally touches or strikes another person against the will of the other; or

2.~~(b)~~ Intentionally causes bodily harm to *another person* ~~an individual~~.

(b)~~(2)~~ *Except as provided in subsection (2), a person who* ~~Whoever~~ commits battery *commits* ~~shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who has two prior convictions for battery who commits a third or subsequent battery commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.

Section 6. Effective October 1, 1996, section 784.035, Florida Statutes, is amended to read:

~~784.035 Battery as domestic violence; enhanced penalty.—A third or subsequent offense of battery, when committed under circumstances that constitute the battery as an act of domestic violence as defined in s. 741.28, and when the previous offenses of battery were committed under circumstances that constituted the batteries as acts of domestic violence as defined in s. 741.28, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 7. Paragraph (c) of subsection (2) of section 790.065, Florida Statutes, is amended to read:

790.065 Sale and delivery of firearms.—

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(c)1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under s. 741.30, *has had an injunction for protection against repeat violence entered against the potential buyer or transferee under s. 784.046* ~~or s. 784.047~~, or has been arrested for a dangerous crime as specified in s. 907.041(4)(a) or for any of the following enumerated *offenses* ~~felonies~~:

a. Criminal anarchy under ss. 876.01 and 876.02.

b. Extortion under s. 836.05.

c. Explosives violations under s. 552.22(1) and (2).

d. Controlled substances violations under chapter 893.

e. Resisting an officer with violence under s. 843.01.

f. Weapons and firearms violations under this chapter.

g. Treason under s. 876.32.

h. Assisting self-murder under s. 782.08.

i. Sabotage under s. 876.38.

j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of

the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

a. That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or

b. That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of the indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

Section 8. Effective October 1, 1996, subsection (7) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(7)~~(a)~~ There is probable cause to believe that the person has committed*:*

(a) An act of domestic violence, as defined in s. 741.28;~~, or~~

(b) Child abuse, as defined in s. 827.04(2) and (3)*;*~~,~~ or

(c) Any battery upon another person, as defined in s. 784.03~~, and the law enforcement officer reasonably believes that there is danger of violence unless the person alleged to have committed the act of domestic violence, child abuse, or battery is arrested without delay~~.

With respect to an arrest for an act of domestic violence, the decision to arrest shall not require consent of the victim or consideration of the relationship of the parties.

~~(b)~~ A law enforcement officer who acts in good faith and exercises due care in making an arrest under this subsection is immune from civil liability that otherwise might result by reason of his action.

Section 9. If any provision of this act or the application thereof to any person or the circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 10. Except as otherwise specifically provided herein, this act shall take effect July 1, 1996.

And the title is amended as follows:

On page 1, delete the entire title and insert: A bill to be entitled An act relating to domestic or repeat violence; amending s. 61.052, F.S.; providing that an injunction for protection against domestic violence arising out of dissolution of marriage shall be issued as a separate order; amending s. 741.281, F.S.; providing broader application of section; deleting a requirement for written findings of fact and requiring a statement on the record; amending s. 741.30, F.S.; providing that, with respect to domestic violence, the sheriff who has made service upon the respondent shall notify other law enforcement agencies within a certain time period by electronically transmitting the information; giving courts the discretion to order attendance at batterers' intervention programs; requiring courts to order attendance in specified circumstances; amending s. 741.31, F.S., requiring a court to order a respondent to a batterers' intervention program in certain circumstances; requiring additional information in the report from the Association of Florida Clerks of Court; amending s. 784.03, F.S.; providing that a third or subsequent conviction for battery constitutes a third degree felony; repealing s. 784.035, F.S., relating to an enhanced penalty for battery as domestic violence; amending s. 790.065, F.S.; prohibiting the sale of a firearm to any person who has had an injunction for protection against repeat violence entered against him or her or has been convicted of aggravated stalking; amending s. 901.15, F.S.; revising language with respect to arrest by an officer for domestic violence without a warrant; providing a severability clause; providing effective dates.

On motion by Senator Myers, the Senate concurred in the House amendment.

SB 2830 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership **SB 3130** was considered outside the extended call on the Local Bill Calendar.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 3130, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 3130—A bill to be entitled An act relating to Broward County; creating the "City of Weston Charter"; providing for the corporate name and purpose of the Charter; establishing territorial boundaries of the municipality; providing powers of the municipality and of certain officers; providing for election and terms of office of a City Commission, including the Mayor; providing for qualifications, powers, and duties of its membership; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; providing a procedure for establishing compensation and expense reimbursement for the Mayor and City Commission; providing for a City Manager, City Clerk, and City Attorney and powers and duties of each; authorizing establishment of City boards and agencies; providing for Commission meetings, rules, and recordkeeping and voting at meetings; providing for certain prohibitions; providing for emergency ordinances; providing for budget adoption and establishing a fiscal year; providing for appropriation amendments during the fiscal year; providing procedures for authentication, recording and disposition of ordinances, resolutions and charter amendments; establishing the right to determine, order, levy, assess, and collect taxes; providing for borrowing by the City; providing for an annual independent audit; establishing election guidelines; providing procedures for initiative and referendum; providing for Charter amendments and review; providing for severability; providing for transition, including a referendum on incorporation, a special referendum for annexation, initial election and terms, date of creation, and establishment of the municipality, eliminating transition elements, providing for an interim governing body and interim adoption of codes and ordinances, payment of certain revenues, and transitional comprehensive plan and land development regulations; entitling the City to state shared and local option gas tax revenues; establishing a plan of transfer and termination of the Indian Trace Community Development District and providing for the continuation of the West Lauderdale Water Control District; providing effective dates.

House Amendment 1—On page 45, lines 11-13, delete all of said lines and insert:

ADDITION OF BONAVENTURE INTO ONE OF TWO NEW CITIES

THE GEOGRAPHIC UNINCORPORATED AREA KNOWN AS BONAVENTURE, SHALL BE (SELECT ONE):

House Amendment 2—On page 46, line 10, and on page 47, line 7, delete "May 13, 1997" and insert: June 3, 1997

House Amendment 3—On page 47, line 25, before the period (.) insert: and they shall be compensated in accordance with Section 2.06 hereof and shall receive no further compensation as supervisors of the Indian Trace Community Development District

On motions by Senator Weinstein, the Senate concurred in the House amendments.

SB 3130 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

RETURNING MESSAGES ON HOUSE BILLS

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership, **CS for HB 347** was considered outside the extended call.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, and concurred in same as amended, and passed CS for HB 347 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 347—A bill to be entitled An act relating to child welfare; amending s. 402.17, F.S., relating to trust property of clients of the Department of Health and Rehabilitative Services; providing fiduciary responsibilities and duties of the department as trustee and guidelines relating to such property; amending s. 409.175, F.S.; redefining "family foster home"; amending s. 409.176, F.S.; providing for registration of family foster homes; providing legislative intent; providing for the implementation of competency-based training systems for child protection staff of the department; providing for the development, with the assistance of the Department of Management Services, and implementation of competency-based job classifications with competitive pay grade assignments; requiring competency-based training prior to assignment to the new job classifications by current child protection staff; requiring the department to form partnerships with the schools of social work of the universities of the state in order to promote the development of graduates trained to work in child protection; requiring the department to give hiring preference to such graduates; giving standards for such partnerships; requiring that student hours be fundable hours with respect to universities; providing an effective date; amending s. 402.181, F.S.; increasing the maximum amount the Department of Legal Affairs is authorized to pay in individual claims relating to foster care from the State Institutions Claims Fund without legislative approval; providing for interagency cooperation to streamline the claims process; amending s. 409.1671, F.S.; providing for privatization of foster care services; providing legislative intent; authorizing the Department of Health and Rehabilitative Services to contract with corporations or community-based agencies; providing licensure requirements; providing for quality assurance and evaluation; requiring annual reports to the Governor and Legislature; providing for outcome measures and recommendations; providing that corporations or community-based agencies providing foster care services shall be Medicaid providers; amending s. 409.175, F.S.; providing a definition; providing an additional ground for denial, suspension, or revocation of the license of a family foster home, residential child-caring agency, or child-placing agency; providing procedure and standard of proof for an administrative review of such actions; amending ss. 943.0585 and 943.059, F.S.; correcting cross references; directing the Department of Health and Rehabilitative Services to establish a pilot program to provide additional benefits to children in foster care through cooperation with private corporations; directs the department to encourage establishment of tax-exempt corporations for certain purposes; providing legislative intent; defining "supervised visitation program" and "exchange monitoring"; providing for establishment of the Florida Family Visitation Network and Florida Family Visitation Task Force; providing for membership and responsibilities of the task force; providing for per diem and travel expenses of members; providing for a report; directing the Institute of Food and Agricultural Sciences of the University of Florida to establish supervised visitation projects; providing for a Commission on Responsible Fatherhood in the Department of Health and Rehabilitative Services; creating s. 383.0112, F.S.; providing for purpose, guiding principles, and responsibilities of the commission; providing for a report; creating s. 383.0113, F.S.; creating the commission; providing for membership; providing for travel expenses and per diem and reimbursement of members; prescribing powers and duties of the commission; providing for removal of commission members; providing for development of a budget request; creating s. 383.0114, F.S.; providing for community-based programs to encourage responsible fatherhood; amending s. 415.504, F.S.; requiring child abuse investigators to inform the subjects of investigations of both the right to an attorney and ways information provided by the subject may be used; amending s. 415.51, F.S.; specifying persons who are entitled to access to records in cases of abuse, neglect, or abandonment of a child; providing effective dates.

House Amendment 1 (with title amendment) to Senate Amendment 1 (with title amendment)—on page 1, line 17, through page 53, line 18, delete all of said lines and insert:

Section 1. Section 402.17, Florida Statutes, is amended to read:

402.17 Claims for care and maintenance; trust property.—The Department of Health and Rehabilitative Services shall protect the financial interest of the state with respect to claims which the state may have for the care and maintenance of clients of the department. The department shall, *as trustee,* hold in trust and administer money of clients and property designated for the personal benefit of clients. *The department shall act as trustee of clients' money and property entrusted to it in accordance with the usual fiduciary standards applicable generally to trustees, and shall act to protect both the short-term and long-term interests of the clients for whose benefit it is holding such money and property.*

(1) CLAIMS FOR CARE AND MAINTENANCE.—

(a) The department shall perform the following acts:

1. Receive and supervise the collection of sums due the state.

2. Bring any court action necessary to collect any claim the state may have against any client, former client, guardian of any client or former client, executor or administrator of the client's estate, or any person against whom any client or former client may have a claim.

3. Obtain a copy of any inventory or appraisal of the client's property filed with any court.

4. Obtain from the Social and Economic Services Program Office a financial status report on any client or former client, including the ability of third parties responsible for such client to pay all or part of the cost of the client's care and maintenance.

5. Petition the court for appointment of a guardian or administrator for an otherwise unrepresented client or former client should the financial status report or other information indicate the need for such action. The cost of any such action shall be charged against the assets or estate of the client.

6. Represent the interest of the state in any litigation in which a client or former client is a party.

7. File claims with any person, firm, or corporation or with any federal, state, county, district, or municipal agency on behalf of an unrepresented client.

8. Represent the state in the settlement of the estates of deceased clients or in the settlement of estates in which a client or a former client against whom the state may have a claim has a financial interest.

9. Establish procedures by rule for the use of amounts held in trust for the client to pay for the cost of care and maintenance, if such amounts would otherwise cause the client to become ineligible for services which are in the client's best interests.

(b) The Department of Health and Rehabilitative Services may charge off accounts if it certifies that the accounts are uncollectible after diligent efforts have been made to collect them. If the department certifies an account to the Department of Banking and Finance, setting forth

the circumstances upon which it predicates the uncollectibility, and if, pursuant to s. 17.04, the Department of Banking and Finance concurs, the account shall be charged off.

(2) MONEY OR OTHER PROPERTY RECEIVED FOR PERSONAL USE OR BENEFIT OF ANY CLIENT.—The department shall perform the following acts:

(a) Accept and administer in trust, *as a trustee having a fiduciary responsibility to a client of the department,* any money or other property received for personal use or benefit of *that* ~~any~~ client. *In the case of children in the legal custody of the department, following the termination of the parental rights as to that client, until such client leaves the legal custody of the department due to the client's adoption or because the client attains the age of 18 or, in the case of children who are otherwise in the custody of the department, the court having jurisdiction over such client shall have jurisdiction, upon application of the department or other interested party, to review or approve any extraordinary action of the department acting as trustee as to the client's money or other property. When directed by a court of competent jurisdiction, the department may further hold money or property of a person under the age of 18 who has been in the care, custody, or control of the department and who is the subject of a court proceeding during the pendency of that proceeding.*

(b) Deposit the money in banks qualified as state depositories, or in any bank, credit union, or savings and loan association authorized to do business in this state, provided moneys so deposited or held by such institutions are fully insured by a federal depository or share insurance program, or an approved state depository or share insurance program, and are available on demand.

(c) Withdraw the money and use it to meet current needs of clients. For purposes of this paragraph, "current needs" includes payment of fees assessed under s. 402.33. *The amount of money withdrawn by the department to meet current needs of a client shall take into account the need of the department, as the trustee of a client's money and property, to provide for the long-term needs of a client, including, but not limited to, to provide for the need of a client under the age of 18 to have financial resources available to be able to function as an adult upon reaching the age of 18, or to meet the special needs of a client who has a disability and whose special needs cannot otherwise be met by any form of public assistance or family resources, or to maintain the client's eligibility for public assistance, including medical assistance, under state or federal law.*

(d) As trustee, invest in the manner authorized by law for fiduciaries money not used for current needs of clients. Such investments may include, but shall not be limited to, investments in savings share accounts of any credit union chartered under the laws of the United States and doing business in this state, and savings share accounts of any credit union chartered under the laws of this state, provided the credit union is insured under the federal share insurance program or an approved state share insurance program.

(3) DEPOSIT OF FUNDS RECEIVED.—Funds received by the Department of Health and Rehabilitative Services in accordance with s. 402.33 shall be deposited into a trust fund for the operation of the department.

(4) DISPOSITION OF UNCLAIMED TRUST FUNDS.—Upon the death of any client affected by the provisions of this section, any unclaimed money held in trust by the department or by the Treasurer for him or her shall be applied first to the payment of any unpaid claim of the state against the client, and any balance remaining unclaimed for a period of 1 year shall escheat to the state as unclaimed funds held by fiduciaries.

(5) LEGAL REPRESENTATION.—To the extent that the budget will permit, the Department of Legal Affairs shall furnish the legal services to carry out the provisions of this section. Upon the request of the Department of Health and Rehabilitative Services, the various state and county attorneys shall assist in litigation within their jurisdiction. Such department may retain legal counsel for necessary legal services which cannot be furnished by the Department of Legal Affairs and the various state and county attorneys.

(6) DEPOSIT OR INVESTMENT OF FUNDS OF CLIENTS.—

(a) The Department of Health and Rehabilitative Services may deposit any funds of clients in its possession in any bank in the state or may invest or reinvest such funds in bonds or obligations of the United States for the payment of which the full faith and credit of the United States is pledged. For purposes of deposit only, the funds of any client may be mingled with the funds of any other clients.

(b) The interest or increment accruing on such funds shall be the property of the clients and shall be used or conserved for the personal use or benefit of the individual client, *in accordance with the department's fiduciary responsibility as a trustee for the money and property of the client held by the department.* Such interest shall not accrue to the general welfare of all clients. *Whenever any proposed action of the department, acting in its own interest, may conflict with the department's obligation as a trustee with a fiduciary responsibility to the client, the department shall promptly present the matter to a court of competent jurisdiction for the court's determination as to what action the department may take.* The department shall establish rules governing reasonable fees for the cost of administering such accounts and for establishing the minimum balance eligible to earn interest.

(7) DISPOSITION OF MONEY AND PROPERTY OF CLIENTS UPON ATTAINING AGE 18 OR DISCHARGE FROM CARE, CUSTODY, CONTROL, OR SERVICES OF THE DEPARTMENT.—

(a) Whenever a client of the department for whom the department is holding money or property as a trustee attains the age of 18, and thereby will no longer be in the legal custody of the department, the department shall promptly disburse such money and property of the client the department has held as a trustee to that client, or as that client directs, as soon as practicable once the client attains the age of 18.

(b) Whenever a client of the department over the age of 18 for whom the department is holding money or property as a trustee no longer requires the care, custody, control, or services of the department, the department shall promptly disburse such money and property of the client the department has held as a trustee to that client, or as that client or a court directs, as soon as practicable.

(c) When a client under the age of 18 who has been in the legal custody, care, or control of the department and for whom the department is holding money or property as a trustee attains the age of 18 and has a physical or mental disability, or is otherwise incapacitated or incompetent to handle that client's own financial affairs, the department shall apply for a court order from a court of competent jurisdiction to establish a trust on behalf of that client. Where there is no willing relative of the client acceptable to the court available to serve as trustee of such proposed trust, the court may enter an order authorizing the department to serve as trustee of a separate trust under such terms and conditions as the court determines appropriate to the circumstances.

(d) When a client under the age of 18 who has been in the legal custody, care, or control of the department and for whom the department is holding money or property as a trustee leaves the care, custody, and control of the department due to adoption or placement of the client with a relative, or as otherwise directed by a court of competent jurisdiction, the department shall notify that court of the existence of the money and property in the possession of the department either prior to, or promptly after, receiving knowledge of the change of custody, care, or control. The department shall apply for an order from the court exercising jurisdiction over the client to direct the disposition of the money and property belonging to that client. The court order may establish a trust in which the money and property of the client will be deposited, appoint a guardian of a property as to the money or property of the client, or direct the creation of a Uniform Gifts to Minors Act account on behalf of that client, as the court finds appropriate and under the terms and conditions the court determines appropriate to the circumstances.

Section 2. *(1) The Department of Health and Rehabilitative Services is directed to form partnerships with the schools of social work of the universities of the state in order to encourage the development of graduates trained to work in child protection. The department shall give hiring preferences for child protection jobs to graduates who have earned bachelor's and master's degrees from these programs with a concentration in child protection. The partnership between the department and the schools of social work shall include, but not be limited to, modifying existing graduate and undergraduate social work curricula, providing field placements for students into child protection internships in the department, and collaborating in the design and delivery of advanced levels of social work practice.*

Section 3. Section 409.176, Florida Statutes, is amended to read:

409.176 Registration of residential child-caring agencies *and family foster homes.*—

(1)(a) *A* ~~No~~ residential child-caring agency *or family foster home may not* ~~shall~~ receive a child for continuing full-time care or custody, *and a residential child-caring agency may not place a child for full-time continuing care or custody in a family foster home,* unless *it* ~~such agency~~ has first registered with an association that is certified by a Florida statewide child care organization which was in existence on January 1, 1984, and which publishes, and requires compliance with, its standards and files copies thereof with the department as provided in paragraph (5)(b). For purposes of this section, such an association shall be referred to as the "qualified association."

(b) For the purposes of this section, the terms "child," *"family foster home,"* "screening," and "residential child-caring agency" are defined as provided in s. 409.175(2), and the terms "personnel," "operator," and "owner" as they pertain to "residential child-caring agency" are defined as provided in s. 409.175.

(c) As used in this section, the term "facility" means a residential child-caring agency or a family foster home.

(2)(a) Registration shall consist of annually filing with the qualified association, on forms provided by the qualified association, the name and address of the facility; the capacity of, and the number of children being cared for in, the facility; the names and addresses of the officers and the board of directors or other governing body of the organization, *if applicable*; the name of the officer or person in charge of the facility; and proof that the facility is in compliance with the minimum fire, health, sanitary, and safety standards required by applicable state law or local ordinance and in compliance with the requirements for screening of personnel in s. 409.175 *and chapter 435.* A separate registration form shall be filed for each such facility.

(b) As part of the registration application, each child-caring agency *and each family foster home* shall annually provide to the qualified association the names and ages of children being cared for in the facility; the names of children who have been received from out of state or who have been sent out of state during the past calendar year; the names of children who have left the facility during the past year, the lengths of their stays, and the nature of the placements; the names of all personnel; and proof that the facility is in compliance with published minimum standards that are filed with the department under the provisions of paragraph (5)(b). The agency shall also attest to the good moral character of the personnel of the facility by providing proof of compliance with the screening requirements of s. 409.175 *and chapter 435* and provide the name of any member of the staff having a prior felony conviction.

(c) Upon verification that all requirements for registration have been met, the qualified association shall issue without charge a certificate of registration valid for 1 year.

(3) Access shall be provided at reasonable times for the appropriate state and local officials responsible for the maintenance of fire, health, sanitary, and safety standards to inspect the facility to assure such compliance.

(4) Facilities licensed under the provisions of s. 409.175 shall be classified as "Type I" facilities. Facilities registered under the provisions of this section shall be classified as "Type II" facilities.

(5) The licensing provisions of s. 409.175 do not apply to a facility operated by an organization *that* ~~which~~:

(a) Is a religious organization *that* ~~which~~ does not directly receive state or federal funds *or is a family foster home that is associated with such an organization and does not directly receive state or federal funds.*

(b) Is certified by a Florida statewide child care organization which was in existence on January 1, 1984, and which publishes, and requires compliance with, its standards and files copies thereof with the department. Such standards shall be in substantial compliance with published minimum standards that similar licensed child-caring *agencies or family foster homes* ~~facilities~~ are required to meet, *as determined by the department,* with the exception of those standards of a curricular or religious nature and those relating to staffing or financial stability. *Once the department has determined that the standards for child-caring agencies or family foster homes are in substantial compliance with minimum standards that similar facilities are required to meet, the standards do not have to be resubmitted to the department unless a change occurs in the standards.* Any changes in the standards shall be provided to the department within 10 days of their adoption.

(c) Has been issued a certificate of registration by the qualified association.

(6) Each child served by a Type II facility shall be covered by a written contract, executed at the time of admission or prior thereto, between the facility and the parent, legal guardian, or person having legal custody of the child. Such person shall be given a copy of the contract at the time of its execution, and the facility shall retain the original contract. Each contract shall:

(a) Enumerate the basic services and accommodations provided by the facility.

(b) State that the facility is a Type II facility.

(c) Contain the address and telephone number of the qualified association.

(d) Specify the charges, if any, to the parent, legal guardian, or person having legal custody of the child.

(e) Contain a clear statement regarding disciplinary procedures.

(f) State that the goal of the facility is to return the child it serves to the parent, legal guardian, or person having legal custody of the child, within 1 year from the time the child enters the facility.

A copy of the contract signed by the parent, legal guardian, or person having legal custody of the child shall be filed with the qualified association within 10 days after the child enters the facility.

(7) Any *facility* ~~agency~~ registered under the provisions of this section shall notify the department immediately if it has in its care a child with serious developmental disabilities or a physical, emotional, or mental handicap for which the *facility is* ~~agency or member agencies are~~ not qualified or able to provide treatment.

(8) The provisions of chapters 415 and 827 regarding child abuse and neglect and the provisions of s. 409.175 *and chapter 435* regarding screening apply to any facility registered under this section.

(9) The qualified association may deny, suspend, or revoke the registration of a Type II facility which:

(a) Fails to comply with this section;

(b) Is found to have willfully or intentionally provided false or misleading information in its registration forms or service contracts; or

(c) Violates the provisions of chapter 415 or chapter 827 regarding child abuse and neglect or the provisions of s. 409.175 *or chapter 435* regarding screening.

The qualified association shall notify the department within 10 days of the suspension or revocation of the registration of any Type II facility registered under this section.

(10)(a) The qualified association shall notify the department when the qualified association finds there is a violation of any of the provisions of this section which threatens harm to any child or which constitutes an emergency requiring immediate action.

(b) The qualified association shall notify the department when the qualified association finds, within 30 days after written notification by registered mail of the requirement for registration, that a person or *facility* ~~agency~~ continues to care for children without a certificate of registration. The department shall notify the appropriate state attorney of the violation of law and, if necessary, shall institute a civil suit to enjoin the person or *facility* ~~agency~~ from continuing the care of children.

(c) The department may institute injunctive proceedings in a court of competent jurisdiction to:

1. Enforce the provisions of this section; or

2. Terminate the operation of *a facility* ~~an agency~~ in which any of the conditions described in paragraph (a) or paragraph (b) exist.

Such injunctive relief may be temporary or permanent.

(11)(a) The department is authorized to seek compliance with the registration requirements of this section to the fullest extent possible by reliance on administrative sanctions and civil actions.

(b) If the department determines that a person or *facility* ~~agency~~ is caring for a child without a valid certificate of registration issued by the qualified association or has made a willful or intentional misstatement on any registration application or other document required to be filed in connection with an application for a certificate of registration, the qualified association, as an alternative to or in conjunction with an administrative action against such person or *facility* ~~agency~~, shall make a reasonable attempt to discuss each violation with, and recommend corrective action to, the person or the administrator of the *facility* ~~agency~~, prior to written notification thereof. ~~Instead of fixing a period within which the person or agency must enter into compliance with the registration requirements, the qualified association may request a plan of corrective action from the person or agency that demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the qualified association.~~

(c) Any action taken to correct a violation shall be documented in writing by the person or administrator of the *facility* ~~agency~~ and verified by the qualified association.

(d) If the person or *facility* ~~agency~~ has failed to remedy each violation by the specific date agreed upon with the qualified association, the qualified association shall notify the department which shall within 30 days notify the person or *facility* ~~agency~~ by certified mail of its intention to refer the violation or violations to the office of the state attorney.

(e) If the person or *facility* ~~agency~~ fails to come into compliance with the registration requirements within 30 days of written notification, ~~it is the intent of the Legislature that~~ the qualified association shall notify the department which shall within 30 days refer the violation or violations to the office of the state attorney.

(12) It is unlawful for any person or *facility* ~~agency~~ to:

(a) Provide continuing full-time care for or to receive or place a child apart from his parents in a residential group care facility *or a family foster home* without a valid certificate of registration issued by the qualified association if such certificate is required by subsection (1).

(b) Make a willful or intentional misstatement on any registration application or other document required to be filed in connection with an application for registration.

(c) Willfully or intentionally fail to comply with the requirements for the screening of personnel or the dismissal of personnel found not to be in compliance with the requirements for good moral character as specified in paragraph (2)(b).

(d) Use information from the criminal records ~~or central abuse registry~~ obtained under s. 409.175 or this section for any purpose other than screening a person for employment as specified in *chapter 435*, s. 409.175, or this section or to release such information to any other person for any purpose other than screening for employment as specified in *chapter 435*, s. 409.175, or this section.

(e) Use information from the juvenile records of any person obtained under *chapter 435*, s. 409.175, or this section for any purpose other than screening for employment as specified in *chapter 435*, s. 409.175, or this section or to release information from such records to any other person for any purpose other than screening for employment as specified in *chapter 435*, s. 409.175, or this section.

A first violation of paragraph (a), paragraph (b), paragraph (c), or paragraph (d) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent violation of paragraph (a), paragraph (b), paragraph (c), or paragraph (d) is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A violation of paragraph (e) is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. ~~The exemptions provided by this subsection are subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(13) Any facility registered or meeting the requirements of registration under this section may apply for a license under this chapter. A facility which has applied for and received a license is no longer eligible to operate under the provisions of *this section* ~~subsection (5)~~.

(14) Registration under this section, including the issue of substantial compliance with published minimum standards that similar licensed child-caring facilities *or family foster homes* are required to meet, as provided in paragraph (5)(b), is subject to the provisions of chapter 120.

(15) The qualified association issuing certificates of registration for Type II facilities under this section shall annually report to the department the number of Type II facilities registered during the most recent calendar year, the names and addresses of the facilities, the name of each facility's administrator, and the total number of children served by each facility during the calendar year.

Section 4. Subsections (2) and (3) of section 402.181, Florida Statutes, are amended to read:

402.181 State Institutions Claims Fund.—

(2) Claims for restitution may be filed with the Department of Legal Affairs at its office in accordance with regulations prescribed by the Department of Legal Affairs. The Department of Legal Affairs shall have full power and authority to hear, investigate, and determine all questions in respect to such claims and is authorized to pay individual claims up to $1,000 *or, with respect to children in foster care and their families, individual claims up to $1,500*. Claims in excess of *these amounts* ~~this amount~~ shall continue to require legislative approval.

(3)*(a)* The Department of Legal Affairs shall make or cause to be made such investigations as it considers necessary in respect to such claims. Hearings shall be held in accordance with chapter 120.

(b) The Department of Legal Affairs shall work with the Department of Health and Rehabilitative Services, the Department of Juvenile Justice, and the Department of Corrections to streamline the process of investigations, hearings, and determinations with respect to claims under this section, to ensure that eligible claimants receive restitution within a reasonable time.

Section 5. Section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care *and related services; privatization* ~~program contract option~~.—

(1) It is the intent of the Legislature to encourage the Department of Health and Rehabilitative Services to contract with competent community-based agencies to provide foster care and related services. By privatizing these services, the support and commitment of communities to the reunification of families and care of children and their families will be strengthened, and efficiencies as well as increased accountability will be gained. These services may include family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, post-adjudication legal services, foster care supervision, post-adjudication case management, post-placement supervision, permanent foster care, family reunification, the filing of a petition for the termination of parental rights, and adoption.

(2) The department may contract for the delivery, administration, or management of protective services, ~~family preservation services, family reunification services,~~ *the services specified in subsection (1) relating to* foster care ~~services~~, and other related services or programs, as appropriate. The department shall retain responsibility for the quality of contracted services and programs and shall ensure that services are delivered in accordance with *applicable federal and state statutes and regulations* ~~department policies and that case plans meet all applicable standards and requirements~~.

(3)(a) The department shall establish a quality-assurance program for the privatization of services. The quality-assurance program must include standards for each specific component of these services. The department shall establish minimum thresholds for each component. Each

program operated pursuant to contract with a community-based agency must be evaluated annually by the department or by an objective competent entity designated by the department under the provisions of the quality-assurance program. The evaluation must be financed from cost savings associated with the privatization of services. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the Minority leader of each house of the Legislature, and the Governor no later than January 31 of each year, beginning in 1998. The quality-assurance program must be funded through administrative savings generated by this act.

(b) The department shall establish and operate a comprehensive system to measure and report annually the outcomes and effectiveness of the services that have been privatized. The department shall use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities in the child welfare system.

(4)(a) The community-based agency must comply with statutory requirements and agency regulations in the provision of contractual services. Each foster home, therapeutic foster home, emergency shelter, or other placement facility operated by the community-based agency must be licensed by the Department of Health and Rehabilitative Services under chapter 402 or chapter 409. Each community-based agency must be licensed as a child caring or child placing agency by the department under chapter 409.

(b) A community-based agency providing contractual services under this section may be issued a medicaid provider number pursuant to s. 409.907 to enable the agency to maximize federal support for these services under the state's Medicaid plan. A community-based agency must also participate in and cooperate with any federal program that will assist in the maximization of federal support for those services, as directed by the department.

(5) Beginning in fiscal year 1996-1997, the Department of Health and Rehabilitative Services shall establish a minimum of 5 model programs. These models must be established in the department's districts 1, 4, and 13; in subdistrict 8A; and in a fifth district to be determined by the department, with the concurrence of the appropriate district health and human services board. For comparison of privatization savings, the fifth model program must be contracted with a competent for-profit corporation. Providers of these model programs may be selected from a single source pursuant to s. 287.057(3)(c) and must be established, community-based organizations within the district or subdistrict. Contracts with organizations responsible for the model programs shall include the management and administration of all privatized services specified in subsection (1), except for funds necessary to manage the contract. If the community-based organization selected for a model program under this subsection is not a Medicaid provider, the organization shall be issued a Medicaid provider number pursuant to s. 409.907 for the provision of services currently authorized under the state Medicaid plan to those children encompassed in this model and in a manner not to exceed the current level of state expenditure. Each district and subdistrict that participates in the model program effort or any future privatization effort as described in this section must thoroughly analyze and report the complete direct and indirect costs of delivering these services through the department and the full cost of privatization, including the cost of monitoring and evaluating the contracted services.

Section 6. Present paragraphs (f) through (l) of subsection (2) of section 409.175, Florida Statutes, are redesignated as paragraphs (g) through (m), respectively, a new paragraph (f) is added to that subsection, and subsections (3) and (11) of that section are amended, to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(2) As used in this section, the term:

(f) "License" means "license" as defined in s. 120.52(9). A license under this section is issued to a family foster home or other facility and is not a professional license of any individual. Receipt of a license under this section shall not create a property right in the recipient. A license under this act is a public trust and a privilege, and is not an entitlement. This privilege must guide the finder of fact or trier of law at any administrative proceeding or court action initiated by the department.

Section 7. Paragraph (a) of subsection (4) of section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.— The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.— Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section or s. 943.059;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Health and Rehabilitative Services or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 39.076, s. 110.1127(3), s. 393.063(14), s. 394.455(20), s. 397.451, s. 402.302(8), s. 402.313(3), s. 409.175(2)*(i)*~~(h)~~, s. 415.102(4), s. 415.1075(4), or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity that licenses child care facilities.

Section 8. Paragraph (a) of subsection (4) of section 943.059, Florida Statutes, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to seal the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to seal a criminal history record until the person seeking to seal a criminal history record has applied for and received a certificate of eligibility for sealing pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal history record of a minor or an adult which is ordered sealed by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Health and Rehabilitative Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 39.076, s. 110.1127(3), s. 393.063(14), s. 394.455(20), s. 397.451, s. 402.302(8), s. 402.313(3), s. 409.175(2)*(i)*~~(h)~~, s. 415.102(4), s. 415.103, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity which licenses child care facilities.

Section 9. *The Department of Health and Rehabilitative Services shall establish a pilot program in Leon County, in cooperation with various private corporations, in order to provide additional benefits to children in foster care in the county. The intent of this pilot project is to normalize the foster care experience for these children. The department shall also encourage the establishment, where practicable, of corporations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code, to which for-profit corporations may make donations for the enhancement of foster care programs.*

Section 10. *Definitions.—As used in sections 10 through 13:*

(1) A "supervised visitation program" exists where there is contact between a noncustodial parent and one or more children in the presence of a third person responsible for observing and ensuring the safety of those involved. Supervised visitation programs may also include exchange monitoring of children who are participating in court-ordered visitation programs or exchange monitoring where there has been mutual consent between parties for the purposes of facilitating a visitation.

(2) "Exchange monitoring" means supervision of movement of a child from the custodial to the noncustodial parent at the start of the visit and back to the custodial parent at the end of the visit.

(3) This section shall take effect July 1, 1996.

Section 11. *Florida Family Visitation Network.—There is hereby created the Florida Family Visitation Network, which shall have the following responsibilities subject to the availability of resources:*

(1) To serve as a clearinghouse on resources and research of supervised visitation programs.

(2) To provide technical assistance and other support services to existing and emerging supervised visitation programs.

(3) To compile a directory of state-supervised visitation programs containing referral information.

(4) To formulate a newsletter for supervised visitation programs.

(5) To organize workshops and conferences which address issues and concerns of supervised visitation programs.

(6) To have the authority to apply for grants and accept private contributions.

(7) To compile data on the use of supervised visitation programs.

(8) This section shall take effect July 1, 1996.

Section 12. *Florida Family Visitation Task Force.—*

(1) There is hereby created the Florida Family Visitation Task Force. The task force shall act as the governing body of the Florida Family Visitation Network for 1 year. In doing so, it shall have the duty of carrying out the responsibilities listed in section 11. It shall also:

(a) Develop the network of supervised visitation programs created in section 11 and encourage the membership of persons and entities interested in the establishment and operation of these programs.

(b) Create bylaws which shall include, but not be limited to, establishing membership criteria and dues, and a permanent governing board for the Florida Family Visitation Network.

(c) Serve as an advisory board for the visitation projects of the Institute of Food and Agricultural Sciences of the University of Florida, established in section 13.

(d) Develop an evaluation instrument that may be used by supervised visitation programs and should be used for the Institute of Food and

Agricultural Sciences' visitation projects. This evaluation must include, but is not limited to, the following components:

1. The duration that each family used the supervised visitation program.

2. Whether child support payments were being made by the noncustodial parent before, during, and after the time of service.

3. The impact the supervised visitation programs had on families, such as reunification, termination of parental rights, and continued visitation.

4. The cost per family served by the supervised visitation programs.

(e) Prepare a report with recommendations concerning the development of a continuing and expanding network of supervised visitation programs and recommendations concerning the visitation projects of the Institute of Food and Agricultural Sciences to the Speaker of the House of Representatives, the President of the Senate, the Minority Leaders of both houses, the Chief Justice of the Supreme Court, and the Governor, no later than February 1, 1997.

(2) Membership on the Florida Family Visitation Task Force is voluntary. Membership shall be offered to each of the following:

(a) One representative from each established state-supervised visitation program as of the effective date of this act, appointed by the executive director or chief administrator of each program.

(b) One representative from the Department of Health and Rehabilitative Services, appointed by the Secretary of Health and Rehabilitative Services.

(c) One family court judge, appointed by the Chief Justice of the Florida Supreme Court.

(d) One representative of the Florida Coalition Against Domestic Violence, appointed by the Executive Director.

(e) One representative of the Guardian ad Litem Program, appointed by the Chief Justice of the Supreme Court.

(f) Two representatives of law enforcement, one appointed by the President of the Police Chief's Association and one by the Executive Director of the Florida Sheriff's Association.

(g) One representative of the family law section of The Florida Bar, appointed by the President of The Florida Bar.

(h) One representative from the Institute of Food and Agricultural Sciences of the University of Florida, appointed by the chief administrator of the Institute of Food and Agricultural Sciences.

(i) One representative of the State Public Affairs Committee of the Junior League of Florida, appointed by the chairperson of that committee.

(3) Subject to the availability of funds, staffing and technical assistance to the Florida Family Visitation Task Force shall be provided by the Institute for Family Violence Studies at Florida State University to carry out the responsibilities under section 11.

(4) Members of the Florida Family Visitation Task Force shall serve for a 1-year term to begin 30 days after the effective date of this section.

(5) Members of the Florida Family Visitation Task Force shall serve without compensation, but shall receive per diem and travel expenses to the extent that resources will permit. Members who are employees of state agencies shall receive the per diem and travel expenses from the budgets of their agencies to the extent that their budgets will permit. Members who are not employees of state agencies shall receive per diem and travel expenses from the budget of the Florida Family Visitation Task Force to the extent that resources will permit.

(6) Members of the Florida Family Visitation Task Force should be offered appointment within 30 days after the effective date of this section. The Florida Family Visitation Task Force may appoint subcommittees that include persons who are knowledgeable in a subject area but are not members of the Florida Family Visitation Task Force and may not vote as such.

(7) The Florida Family Visitation Task Force shall hold its first meeting within 30 days after the appointments are made.

(8) This section shall take effect July 1, 1996.

Section 13. *Within its existing resources, the Institute of Food and Agricultural Sciences of the University of Florida may establish supervised visitation projects in communities throughout the state.*

(1) It is the intent of the Legislature to coordinate the efforts of the Institute of Food and Agricultural Sciences and the Florida Family Visitation Network as follows:

(a) The Florida Family Visitation Task Force shall act as the board of advisers for the Institute of Food and Agricultural Sciences projects.

(b) The Florida Family Visitation Task Force shall develop and administer in collaboration with the Institute of Food and Agricultural Sciences of the University of Florida an evaluation instrument as outlined in section 12 and include the results of that instrument in the report required of the Florida Family Visitation Task Force by section 12.

(c) The Institute of Food and Agricultural Sciences of the University of Florida shall take an active role in developing and providing relevant educational activities as a means of strengthening parenting skills.

(2) Any community participating in a visitation project supervised by the Institute of Food and Agricultural Sciences shall provide a local match of $15,000, exclusive of existing county extension funds, to the Institute of Food and Agricultural Sciences and $2,000 to the Institute for Family Violence Studies at Florida State University to carry out the responsibilities under section 11. The Institute of Food and Agricultural Sciences has discretion to waive all or part of their portion of the local match.

(3) A supervised visitation project must be approved by the board of county commissioners of the county in which the project is located if a county-owned facility is used as a visitation site or personnel paid by the county participate in the supervised visitation program.

(4) This section shall take effect July 1, 1996.

Section 14. Effective upon becoming a law, paragraph (c) of subsection (4) of section 415.504, Florida Statutes, is amended to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; central abuse hotline.—

(4)

(c) Upon commencing an investigation under this part, the child protective investigator shall inform any subject of the investigation of the following:

1. The names of the investigators and identifying credentials from the department.

2. The purpose of the investigation.

3. The right to obtain his or her own attorney and ways that the information provided by the subject may be used.

Section 15. Effective upon becoming a law, paragraph (e) of subsection (2) of section 415.51, Florida Statutes, is amended to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (9), shall be granted only to the following persons, officials, and agencies:

(a) Employees or agents of the department responsible for carrying out child or adult protective investigations, ongoing child or adult protective services, or licensure or approval of adoptive homes, foster homes, or other homes used to provide for the care and welfare of children. Also, employees or agents of the Department of Juvenile Justice responsible

for the provision of services to children, pursuant to parts II and IV of chapter 39.

(b) Criminal justice agencies of appropriate jurisdiction.

(c) The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.

(d) The parent or custodian of any child who is alleged to have been abused, neglected, or abandoned. This access shall be made available no later than 30 days after the department receives the initial report of abuse, neglect, or abandonment. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(e) Any person *alleged* ~~identified~~ in the report as having caused the abuse, neglect, or abandonment of a child. This access shall be made available no later than 30 days after the department receives the initial report of abuse, neglect, or abandonment. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(f) A court upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(g) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(h) Any appropriate official of the department responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect when carrying out his official function; or

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated institutional child abuse or neglect.

(i) Any person engaged in bona fide research or audit purposes. However, no information identifying the subjects of the report shall be made available to the researcher.

(j) The Division of Administrative Hearings for purposes of any administrative challenge.

(k) Any appropriate official of the human rights advocacy committee investigating a report of known or suspected child abuse, abandonment, or neglect, the Auditor General for the purpose of conducting preliminary or compliance reviews pursuant to s. 11.45, or the guardian ad litem for the child as defined in s. 415.503.

(l) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).

(m) The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed pursuant to s. 447.207. Records may be released only after deletion of all information which specifically identifies persons other than the employee.

~~These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 16. Except as otherwise provided herein, this act shall take effect October 1, 1996.

And the title is amended as follows:

Delete the entire title and insert: A bill to be entitled An act relating to child welfare; amending s. 402.17, F.S., relating to trust property of clients of the Department of Health and Rehabilitative Services; providing fiduciary responsibilities and duties of the department as trustee and guidelines relating to such property; amending s. 409.176, F.S.; providing for registration of family foster homes; amending s. 409.1671, F.S.; providing legislative intent; providing for privatization of foster care and related services; providing for contracts between the Department of Health and Rehabilitative Services and community-based agencies to provide specified care and services; providing guidelines; providing for a quality assurance program for the privatization of services; requiring the department to submit an annual report to the Legislature and the Governor; providing for a comprehensive system to measure and report annually the effectiveness of the services that have been privatized; providing for licensure of community-based agencies by the department; providing for issuance of a Medicaid provider number to such licensed agencies; providing for model programs; providing for reports to the department; requiring the department to form partnerships with the schools of social work of the universities of the state in order to promote the development of graduates trained to work in child protection; amending s. 402.181, F.S.; increasing the maximum amount the Department of Legal Affairs is authorized to pay in individual claims relating to foster care from the State Institutions Claims Fund without legislative approval; providing for interagency cooperation to streamline the claims process; amending s. 409.175, F.S.; providing a definition; amending ss. 943.0585 and 943.059, F.S.; correcting cross references; directing the Department of Health and Rehabilitative Services to establish a pilot program to provide additional benefits to children in foster care through cooperation with private corporations; directing the department to encourage establishment of tax-exempt corporations for certain purposes; providing legislative intent; defining "supervised visitation program" and "exchange monitoring"; providing for establishment of the Florida Family Visitation Network and Florida Family Visitation Task Force; providing for membership and responsibilities of the task force; providing for per diem and travel expenses of members; providing for a report; directing the Institute of Food and Agricultural Sciences of the University of Florida to establish supervised visitation projects; amending s. 415.504, F.S.; requiring child abuse investigators to inform the subjects of investigations of both the right to an attorney and ways information provided by the subject may be used; amending s. 415.51, F.S.; specifying persons who are entitled to access to records in cases of abuse, neglect, or abandonment of a child; providing effective dates.

House Amendment 1 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1 (with title amendment)—On page 35, between lines 26 and 27, insert:

Section 16. Effective July 1, 1996, section 383.0112, Florida Statutes, is created to read:

383.0112 The Commission on Responsible Fatherhood; purpose; principles and responsibilities.—The purpose of the Commission on Responsible Fatherhood is to raise awareness of the problems created when a child grows up without the presence of a responsible father, to identify obstacles that impede or prevent the involvement of responsible fathers in the lives of their children, and to identify strategies that are successful in encouraging responsible fatherhood.

(1) PRINCIPLES.—The following principles shall guide the work of the commission:

(a) The historically low expectations held about fathers must change in all areas of society, and responsible fathers must be encouraged to be full partners in parenting their children.

(b) Networks of peer support for fathers are an essential part of any successful strategy to connect or reconnect responsible fathers to their children.

(c) Women have a crucial role in promoting and supporting the involvement of responsible fathers in the lives of their children and that role must not be overlooked or diminished.

(d) Family violence must not be tolerated.

(e) Special attention should be focused on interventions aimed at males and females prior to parenthood.

(f) The areas where responsible fathering appear to break down should be addressed. Those areas include, but are not limited to, fathers who are absent from the home and voluntarily do not participate in their children's lives, fathers who have been involuntarily obstructed from participating in the lives of their children, and fathers who are present in the home but are disengaged from their children's lives.

(2) RESPONSIBILITIES.—In order to carry out the purpose of sections 16 through 17 of this act, subject to the availability of funds, the commission shall:

(a) Compile available information on the extent and implications of the absence of responsible fathers from families.

(b) Identify barriers in both the public and private sectors to responsible fatherhood and make recommendations that pursue the elimination of those barriers.

(c) Identify successful strategies that encourage responsible fatherhood and recommend and promote those which should be recognized, expanded, or replicated.

(d) Identify how existing state and community resources can be used to encourage responsible fatherhood.

(e) Identify strategies to use to meet the needs of children and families when a responsible father is not available for a family.

(f) Work in cooperation with local community-based prenatal and infant health care coalitions as established under the provisions of s. 383.216 to advise these coalitions on their implementation of plans to increase the participation of responsible fathers in families.

(g) Sponsor a statewide symposium on the issue of responsible fatherhood no later than December 1996.

(h) Present a report to the Governor, with copies to the Speaker of the House, the President of the Senate, and the Chief Justice of the Supreme Court annually, with the first report presented no later than December 31, 1996.

Section 17. Effective July 1, 1996, section 383.0113, Florida Statutes, is created to read:

383.0113 Commission on Responsible Fatherhood; creation; membership; powers and duties.—There is created the Commission on Responsible Fatherhood in the Department of Health and Rehabilitative Services.

(1) The commission shall consist of not more than 25 members, as follows:

(a) Seven members to be appointed by the Governor.

(b) The executive director of the Florida Center for Children and Youth or the director's designee.

(c) The executive director of the Florida Coalition Against Domestic Violence or the director's designee.

(d) A judge, to be appointed by the Chief Justice of the Supreme Court.

(e) A representative of Healthy Start, to be chosen by the Florida Association of Healthy Start Coalitions.

(f) Two members of the House of Representatives, to be appointed by the Speaker.

(g) Two members of the Senate, to be appointed by the President.

(h) A representative from the Florida Association of Deans and Directors of Schools and departments of social work from Florida colleges and universities.

(i) A representative of the Florida chapter of the National Congress for Fathers and Children.

(j) A representative of Men Against Destruction, Defending Against Drugs and Social Disorder (MAD DADS).

(k) A representative of the Family Law Section of The Florida Bar Association.

(l) A representative of the American Association of Retired Persons.

(m) A representative of the Florida Chamber of Commerce.

(n) A representative from the Florida Family Council.

(o) Three additional members to be appointed by the other members of the commission based on specific needs.

(2) Technical assistance will be provided to the commission by the following:

(a) The Secretary of Health and Rehabilitative Services, or the secretary's designee.

(b) The Commissioner of Education, or the commissioner's designee.

(c) The Secretary of Labor and Employment Security, or the secretary's designee.

(d) The executive director of the Department of Revenue, or the director's designee. The designee shall have experience with child support enforcement programs.

(e) A representative of The Parent Network of Florida.

(f) A representative of the Florida Network of Youth and Family Services.

Per diem and travel expenses for the individuals providing technical assistance is to be provided from the budgets of those agencies.

(3) All members of the commission, other than the Governor's appointments and the commission's appointments, must be appointed within 30 days after sections 16 through 18 of this act become law. The appointments of the Governor shall be made 30 days after the other appointments, to allow for the composition of the commission to be broadly reflective of the public. The chairperson and vice chairperson of the commission shall be appointed by the Governor. The commission is encouraged to appoint subcommittees, including regional subcommittees, that include citizens who are knowledgeable in a subject area but who are not members of the commission and who may not vote on the final report and recommendations of the commission, but may submit reports and recommendations for review by the commission and may be invited to testify to the commission by a member of the commission.

(4) The commission shall hold its first meeting within 30 days after the appointments, except the Governor's and the commission's appointments, are made. Members of the commission shall serve without compensation but shall be allowed per diem and travel expenses, as provided in s. 112.061. Per diem and travel expenses of members of the commission employed by the State of Florida are to be provided from the budgets of those employing agencies. Members of the commission who serve as members of the Legislature are to be reimbursed from the legislative budget.

(5) The commission shall meet as the resources of the commission allow.

(6) Subject to the availability of funds, the Department of Health and Rehabilitative Services is directed to contract with one or more corporations, agencies, individuals, or governmental entities to accomplish the goals of sections 16 through 17 of this act. The Department of Health and Rehabilitative Services must ensure that the corporations, agencies, individuals, or governmental entities, either separately or together, are able to provide staff support services and must have the research ability to carry out the purposes and responsibilities of the commission.

(7) The commission shall have the authority to apply for grants and accept private contributions.

(8) The commission is assigned to the Department of Health and Rehabilitative Services for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the department.

(9) The Governor may remove any member of the commission for cause.

(10) The commission shall develop a budget pursuant to the provisions of chapter 216.

Section 18. Effective July 1, 1996, section 383.0114, Florida Statutes, is created to read:

383.0114 Community-based programs to encourage responsible fatherhood.—The community-based prenatal and infant health care coalitions established pursuant to s. 383.216 are permitted to establish and support community-based programs that encourage responsible fatherhood. Programs may be implemented in many areas of a community including, but not limited to, schools, hospitals, the workplace, and the courts. (Renumber subsequent section.)

And the title is amended as follows:

On page 38, line 10, of the amendment, after the semicolon (;) insert: providing for a Commission on Responsible Fatherhood in the Department of Health and Rehabilitative Services; creating s. 383.0112, F.S.; providing for purpose, guiding principles, and responsibilities of the commission; providing for a report; creating s. 383.0113, F.S.; creating the commission; providing for membership; providing for travel expenses and per diem and reimbursement of members; prescribing powers and duties of the commission; providing for removal of commission members; providing for development of a budget request; creating s. 383.0114, F.S.; providing for community-based programs to encourage responsible fatherhood;

House Amendment 2 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1 (with title amendment)—On page 35, between lines 26 and 27, insert:

Section 16. Subsection (6) of section 741.31, Florida Statutes, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—

(6) Any person who suffers an injury and/or loss as a result of a violation of an injunction for protection against domestic violence may be awarded *economic* damages for that injury and/or loss by the court issuing the injunction. Damages includes costs and attorneys' fees for enforcement of the injunction. (Renumber subsequent section.)

And the title is amended as follows:

On page 38, line 10, after the semicolon (;) insert: amending s. 741.31, F.S.; limiting certain damage awards to economic damages;

House Amendment 3 (with title amendment) to House Amendment 1 (with title amendment) to Senate Amendment 1 (with title amendment)—On page 35, between lines 26 and 27, insert:

Section 16. Subsection (2) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter:

(2) "Abuse" means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. *Corporal discipline of a child by a parent or guardian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child as defined in s. 415.503.*

Section 17. Subsection (9) of section 415.503, Florida Statutes, is amended to read:

415.503 Definitions of terms used in ss. 415.502-415.514.—As used in ss. 415.502-415.514:

(9) "Harm" to a child's health or welfare can occur when the parent or other person responsible for the child's welfare:

(a) Inflicts, or allows to be inflicted, upon the child physical, ~~or~~ mental, *or emotional* injury. *In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted.* Such injury includes, but is not limited to:

1. Willful acts that produce the following specific injuries:

a. Sprains, dislocations, or cartilage damage.

b. Bone or skull fractures.

c. Brain or spinal cord damage.

d. Intracranial hemorrhage or injury to other internal organs.

e. Asphyxiation, suffocation, or drowning.

f. Injury resulting from the use of a deadly weapon.

g. Burns or scalding.

h. Cuts, lacerations, punctures, or bites.

i. Permanent or temporary disfigurement.

j. Permanent or temporary loss or impairment of a body part or function.

As used in this subparagraph, the term "willful" refers to the intent to perform an action, not to the intent to achieve a result or to cause an injury.

2. Purposely giving a child poison, alcohol, drugs, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury. For the purposes of this subparagraph, the term "drugs" means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

3. Leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition, so that the child is unable to care for the child's own needs or another's basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.

4. Inappropriate or excessively harsh disciplinary action that is likely to result in physical injury, mental injury as defined in this section, or emotional injury. The significance of any injury must be evaluated in light of the following factors: the age of the child, any prior history of injuries to the child, the location of the injury on the body of the child, the multiplicity of the injury, and the type of trauma inflicted. Corporal discipline may be considered excessive or abusive when it results in any of the following or other similar injuries:

a. Sprains, dislocations, or cartilage damage.

b. Bone or skull fractures.

c. Brain or spinal cord damage.

d. Intracranial hemorrhage or injury to other internal organs.

e. Asphyxiation, suffocation, or drowning.

f. Injury resulting from the use of a deadly weapon.

g. Burns or scalding.

h. Cuts, lacerations, punctures, or bites.

i. Permanent or temporary disfigurement.

j. Permanent or temporary loss or impairment of a body part or function.

k. Significant bruises or welts.

(b) Commits, or allows to be committed, sexual battery, as defined in chapter 794, or lewd or lascivious acts, as defined in chapter 800, against the child.

(c) Allows, encourages, or forces the sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; or

2. Engage in a sexual performance, as defined by chapter 827.

(d) Exploits a child, or allows a child to be exploited, as provided in s. 450.151.

(e) Abandons the child. The term "abandons the child" means that the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligation. If the efforts of such a parent or legal

custodian or person primarily responsible for the child's welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the child may be determined to have been abandoned.

(f) Neglects the child. The term "neglects the child" means that the parent or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so. However, a parent or other person responsible for the child's welfare who, by reason of the legitimate practice of religious beliefs, does not provide specified medical treatment for a child may not be considered abusive or neglectful for that reason alone, but such an exception does not:

1. Eliminate the requirement that such a case be reported to the department;

2. Prevent the department from investigating such a case; or

3. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined in this section, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(g) Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. Use by the mother of a controlled substance or alcohol during pregnancy when the child, at birth, is demonstrably adversely affected by such usage; or

2. Continued chronic and severe use of a controlled substance or alcohol by a parent when the child is demonstrably adversely affected by such usage. As used in this paragraph, the term "controlled substance" means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

The parent of a newborn infant may not be subject to criminal investigation solely on the basis of the positive drug toxicology of a newborn infant.

(h) Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control children.

(i) Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child.

(j) Negligently fails to protect a child in his care from inflicted physical, mental, or sexual injury caused by the acts of another.

(k) Has allowed a child's sibling to die as a result of abuse or neglect.

~~1. Injury sustained as a result of excessive corporal punishment;~~

~~2. Physical dependency of a newborn infant upon any drug controlled in Schedule I of s. 893.03, upon any drug controlled in Schedule II of s. 893.03 with the exception of drugs administered in conjunction with a detoxification program as defined in s. 397.021, or upon drugs administered in conjunction with medically approved treatment procedures; provided that no parent of such a newborn infant shall be subject to criminal investigation solely on the basis of such infant's drug dependency;~~

~~(b) Commits, or allows to be committed, sexual battery, as defined in chapter 794, against the child or commits, or allows to be committed, sexual abuse of a child;~~

~~(c) Exploits a child, or allows a child to be exploited, as provided in s. 450.151;~~

~~(d) Abandons the child;~~

~~(e) Fails to provide the child with supervision or guardianship by specific acts or omissions of a serious nature requiring the intervention of the department or the court;~~

~~(f) Fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so; however, a parent or other person responsible for the child's welfare legitimately practicing their religious beliefs, who by reason thereof does not provide specified medical treatment for a child, may not be considered abusive or neglectful for that reason alone, but such an exception does not:~~

~~1. Eliminate the requirement that such a case be reported to the department;~~

~~2. Prevent the department from investigating such a case; or~~

~~3. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined herein, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization; or~~

~~(g) Exposes a child from birth to 5 years of age to drugs. Exposure to drugs is established by a preponderance of evidence that the mother used a controlled substance during pregnancy or that the parent or parents demonstrate continued chronic and severe use of a controlled substance and as a result of such exposure the child exhibits any of the following:~~

~~1. Abnormal growth.~~

~~2. Abnormal neurological patterns.~~

~~3. Abnormal behavior problems.~~

~~4. Abnormal cognitive development.~~

~~For the purposes of this paragraph, "controlled substance" means any drug controlled in Schedule I or Schedule II of s. 893.03.~~

Section 18. *(1) The Department of Health and Rehabilitative Services and the Agency for Health Care Administration must recommend standards and procedures to prepare, train, and license protective investigators responsible for investigating alleged reports of child abuse and neglect under chapter 415, Florida Statutes. At a minimum, in making the recommendations, the departments must consider licensing criteria for staff qualifications and training; procedures for licensure application, issuance, renewal, and revocation; licensing fees; and the fiscal impact of licensure on the public and private sectors.*

(2) The recommendations must be completed by October 1, 1996, and a legislative report with recommendations for proposed licensing criteria and procedures for protective investigators must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the appropriate substantive committees of each house of the Legislature by December 15, 1996. (Renumber subsequent section.)

And the title is amended as follows:

On page 38, line 10, of the amendment after the semicolon (;) insert: amending s. 39.01, F.S.; redefining the term "abuse"; amending s. 415.503, F.S.; redefining the term "harm"; requiring the Department of Health and Rehabilitative Services and the Agency for Health Care Administration to recommend standards and procedures for the training and licensing of child protective investigators; requiring a report;

On motion by Senator Bankhead, the Senate concurred in the House amendments to the Senate amendment.

CS for HB 347 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34 Nays—3

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended; refused to concur in Senate Amendment 2, and requests the Senate to recede therefrom; and has passed CS for HB's 543 and 1317 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB's 543 and 1317—A bill to be entitled An act relating to sexual offenses; amending s. 794.05, F.S.; creating the offense of "unlawful sexual activity with certain minors"; providing penalties; providing

a definition; providing an exception; providing that the victim's prior sexual conduct is not a relevant issue in a prosecution; providing that the perpetrator's ignorance of the victim's age or the victim's misrepresentation of his or her age cannot be raised as a defense in a prosecution; requiring an offender to pay child support if the unlawful sexual activity resulted in the victim giving birth and it is determined that the offender is the child's father; deleting provisions relating to "unlawful carnal intercourse"; creating s. 90.4025, F.S.; providing for admissibility of paternity results in certain criminal prosecutions; amending s. 921.0011, F.S., relating to the definition of "victim injury points"; providing that victim injury points for sexual contact or sexual penetration shall not be assessed in cases involving "unlawful sexual intercourse" unless the difference between the age of the offender and the age of the victim is 10 years or greater; clarifying the term "victim injury" for purposes of sentencing; amending s. 921.0012, F.S.; ranking the offense created in the act in the sentencing guidelines offense severity ranking chart and making technical corrections; amending s. 775.15, F.S., relating to time limitations, to conform to the act; amending s. 921.0016, F.S., relating to aggravating circumstances for purposes of sentencing, to provide that it is an aggravating circumstance if the victim of a sexual offense contracted a sexually transmissible disease as a result of the offense; amending s. 948.03, F.S., relating to terms and conditions of probation or community control, to clarify that sexual offenders must make victim restitution; amending s. 796.08, F.S., relating to criminal transmission of HIV, to clarify language; providing effective dates.

House Amendment 2 (with title amendment) to Senate Amendment 1 (with title amendment)—On page 1, lines 14 through 17, delete all of said lines and insert:

Section 1. Section 794.05, Florida Statutes, is amended to read:

794.05 *Unlawful sexual activity* ~~Carnal intercourse~~ with *certain minors* ~~unmarried person under 18 years.—~~

(1) *A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this section, "sexual activity" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; however, sexual activity does not include an act done for a bona fide medical purpose.*

(2) The provisions of this section do not apply to a person 16 or 17 years of age who has had the disabilities of nonage removed under chapter 743.

(3) The victim's prior sexual conduct is not a relevant issue in a prosecution under this section.

(4) If an offense under this section directly results in the victim giving birth to a child, paternity of that child shall be established as described in chapter 742. If it is determined that the offender is the father of the child, the offender must pay child support pursuant to the child support guidelines described in chapter 61. ~~Any person who has unlawful carnal intercourse with any unmarried person, of previous chaste character, who at the time of such intercourse is under the age of 18 years, shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(2) It shall not be a defense to a prosecution under this section that the prosecuting witness was not of previous chaste character at the time of the act when the lack of previous chaste character in the prosecuting witness was caused solely by previous intercourse between the defendant and the prosecuting witness.~~

Section 2. Section 90.4025, Florida Statutes, is created to read:

90.4025 Admissibility of paternity determination in certain criminal prosecutions.—If a person less than 18 years of age gives birth to a child and the paternity of that child is established under chapter 742, such evidence of paternity is admissible in a criminal prosecution under s. 794.011, s. 794.05, or s. 800.04.

Section 3. Paragraph (f) of subsection (3) of section 921.0012, Florida Statutes, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
~~775.087(2)(a)2.~~		~~Battery upon law enforcement officer or firefighter while possessing firearm.~~
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05*(1)*~~(1)~~	2nd	Unlawful *sexual activity* ~~carnal intercourse~~ with *specified minor* ~~unmarried person under 18 of previous chaste character~~.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $20,000.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

Section 4. Subsection (7) of section 775.15, Florida Statutes, is amended to read:

775.15 Time limitations.—

(7) If the victim of a violation of s. 794.011, *former* s. 794.05*(1995)*, s. 800.04, or s. 826.04 is under the age of 16, the applicable period of limitation, if any, does not begin to run until the victim has reached the age of 16 or the violation is reported to a law enforcement agency or other governmental agency, whichever occurs earlier. Such law enforcement agency or other governmental agency shall promptly report such allegation to the state attorney for the judicial circuit in which the alleged violation occurred. This subsection applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before December 31, 1984.

Section 5. Effective January 1, 1997, paragraph (t) is added to subsection (3) of section 921.0016, Florida Statutes, to read:

921.0016 Recommended sentences; departure sentences; aggravating and mitigating circumstances.—

(3) Aggravating circumstances under which a departure from the sentencing guidelines is reasonably justified include, but are not limited to:

(t) The defendant committed an offense involving sexual contact or sexual penetration and as a direct result of the offense, the victim contracted a sexually transmissible disease.

Section 6. Paragraphs (i) is added to subsection (5) of section 948.03, Florida Statutes, to read:

948.03 Terms and conditions of probation or community control.—

(5) Effective for probationers or community controlees whose crime was committed on or after October 1, 1995, and who are placed under supervision for violation of chapter 794 or s. 800.04, s. 827.071, or s. 847.0145, the court must impose the following conditions in addition to all other standard and special conditions imposed:

(i) A requirement that the probationer or community controlee make restitution to the victim, as ordered by the court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

Section 7. Subsection (5) of section 796.08, Florida Statutes, is amended to read:

796.08 Screening for HIV and sexually transmissible diseases; providing penalties.—

(5) A person who*:*

(a) Commits prostitution*;* or

(b) Procures another for prostitution by engaging in sexual activity in a manner likely to transmit the human immunodeficiency virus,

and who, prior to the commission of such crime, had tested positive for human immunodeficiency virus and knew or had been informed that he or she had tested positive for human immunodeficiency virus and could possibly communicate such disease to another person through sexual activity commits criminal transmission of HIV, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 775.0877(7). A person may be convicted and sentenced separately for a violation of this subsection and for the underlying crime of prostitution or procurement of prostitution.

Section 8. *By February 1st of each year beginning in 1997, the Florida Prosecuting Attorneys Association shall report to President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and to the appropriate substantive committees of each chamber regarding prosecutions for offenses during the previous calendar year under sections 794.011, 794.05, 800.04, and 827.04(4), Florida Statutes, when the victim of the offense was less than 18 years of age. This report must include, by judicial circuit, the following information in summary format for each offense: the initial charge in each case; the age of the victim and the age of the offender; the charge ultimately prosecuted, if any; whether the case went to trial or was resolved by plea agreement; and either the sentence imposed in each case, or the status of each case on December 31st of the previous year. The name of sexual offense victims shall not be included in the report.*

Section 9. Except as otherwise specifically provided herein, this act shall take effect October 1, 1996.

And the title is amended as follows:

On page 1, line 1, delete the entire title, and insert: A bill to be entitled An act relating to sexual offenses; amending s. 794.05, F.S.; creating the offense of "unlawful sexual activity with certain minors"; providing penalties; providing a definition; providing an exception; providing that the victim's prior sexual conduct is not a relevant issue in a prosecution; requiring an offender to pay child support if the unlawful sexual activity resulted in the victim giving birth and it is determined that the offender is the child's father; deleting provisions relating to "unlawful carnal intercourse"; creating s. 90.4025, F.S.; providing for admissibility of paternity results in certain criminal prosecutions; assessed in cases involving "unlawful sexual intercourse" unless the amending s. 921.0012, F.S.; ranking the offense created in the act in the sentencing guidelines offense severity ranking chart and making technical corrections; amending s. 775.15, F.S., relating to time limitations, to conform to the act; amending s. 921.0016, F.S., relating to aggravating circumstances for purposes of sentencing, to provide that it is an aggravating circumstance if the victim of a sexual offense contracted a sexually transmissible disease as a result of the offense; amending s. 948.03, F.S., relating to terms and conditions of probation or community control, to clarify that sexual offenders must make victim restitution; amending s. 796.08, F.S., relating to criminal transmission of HIV, to clarify language; requiring the Florida Prosecuting Attorneys Association to report to specified members of the Legislature regarding prosecutions under ss. 794.011, 794.05, 800.04, and 827.04(4), F.S.; providing effective dates.

On motion by Senator Kurth, the Senate concurred in the House amendment to Senate Amendment 1.

CS for HB's 543 and 1317 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

RECONSIDERATION OF BILL

On motion by Senator Kurth, the Senate reconsidered the vote by which **CS for HB's 543 and 1317** passed as amended.

On motion by Senator Kurth, the Senate concurred in the House amendment to Senate Amendment 1 and receded from Senate Amendment 2.

CS for HB's 543 and 1317 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership, **HB 1041** was considered outside the extended call.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment(s) 1, concurred in same as amended, and passed HB 1041 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1041—A bill to be entitled An act relating to education; amending s. 229.592, F.S., relating to the waiver process of Blueprint 2000; amending ss. 232.245, 232.246, and 232.425, F.S.; raising the required cumulative grade point average for purposes of the school district comprehensive program for pupil progression, high school graduation, and participation in interscholastic extracurricular activities; restricting access to certain high school courses; providing for satisfaction of certain requirements; revising credit requirements; correcting cross references; amending s. 232.2454, F.S.; revising provisions relating to student performance

standards; authorizing individual district school boards by resolution to allow invocation or benediction at specified secondary school-related events; providing legislative intent; revising the definition of dual enrollment credit; amending s. 231.17, F.S.; requiring mastery in the subject area of mathematics for certain teacher certification; amending s. 231.261; revising the membership of the Education Practices Commission; amending s. 231.40, F.S., relating to sick leave pool; amending s. 240.529, F.S.; requiring standards for preparation of teachers for instruction of higher-level mathematics concepts; amending ss. 229.565 and 233.011, F.S.; correcting cross references; amending s. 240.116, F.S.; providing requirements for student enrollment in dual enrollment courses; requiring the development of standards; amending s. 240.118, F.S.; requiring the recommendation of statutory changes to reduce postsecondary remediation; creating the "Florida Maximum Class Size Goals Act"; providing intent; providing goals relating to class size in certain grade levels; providing for funding; providing for review of statutory mandates; requiring annual reports and a study based on class size reductions; creating a Commissioner's Task Force on Interscholastic Extracurricular Activities; providing for a report; providing for future repeal; providing an effective date.

House Amendment 1 (with title amendment) to Senate Amendment 1 (with title amendment)—On page 1, line 17 through page 24, line 21 delete all of said lines and insert:

Section 1. Subsection (3) of section 232.245, Florida Statutes, is amended to read:

232.245 Pupil progression.—

(3) Each district comprehensive program for pupil progression shall reflect an effort to identify students at each grade level in grades 9 through 12 who have attained a cumulative grade point average *at* ~~of 1.5~~ or below *the cumulative grade point average required for graduation pursuant to s. 232.246(5).* The program shall further include provisions for assisting such students to achieve *such required* ~~the 1.5~~ cumulative grade point average ~~required for graduation pursuant to s. 232.246~~.

Section 2. Subsection (2) of section 232.2454, Florida Statutes, is amended to read:

232.2454 District student performance standards, instruments, and assessment procedures.—

(2) Each district school board shall adopt student performance standards for each *course* ~~academic program~~ in grades 9 through 12 for which credit toward high school graduation is awarded. The board shall also establish policies *which shall require* ~~as to~~ student mastery of performance standards before credit for a *course* ~~program~~ may be awarded. Teacher observations, classroom assignments, and examinations may be considered appropriate methods of assessing student mastery.

Section 3. *Any district school board is authorized to adopt a resolution allowing the use of an invocation or a benediction at a secondary school commencement exercise, a secondary school-related sporting event, or a secondary school-related noncompulsory student assembly. The resolution must provide:*

(1) That the use of an invocation or a benediction shall be at the discretion of the students.

(2) That an invocation or a benediction, if used, shall be given by a student volunteer.

(3) That an invocation or a benediction shall be nonsectarian and nonproselytizing in nature.

(4) That school personnel shall not participate in, or otherwise influence the exercise of the discretion of the students in, the determination of whether to use an invocation or a benediction.

Section 4. *It is the purpose of this act to provide for the solemnization and memorialization of secondary school events and ceremonies, and this act is not intended to advance or endorse any religion or religious belief.*

Section 5. Subsections (1), (9), and (10) and paragraph (c) of subsection (5) of section 232.246, Florida Statutes, are amended, and paragraph (d) is added to subsection (7) of said section, to read:

232.246 General requirements for high school graduation.—

(1) Successful completion of a minimum of 24 academic credits in grades 9 through 12 shall be required for graduation, provided that student completion of an International Baccalaureate curriculum shall be deemed to meet the curricular requirements of this subsection. *Access to Level I courses for graduation credit shall be limited to only those students for whom assessment indicates a more rigorous course of study would be inappropriate. A course designated in the Course Code Directory as grade 9 through grade 12 which is taken below the ninth grade may be used to satisfy high school graduation requirements or Florida Academic Scholars' Certificate Program requirements as specified in a district's pupil progression plan.* The 24 credits shall be distributed as follows:

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics, *one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level course. The requirement of one credit in Algebra I, a series of courses equivalent to Algebra I, or a higher-level course shall be effective for students entering ninth grade in the 1996-1997 school year and thereafter.*

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

(d) One credit in American history. *Each district school board is authorized to allow any teacher or administrator to read or post in a public school building or classroom, or at any school-related event, any excerpt or portion of the following: the national motto; the national anthem; the pledge of allegiance; the Constitution of the State of Florida, including the Preamble; the Constitution of the United States, including the Preamble; the Bill of Rights; the Declaration of Independence; the Mayflower Compact; the Emancipation Proclamation; the writings, speeches, documents, and proclamations of the presidents of the United States and the signers of the Constitution of the United States and the Declaration of Independence; and United States Supreme Court decisions. However, all material read, posted, or taught pursuant to this provision shall be presented only from an historical perspective and in a nonproselytizing manner. Upon the effective date of this section, the Department of Education shall distribute a copy of this section to each school district, whereupon each school superintendent shall distribute a copy to all teachers and administrators.*

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

(g) One-half credit in American government.

(h)1. One credit in practical arts career education or exploratory career education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one credit in practical arts or exploratory career education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one credit in performing arts pursuant to this subparagraph; or

3. One-half credit each in practical arts career education or exploratory career education and performing fine arts, as defined in this paragraph.

Such credit for practical arts career education or exploratory career education or for performing fine arts shall be made available in the 9th

grade, and students shall be scheduled into a 9th grade course as a priority.

(i) One-half credit in life management skills to include consumer education, positive emotional development, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

(j) One-half credit in physical education to include assessment, improvement, and maintenance of personal fitness.

(k) Nine elective credits.

Beginning with the 1996-1997 school year, any student scoring two grades below grade level in reading skills based on locally determined assessments at grades 5, 6, or 7, or by teacher recommendation, shall be required to take one course in reading at grades 6, 7, or 8. Additionally, any student who is two grades below grade level in reading at grade 9 must take a reading course as an elective in grade 9. School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option shall complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of such credit and school principals shall be responsible for approving specific volunteer activities.

(5) Each district school board shall establish standards for graduation from its schools which shall include:

(c) *Achievement of* ~~Effective for the 1988-1989 school year and each year thereafter,~~ a cumulative grade point average of 1.5 on a 4.0 scale, or its equivalent, for *students entering ninth grade prior to the 1996-1997 school year and a 2.0 on a 4.0 scale, or its equivalent, for students entering ninth grade in the 1996-1997 school year and thereafter* ~~required courses for graduation~~.

1. Each district shall adopt policies which are designed to assist students in meeting this requirement. Such policies may include, but shall not be limited to: forgiveness policies, summer school attendance, special counseling, volunteer and/or peer tutors, school-sponsored help sessions, homework hotlines, and study skills classes.

2. At the end of each semester, the parent or guardian of each student in grades 9, 10, 11, and 12 who has a cumulative grade point average of less than *0.5 of a point above the grade point average required for graduation* ~~2.0~~ shall be notified that the student is at risk of not meeting the requirements for graduation. The notice shall contain an explanation of the policies the district has put in place to assist the student in meeting the grade point average requirement.

3. Special assistance to obtain a high school equivalency diploma pursuant to s. 229.814 shall be given only in such cases where the student has completed all requirements for graduation except the attainment of *the* ~~a 1.5~~ cumulative grade point average *required for graduation*.

The standards required in this subsection, and any subsequent modifications thereto, shall be reprinted in the Florida Administrative Code even though such standards are not defined as "rules."

(7) No student may be granted credit toward high school graduation for enrollment in the following courses or programs:

(d) More than one credit in mathematics at Level I as defined in the Course Code Directory, unless individual assessment clearly demonstrates the appropriateness of more than one Level I course.

(9) A student who meets all requirements prescribed in subsections (1), *(4)* ~~(5)~~, and *(5)* ~~(6)~~ shall be awarded a standard diploma in a form prescribed by the state board. A school board may attach the Florida gold seal vocational endorsement to a standard diploma pursuant to s. 239.217 or, in lieu of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums. A student who completes the minimum number of credits and other requirements prescribed by subsections (1) and (4), but who is unable to meet the standards of paragraph *(5)*~~(6)~~(a), paragraph *(5)*~~(6)~~(b), or paragraph *(5)(c)* ~~(6)(d)~~, shall be awarded a certificate of completion in a form prescribed by the state board. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies. This special instruction shall be funded from the state compensatory education funds of the district.

(10) The public hearing and consideration required in ~~paragraphs (a) and (b) of subsection (6) and in~~ subsection *(8)* ~~(9)~~ shall not be construed to amend or nullify the requirements of security relating to the contents of examinations or assessment instruments and related materials or data as prescribed in s. 232.248.

Section 6. Paragraph (1)(a) of section 232.2462, F.S., is amended to read:

232.2462 Attendance requirement for receipt of high school credit; definition of "credit".—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 150 hours of bona fide instruction in a designated course of study which contains student performance standards as provided for in s. 232.2454. Six semester credit hours of instruction earned through enrollment pursuant to s. 240.116 shall also equal one full credit. *However, college credit hours earned through dual enrollment and early admission programs may be converted to high school credit based on mastery of course outcomes, the process for which shall be included the interinstitutional articulation agreement required in s. 240.1161, F.S.*

Section 7. Section 232.425, Florida Statutes, is amended to read:

232.425 Student standards for participation in interscholastic extracurricular student activities.—To be eligible to participate in interscholastic extracurricular student activities, a student must maintain a grade point average of 1.5 on a 4.0 scale, or its equivalent, *prior to the 1996-1997 school year; 1.6 on a 4.0 scale, or its equivalent, for the 1996-1997 school year; 1.8 on a 4.0 scale, or its equivalent, for the 1997-1998 school year; and 2.0 on a 4.0 scale, or its equivalent, for the 1998-1999 school year and each year thereafter. Additionally, if a student has been convicted of a felony as defined in section 775.08, F.S., the student's participation in interscholastic extracurricular activities shall be contingent upon school board policy. In addition to the required grade point average, a student* must pass five subjects for the grading period immediately preceding participation; except that student eligibility for the first grading period of each new school year shall be based on passing five subjects and maintaining the required grade point average the previous school year, including subjects completed during the interim summer school session. Any student who is exempt from attending a full school day under s. 228.041(13) must maintain *the* ~~a 1.5~~ grade point average *required by this section* and pass each class for which he or she is enrolled. The student standards for participation in interscholastic extracurricular activities shall be applied beginning with the student's first semester of the 9th grade. Each student must meet such other requirements for participation as may be established by the school district.

Section 8. Paragraphs (a) and (b) of subsection (2) of section 231.17, Florida Statutes, is amended to read:

231.17 Official statements of eligibility and certificates granted on application to those meeting prescribed requirements.—

(2) MINIMUM COMPETENCIES.—

(a) Each professional certificate issued shall be valid for a period not to exceed 5 years. Each applicant for initial professional certification shall demonstrate, on a comprehensive written examination or through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including, but not limited to, the ability to:

1. Write *and communicate verbally* in a logical and understandable style with appropriate grammar and sentence structure;

2. Read, comprehend, and interpret professional and other written material;

3. Comprehend and work with fundamental mathematical concepts;

4. Recognize signs of severe emotional distress in students and to apply techniques of crisis intervention with emphasis on suicide prevention and positive emotional development;

5. Recognize signs of alcohol and drug abuse in students and to apply counseling techniques with emphasis on intervention and prevention of future abuse;

6. Recognize the physical and behavioral indicators of child abuse and neglect, to know rights and responsibilities regarding reporting, to know how to care for a child's needs after a report is made, and to know recognition, intervention, and prevention strategies pertaining to child abuse and neglect that can be related to children in a classroom setting in a nonthreatening, positive manner;

7. Comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and to counsel the same students concerning their needs in these areas;

8. Recognize and be aware of the instructional needs of exceptional students;

9. Recognize disorders of development in students and employ appropriate intervention strategies;

10. Identify and comprehend the codes and standards of professional ethics, performance, and practices adopted pursuant to s. 231.546(2)(b), the grounds for disciplinary action provided by s. 231.28, and the procedures for resolving complaints filed pursuant to this chapter, including appeal processes; and

11. Recognize and demonstrate awareness of the educational needs of students having limited proficiency in English and employ appropriate teaching strategies.

(b) The state board shall adopt rules that specify the minimum essential generic and subject matter competencies to be demonstrated by means of the written examination and those to be demonstrated by other means. Any individual enrolled in a postsecondary institution who pays the appropriate fee and completes the required application procedures may take the written examination prior to graduation. The examination shall require a candidate to demonstrate the following:

1. Mastery of general knowledge, including the ability to read, write, and compute;

2. Mastery of professional skills and knowledge of the standards of professional practice; and

3. Mastery of the subject matter in each area for which certification is being sought. *For candidates seeking certification at the elementary grade level, mastery shall be required in the subject area of mathematics.*

The state board shall designate the certification areas for which subject area tests shall be developed. However, an applicant may satisfy the subject area and professional knowledge testing requirements by attaining scores on corresponding tests from the National Teachers Examination series, and successors to that series, that meet standards established by the state board. The College Level Academic Skills Test, a similar test approved by the state board, or, beginning January 1, 1996, the National Teachers Examination shall be used by degreed personnel to demonstrate mastery of general knowledge as required in subparagraph 1. The College Level Academic Skills Test shall be waived for any applicant who passed the reading, writing, and mathematics subtest of the old Florida Teacher Certification Examination or the College Level Academic Skills Test and subsequently obtained a certificate pursuant to this chapter.

Section 9. Paragraph (1) of Section 231.261, F.S., is amended to read:

231.261 Education Practices Commission; Organization.—

(1) There is created the Education Practices Commission, to consist of ~~13~~ *15* members, including ~~5~~ *7* teachers, 5 administrators, and 3 lay citizens (of whom 2 shall be former school board members), appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations, the commissioner shall consult with the teaching and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

Section 10. Paragraph (d) of subsection (4) of section 231.40, Florida Statutes, is amended to read:

231.40 Sick leave.—

(4) SICK LEAVE POOL.—Notwithstanding any other provision of this section, a school board, based upon the maintenance of reliable and accurate records by the district school system showing the amount of sick leave which has been accumulated and is unused by employees in accordance with this section, may, by rule or collective bargaining agreement, establish one or more plans allowing participating full-time employees of a district school system to pool sick leave accrued and allowing any sick leave thus pooled to be disbursed to any participating employee who is in need of sick leave in excess of that amount he or she has personally accrued. Such rules or agreements shall include, but not be limited to, the following provisions:

(d) *1. Except as provided in subparagraph 2.*, participating employees shall make equal contributions to the sick leave pool. There shall be established a maximum amount of sick leave which may be contributed by an employee to the pool. After the initial contribution which an employee makes upon electing to participate, no further contributions shall be required except as may be necessary to replenish the pool. Any such further contribution shall be equally required of all employees participating in the pool.

2. In the case where an employee is suffering a medical hardship, as defined by rule, other members of the sick leave pool may donate additional days over the maximum amount permitted to be contributed.

Section 11. Subsection (2) of section 240.529, Florida Statutes, is amended to read:

240.529 Public accountability and state approval for teacher preparation programs.—

(2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.—A system shall be developed by the Department of Education in collaboration with institutions of higher education to assist departments and colleges of education in the restructuring of their programs to meet the need for producing quality teachers now and in the future. The system shall assist teacher educators in conceptualizing, developing, implementing, and evaluating programs that meet state-adopted standards. The Education Standards Commission shall have primary responsibility for recommending these standards to the State Board of Education for adoption. These standards shall emphasize quality indicators drawn from research, professional literature, recognized guidelines, Florida essential teaching competencies, effective classroom practices, and the outcomes of the state system of school improvement and education accountability and "Blueprint 2000," as well as performance measures. *These standards shall ensure that teacher preparation programs adequately prepare teachers at the elementary, middle, and high school levels for the instruction of higher-level mathematics concepts.* Departments and colleges of education shall ensure that teacher preparation programs and courses emphasizing "Blueprint 2000" concepts and standards receive priority funding.

Section 12. Paragraph (c) of subsection (6) of section 229.592, Florida Statutes, is amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods during the time period required for careful deliberation by the Legislature and the Florida Commission on Education Reform and Accountability, the following time-limited exceptions shall be permitted:

(c) ~~Until July 1, 1996,~~The Legislature authorizes that the methods and requirements of the statutes listed in paragraph (a) for which a specific line-item appropriation or a specific listing within a line-item appropriation is contained and funded in the General Appropriations Act and the following statutes may be waived for any school board so requesting, provided the general statutory purpose of each section is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection: ss. 228.041(13) and (16); 229.602(5); 230.23(3), (4)(f) and (o), (6), (7)(a), (b), and (c), (11)(c), and (17); 231.095; 232.01; 232.04; 232.045; 232.245; 232.2462; 232.2463; 233.011; 233.34; 236.013(3) relating to the 36-hour limit; and 239.121. Graduation requirements in s. 232.246 may be met by demonstrating performance of intended outcomes for any course in the Course Code Directory if a waiver from the requirements of s. 232.2462 has been approved based upon a need identified in a school improvement plan. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory shall count as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such waiver is required to implement a school improvement plan required by s. 230.23(18). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to subsection (3), the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

3. When approved by the commissioner, a waiver requested pursuant to this paragraph shall be for a 5-year period.

Section 13. Paragraph (i) of subsection (3) of section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(3) EDUCATION EVALUATION.—The Commissioner of Education, or the Auditor General as provided in paragraph (a), shall periodically examine and evaluate procedures, records, and programs in each district to determine compliance with law and rules established by the state board and in each correctional institution operated by the Department of Corrections to determine compliance with law and rules established by the Department of Corrections for the Correctional Education Program pursuant to s. 944.801. Such evaluations shall include, but not be limited to:

(i) Determination of school district achievement in meeting the performance standards specified in s. 232.2454~~(1)~~.

Section 14. Paragraph (a) of subsection (2) of section 233.011, Florida Statutes, is amended to read:

233.011 Accountability in curriculum, educational instructional materials, and testing.—

(2)(a) Subject to State Board of Education review and approval, the Department of Education shall develop, by April 1, 1985, guidelines for the identification or development, evaluation, oversight, and revision of:

1. Curriculum frameworks as specified in subsection (3).

2. Student performance standards as specified in ss. 232.2454~~(1)~~ and 229.565(1) and (2).

3. Model standards and procedures for the adoption of state and district instructional materials and software consistent with curriculum frameworks and student performance standards as specified in this paragraph. Such models shall provide the diverse student populations of the state with the highest quality instructional materials and software in the most cost-effective manner possible. Such models shall include a component to ensure the production of instructional materials and software by the state, or a consortium of states, when economical or superior quality instructional materials or software are unavailable from commercial sources by special contract.

4. Model standards and procedures for state and district adoption, analyses, and use of nationally normed student achievement tests or other nationally normed assessment instruments, as specified in subsection (4).

5. Criteria and procedures to determine the individual school programs which are most deficient in student performance. Such criteria and procedures shall take into account testing results under the provisions of ss. 229.565 and 232.2454, and subsection (4).

6. Model training procedures for state-level and district-level personnel assigned responsibilities for evaluating and selecting instructional materials, software, and norm-referenced achievement measures.

7. Standards for effective evaluation and comparable evaluation and testing procedures among districts.

Section 15. Paragraph (a) of subsection (2) of section 240.116, Florida Statutes, is amended to read:

240.116 Articulated acceleration.—

(2)(a)*1.* The dual enrollment program shall be the enrollment of an eligible secondary student in a postsecondary course creditable toward a vocational certificate or an associate or baccalaureate degree. For the purpose of this paragraph, an eligible secondary student is defined as a student who is enrolled in a Florida public secondary school or in a Florida nonpublic secondary school which is in compliance with s. 229.808 and conducts a secondary curriculum pursuant to s. 232.246. Students enrolled in postsecondary instruction that is not creditable toward the high school diploma shall not be classified as dual enrollments. Students shall be permitted to enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term. Any student so enrolled shall be exempt from the payment of registration, matriculation, and laboratory fees. With the exception of vocational-preparatory instruction, college-preparatory instruction, and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, shall be ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

2. The Department of Education shall develop standards to ensure that the qualifications of students who are enrolled in dual enrollment courses are comparable across school districts and reflect a readiness for college-level coursework. The qualifications of teachers of dual enrollment courses shall be comparable across the school districts.

Section 16. Subsection (5) is added to section 240.118, Florida Statutes, to read:

240.118 Postsecondary feedback of information to high schools.—

(5) The Commissioner of Education shall annually recommend statutory changes to the Legislature to reduce the incidence of postsecondary remediation in mathematics, reading, and writing for first-time enrolled recent high school graduates.

Section 17. *(1) This section may be cited as the "Florida Maximum Class Size Goals Act."*

(2) The Legislature finds that class size, especially in the primary grades, is a major factor in the ability of students to learn and classroom teachers to teach. It is, therefore, the intent of the Legislature to establish class size standards which will promote educational success.

(3) It shall be the goal of each school district that each elementary school in the school district beginning with kindergarten in the 1996-

1997 school year, for kindergarten and grade level one in the 1997-1998 school year, for kindergarten and grade levels one and two in the 1998-1999 school year, and for kindergarten and grade levels one, two, and three in the 1999-2000 school year, class sizes not exceed 20 students, with a ratio of one full-time equivalent teacher per 20 students. For the purposes of this act, no class in grades kindergarten, 1, 2, and 3 may exceed 29 students. Classes which exceed 20 students must have a full-time equivalent teacher aide.

(4) Each school district shall implement the goals set forth in this section to the extent funds are provided through the General Appropriations Act. The funds shall not be used for any purpose other than implementing the Florida Maximum Class Size Goals Act.

(5) Beginning January 1, 1997, and each year thereafter, the Department of Education shall report to the President of the Senate and the Speaker of the House of Representatives school district expenditures and class size reductions as a result of the provisions of this act.

(6) The Department of Education shall provide for a longitudinal study of the benefits to students and the impact on student achievement of small class size based on reductions in class size for the 1996-1997 school year, as a result of an appropriation for such purpose, and for the 1997-1998, 1998-1999, and 1999-2000 school years, as a result of implementation of this act. The results of such study shall be reported to the President of the Senate and the Speaker of the House of Representatives by December 1, 2000.

Section 18. Subsections (3), (4), and (5) of section 232.2463, Florida Statutes, are amended to read:

232.2463 High school grading system.—The grading system and interpretation of letter grades used in public high schools shall be as follows:

(3) Grade "C" equals 75 percent through 84 percent, has a grade point average value of 2, and is defined as "average progress." *For the 1997-1998 school year and each year thereafter, grade "C" equals 77 percent through 84 percent, has a grade point average value of 2, and is defined as "average progress."*

(4) Grade "D" equals 65 percent through 74 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress." *For the 1997-1998 school year and each year thereafter, grade "D" equals 70 percent through 76 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress" for purposes of awarding credit.*

(5) Grade "F" equals zero percent through 64 percent, has a grade point average value of zero, and is defined as "failure." *For the 1997-1998 school year and each year thereafter, grade "F" equals zero percent through 69 percent, has a grade point average value of zero, and is defined as "failure" for purposes of awarding credit.*

Section 19. *The Department of Education shall conduct a study of the feasibility of adding an assessment of an individual's ability to communicate verbally to the teacher certification examination process. The department shall report to the Legislature on the findings of this study by January 1, 1997.*

Section 20. *Beginning in 1996 and continuing for each of the following 4 years, the Department of Education shall review existing statutory mandates for public school education to include those contained in Chapters 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, and 238, and shall make recommendations to the Legislature relating to repeal of such mandates.*

Section 21. *(1) There is created a Commissioner's Task Force on Interscholastic Extracurricular Activities. The task force shall review the policies and practices of the Florida High School Activities Association and recommend modifications to such policy and practice that enable the Association to function most effectively. The Commissioner of Education shall appoint task force members that represent a cross-section of persons associated with student activities. Such appointments shall be made in consultation with the associations represented by the respective members of the task force. Task force members shall include the following:*

(a) The Commissioner of Education, or his designee, who shall be the chairperson.

(b) A school board member.

(c) A superintendent of schools.

(d) A high school principal.

(e) A high school coach.

(f) A high school athletics official.

(g) A member of a home education association.

(h) A private secondary school representative.

(i) A member of the Florida Association of Student Councils.

(j) A parent of a high school student.

(k) A representative of the print or electronic news media.

(l) A member of the Florida High School Activities Association Board of Directors.

(2) The task force shall collect data on the number, type, and participation levels for all supervised activities within the jurisdiction of the Florida High School Activities Association. The task force shall also review the management, budget, and operations of the Florida High School Activities Association. The task force shall review Association procedures regarding the receipt of public input and disposition of complaints related to student activities. In addition, the task force shall conduct public hearings through which interested parties may address issues regarding the effectiveness of the operations and management of the Florida High School Activities Association.

(3) The task force shall submit a report of its findings, conclusions, and recommendations to the Commissioner of Education, Chairman of the Senate Education Committee, and Chairman of the House Education Committee on or before December 31, 1996. The task force recommendations shall delineate policies and procedures that will improve the implementation and oversight of high school athletics programs. The Commissioner may submit any legislation deemed necessary by the task force to the Legislature for consideration during the 1997 Legislative Session. The task force shall be dissolved on March 1, 1997.

Section 22. This act shall take effect July 1, 1996.

And the title is amended as follows:

On page 24, line 29, through page 26, line 21 of the amendment, delete all of said lines and insert: A bill to be entitled An act relating to education; amending s. 229.592, F.S., relating to the waiver process of Blueprint 2000; amending ss. 232.245, 232.246, and 232.425, F.S.; raising the required cumulative grade point average for purposes of the school district comprehensive program for pupil progression, high school graduation, and participation in interscholastic extracurricular activities; restricting access to certain high school courses; providing for satisfaction of certain requirements; revising credit requirements; correcting cross references; amending s. 232.2454, F.S.; revising provisions relating to student performance standards; authorizing individual district school boards by resolution to allow invocation or benediction at specified secondary school-related events; providing legislative intent; revising the definition of dual enrollment credit; amending s. 231.17, F.S.; requiring mastery in the subject area of mathematics for certain teacher certification; amending s. 231.261; revising the membership of the Education Practices Commission; amending s. 231.40, F.S., relating to sick leave pool; amending s. 240.529, F.S.; requiring standards for preparation of teachers for instruction of higher-level mathematics concepts; amending ss. 229.565 and 233.011, F.S.; correcting cross references; amending s. 240.116, F.S.; providing requirements for student enrollment in dual enrollment courses; requiring the development of standards; amending s. 240.118, F.S.; requiring the recommendation of statutory changes to reduce postsecondary remediation; creating the "Florida Maximum Class Size Goals Act"; providing intent; providing goals relating to class size in certain grade levels; providing for funding; providing for review of statutory mandates; requiring annual reports and a study based on class size reductions; creating a Commissioner's Task Force on Interscholastic Extracurricular Activities; providing for a report; providing for future repeal; providing an effective date.

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

On motion by Senator Williams, the Senate concurred in the House amendment to the Senate amendment.

HB 1041 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33 Nays—6

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 1129 and requests the Senate to recede.

John B. Phelps, Clerk

HB 1129—A bill to be entitled An act relating to education finance; amending s. 236.081, F.S.; requiring the annual General Appropriations Act to direct changes in school districts' required local effort to produce a certain percentage of total Florida Education Finance Program calculations and entitlement; providing an effective date.

On motion by Senator Dudley, the Senate receded from Senate Amendment 1.

HB 1129 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

MOTION

On motion by Senator Jennings, by two-thirds vote of the membership, **CS for HB 1423** was considered outside the extended call.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment(s) 1 and 2; refused to concur in Senate Amendment(s) 6 and requests the Senate to recede therefrom; and passed CS for HB 1423 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 1423—A bill to be entitled An act relating to viatical settlements; creating the "Viatical Settlement Act"; providing definitions; requiring licensure of viatical settlement providers and brokers; providing procedures for applying for licensure; imposing a license fee; requiring the Department of Insurance to investigate applicants for licensure; providing for issuance and renewal of licenses; providing a limitation; providing for an annual statement by providers; providing fees; providing for revoking or suspending a license; providing administrative fines; providing for probation; requiring licensed brokers to use licensed providers and licensed providers to use licensed brokers; requiring filing and approval of forms; authorizing the department to examine the business affairs of licensees and applicants; requiring licensees to disclose certain information to viators; providing procedures and specifying criteria for entering into viatical settlement contracts; requiring use of a trustee or escrow agent; authorizing the department to adopt rules to implement the act; providing that rate regulation is not authorized; specifying that violations are unfair trade practices; authorizing injunctions; providing civil cause of action; providing for damages; providing court costs and attorney's fees; providing requirements for acquisition of a provider or broker; providing a grace period for certain providers and brokers; limiting a viator's ability to viaticate certain portions of a policy under certain circumstances; providing an appropriation; providing an effective date.

On motion by Senator Weinstein, the Senate receded from Senate Amendment 6.

CS for HB 1423 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34 Nays—None

RETURNING MESSAGES—FINAL ACTION

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed SB 10, CS for SB's 14, 30, 516 and 596, SB 100, CS for SB 102, CS for CS for SB 126, SB 148, SB 150, SB 240, SB 274, CS for CS for SB 310, SB 324, CS for SB 336, SB 412, SB 540, SB 556, SB 634, SB 660, SB 674, SB 792, CS for SB 892, SB 900, SB 942, SB 956, SB 1068, SB 1094, SB 1118, SB 1168, SB 1190, SB 1238, CS for SB 1258, SB 1270, SB 1274, CS for SB's 1626 and 1654, SB 1630, SB 1650, SB 1682, CS for SB 1734, SB 1742, SB 1752, SB 1868, CS for SB 1888, SB 1900, CS for SB 1940, CS for SB 2002, CS for SB 2008, SB 2194, CS for CS for SB 2214, SB 2220, SB 2262, SB 2296, SB 2334, SB 2354, CS for SB 2414, SB 2566, SB 2636, CS for SB 2784, SB 2940, SB 2958, SB 3094, SB 3096 and CS for SB 3098.

John B. Phelps, Clerk

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has allowed for consideration outside the purview of the extension resolution by two-thirds vote of the membership of the House and passed CS for SB 424, CS for SB 456, SB 1148, CS for SB 2314 and CS for SB 2712; has allowed for consideration outside the purview of the extension resolution by the required two-thirds vote of the membership and passed SJR 210 by the required Constitutional three-fifths vote of all members elected to the House.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House Amendments and passed CS for SB 222 and CS for CS for SB 770 as further amended; has concurred in Senate Amendment 1 to House Amendment 4, receded from House Amendment 6, and passed SB 118 as further amended.

John B. Phelps, Clerk

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has allowed for consideration outside the purview of the extension resolution by the required two-thirds vote of the House and concurred in Senate Amendment(s) to House Amendment 1 and receded from House Amendments 2 and 5, and passed CS for SB 330 as further amended.

John B. Phelps, Clerk

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for SB 1662 as amended by the Conference Committee Report.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed, as amended, CS for HB 21; CS for HB 109; HB 157; CS for HB 175; CS for HB 337; CS for HB's 459, 931, 1407 and CS for HB 301; CS for HB 495; CS for HB 555; CS for HB 751; CS for HB 769; HB 813; CS for HB 817; HB 903; CS for

HB 915; CS for HB 961; CS for HB 965; HB 1009; CS for HB 1329; CS for HB's 1883 and 2067; CS for HB 1949; CS for HB 1957; CS for HB's 2159 and 2233; and CS for HB's 2405, CS for HB 267, CS for HB 531, 1495, 1859 and 1929.

John B. Phelps, Clerk

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed as amended by the Conference Committee Report HB 1621, HB 2719, HB 2721, HB 2723 and HB 2725.

John B. Phelps, Clerk

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has allowed for consideration outside the purview of the extension resolution by the required two-thirds vote of the membership of the House and concurred in Senate amendment(s) and passed as amended CS for HB 915 and HB 1009.

John B. Phelps, Clerk

ROLL CALLS ON SENATE BILLS

CS for SB's 12 and 406—Amendment 4

Yeas—17

Mr. President	Childers	Hargrett	Kirkpatrick
Bankhead	Crist	Harris	Williams
Beard	Diaz-Balart	Holzendorf	
Bronson	Dudley	Horne	
Casas	Harden	Jennings	

Nays—22

Brown-Waite	Jenne	Meadows	Thomas
Burt	Johnson	Myers	Turner
Dantzler	Jones	Ostalkiewicz	Weinstein
Forman	Kurth	Rossin	Wexler
Grant	Latvala	Silver	
Gutman	McKay	Sullivan	

CS for SB's 12 and 406—Amendment 7

Yeas—15

Mr. President	Childers	Harris	Kirkpatrick
Bankhead	Crist	Holzendorf	Ostalkiewicz
Beard	Dudley	Horne	Williams
Bronson	Harden	Jennings	

Nays—24

Brown-Waite	Forman	Jones	Rossin
Burt	Grant	Kurth	Silver
Casas	Gutman	Latvala	Thomas
Dantzler	Hargrett	McKay	Turner
Diaz-Balart	Jenne	Meadows	Weinstein
Dyer	Johnson	Myers	Wexler

CS for SB's 12 and 406

Yeas—35

Mr. President	Childers	Grant	Jenne
Bankhead	Crist	Gutman	Jennings
Beard	Dantzler	Harden	Johnson
Brown-Waite	Diaz-Balart	Hargrett	Jones
Burt	Dyer	Harris	Kurth
Casas	Forman	Horne	Latvala
McKay	Ostalkiewicz	Sullivan	Weinstein
Meadows	Rossin	Thomas	Wexler
Myers	Silver	Turner	

Nays—3

Bronson	Dudley	Williams

SB 38

Yeas—35

Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Beard	Dudley	Jennings	Rossin
Bronson	Dyer	Johnson	Silver
Brown-Waite	Grant	Jones	Thomas
Burt	Harden	Kirkpatrick	Turner
Casas	Hargrett	Kurth	Weinstein
Childers	Harris	Latvala	Wexler
Crist	Holzendorf	McKay	Williams
Dantzler	Horne	Meadows	

Nays—None

Vote after roll call:

Yea—Sullivan

CS for SB 108

Yeas—38

Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

SB 116

Yeas—35

Bankhead	Diaz-Balart	Horne	Meadows
Beard	Dudley	Jenne	Ostalkiewicz
Bronson	Dyer	Jennings	Silver
Brown-Waite	Forman	Johnson	Sullivan
Burt	Grant	Jones	Thomas
Casas	Gutman	Kirkpatrick	Turner
Childers	Harden	Kurth	Weinstein
Crist	Hargrett	Latvala	Wexler
Dantzler	Harris	McKay	

Nays—None

Vote after roll call:

Yea—Holzendorf

CS for CS for SB 126

Yeas—34

Mr. President	Crist	Gutman	Jones
Bankhead	Dantzler	Harden	Kurth
Beard	Diaz-Balart	Hargrett	Latvala
Bronson	Dudley	Holzendorf	McKay
Brown-Waite	Dyer	Horne	Meadows
Burt	Forman	Jenne	Ostalkiewicz
Casas	Grant	Johnson	Rossin

Silver	Turner	Wexler	Williams
Sullivan	Weinstein		

Nays—None

Vote after roll call:

Yea—Childers, Jennings, Kirkpatrick, Myers, Thomas

SB 156

Yeas—37

Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Bronson	Forman	Jones	Thomas
Brown-Waite	Gutman	Kirkpatrick	Turner
Burt	Harden	Kurth	Weinstein
Casas	Hargrett	Latvala	Wexler
Childers	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Ostalkiewicz	
Diaz-Balart	Jenne	Rossin	

Nays—None

SJR 210

Yeas—38

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	

Nays—None

SB 248

Yeas—37

Mr. President	Dudley	Jenne	Silver
Bankhead	Dyer	Jennings	Sullivan
Beard	Forman	Johnson	Thomas
Bronson	Grant	Jones	Turner
Brown-Waite	Gutman	Kirkpatrick	Weinstein
Casas	Harden	Kurth	Wexler
Childers	Hargrett	Latvala	Williams
Crist	Harris	McKay	
Dantzler	Holzendorf	Meadows	
Diaz-Balart	Horne	Rossin	

Nays—None

Vote after roll call:

Yea—Ostalkiewicz

SB 274

Yeas—36

Bankhead	Crist	Gutman	Johnson
Beard	Dantzler	Harden	Jones
Bronson	Diaz-Balart	Hargrett	Kurth
Brown-Waite	Dudley	Harris	Latvala
Burt	Dyer	Horne	McKay
Casas	Forman	Jenne	Meadows
Childers	Grant	Jennings	Myers
Ostalkiewicz	Silver	Thomas	Weinstein
Rossin	Sullivan	Turner	Wexler

Nays—None

Vote after roll call:

Yea—Holzendorf, Kirkpatrick

CS for SB 330

Yeas—39

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Forman	Johnson	Silver
Bronson	Grant	Jones	Sullivan
Brown-Waite	Gutman	Kirkpatrick	Thomas
Burt	Harden	Kurth	Turner
Casas	Hargrett	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Dantzler	Horne	Myers	

Nays—None

SB 356

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

CS for SB's 386, 732 and 1208

Yeas—36

Mr. President	Diaz-Balart	Horne	Meadows
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Childers	Harden	Kurth	Weinstein
Crist	Hargrett	Latvala	Wexler
Dantzler	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Holzendorf, Ostalkiewicz

CS for SB 456

Yeas—37

Mr. President	Dantzler	Hargrett	Latvala
Bankhead	Diaz-Balart	Harris	McKay
Beard	Dudley	Horne	Meadows
Bronson	Dyer	Jenne	Myers
Burt	Forman	Jennings	Ostalkiewicz
Casas	Grant	Jones	Rossin
Childers	Gutman	Kirkpatrick	Silver
Crist	Harden	Kurth	Sullivan

Thomas	Weinstein	Wexler	Williams
Turner			

Nays—1

Holzendorf

SB 524

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

SB 584

Yeas—37

Mr. President	Dudley	Jenne	Silver
Bankhead	Dyer	Jennings	Sullivan
Beard	Forman	Johnson	Thomas
Bronson	Grant	Jones	Turner
Brown-Waite	Gutman	Kurth	Weinstein
Burt	Harden	Latvala	Wexler
Casas	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Ostalkiewicz	
Diaz-Balart	Horne	Rossin	

Nays—None

Vote after roll call:

Yea—Childers, Kirkpatrick, Myers

SB 584—After Reconsideration

Yeas—36

Bankhead	Diaz-Balart	Holzendorf	McKay
Beard	Dudley	Horne	Meadows
Bronson	Dyer	Jenne	Ostalkiewicz
Brown-Waite	Forman	Jennings	Rossin
Burt	Grant	Johnson	Silver
Casas	Gutman	Jones	Sullivan
Childers	Harden	Kirkpatrick	Thomas
Crist	Hargrett	Kurth	Turner
Dantzler	Harris	Latvala	Wexler

Nays—None

Vote after roll call:

Yea—Myers, Williams

SB 584—Final Passage

Yeas—36

Mr. President	Childers	Grant	Johnson
Bankhead	Crist	Gutman	Jones
Beard	Dantzler	Harden	Kirkpatrick
Bronson	Diaz-Balart	Hargrett	Kurth
Brown-Waite	Dudley	Harris	Latvala
Burt	Dyer	Holzendorf	McKay
Casas	Forman	Horne	Meadows
Myers	Silver	Turner	Wexler
Rossin	Thomas	Weinstein	Williams

Nays—None

Vote after roll call:

Yea—Jenne, Ostalkiewicz, Sullivan

CS for SB 624

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

CS for SB 624—After Reconsideration

Yeas—39

Mr. President	Dudley	Jenne	Ostalkiewicz
Bankhead	Dyer	Jennings	Rossin
Beard	Forman	Johnson	Silver
Bronson	Grant	Jones	Sullivan
Brown-Waite	Gutman	Kirkpatrick	Thomas
Burt	Harden	Kurth	Turner
Casas	Hargrett	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Dantzler	Horne	Myers	

Nays—1

Diaz-Balart

SB 792

Yeas—38

Mr. President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Jones	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for CS for SB 886

Yeas—39

Mr. President	Childers	Grant	Jenne
Bankhead	Crist	Gutman	Jennings
Beard	Dantzler	Harden	Johnson
Bronson	Diaz-Balart	Hargrett	Jones
Brown-Waite	Dudley	Harris	Kirkpatrick
Burt	Dyer	Holzendorf	Kurth
Casas	Forman	Horne	Latvala

McKay	Rossin	Thomas	Wexler
Meadows	Silver	Turner	Williams
Myers	Sullivan	Weinstein	

Nays—None

Vote after roll call:

Yea—Ostalkiewicz

SB 900

Yeas—38

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Sullivan

CS for CS for SB 958

Yeas—38

Mr. President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Jones	Turner
Burt	Gutman	Kirkpatrick	Weinstein
Casas	Harden	Kurth	Wexler
Childers	Hargrett	Latvala	Williams
Crist	Harris	McKay	
Dantzler	Holzendorf	Ostalkiewicz	

Nays—None

CS for CS for SB 958—Final Passage

Yeas—39

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Horne	Myers	

Nays—1

Holzendorf

CS for SJR 978

Yeas—39

Mr. President	Casas	Dyer	Harris
Bankhead	Childers	Forman	Horne
Beard	Crist	Grant	Jenne
Bronson	Dantzler	Gutman	Jennings
Brown-Waite	Diaz-Balart	Harden	Johnson
Burt	Dudley	Hargrett	Jones
Kirkpatrick	Meadows	Silver	Weinstein
Kurth	Myers	Sullivan	Wexler
Latvala	Ostalkiewicz	Thomas	Williams
McKay	Rossin	Turner	

Nays—None

Vote after roll call:

Yea—Holzendorf

SB 1020

Yeas—35

Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Wexler
Crist	Holzendorf	McKay	Williams
Dantzler	Horne	Meadows	

Nays—None

SB 1148

Yeas—36

Bankhead	Dudley	Horne	Ostalkiewicz
Beard	Dyer	Jenne	Rossin
Bronson	Forman	Jennings	Silver
Burt	Grant	Johnson	Sullivan
Casas	Gutman	Jones	Thomas
Childers	Harden	Kurth	Turner
Crist	Hargrett	Latvala	Weinstein
Dantzler	Harris	McKay	Wexler
Diaz-Balart	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 1150

Yeas—37

Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kurth	Turner
Burt	Gutman	Latvala	Weinstein
Casas	Harden	McKay	Wexler
Childers	Hargrett	Meadows	Williams
Crist	Harris	Myers	
Dantzler	Holzendorf	Ostalkiewicz	
Diaz-Balart	Horne	Rossin	

Nays—None

Vote after roll call:

Yea—Johnson, Kirkpatrick

SB 1150—After Reconsideration

Yeas—38

Mr. President	Burt	Diaz-Balart	Gutman
Bankhead	Casas	Dudley	Harden
Beard	Childers	Dyer	Hargrett
Bronson	Crist	Forman	Harris
Brown-Waite	Dantzler	Grant	Holzendorf

Horne	Kurth	Rossin	Weinstein
Jenne	Latvala	Silver	Wexler
Jennings	McKay	Sullivan	Williams
Johnson	Meadows	Thomas	
Jones	Ostalkiewicz	Turner	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 1182

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

SB 1238

Yeas—33

Bankhead	Diaz-Balart	Holzendorf	Silver
Beard	Dudley	Horne	Sullivan
Bronson	Dyer	Jennings	Thomas
Brown-Waite	Forman	Jones	Turner
Burt	Grant	Kurth	Weinstein
Casas	Gutman	Latvala	Williams
Childers	Harden	McKay	
Crist	Hargrett	Ostalkiewicz	
Dantzler	Harris	Rossin	

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick

SB 1240

Yeas—28

Bankhead	Dantzler	Harris	Meadows
Beard	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jennings	Rossin
Brown-Waite	Forman	Johnson	Silver
Burt	Grant	Jones	Turner
Casas	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Williams

Nays—1

Latvala

Vote after roll call:

Yea—Dyer, Hargrett, Holzendorf, Sullivan

SB 1274

Yeas—38

Mr. President	Casas	Diaz-Balart	Grant
Beard	Childers	Dudley	Gutman
Bronson	Crist	Dyer	Harden
Burt	Dantzler	Forman	Hargrett
Harris	Jones	Myers	Turner
Holzendorf	Kirkpatrick	Ostalkiewicz	Weinstein
Horne	Kurth	Rossin	Wexler
Jenne	Latvala	Silver	Williams
Jennings	McKay	Sullivan	
Johnson	Meadows	Thomas	

Nays—None

CS for SB's 1626 and 1654

Yeas—39

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

SB 1650

Yeas—34

Bankhead	Dudley	Horne	Silver
Bronson	Dyer	Jennings	Sullivan
Brown-Waite	Forman	Johnson	Thomas
Burt	Grant	Jones	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Harris	Ostalkiewicz	
Diaz-Balart	Holzendorf	Rossin	

Nays—1

Latvala

CS for SB 1658

Yeas—35

Mr. President	Diaz-Balart	Horne	Meadows
Bankhead	Dudley	Jenne	Ostalkiewicz
Bronson	Forman	Jennings	Rossin
Brown-Waite	Grant	Johnson	Silver
Burt	Gutman	Jones	Thomas
Casas	Harden	Kirkpatrick	Turner
Childers	Hargrett	Kurth	Wexler
Crist	Harris	Latvala	Williams
Dantzler	Holzendorf	McKay	

Nays—None

Vote after roll call:

Yea—Dyer, Sullivan

CS for SB 1734

Yeas—36

Mr. President	Childers	Grant	Johnson
Bankhead	Crist	Gutman	Jones
Beard	Dantzler	Harden	Kurth
Bronson	Diaz-Balart	Harris	Latvala
Brown-Waite	Dudley	Holzendorf	McKay
Burt	Dyer	Horne	Meadows
Casas	Forman	Jenne	Myers

Ostalkiewicz	Silver	Thomas	Wexler
Rossin	Sullivan	Turner	Williams

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 2206

Yeas—36

Mr. President	Dantzler	Harris	Meadows
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Beard	Dudley	Jenne	Rossin
Bronson	Dyer	Jennings	Silver
Brown-Waite	Forman	Johnson	Sullivan
Burt	Grant	Jones	Thomas
Casas	Gutman	Kurth	Turner
Childers	Harden	Latvala	Weinstein
Crist	Hargrett	McKay	Williams

Nays—None

Vote after roll call:

Yea—Holzendorf, Kirkpatrick, Wexler

CS for CS for SB 2214

Yeas—38

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Sullivan

SB 2220

Yeas—38

Mr. President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Jones	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 2314

Yeas—22

Mr. President	Crist	Jones	Silver
Bankhead	Diaz-Balart	Kirkpatrick	Thomas
Beard	Forman	Kurth	Weinstein
Bronson	Gutman	McKay	Wexler
Burt	Jenne	Meadows	
Casas	Jennings	Rossin	

Nays—16

Brown-Waite	Grant	Holzendorf	Ostalkiewicz
Childers	Harden	Horne	Sullivan
Dantzler	Hargrett	Johnson	Turner
Dudley	Harris	Latvala	Williams

Vote after roll call:

Nay—Dyer

Nay to Yea—Johnson

CS for SB 2316

Yeas—37

Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Ostalkiewicz	
Diaz-Balart	Jenne	Rossin	

Nays—None

Vote after roll call:

Yea—Hargrett

SB 2462

Yeas—35

Bankhead	Dudley	Horne	Ostalkiewicz
Beard	Dyer	Jenne	Rossin
Bronson	Forman	Jennings	Silver
Brown-Waite	Grant	Johnson	Sullivan
Burt	Gutman	Jones	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Williams

CS for SB 2472

Yeas—35

Bankhead	Crist	Gutman	Johnson
Beard	Dantzler	Harden	Jones
Bronson	Diaz-Balart	Hargrett	Kirkpatrick
Brown-Waite	Dudley	Holzendorf	Kurth
Burt	Dyer	Horne	Latvala
Casas	Forman	Jenne	Meadows
Childers	Grant	Jennings	Ostalkiewicz

Rossin	Thomas	Weinstein	Williams
Silver	Turner	Wexler	

Nays—None

Vote after roll call:

Yea—Sullivan

SB 2550

Yeas—36

Bankhead	Diaz-Balart	Holzendorf	Meadows
Beard	Dudley	Horne	Ostalkiewicz
Bronson	Dyer	Jenne	Rossin
Brown-Waite	Forman	Jennings	Silver
Burt	Grant	Jones	Sullivan
Casas	Gutman	Kirkpatrick	Thomas
Childers	Harden	Kurth	Turner
Crist	Hargrett	Latvala	Wexler
Dantzler	Harris	McKay	Williams

Nays—None

CS for SB 2712

Yeas—36

Bankhead	Dudley	Horne	Meadows
Beard	Dyer	Jenne	Ostalkiewicz
Bronson	Forman	Jennings	Rossin
Burt	Grant	Johnson	Silver
Casas	Gutman	Jones	Sullivan
Childers	Harden	Kirkpatrick	Thomas
Crist	Hargrett	Kurth	Turner
Dantzler	Harris	Latvala	Weinstein
Diaz-Balart	Holzendorf	McKay	Wexler

Nays—None

Vote after roll call:

Yea—Williams

SB 2830

Yeas—38

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Jones	Turner
Burt	Gutman	Kirkpatrick	Weinstein
Casas	Harden	Kurth	Wexler
Childers	Hargrett	Latvala	Williams
Crist	Harris	McKay	
Dantzler	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Ostalkiewicz

CS for SB 2846

Yeas—38

Mr. President	Childers	Grant	Jenne
Bankhead	Crist	Gutman	Jennings
Beard	Dantzler	Harden	Johnson
Bronson	Diaz-Balart	Hargrett	Jones
Brown-Waite	Dudley	Harris	Kirkpatrick
Burt	Dyer	Holzendorf	Kurth
Casas	Forman	Horne	Latvala
Meadows	Silver	Turner	Wexler
Ostalkiewicz	Sullivan	Weinstein	Williams
Rossin	Thomas		

Nays—None

CS for SB 2870

Yeas—36

Bankhead	Diaz-Balart	Horne	Myers
Beard	Dudley	Jenne	Rossin
Bronson	Dyer	Jennings	Silver
Brown-Waite	Forman	Johnson	Sullivan
Burt	Grant	Jones	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Ostalkiewicz

SB 2916

Yeas—38

Mr. President	Diaz-Balart	Jenne	Rossin
Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Holzendorf

SB 3130

Yeas—36

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dyer	Jennings	Rossin
Beard	Forman	Johnson	Silver
Bronson	Grant	Jones	Sullivan
Brown-Waite	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Harris	Latvala	Weinstein
Crist	Holzendorf	McKay	Wexler
Dantzler	Horne	Meadows	Williams

Nays—None

ROLL CALLS ON HOUSE BILLS

HB 49

Yeas—39

Mr. President	Childers	Grant	Jennings
Bankhead	Crist	Gutman	Johnson
Beard	Dantzler	Harden	Jones
Bronson	Diaz-Balart	Harris	Kirkpatrick
Brown-Waite	Dudley	Holzendorf	Kurth
Burt	Dyer	Horne	Latvala
Casas	Forman	Jenne	McKay

Meadows	Rossin	Thomas	Wexler
Myers	Silver	Turner	Williams
Ostalkiewicz	Sullivan	Weinstein	

Nays—None

Vote after roll call:

Yea—Hargrett

CS for HB 77

Yeas—38

Mr. President	Diaz-Balart	Jenne	Rossin
Bankhead	Dyer	Jennings	Silver
Beard	Forman	Johnson	Sullivan
Bronson	Grant	Jones	Thomas
Brown-Waite	Gutman	Kirkpatrick	Turner
Burt	Harden	Kurth	Weinstein
Casas	Hargrett	Latvala	Wexler
Childers	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Ostalkiewicz	

Nays—None

CS for HB 99

Yeas—36

Bankhead	Diaz-Balart	Holzendorf	Meadows
Beard	Dudley	Horne	Ostalkiewicz
Bronson	Dyer	Jenne	Rossin
Brown-Waite	Forman	Jennings	Silver
Burt	Grant	Johnson	Sullivan
Casas	Gutman	Jones	Thomas
Childers	Harden	Kurth	Turner
Crist	Hargrett	Latvala	Weinstein
Dantzler	Harris	McKay	Wexler

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for HB 109

Yeas—37

Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Johnson	Sullivan
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Ostalkiewicz	
Diaz-Balart	Horne	Rossin	

Nays—None

CS for HB 109—After Reconsideration

Yeas—37

Bankhead	Dantzler	Harris	Kurth
Beard	Diaz-Balart	Holzendorf	Latvala
Bronson	Dudley	Horne	McKay
Brown-Waite	Forman	Jenne	Meadows
Burt	Grant	Jennings	Ostalkiewicz
Casas	Gutman	Johnson	Rossin
Childers	Harden	Jones	Silver
Crist	Hargrett	Kirkpatrick	Sullivan
Thomas	Weinstein	Wexler	Williams
Turner			

Nays—None

HB 169

Yeas—39

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Dantzler	Horne	Myers	

Nays—None

CS for HB 207

Yeas—36

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Beard	Dudley	Jenne	Rossin
Bronson	Dyer	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Grant

CS for HB 211

Yeas—35

Bankhead	Dudley	Horne	Ostalkiewicz
Beard	Dyer	Jenne	Rossin
Bronson	Forman	Jennings	Silver
Brown-Waite	Grant	Johnson	Sullivan
Burt	Gutman	Jones	Thomas
Casas	Harden	Kirkpatrick	Turner
Crist	Hargrett	Kurth	Weinstein
Dantzler	Harris	McKay	Wexler
Diaz-Balart	Holzendorf	Meadows	

Nays—1

Latvala

HB 255

Yeas—36

Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Beard	Dudley	Jenne	Rossin
Bronson	Dyer	Jennings	Silver
Brown-Waite	Forman	Johnson	Sullivan
Burt	Grant	Jones	Thomas
Casas	Gutman	Latvala	Turner
Childers	Hargrett	McKay	Weinstein
Crist	Harris	Meadows	Wexler
Dantzler	Holzendorf	Myers	Williams

Nays—None

Vote after roll call:

Yea—Harden, Kirkpatrick

CS for HB 337

Yeas—30

Mr. President	Dudley	Jones	Sullivan
Beard	Forman	Kirkpatrick	Thomas
Bronson	Gutman	Kurth	Turner
Casas	Hargrett	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Dantzler	Jennings	Rossin	
Diaz-Balart	Johnson	Silver	

Nays—3

Grant	Jenne	Ostalkiewicz

Vote after roll call:

Yea—Harden

Yea to Nay—Bronson

CS for HB 347

Yeas—34

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Bronson	Dyer	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Harden	Latvala	Turner
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Horne	Myers	

Nays—3

Kurth	Weinstein	Wexler

Vote after roll call:

Yea—Holzendorf

Nay to Yea—Kurth

CS for HB 373

Yeas—36

Mr. President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jennings	Ostalkiewicz
Beard	Dudley	Johnson	Rossin
Bronson	Dyer	Jones	Silver
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kurth	Turner
Casas	Gutman	Latvala	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Jenne, Sullivan

Nay—Holzendorf

CS for HB 385

Yeas—38

Mr. President	Bronson	Casas	Dantzler
Bankhead	Brown-Waite	Childers	Diaz-Balart
Beard	Burt	Crist	Dyer
Forman	Horne	Latvala	Thomas
Grant	Jenne	McKay	Turner
Gutman	Jennings	Meadows	Weinstein
Harden	Johnson	Ostalkiewicz	Wexler
Hargrett	Jones	Rossin	Williams
Harris	Kirkpatrick	Silver	
Holzendorf	Kurth	Sullivan	

Nays—None

CS for HB 387

Yeas—38

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Jones	Turner
Burt	Gutman	Kirkpatrick	Weinstein
Casas	Harden	Kurth	Wexler
Childers	Hargrett	Latvala	Williams
Crist	Harris	McKay	
Dantzler	Holzendorf	Meadows	

Nays—None

CS for HB 455

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

CS for HB 483

Yeas—35

Mr. President	Forman	Jennings	Ostalkiewicz
Beard	Grant	Johnson	Rossin
Bronson	Gutman	Jones	Silver
Casas	Harden	Kirkpatrick	Thomas
Childers	Hargrett	Kurth	Turner
Crist	Harris	Latvala	Weinstein
Dantzler	Holzendorf	McKay	Wexler
Dudley	Horne	Meadows	Williams
Dyer	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Sullivan

CS for HB 495

Yeas—35

Mr. President	Childers	Gutman	Jones
Bankhead	Crist	Harden	Kurth
Beard	Dantzler	Harris	Latvala
Bronson	Diaz-Balart	Horne	McKay
Brown-Waite	Dyer	Jenne	Meadows
Burt	Forman	Jennings	Myers
Casas	Grant	Johnson	Ostalkiewicz

Rossin	Sullivan	Turner	Wexler
Silver	Thomas	Weinstein	

Nays—None

Vote after roll call:

Yea—Dudley, Holzendorf, Kirkpatrick, Williams

CS for HB 537

Yeas—38

Mr. President	Dyer	Jennings	Rossin
Bankhead	Forman	Johnson	Silver
Beard	Grant	Jones	Sullivan
Bronson	Gutman	Kirkpatrick	Thomas
Brown-Waite	Harden	Kurth	Turner
Burt	Hargrett	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Dantzler	Horne	Myers	
Dudley	Jenne	Ostalkiewicz	

Nays—None

CS for HB's 543 and 1317

Yeas—38

Mr. President	Diaz-Balart	Jenne	Rossin
Bankhead	Dudley	Jennings	Silver
Beard	Forman	Johnson	Sullivan
Bronson	Grant	Jones	Thomas
Brown-Waite	Gutman	Kirkpatrick	Turner
Burt	Harden	Kurth	Weinstein
Casas	Hargrett	Latvala	Wexler
Childers	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Ostalkiewicz	

Nays—None

CS for HB's 543 and 1317—After Reconsideration

Yeas—36

Mr. President	Dantzler	Jenne	Myers
Bankhead	Diaz-Balart	Jennings	Rossin
Beard	Dudley	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Gutman	Kirkpatrick	Thomas
Burt	Harden	Kurth	Turner
Casas	Hargrett	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Horne	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Holzendorf, Ostalkiewicz

CS for HB 555

Yeas—39

Mr. President	Crist	Harden	Kirkpatrick
Bankhead	Dantzler	Harris	Kurth
Beard	Diaz-Balart	Holzendorf	Latvala
Bronson	Dudley	Horne	McKay
Brown-Waite	Dyer	Jenne	Meadows
Burt	Forman	Jennings	Myers
Casas	Grant	Johnson	Ostalkiewicz
Childers	Gutman	Jones	Rossin
Silver	Thomas	Weinstein	Williams
Sullivan	Turner	Wexler	

Nays—None

HB 559

Yeas—35

Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Dantzler	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

HB 573

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

CS for HB 581

Yeas—36

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Forman	Jennings	Rossin
Bronson	Grant	Johnson	Silver
Brown-Waite	Gutman	Jones	Thomas
Burt	Harden	Kirkpatrick	Turner
Childers	Hargrett	Kurth	Weinstein
Crist	Harris	Latvala	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Nay—Sullivan

CS for HB 589

Yeas—36

Bankhead	Diaz-Balart	Holzendorf	Ostalkiewicz
Beard	Dudley	Horne	Rossin
Bronson	Dyer	Jenne	Silver
Brown-Waite	Forman	Johnson	Sullivan
Burt	Grant	Jones	Thomas
Casas	Gutman	Kurth	Turner
Childers	Harden	Latvala	Weinstein
Crist	Hargrett	McKay	Wexler
Dantzler	Harris	Meadows	Williams

Nays—1

Kirkpatrick

HB 709

Yeas—38

Mr. President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Jones	Turner
Burt	Gutman	Kirkpatrick	Weinstein
Casas	Harden	Kurth	Wexler
Childers	Hargrett	Latvala	Williams
Crist	Harris	McKay	
Dantzler	Holzendorf	Ostalkiewicz	

Nays—None

CS for HB 751

Yeas—35

Bankhead	Dudley	Jenne	Rossin
Beard	Forman	Jennings	Silver
Bronson	Grant	Johnson	Sullivan
Brown-Waite	Gutman	Jones	Thomas
Burt	Harden	Kirkpatrick	Turner
Casas	Hargrett	Kurth	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Dantzler	Horne	Ostalkiewicz	

Nays—None

CS for HB 751—After Reconsideration

Yeas—37

Mr. President	Diaz-Balart	Jenne	Silver
Bankhead	Dudley	Johnson	Sullivan
Beard	Dyer	Jones	Thomas
Bronson	Forman	Kirkpatrick	Turner
Brown-Waite	Grant	Kurth	Weinstein
Burt	Gutman	Latvala	Wexler
Casas	Harden	McKay	Williams
Childers	Harris	Meadows	
Crist	Holzendorf	Ostalkiewicz	
Dantzler	Horne	Rossin	

Nays—None

HB 783

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

CS for HB 793

Yeas—36

Bankhead	Diaz-Balart	Holzendorf	Ostalkiewicz
Beard	Dudley	Horne	Rossin
Bronson	Dyer	Jennings	Silver
Brown-Waite	Forman	Johnson	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Gutman	Kurth	Turner
Childers	Harden	Latvala	Weinstein
Crist	Hargrett	McKay	Wexler
Dantzler	Harris	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Jenne, Jones

HB 811

Yeas—39

Mr. President	Dudley	Jenne	Ostalkiewicz
Bankhead	Dyer	Jennings	Rossin
Beard	Forman	Johnson	Silver
Bronson	Grant	Jones	Sullivan
Brown-Waite	Gutman	Kirkpatrick	Thomas
Burt	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams
Diaz-Balart	Horne	Myers	

Nays—None

CS for HB 817

Yeas—37

Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Jones	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Ostalkiewicz	
Diaz-Balart	Horne	Rossin	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

HB 819

Yeas—34

Mr. President	Diaz-Balart	Jennings	Silver
Bankhead	Dudley	Johnson	Sullivan
Bronson	Dyer	Jones	Thomas
Brown-Waite	Forman	Kurth	Turner
Burt	Grant	Latvala	Weinstein
Casas	Gutman	McKay	Wexler
Childers	Harris	Meadows	Williams
Crist	Holzendorf	Ostalkiewicz	
Dantzler	Horne	Rossin	

Nays—None

Vote after roll call:

Yea—Hargrett, Jenne, Kirkpatrick

Nay—Harden

HB 903

Yeas—37

Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	
Dantzler	Holzendorf	Meadows	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

CS for HB 915

Yeas—37

Mr. President	Dudley	Johnson	Silver
Bankhead	Dyer	Jones	Sullivan
Beard	Forman	Kirkpatrick	Thomas
Bronson	Grant	Kurth	Turner
Brown-Waite	Gutman	Latvala	Weinstein
Burt	Harden	McKay	Wexler
Casas	Harris	Meadows	Williams
Childers	Holzendorf	Myers	
Crist	Horne	Ostalkiewicz	
Dantzler	Jennings	Rossin	

Nays—1

Jenne

CS for HB 915—After Reconsideration

Yeas—37

Mr. President	Diaz-Balart	Jenne	Rossin
Bankhead	Dudley	Johnson	Silver
Beard	Dyer	Jones	Sullivan
Bronson	Forman	Kirkpatrick	Thomas
Brown-Waite	Grant	Kurth	Turner
Burt	Gutman	Latvala	Weinstein
Casas	Harden	McKay	Williams
Childers	Harris	Meadows	
Crist	Holzendorf	Myers	
Dantzler	Horne	Ostalkiewicz	

Nays—None

CS for HB 961

Yeas—39

Mr. President	Dudley	Jenne	Ostalkiewicz
Bankhead	Dyer	Jennings	Rossin
Beard	Forman	Johnson	Silver
Bronson	Grant	Jones	Sullivan
Brown-Waite	Gutman	Kirkpatrick	Thomas
Burt	Harden	Kurth	Turner
Casas	Hargrett	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Diaz-Balart	Horne	Myers	

Nays—None

CS for HB 979

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

HB 999

Yeas—34

Bankhead	Diaz-Balart	Jenne	Silver
Beard	Dudley	Johnson	Sullivan
Bronson	Dyer	Jones	Thomas
Brown-Waite	Forman	Kurth	Turner
Burt	Grant	Latvala	Weinstein
Casas	Gutman	McKay	Wexler
Childers	Harden	Meadows	Williams
Crist	Harris	Ostalkiewicz	
Dantzler	Horne	Rossin	

Nays—None

Vote after roll call:

Yea—Holzendorf, Kirkpatrick

HB 1009

Yeas—36

Bankhead	Diaz-Balart	Holzendorf	Meadows
Beard	Dudley	Horne	Ostalkiewicz
Bronson	Dyer	Jenne	Rossin
Brown-Waite	Forman	Jennings	Silver
Burt	Grant	Johnson	Sullivan
Casas	Gutman	Jones	Thomas
Childers	Harden	Kurth	Turner
Crist	Hargrett	Latvala	Weinstein
Dantzler	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for HB 1029

Yeas—37

Bankhead	Dantzler	Hargrett	Kirkpatrick
Beard	Diaz-Balart	Harris	Kurth
Bronson	Dudley	Holzendorf	Latvala
Brown-Waite	Dyer	Horne	McKay
Burt	Forman	Jenne	Ostalkiewicz
Casas	Grant	Jennings	Rossin
Childers	Gutman	Johnson	Silver
Crist	Harden	Jones	Sullivan

Thomas Weinstein Wexler Williams
Turner

Nays—None

Vote after roll call:

Yea—Meadows

CS for HB 1035

Yeas—39

Mr. President Diaz-Balart Horne Ostalkiewicz
Bankhead Dudley Jenne Rossin
Beard Dyer Jennings Silver
Bronson Forman Johnson Sullivan
Brown-Waite Grant Jones Thomas
Burt Gutman Kirkpatrick Turner
Casas Harden Kurth Weinstein
Childers Hargrett McKay Wexler
Crist Harris Meadows Williams
Dantzler Holzendorf Myers

Nays—1

Latvala

HB 1041

Yeas—33

Mr. President Dantzler Horne Myers
Bankhead Diaz-Balart Jenne Ostalkiewicz
Beard Dudley Jennings Rossin
Bronson Dyer Johnson Sullivan
Brown-Waite Grant Jones Thomas
Burt Gutman Kirkpatrick Williams
Casas Harden Kurth
Childers Hargrett Latvala
Crist Harris Meadows

Nays—6

Forman Silver Weinstein Wexler
Holzendorf Turner

HB 1085

Yeas—37

Bankhead Dyer Jennings Silver
Beard Forman Johnson Sullivan
Bronson Grant Jones Thomas
Brown-Waite Gutman Kirkpatrick Turner
Burt Harden Kurth Weinstein
Casas Hargrett Latvala Wexler
Crist Harris McKay Williams
Dantzler Holzendorf Meadows
Diaz-Balart Horne Ostalkiewicz
Dudley Jenne Rossin

Nays—None

Vote after roll call:

Yea—Childers

HB 1121

Yeas—38

Mr. President Burt Dyer Hargrett
Bankhead Childers Forman Harris
Beard Crist Grant Holzendorf
Bronson Dantzler Gutman Horne
Brown-Waite Dudley Harden Jenne
Jennings Latvala Rossin Weinstein
Johnson McKay Silver Wexler
Jones Meadows Sullivan Williams
Kirkpatrick Myers Thomas
Kurth Ostalkiewicz Turner

Nays—None

HB 1129

Yeas—36

Mr. President Dantzler Horne Myers
Bankhead Diaz-Balart Jenne Ostalkiewicz
Beard Dudley Johnson Rossin
Bronson Dyer Jones Silver
Brown-Waite Grant Kirkpatrick Thomas
Burt Harden Kurth Turner
Casas Hargrett Latvala Weinstein
Childers Harris McKay Wexler
Crist Holzendorf Meadows Williams

Nays—None

Vote after roll call:

Yea—Sullivan

CS for HB 1225

Yeas—38

Mr. President Diaz-Balart Jenne Rossin
Bankhead Dyer Jennings Silver
Beard Forman Johnson Sullivan
Bronson Grant Jones Thomas
Brown-Waite Gutman Kirkpatrick Turner
Burt Harden Kurth Weinstein
Casas Hargrett Latvala Wexler
Childers Harris McKay Williams
Crist Holzendorf Meadows
Dantzler Horne Ostalkiewicz

Nays—None

HB 1241

Yeas—37

Mr. President Dyer Jennings Silver
Bankhead Forman Johnson Sullivan
Beard Grant Jones Thomas
Burt Gutman Kirkpatrick Turner
Casas Harden Kurth Weinstein
Childers Hargrett Latvala Wexler
Crist Harris McKay Williams
Dantzler Holzendorf Meadows
Diaz-Balart Horne Ostalkiewicz
Dudley Jenne Rossin

Nays—None

CS for HB 1283

Yeas—39

Mr. President Crist Harden Jones
Bankhead Dantzler Hargrett Kirkpatrick
Beard Diaz-Balart Harris Kurth
Bronson Dudley Holzendorf Latvala
Brown-Waite Dyer Horne McKay
Burt Forman Jenne Meadows
Casas Grant Jennings Ostalkiewicz
Childers Gutman Johnson Rossin

Silver	Thomas	Weinstein	Williams
Sullivan	Turner	Wexler	

Nays—None

CS for HB 1291

Yeas—24

Bankhead	Dudley	Jones	Silver
Beard	Forman	Kurth	Thomas
Brown-Waite	Gutman	McKay	Turner
Casas	Harden	Meadows	Weinstein
Childers	Harris	Myers	Wexler
Diaz-Balart	Johnson	Rossin	Williams

Nays—11

Bronson	Dantzler	Holzendorf	Latvala
Burt	Grant	Horne	Ostalkiewicz
Crist	Hargrett	Jenne	

Vote after roll call:

Nay to Yea—Bronson, Burt, Grant, Hargrett, Holzendorf, Horne, Ostalkiewicz

CS for HB 1329

Yeas—33

Bankhead	Dudley	Johnson	Sullivan
Beard	Forman	Jones	Thomas
Bronson	Grant	Kurth	Turner
Brown-Waite	Gutman	Latvala	Weinstein
Burt	Hargrett	McKay	Wexler
Casas	Harris	Meadows	Williams
Childers	Horne	Ostalkiewicz	
Crist	Jenne	Rossin	
Dantzler	Jennings	Silver	

Nays—None

Vote after roll call:

Yea—Dyer, Holzendorf, Kirkpatrick

CS for HB 1423

Yeas—38

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Jones	Turner
Burt	Gutman	Kirkpatrick	Weinstein
Casas	Harden	Kurth	Wexler
Childers	Hargrett	Latvala	Williams
Crist	Harris	McKay	
Dantzler	Holzendorf	Meadows	

Nays—None

CS for HB 1423—Final Passage

Yeas—34

Mr. President	Childers	Grant	Jones
Bankhead	Crist	Harden	Kurth
Beard	Dantzler	Harris	Latvala
Bronson	Diaz-Balart	Horne	McKay
Brown-Waite	Dudley	Jenne	Meadows
Burt	Dyer	Jennings	Myers
Casas	Forman	Johnson	Ostalkiewicz
Rossin	Turner	Wexler	Williams
Sullivan	Weinstein		

Nays—None

Vote after roll call:

Yea—Holzendorf, Kirkpatrick, Thomas

CS for HB 1429

Yeas—36

Bankhead	Diaz-Balart	Holzendorf	Ostalkiewicz
Beard	Dudley	Horne	Rossin
Bronson	Dyer	Jennings	Silver
Brown-Waite	Forman	Johnson	Sullivan
Burt	Grant	Jones	Thomas
Casas	Gutman	Kirkpatrick	Turner
Childers	Harden	Kurth	Weinstein
Crist	Hargrett	McKay	Wexler
Dantzler	Harris	Meadows	Williams

Nays—1

Latvala

HB 1791

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

CS for HB 1805

Yeas—37

Mr. President	Diaz-Balart	Jennings	Silver
Bankhead	Dyer	Johnson	Sullivan
Beard	Forman	Jones	Thomas
Bronson	Grant	Kirkpatrick	Turner
Brown-Waite	Gutman	Kurth	Weinstein
Burt	Harden	Latvala	Wexler
Casas	Harris	McKay	Williams
Childers	Holzendorf	Meadows	
Crist	Horne	Ostalkiewicz	
Dantzler	Jenne	Rossin	

Nays—1

Hargrett

CS for HB 1813

Yeas—37

Bankhead	Dantzler	Hargrett	Latvala
Beard	Diaz-Balart	Harris	McKay
Bronson	Dudley	Holzendorf	Meadows
Brown-Waite	Dyer	Horne	Myers
Burt	Forman	Jenne	Ostalkiewicz
Casas	Grant	Jennings	Rossin
Childers	Gutman	Jones	Silver
Crist	Harden	Kurth	Sullivan

Thomas	Weinstein	Wexler	Williams
Turner			

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for HB 1839

Yeas—39

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Holzendorf

CS for HB's 1883 and 2067

Yeas—38

Mr. President	Dudley	Jennings	Rossin
Bankhead	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Dantzler	Horne	Myers	
Diaz-Balart	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Hargrett

CS for HB 1887

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

CS for HB 1905

Yeas—38

Mr. President	Burt	Diaz-Balart	Gutman
Bankhead	Casas	Dudley	Hargrett
Beard	Childers	Dyer	Harris
Bronson	Crist	Forman	Holzendorf
Brown-Waite	Dantzler	Grant	Horne
Jenne	Kurth	Rossin	Weinstein
Jennings	Latvala	Silver	Wexler
Johnson	McKay	Sullivan	Williams
Jones	Meadows	Thomas	
Kirkpatrick	Ostalkiewicz	Turner	

Nays—None

CS for HB 2119

Yeas—34

Bankhead	Diaz-Balart	Jennings	Silver
Beard	Dudley	Johnson	Sullivan
Bronson	Dyer	Jones	Thomas
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kurth	Weinstein
Casas	Gutman	Latvala	Wexler
Childers	Harden	McKay	Williams
Crist	Horne	Meadows	
Dantzler	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Holzendorf

CS for HB 2121

Yeas—39

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

CS for HB 2135

Yeas—38

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	
Dantzler	Holzendorf	Meadows	

Nays—1

Ostalkiewicz

HB 2195

Yeas—39

Mr. President	Childers	Grant	Jenne
Bankhead	Crist	Gutman	Jennings
Beard	Dantzler	Harden	Johnson
Bronson	Diaz-Balart	Hargrett	Jones
Brown-Waite	Dudley	Harris	Kirkpatrick
Burt	Dyer	Holzendorf	Kurth
Casas	Forman	Horne	Latvala

McKay	Rossin	Thomas	Wexler
Meadows	Silver	Turner	Williams
Ostalkiewicz	Sullivan	Weinstein	

Nays—None

CS for HB 2207

Yeas—36

Mr. President	Dudley	Jenne	Ostalkiewicz
Bankhead	Forman	Jennings	Rossin
Beard	Grant	Johnson	Silver
Brown-Waite	Gutman	Jones	Sullivan
Casas	Harden	Kirkpatrick	Thomas
Childers	Hargrett	Kurth	Turner
Crist	Harris	Latvala	Weinstein
Dantzler	Holzendorf	McKay	Wexler
Diaz-Balart	Horne	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Dyer

CS for CS for HB's 2385 and CS for HB 2399

Yeas—33

Bankhead	Diaz-Balart	Jennings	Sullivan
Beard	Dudley	Johnson	Thomas
Bronson	Dyer	Jones	Turner
Brown-Waite	Grant	Kurth	Weinstein
Burt	Harden	Latvala	Wexler
Casas	Hargrett	McKay	Williams
Childers	Holzendorf	Meadows	
Crist	Horne	Ostalkiewicz	
Dantzler	Jenne	Silver	

Nays—1

Rossin

Vote after roll call:

Yea—Harris

Nay to Yea—Rossin

CS for HB 2391

Yeas—37

Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Horne	Ostalkiewicz	
Diaz-Balart	Jenne	Rossin	

Nays—None

Vote after roll call:

Yea—Holzendorf

CS for HB's 2405, CS for HB 267, CS for HB 531, 1495, 1859 and 1929
Amendment 2

Yeas—15

Bankhead	Childers	Hargrett	Ostalkiewicz
Beard	Dantzler	Holzendorf	Rossin
Bronson	Grant	Horne	Williams
Brown-Waite	Harden	Johnson	

Nays—18

Crist	Harris	McKay	Turner
Dudley	Jenne	Meadows	Weinstein
Dyer	Jones	Myers	Wexler
Forman	Kurth	Silver	
Gutman	Latvala	Sullivan	

Vote after roll call:

Yea—Thomas

CS for HB's 2405, CS for HB 267, CS for HB 531, 1495, 1859 and 1929

Yeas—29

Bankhead	Dyer	Jones	Thomas
Beard	Forman	Kurth	Turner
Bronson	Gutman	Latvala	Weinstein
Casas	Hargrett	McKay	Wexler
Childers	Harris	Myers	Williams
Crist	Holzendorf	Rossin	
Diaz-Balart	Jennings	Silver	
Dudley	Johnson	Sullivan	

Nays—6

Dantzler	Harden	Meadows	Ostalkiewicz
Grant	Horne		

Vote after roll call:

Yea to Nay—Hargrett

CS for HB 2455

Yeas—37

Mr. President	Diaz-Balart	Jenne	Silver
Bankhead	Dyer	Jennings	Sullivan
Beard	Forman	Johnson	Thomas
Bronson	Grant	Jones	Turner
Brown-Waite	Gutman	Kirkpatrick	Weinstein
Burt	Harden	Kurth	Wexler
Casas	Hargrett	Latvala	Williams
Childers	Harris	McKay	
Crist	Holzendorf	Meadows	
Dantzler	Horne	Rossin	

Nays—None

Vote after roll call:

Yea—Ostalkiewicz

CS for HB 2465

Yeas—39

Mr. President	Childers	Grant	Jenne
Bankhead	Crist	Gutman	Jennings
Beard	Dantzler	Harden	Johnson
Bronson	Diaz-Balart	Hargrett	Jones
Brown-Waite	Dudley	Harris	Kirkpatrick
Burt	Dyer	Holzendorf	Kurth
Casas	Forman	Horne	Latvala

McKay	Rossin	Thomas	Wexler
Meadows	Silver	Turner	Williams
Ostalkiewicz	Sullivan	Weinstein	

Nays—None

CS for HB 2587

Yeas—37

Mr. President	Diaz-Balart	Horne	Silver
Bankhead	Dudley	Jenne	Sullivan
Beard	Dyer	Jennings	Thomas
Bronson	Forman	Jones	Turner
Brown-Waite	Grant	Kurth	Weinstein
Burt	Gutman	Latvala	Wexler
Casas	Harden	McKay	Williams
Childers	Hargrett	Meadows	
Crist	Harris	Ostalkiewicz	
Dantzler	Holzendorf	Rossin	

Nays—None

Vote after roll call:

Yea—Johnson, Kirkpatrick, Myers

HCR 2665

Yeas—37

Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Thomas
Brown-Waite	Grant	Jones	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Myers	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Sullivan

HB 2667

Yeas—35

Bankhead	Dyer	Jennings	Rossin
Beard	Forman	Johnson	Silver
Bronson	Grant	Jones	Sullivan
Brown-Waite	Gutman	Kurth	Thomas
Burt	Hargrett	Latvala	Turner
Childers	Harris	McKay	Weinstein
Crist	Holzendorf	Meadows	Wexler
Dantzler	Horne	Myers	Williams
Dudley	Jenne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Harden, Kirkpatrick

HB 2669

Yeas—33

Bankhead	Casas	Dyer	Holzendorf
Beard	Childers	Forman	Horne
Bronson	Crist	Gutman	Jenne
Brown-Waite	Dantzler	Hargrett	Jennings
Burt	Dudley	Harris	Johnson
Jones	Meadows	Silver	Weinstein
Kurth	Ostalkiewicz	Thomas	Wexler
Latvala	Rossin	Turner	Williams
McKay			

Nays—None

Vote after roll call:

Yea—Grant, Harden, Kirkpatrick, Myers, Sullivan

HB 2705

Yeas—38

Mr. President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Jenne	Silver
Beard	Dyer	Jennings	Sullivan
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	Williams
Crist	Harris	Meadows	
Dantzler	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Johnson, Ostalkiewicz

HB 2709

Yeas—38

Mr. President	Dudley	Jenne	Rossin
Bankhead	Dyer	Jennings	Silver
Beard	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

HCR 2751

Yeas—36

Mr. President	Dudley	Jenne	Myers
Beard	Dyer	Jennings	Ostalkiewicz
Bronson	Forman	Johnson	Rossin
Burt	Grant	Jones	Silver
Casas	Gutman	Kirkpatrick	Thomas
Childers	Harden	Kurth	Turner
Crist	Hargrett	Latvala	Weinstein
Dantzler	Harris	McKay	Wexler
Diaz-Balart	Horne	Meadows	Williams

Nays—1

Holzendorf

ROLL CALLS ON LOCAL BILLS

The following roll call was taken on **HB 1417**, **HB 2615**, **HB 987**, **HB 2623**, **HB 1799**, **SB 3130**, **SB 3134**, **SB 3138**, **SB 3140**, **HB 775**, **HB 857**, **HB 867**, **HB 1019**, **HB 1299**, **HB 1301**, **HB 1303**, **HB 1305**, **HB 1435**, **HB 1457**, **HB 1843**, **HB 2085**, **HB 2169**, **HB 2171**, **HB 2173**, **HB 2175**, **HB 2177**, **HB 2179**, **HB 2181**, **HB 2183**, **HB 2221**, **HB 2345**, **HB 2441**, **HB 2485**, **HB 2571**, **HB 2597**, **HB 2609**, **HB 2617**, **HB 2625**, **HB 2627**, **HB 2629**, **HB 2631**, **HB 2633**, **HB 2683**, **HB 2729**, **HB 2733**, **HB 2637**, **HB 2639**, **HB 1261**, **HB 1855**, **HB 1959**, **HB 2009**, **HB 2737**, **HB**

2265, **HB 2375**, **HB 2377**, **HB 2417**, **HB 2605**, **CS for HB 1979** and **CS for HB 2005**

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Jenne

HB 2663

Yeas—37

Mr. President	Diaz-Balart	Jennings	Silver
Bankhead	Dudley	Johnson	Sullivan
Beard	Dyer	Jones	Thomas
Bronson	Forman	Kirkpatrick	Turner
Brown-Waite	Grant	Kurth	Weinstein
Burt	Gutman	Latvala	Wexler
Casas	Harden	McKay	Williams
Childers	Harris	Meadows	
Crist	Horne	Ostalkiewicz	
Dantzler	Jenne	Rossin	

Nays—None

Vote after roll call:

Yea—Hargrett

ROLL CALLS ON EXECUTIVE BUSINESS

Confirmations
Report No. 1

Yeas—37

Mr. President	Dudley	Jenne	Rossin
Bankhead	Dyer	Jennings	Silver
Beard	Forman	Johnson	Sullivan
Bronson	Grant	Jones	Thomas
Brown-Waite	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Wexler
Childers	Hargrett	Latvala	Williams
Crist	Harris	McKay	
Dantzler	Holzendorf	Meadows	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Weinstein

Confirmations
Report No. 1
After Reconsideration

Yeas—37

Mr. President	Casas	Dudley	Harden
Bankhead	Childers	Dyer	Hargrett
Beard	Crist	Forman	Harris
Bronson	Dantzler	Grant	Holzendorf
Brown-Waite	Diaz-Balart	Gutman	Horne
Jenne	Kurth	Rossin	Wexler
Jennings	Latvala	Silver	Williams
Johnson	McKay	Sullivan	
Jones	Meadows	Thomas	
Kirkpatrick	Ostalkiewicz	Turner	

Nays—None

Vote after roll call:

Yea—Weinstein

Confirmations
Report No. 2

Yeas—37

Mr. President	Dudley	Jenne	Rossin
Bankhead	Dyer	Jennings	Silver
Beard	Forman	Johnson	Sullivan
Bronson	Grant	Jones	Thomas
Brown-Waite	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Wexler
Childers	Hargrett	Latvala	Williams
Crist	Harris	McKay	
Dantzler	Holzendorf	Meadows	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Weinstein

Confirmations
Report No. 3

Yeas—37

Mr. President	Dudley	Jenne	Rossin
Bankhead	Dyer	Jennings	Silver
Beard	Forman	Johnson	Sullivan
Bronson	Grant	Jones	Thomas
Brown-Waite	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Wexler
Childers	Hargrett	Latvala	Williams
Crist	Harris	McKay	
Dantzler	Holzendorf	Meadows	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Weinstein

Confirmation
Report No. 5

Yeas—36

Mr. President	Diaz-Balart	Holzendorf	Meadows
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Casas	Gutman	Kirkpatrick	Thomas
Childers	Harden	Kurth	Turner
Crist	Hargrett	Latvala	Wexler
Dantzler	Harris	McKay	Williams

Nays—None

Vote after roll call:

Yea—Weinstein

ROLL CALLS ON CONFERENCE REPORTS

CS for SB 1662
Conference Report

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

HB 1621
Conference Report

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

HB 2715
Conference Report

Yeas—39

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Grant	Jones	Sullivan
Brown-Waite	Gutman	Kirkpatrick	Thomas
Burt	Harden	Kurth	Turner
Casas	Hargrett	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Dantzler	Horne	Myers	

Nays—1

Forman

HB 2717
Conference Report

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

HB 2719
Conference Report

Yeas—39

Mr. President	Diaz-Balart	Horne	Ostalkiewicz
Bankhead	Dudley	Jenne	Rossin
Beard	Dyer	Jennings	Silver
Bronson	Forman	Johnson	Sullivan
Brown-Waite	Grant	Jones	Thomas
Burt	Gutman	Kirkpatrick	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

HB 2721
Conference Report

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

HB 2723
Conference Report

Yeas—39

Mr. President	Dudley	Jenne	Ostalkiewicz
Bankhead	Dyer	Jennings	Rossin
Beard	Forman	Johnson	Silver
Bronson	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams
Diaz-Balart	Horne	Myers	

Nays—None

HB 2725
Conference Report

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

CO-SPONSORS

Senators Crist—SB 156, CS for SB 452; Diaz-Balart—SB 156; Forman—SB 1860; Hargrett—CS for SB 1940, CS for SB 2822; Meadows—CS for SB 1940; Weinstein—CS for SB 910; Wexler—CS for SB 222, CS for SB 910, SB 1860

Senator Hargrett withdrew as a co-sponsor of CS for SB 1662.

ADJOURNMENT

On motion by Senator Jennings, the Senate in extended session adjourned sine die at 2:00 a.m., May 4.

FLORIDA SENATE
TALLAHASSEE, FLORIDA 32399-1100