Journal of the Senate

Number 25—Regular Session **Thursday, May 3, 2001**

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CALL TO ORDER

The Senate was called to order by President McKay at 9:20 a.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Excused: Conferees periodically for the purpose of working on CS for SB 1118 relating to elections: Senator Posey, Chairman; Senators Carlton, Sebesta and Smith; Conferees periodically for the purpose of working on CS for SB 466 relating to public employment: Senator Garcia, Chairman; Senators Carlton, Lawson, Posey, and Smith

PRAYER

The following prayer was offered by Monsignor J. Bernard Caverly, St. Raphael's Church, St. Petersburg:

God, our Heavenly Father, we acknowledge your presence in our midst, and we ask you to bless us, especially on this National Day of Prayer.

Bless in a special way Governor Bush and his family. Bless the Senators who strive to serve you, Lord, by their devoted service to the people of Florida.

God of justice, many who search for truth, as well as the followers of Abraham, Moses, and Jesus, proclaim you as the defender of the widow, the orphan, the poor, the stranger, the oppressed, the afflicted, and the captive.

As we exercise stewardship over the State of Florida resources, may the needs of the poor and the weak be our first concern. Help our Governor and Senators to become more and more conscious of the need to alleviate the poverty amongst our less fortunate brothers and sisters.

God of Peace, whose arms are the methods of non-violence, banish from our state the horrors of crime and violence. Let development, diplomacy, and rehabilitation be the new names for peace. And so we pray:

The Lord bless you and keep you,
The Lord make his face to shine upon you,
And be gracious unto you,
The Lord lift up his countenance upon you
And give you peace. Amen.

PLEDGE

Senate Pages Marissa Barber of Port St. Lucie, Shannon Blizzard and Douglas Thornton of Tallahassee and Elizabeth Smokay of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert Fedor of Madeira Beach, sponsored by Senator Sullivan, as doctor of the day. Dr. Fedor specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator King—

By Senator King—

SR 2384—A resolution acknowledging and honoring the efforts of "Friends of our Nation's Heroes."

WHEREAS, a patriotic organization known as "Friends of our Nation's Heroes" was created during Operation Desert Storm, and

WHEREAS, the intent of this Florida-based organization is to honor all of the men and women of our nation's armed services, past, present, and future, through the placement of a memorial in each of the fifty states, and

WHEREAS, the organization disseminates a compelling message that we should never forget the protectors of our nation's freedoms, and

WHEREAS, "Friends of our Nation's Heroes" serves a laudable purpose in reminding Americans that many of our own have sacrificed life and limb for the cause of liberty, and

WHEREAS, the endeavor of the organization to honor the men and women who have served, are serving, or will serve in the United States Army, Navy, Air Force, Marines, Coast Guard, and Merchant Marines is a most noble enterprise, and

WHEREAS, "Friends of our Nation's Heroes" has launched an effort to engage churches, civic organizations, governmental entities, and all who revere our military to join in the effort to honor the men and women who have served or will serve, and

WHEREAS, the endeavor of the organization to pay tribute to America's bravest heroes is worthy of widespread support and such commendable efforts should be encouraged, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate acknowledges and honors the efforts of "Friends of our Nation's Heroes" to pay well-deserved tribute to all of America's armed services veterans, past, present, and future.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Shelby Dew, Founder and Chairman of "Friends of our Nation's Heroes," as a tangible token of the esteem held by the Florida Senate.

—**SR 2384** was introduced, read and adopted by publication.

At the request of Senator Dawson—

By Senator Dawson—

SR 2390—A resolution congratulating Dr. Dorothy Jackson Orr on her outstanding achievements.

WHEREAS, Dr. Dorothy Jackson Orr, a native of Fort Lauderdale, Broward County, Florida, is recognized as a pioneer and a leader in the community, taking great pride in being a product of its religious institutions and public school system, and

WHEREAS, Dr. Orr has given service to the local School Board in many capacities for over thirty years, and is presently serving as Deputy Superintendent and Board Liaison, and

WHEREAS, Dr. Orr has inspired others throughout the county and state with her active and tireless dedication, believing that education is the mother of all vocations and that it is the responsibility of our education system to prepare each student to be a contributing member of society, and

WHEREAS, she has dedicated her life to achieving this goal, and

WHEREAS, Dr. Orr is affiliated with several religious, community, social, and professional associations and organizations, and is a keynote speaker, presenter, lecturer, adjunct professor/instructor, consultant, and committee/board member, and has received numerous honors, awards, and recognitions, and

WHEREAS, Dr. Orr has a lifelong history of outstanding achievements and contributions to the community, providing improvements in the quality of life to the residents of Broward County, and

WHEREAS, Dr. Orr finds great satisfaction in writing and public speaking and hopes to continue to help young people in their development of these skills, and

WHEREAS, Dr. Orr firmly believes that the entire community has one responsibility in common which must be fulfilled as a joint endeavor—the education of our children and youth, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate congratulates Dr. Dorothy Jackson Orr on her outstanding achievements.

BE IT FURTHER RESOLVED that a copy of this resolution with the Seal of the Senate affixed, be presented to Dr. Orr as a tangible token of the sentiments of the Florida Senate.

—**SR 2390** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 192** was withdrawn from the Committees on Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar; **SB 356**, **SB 1462**, **CS for SB 1776** and **SB 2020** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 786** was withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **SB 1218** was withdrawn from the Committee on Banking and Insurance; **CS for SB 1290** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 1488** and **CS for SB 1784** were withdrawn from the Committee on Rules and Calendar; **SB 1630** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations; and **CS for SB 1976** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations.

BILLS ON THIRD READING

CS for CS for SB 2108—A bill to be entitled An act relating to education governance reorganization; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; amending s. 240.2011, F.S.; adding to the State University System the New College in Sarasota; creating fiscally autonomous campuses of the University of South Florida; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida; providing Legislative intent; redesignating St. Petersburg Junior College as "St. Petersburg College"; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Education K-20 Policy and Research Council, respectively; creating the Education K-20 Policy and Research Council within the Department of Education; transferring the Articulation Coordinating Committee and the Education Standards Commission by a type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Education K-20 Policy and Research Council; establishing the membership and duties of the council; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross-references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross-references to newly created missions and goals; requiring the Commissioner of Education to serve as chief executive officer of the seamless K-20 education system; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and the already accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report

to the Governor, the Legislature, the Secretary of the Florida Board of Education, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission and goals and systemwide measures; requiring proposals and an implementation schedule for performance-based funding; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees, a Florida Board of Education and a Secretary of the Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; requiring the Florida Board of Education to appoint advisory bodies as necessary, and develop and recommend to the Legislature a new School Code; creating s. 229.0073, F.S.; directing the Commissioner of Education to work with the Florida Board of Education to reorganize the Department of Education as provided by the act; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing duties of the commission; providing composition of the Commission for Independent Education; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; transferring the Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; repealing s. 229.0865, F.S., relating to the Knott Data Center and projects, contracts, and grants; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; repealing ss. 240.145, 240.147, 240.205, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, creation of the Board of Regents as a body corporate, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; repealing s. 235.217(1)(b), (c), and (d), (3)(a), (c), (d), and (e), and (2), (4), and (5), F.S., relating to the SMART Schools Clearinghouse; providing effective dates.

—as amended April 25 was read the third time by title.

Senator Pruitt moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (402486)—On page 74, line 6, delete "The" and insert: A

Amendment 2 (081466)—On page 80, after line 25, insert:

(9) If a civil action is brought against any member of a university board of trustees for any act or omission arising out of and in the course of the performance of his or her duties and responsibilities, the university board of trustees may defray all costs of defending such action, including reasonable attorney's fees and expenses, together with costs of appeal, and may save harmless and protect such person from any financial loss resulting from the lawful performance of his or her duties and responsibilities. A claim based on any such action or omission may, in the discretion of the university board of trustees, be settled prior to or after the filing of suit. The board of trustees may arrange for and pay the premium for appropriate insurance to cover all such losses and expenses.

Amendment 3 (210124)(with title amendment)—On page 93, line 31, insert:

Section 35. Subsections (3), (4), and (5) of section 240.2995, Florida Statutes, are amended to read:

240.2995 University health services support organizations.—

(3) The board of *trustees* ~~regents~~ *of a state university* may prescribe, by rule, conditions with which a university health services support organization must comply in order to be certified and to use property, facilities, or personal services at any state university. The rules must provide for budget, audit review, and oversight by the board of *trustees* ~~regents~~ *of the state university*. Such rules shall provide that the university health services support organization may provide salary supplements and other compensation or benefits for university faculty and staff employees only as set forth in the organization's budget, which shall be subject to approval by the university president.

(4) The chair of the board of *trustees* ~~regents~~ *of a state university* may appoint a representative to the board of directors and the executive committee of any university health services support organization established under this section. The president of the university for which the university health services support organization is established, or the president's designee, shall also serve on the board of directors and the executive committee of any university health services support organization established to benefit that university.

(5) Each university health services support organization shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules of the board of *trustees* ~~regents~~ *of a state university*. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the board of regents for review. The board of *trustees* ~~regents~~ *of a state university* and the Auditor General *may* ~~shall have the authority to~~ require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The auditor's report, management letter, and any supplemental data requested by the board of *trustees* ~~regents~~ *of a state university* and the Auditor General shall be considered public records, pursuant to s. 119.07.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 19, after the semicolon (;) insert: amending s. 240.2995, F.S.; authorizing university boards of trustees to establish university health services support organizations; providing rulemaking authority;

Amendment 4 (595298)(with title amendment)—On page 93, line 31, insert:

Section 35. Subsection (2) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(2) As used in this act, "state agencies or subdivisions" include the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state; counties and municipalities; *state university boards of trustees;* and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Spaceport Florida Authority.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 19, after the semicolon (;) insert: amending s. 768.28, F.S.; including university boards of trustees within the definition of a state agency for purposes of sovereign immunity;

Amendment 5 (765488)(with title amendment)—On page 93, line 31, insert:

Section 35. Subsections (1), (2), (3), (5), and (7) of section 240.299, Florida Statutes, are amended to read:

240.299 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

(1) DEFINITIONS.—For the purposes of this section:

(a) "University direct-support organization" means an organization *that* ~~which~~ is:

1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a state university in Florida or for the benefit of a research and development park or research and development authority affiliated with a state university and organized under part V of chapter 159; and

3. An organization *that* ~~which~~ the board of *trustees* ~~regents~~ *of a state university*, after review, has certified to be operating in a manner consistent with the goals of the university and in the best interest of the state. Any organization *that* ~~which~~ is denied certification by the board of *trustees* ~~regents~~ *of a state university may* ~~shall~~ not use the name of the university *that* ~~which~~ it serves.

(b) "Personal services" includes full-time or part-time personnel as well as payroll processing.

(2) USE OF PROPERTY.—

(a) The board of *trustees* ~~regents~~ *of a state university may* ~~is authorized to~~ permit the use of property, facilities, and personal services at *its* ~~any~~ state university by any university direct-support organization, and, subject to the provisions of this section, direct-support organizations may establish accounts with the State Board of Administration for investment of funds pursuant to part IV of chapter 218.

(b) The board of *trustees* ~~regents~~ *of a state university* shall prescribe by rule conditions with which a university direct-support organization must comply in order to use property, facilities, or personal services at *the* ~~any~~ state university. Such rules shall provide for budget and audit review and oversight by the board of *trustees* ~~regents~~ *of the state university*.

(c) The board of *trustees* ~~regents~~ *of a state university may* ~~shall~~ not permit the use of property, facilities, or personal services at *its* ~~any~~ state university by any university direct-support organization *that* ~~which~~ does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(3) BOARD OF DIRECTORS.—The chair of the board of *trustees* ~~regents~~ *of a state university* may appoint a representative to the board of directors and the executive committee of any direct-support organization established under this section. The president of the university for which the direct-support organization is established, or his or her designee, shall also serve on the board of directors and the executive committee of any direct-support organization established to benefit that university.

(5) ANNUAL AUDIT.—Each direct-support organization shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be promulgated by the board of *trustees* ~~regents~~ *of the state university*. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the board of regents for review. The board of *trustees* ~~regents~~ *of the state university* and the Auditor General *may* ~~shall have the authority to~~ require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization other than the auditor's report, management letter, and any supplemental data requested by the board of *trustees* ~~regents~~ *of a state university* and the Auditor General shall be confidential and exempt from the provisions of s. 119.07(1).

(7) ANNUAL BUDGETS AND REPORTS.—Each direct-support organization shall submit to the university president and the board of *trustees* ~~regents~~ *of the state university* its federal Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 19, after the semicolon (;) insert: amending s. 240.299, F.S.; providing for university boards of trustees to certify the operations of university direct-support organizations; providing rulemaking authority;

Senator Carlton moved the following amendment which was adopted by two-thirds vote:

Amendment 6 (831180)(with title amendment)—On page 93, line 31, insert:

Section 38. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.

Section 39. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

Section 40. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 Procedures for holding and conducting school district millage elections.—

(1) HOLDING ELECTIONS.—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.

(2) FORM OF BALLOT.—

(a) The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improve-

ment reserve fund. When two millage figures are proposed, each millage must be voted on separately.

(b) The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.

(3) QUALIFICATION OF ELECTORS.—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.

(4) RESULTS OF ELECTION.—When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

(5) EXPENSES OF ELECTION.—The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 19, following the semicolon (;) insert: amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections;

Senator Pruitt moved the following amendment which was adopted by two-thirds vote:

Amendment 7 (431480)—In title, on page 8, line 6, delete "nine-member" and insert: eleven-member

On motion by Senator Pruitt, **CS for CS for SB 2108** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Constantine	Latvala	Sanderson
Bronson	Cowin	Laurent	Saunders
Brown-Waite	Crist	Lawson	Sebesta
Burt	Diaz de la Portilla	Lee	Silver
Campbell	Garcia	Peaden	Sullivan
Carlton	Horne	Posey	Villalobos
Clary	King	Pruitt	Webster

Nays—12

Dawson	Holzendorf	Meek	Rossin
Dyer	Jones	Miller	Smith
Geller	Klein	Mitchell	Wasserman Schultz

Consideration of **CS for SB 1558** and **CS for CS for SB's 336 and 190** was deferred.

CS for CS for SB 2120—A bill to be entitled An act relating to water resources; amending s. 373.1961, F.S.; allowing certain alternative water supply facilities to recover the cost of such facilities through rate structures; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks on work products of the district; providing for rules; creating s. 373.610, F.S.; authorizing water management districts to suspend contractors who have defaulted on contracts; providing procedure; providing for rules; creating s. 373.611, F.S.; authorizing water management districts to enter into contracts to limit or alter the measure of damages recoverable from a vendor; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; amending s. 73.015, F.S.; clarifying time-frame for providing specific information to fee-owners; requiring agencies to provide specified portions of statute to fee-owners; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, board of trustees and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by land-owner wanting a release of a reservation; amending s. 373.056, F.S.; granting water management districts the authority to grant utility easements on district-owned land for providing utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification before executing lease agreements; amending s. 373.096, F.S.; providing for release of certain easements, reservations, or right-of-way interests; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing water management districts to disclose appraisal information, offers and counter offers to third parties working on the district's behalf; allowing third party appraisals to be used under specific circumstances; amending s. 373.1401, F.S.; allowing water management districts to contract with private entities for management, improvement, or maintenance of land held by the districts; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budget must be sent for review; specifying the contents of the tentative budget; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; amending s. 373.59, F.S.; providing for the transfer of certain funds; amending s. 373.501, F.S.; providing for the release of moneys from the Water Management Lands Trust Fund; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; providing an effective date.

—as amended May 1 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **CS for CS for SB 2120** to **HB 1221**.

Pending further consideration of **CS for CS for SB 2120** as amended, on motion by Senator Garcia, by two-thirds vote **HB 1221** was withdrawn from the Committees on Judiciary and Natural Resources.

On motion by Senator Garcia, by two-thirds vote—

HB 1221—A bill to be entitled An act relating to water resources; amending s. 373.1961, F.S.; allowing certain alternative water supply facilities to recover the cost of such facilities through rate structures; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks on work products of the district; providing for rules; creating s. 373.610, F.S.; authorizing water management districts to suspend contractors who have defaulted on contracts; providing procedure; providing for rules; creating s. 373.611, F.S.; authorizing water management districts to enter into contracts to limit or alter the measure of damages recoverable from a vendor; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; amending s. 73.015, F.S.; clarifying time-frame for providing specific information to fee-owners; requiring agencies to provide specified portions of statute to fee-owners; amending s. 270.11, F.S.; providing discretion to water management districts, local

governments, board of trustees and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by land-owner wanting a release of a reservation; amending s. 373.056, F.S.; granting water management districts the authority to grant utility easements on district-owned land for providing utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification before executing lease agreements; amending s. 373.096, F.S.; providing for release of certain easements, reservations, or right-of-way interests; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing water management districts to disclose appraisal information, offers and counter offers to third parties working on the district's behalf; allowing third party appraisals to be used under specific circumstances; amending s. 373.1401, F.S.; allowing water management districts to contract with private entities for management, improvement, or maintenance of land held by the districts; amending s. 374.984, F.S.; revising powers and duties of the Board of Commissioners of the Florida Inland Navigation District; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budget must be sent for review; specifying the contents of the tentative budget; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; amending s. 373.59, F.S.; providing for the transfer of certain funds; amending s. 373.501, F.S.; providing for the release of moneys from the Water Management Lands Trust Fund; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2120** as amended and by two-thirds vote read the second time by title. On motion by Senator Garcia, by two-thirds vote **HB 1221** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Laurent	Sanderson
Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Clary

The Senate resumed consideration of—

CS for HB 339—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; requiring an agreement that a certain percent of Medicaid and charity patients be served; requiring a specified number of operations; amending s. 408.036, F.S.; authorizing certain facilities to request exemption from the certificate of need process; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the workgroup; amending the scope of responsibility for the workgroup; providing new dates for final report to the Governor and Legislature and termination of the certificate-of-need workgroup; providing effective dates.

—which was previously considered May 2. Pending substitute **Amendment 2 (151040)** by Senator Klein was withdrawn. The question recurred on **Amendment 1 (880602)** by Senator Clary as amended which was adopted.

On motion by Senator Clary, **CS for HB 339** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Mitchell	Smith
Clary	Horne	Peaden	Sullivan
Constantine	Jones	Posey	Villalobos
Cowin	King	Pruitt	Wasserman Schultz
Crist	Klein	Rossin	Webster

Nays—1

Miller

Vote after roll call:

Yea—Brown-Waite, Dyer, Latvala

SENATOR CAMPBELL PRESIDING

CS for CS for SB 268—A bill to be entitled An act relating to DNA testing and analysis; amending s. 943.325, F.S.; requiring the Department of Law Enforcement to add certain felony offenses in a scheduled order to the DNA data banks's enumerated offenses; requiring the Department of Corrections to test certain violent felons in addition to those enumerated in the statute before being released from custody; providing effective dates.

—was read the third time by title.

On motion by Senator Silver, **CS for CS for SB 268** was passed and certified to the House. The vote on passage was:

Yeas—35

Bronson	Dawson	Latvala	Rossin
Brown-Waite	Diaz de la Portilla	Laurent	Sanderson
Burt	Dyer	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

Vote after roll call:

Yea—Garcia, Lawson, Villalobos

Consideration of **SJR 1700** was deferred.

CS for SJR 2236—A joint resolution proposing the creation of Section 20 of Article X of the State Constitution, relating to miscellaneous matters, to prescribe the use of moneys in the Lawton Chiles Endowment Fund.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 20 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X
MISCELLANEOUS

SECTION 20. Lawton Chiles Endowment Fund.—

(a) There is created the Lawton Chiles Endowment Fund to provide a perpetual source of funding for the future of state children's health programs, child welfare programs, community-based health and human services initiatives, and biomedical research activities. The principal of the endowment fund, composed of moneys received from the tobacco industry to mitigate the impact of the use of tobacco on Florida residents, shall not be appropriated by the Legislature except as provided by this section. The annual capital gains and investment income of the Lawton Chiles Endowment Fund may be appropriated, in accordance with general law, by the legislature in a separate act and shall be approved by a two-thirds vote of the membership of each house. This appropriation shall not supplant current state or federal funds.

(b) In an emergency declared by the legislature, no more than 10 percent of the principal of the endowment fund may be appropriated by the legislature in any fiscal year for state children's health programs; child welfare programs; and community-based health and human services. Such appropriation shall be in a separate act and be approved by a two-thirds vote of the membership of each house.

(c) For purposes of this section, the term "emergency" means a set of conditions which was unforeseen and which must be corrected in order to continue an operation of government, or a set of conditions which constitutes an imminent threat to public health, safety, or welfare. The emergency must relate to one of the following areas: state children's health programs; child welfare programs; or community-based health and human services.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 20

USE OF FUNDS IN THE LAWTON CHILES ENDOWMENT FUND.—Proposing an amendment to the State Constitution to authorize the legislature to appropriate the investment income from the Lawton Chiles Endowment Fund as provided by general law and to limit the use of the principal of the endowment fund to emergencies that relate to children's health or welfare programs or community-based health and human services.

—was read the third time in full.

On motion by Senator Burt, **CS for SJR 2236** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders
Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

On motion by Senator Garcia, by two-thirds vote **CS for HJR 471** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

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

CS for HJR 471—A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 6 of Article VIII of the State Constitution as set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

SECTION 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) OFFICERS TO CONTINUE IN OFFICE. Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) ORDINANCES. Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the *Miami-Dade* ~~Metropolitan Dade~~ County Home Rule Charter, heretofore or hereafter adopted by the electors of *Miami-Dade* ~~Dade~~ County pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended. *However, notwithstanding any provision of Article VIII, Section 11, of the Constitution of 1885, as amended, or any limitations under this subsection, the Miami-Dade County Home Rule Charter may be amended or revised by special law approved by the electors of Miami-Dade County and, if approved, shall be deemed an amendment or revision of the charter by the electors of Miami-Dade County.*

(f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events

to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendment proposed herein shall appear on the ballot as follows:

AUTHORIZING AMENDMENTS TO MIAMI-DADE COUNTY HOME
RULE CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM

Proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the Miami-Dade County Home Rule Charter by special law approved by a vote of the electors of Miami-Dade County and to conform references to the county's current name.

—a companion measure, was substituted for **SJR 1700** as amended and read the second time in full.

On motion by Senator Garcia, by two-thirds vote **CS for HJR 471** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 1562—A bill to be entitled An act relating to public-records exemptions; creating s. 569.215; providing that proprietary confidential business information used to negotiate or verify annual tobacco settlement payments are exempt from public records requirements; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **CS for SB 1562** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 330—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for the payment of a portion of cigarette taxes to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for certain purposes; amending s. 210.201, F.S.; providing for a cross reference; abrogating the repeal of s. 240.512, F.S., relating to the H. Lee Moffitt Cancer Center and Research Institute; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Sullivan, **SB 330** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for HB 411—A bill to be entitled An act relating to mobile homes; amending s. 215.559, F.S.; specifying the amount of funds to be used to inspect and improve tie-downs for mobile homes; requiring the Department of Community Affairs to contract with a public higher educational institution to serve as an administrative entity and fiscal agent for certain purposes; establishing responsibilities for such administrative entity; requiring a certain Type I Center to develop a work plan for certain purposes; revising the process for establishing an advisory council; requiring an annual report; amending s. 723.003, F.S.; defining the term "proportionate share"; amending s. 723.011, F.S.; requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0611, F.S.; creating the Florida Mobile Home Relocation Corporation; providing for a board of directors to be appointed by the Secretary of Business and Professional Regulation; providing for terms of office; specifying powers and duties of the board; authorizing the corporation to borrow from private finance sources; creating s. 723.0612, F.S.; providing for the payment of relocation expenses if a mobile home owner is required to move due to a change in use of the mobile home park; providing exceptions; specifying procedures for payments upon approval of the corporation; authorizing a mobile home owner to abandon the mobile home and collect one-fourth the amount of relocation expenses; providing a penalty; providing for recognition of existing contracts; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for CS for HB 411** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

On motion by Senator Crist, by two-thirds vote **HB 1265** was withdrawn from the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Crist, by two-thirds vote—

HB 1265—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 723.06115, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing purposes; providing funding; providing for legislative review and termination or re-creation of the trust fund; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use of the mobile home park which requires a mobile home owner to move; providing exceptions; providing an appropriation; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1920** as amended and read the second time by title.

On motion by Senator Crist, by two-thirds vote **HB 1265** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

HB 393—A bill to be entitled An act relating to a public records exemption for certain information obtained by the Florida Tourism Industry Marketing Corporation; amending s. 288.1226, F.S., which provides an exemption from public records requirements for the identity of any person responding to marketing or research projects conducted by the corporation and for trade secrets obtained pursuant thereto; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **HB 393** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Sanderson

CS for HB 41—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; deleting the requirement that county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; recovery of rate case expenses; providing an effective date.

—was read the third time by title.

On motion by Senator Brown-Waite, **CS for HB 41** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

On motion by Senator Garcia, by two-thirds vote **CS for CS for HB 503** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Garcia, by two-thirds vote—

CS for CS for HB 503—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to adopt rules to maintain the qualified status of the Optional Retirement Program in compliance with the Internal Revenue Code; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 436** as amended and read the second time by title. On motion by Senator Garcia, by two-thirds vote **CS for CS for HB 503** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for SB 478—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; defining the term "public school member" for purposes of the system; amending s. 121.091, F.S.; providing retirement benefits payable to public school members; providing retroactive applicability; providing for funding of the revision of the Florida Retirement System by this act; providing a finding of important state interest; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, **CS for CS for SB 478** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Burt	Carlton	Constantine
Brown-Waite	Campbell	Clary	Cowin

Crist	Jones	Miller	Sebesta
Dawson	King	Mitchell	Silver
Diaz de la Portilla	Klein	Peaden	Smith
Dyer	Latvala	Posey	Sullivan
Garcia	Laurent	Pruitt	Villalobos
Geller	Lawson	Rossin	Wasserman Schultz
Holzendorf	Lee	Sanderson	Webster
Horne	Meek	Saunders	

Nays—None

CS for SB 422—A bill to be entitled An act relating to prekindergarten early-intervention programs; amending s. 230.2305, F.S.; requiring the Florida Partnership for School Readiness to make recommendations to expand the prekindergarten early-intervention program to provide access to at-risk 4-year old children on a fee basis; requiring a report; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 422** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 878—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending such coverage at cost to part-time instructional personnel and to all administrative personnel; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Webster, further consideration of **SB 878** as amended was deferred.

CS for HB 1633—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing Department of Education duties relating to identification of student learning gains; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, **CS for HB 1633** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Lawson	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Meek	Smith
Campbell	Holzendorf	Miller	Sullivan
Carlton	Horne	Mitchell	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Constantine	King	Pruitt	Webster
Cowin	Klein	Rossin	
Crist	Latvala	Sanderson	
Dawson	Laurent	Saunders	

Nays—None

Vote after roll call:

Yea—Peaden

CS for HB 277—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; reducing temporary cash assistance based on failure to meet certain education participation requirements; requiring conferences between Learnfare participants and school officials; requiring the development of an electronic data transfer system; amending s. 228.041, F.S., relating to definitions; correcting a cross reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Burt, **CS for HB 277** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 492—A bill to be entitled An act relating to the offense of possessing a firearm at school; amending s. 230.235, F.S.; requiring that a child found to have committed the act of bringing a firearm to school, to any school function, or onto any school-sponsored transportation be assigned to a disciplinary program or second-chance school; requiring that the court retain jurisdiction over the child during the expulsion period; providing that sanctions pursuant to s. 985.231, F.S., apply if the child fails to comply with the requirements of the disciplinary program or second-chance school; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **CS for SB 492** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

Consideration of **CS for SB 872** was deferred.

CS for HB 245—A bill to be entitled An act relating to the Parole Commission; creating the "Parole Commission Reform Act of 2001"; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain field offices within existing department facilities; amending s. 947.1405, F.S.; providing for deferral of conditional release supervision to probation or community control; providing for automatic revocation of conditional release supervision and forfeiture of gain-time under certain circumstances; providing for reversion to conditional release supervision under certain conditions; requiring the Department of Corrections to review an inmate's program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate's release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; correcting references; clarifying the requirement that the commission impose restrictions relating to contact with children; authorizing the commission to require electronic monitoring for certain releasees; authorizing the Parole Commission to adopt rules necessary to implement the Conditional Release Program Act; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **CS for HB 245** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

Vote after roll call:

Yea—Lawson

CS for CS for SB 1624—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Agency for Workforce Innovation; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for CS for SB 1624** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **CS for CS for SB 2224** was deferred.

CS for SB 1680—A bill to be entitled An act relating to sexually violent offenders; amending s. 394.913, F.S.; requiring the agency with jurisdiction over a person convicted of a sexually violent offense to provide earlier notice of the offender's anticipated release; revising the time for preparing the assessment as to whether the offender is a sexually violent predator; amending s. 394.917, F.S.; requiring the Department of Children and Family Services to detain sexually violent predators in a secure facility segregated from other patients; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for SB 1680** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 2012—A bill to be entitled An act relating to character evidence; amending s. 90.404, F.S.; revising a provision of law governing character evidence to permit the admission of certain evidence of the defendant's commission of acts of child molestation under certain circumstances; providing a definition; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for SB 2012** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Dyer	Lee	Sebesta
Brown-Waite	Garcia	Meek	Silver
Burt	Geller	Miller	Smith
Campbell	Holzendorf	Mitchell	Sullivan
Carlton	Horne	Peaden	Villalobos
Clary	Jones	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	
Diaz de la Portilla	Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Constantine, King

CS for HB 1385—A bill to be entitled An act relating to public meetings and public records; creating s. 414.106, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by the Department of Children and Family Services, Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; creating s. 414.295, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board, a local committee, or service providers under contract with any of these entities; authorizing release of such information under specified circumstances; amending s. 445.007, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for HB 1385** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for CS for SB 738—A bill to be entitled An act relating to off-highway vehicles; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the T. Mark Schmidt Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing for the use of designated off-highway-vehicle funds within the Incidental Trust Fund of the Division of Forestry, Department of Agriculture and Consumer Services; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for reregistration by mail; providing for change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an appropriation; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator King, **CS for CS for SB 738** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Villalobos

CS for CS for SB 1092—A bill to be entitled An act relating to insurance; providing legislative findings; amending s. 119.10, F.S.; providing a criminal penalty for use of certain report information for commercial solicitation; creating s. 456.0375, F.S.; defining the term "clinic"; imposing registration requirements for certain clinics; providing for medical directors or clinical directors; providing duties and responsibilities of medical directors or clinical directors; authorizing the Department of Health to adopt rules for certain purposes; providing for enforcement; providing penalties; amending s. 626.989, F.S.; clarifying immunity from civil actions provisions; amending s. 627.732, F.S.; defining the terms "broker" and "medically necessary"; amending s. 627.736, F.S.; revising provisions relating to personal injury protection benefits; revising provisions relating to interest on overdue claims; revising provisions for charges and payments for certain treatments; removing provisions specifying the use of medical payments insurance; making certain charges by a broker noncompensable; providing for a demand letter; providing demand letter requirements; providing for civil actions against certain persons; amending s. 817.234, F.S.; prohibiting solicitation of specific persons involved in motor vehicle crashes; specifying certain charges as unlawful and unenforceable; amending s. 921.0022, F.S.; ranking certain criminal offenses specified in that section; amending s. 324.021, F.S.; correcting a cross-reference; providing an appropriation; providing effective dates.

—as amended May 2 was read the third time by title.

On motion by Senator Latvala, **CS for CS for SB 1092** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

On motion by Senator Garcia, by two-thirds vote **CS for HB 347** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Garcia, the rules were waived and by two-thirds vote—

CS for HB 347—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; creating the "Officer Malcolm Thompson Act"; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; amending ss. 175.191 and 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury; amending s. 121.4501, F.S.; redefining the term "approved provider"; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration; amending s. 121.4501, F.S.; providing additional definitions; providing for payment of benefits pursuant to s. 121.591, F.S.; amending s. 121.571, F.S.; revising employer contribution rates to disability accounts; creating s. 121.591, F.S.; providing for payment of normal benefits, disability retirement benefits, and death benefits under the Public Employee Optional Retirement Program; providing requirements, criteria, procedures, and limitations; providing for disability benefits for certain justices and judges; limiting application of legal process to such benefits; providing a declaration of important state interest; providing an effective date.

—a companion measure, was substituted for **CS for SB 872** as amended and read the second time by title. On motion by Senator Garcia, by two-thirds vote **CS for HB 347** was read the third time by title.

Senator Garcia moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (912778)(with title amendment)—On page 6, line 1 through page 13, line 12, delete those lines and insert:

Section 5. Effective October 1, 2001, subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs shall be excluded from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of *a local government* ~~the~~ employer or *an* agency of state government *with firefighting responsibilities*. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires, *fire prevention, or firefighter training;* ~~or~~ direct supervision of firefighting units, *fire prevention, or firefighter training; or aerial firefighting surveillance performed by fixed-wing pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services;* or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(c) The member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; however, wardens and assistant wardens, as defined by rule, shall participate in the Special Risk Class;

(d) The member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care *or direct supervision of emergency medical technicians or paramedics, or the member must be the supervisor or command officer of one or more members who have such responsibility*. However, administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(e) The member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, shall not be included; however, probation and parole circuit and deputy circuit administrators shall participate in the Special Risk Class; or

(f) The member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204).

2. Public health nutrition consultant (class code 5224).

3. Psychological specialist (class codes 5230 and 5231).

4. Psychologist (class code 5234).

5. Senior psychologist (class codes 5237 and 5238).

6. Regional mental health consultant (class code 5240).

7. Psychological Services Director—DCF (class code 5242).

8. Pharmacist (class codes 5245 and 5246).

9. Senior pharmacist (class codes 5248 and 5249).

10. Dentist (class code 5266).

11. Senior dentist (class code 5269).

12. Registered nurse (class codes 5290 and 5291).

13. Senior registered nurse (class codes 5292 and 5293).

14. Registered nurse specialist (class codes 5294 and 5295).

15. Clinical associate (class codes 5298 and 5299).

16. Advanced registered nurse practitioner (class codes 5297 and 5300).

17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305).

18. Registered nurse supervisor (class codes 5306 and 5307).

19. Senior registered nurse supervisor (class codes 5308 and 5309).

20. Registered nursing consultant (class codes 5312 and 5313).

21. Quality management program supervisor (class code 5314).

22. Executive nursing director (class codes 5320 and 5321).

23. Speech and hearing therapist (class code 5406); or

24. Pharmacy manager (class code 5251).

25. Unit treatment and rehabilitation director-F/C (class code 5805).

26. Unit treatment and rehabilitation senior supervisor I-F/C (class code 5793).

27. Unit treatment and rehabilitation supervisor II-F/C (class code 5796).

28. Unit treatment and rehabilitation specialist-F/C (class code 5791).

29. Unit treatment and rehabilitation supervisor I-F/C (class code 5786).

30. Unit treatment and rehabilitation director (class code 5779).

31. Unit treatment and rehabilitation senior supervisor I (class code 5777).

32. Unit treatment and rehabilitation senior supervisor II (class code 5778).

33. Unit treatment and rehabilitation senior supervisor III (class code 5780).

34. Unit treatment and rehabilitation senior supervisor III-F/C (class code 5799).

35. Unit treatment and rehabilitation specialist (class code 5776).

36. Unit treatment and rehabilitation supervisor I (class code 5710).

Section 6. Effective October 1, 2001, subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)(a) Participation in the Senior Management Service Class shall be limited to and compulsory for any member of the Florida Retirement System who holds a position in the Senior Management Service of the State of Florida, established by part III of chapter 110, unless such member elects, within the time specified herein, to participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the local agency employer. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the Department of Management Services; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class pursuant to the provisions of subparagraph 1. may withdraw from the Florida Retirement System altogether. The decision to withdraw from the Florida Retirement System shall be irrevocable for as long as the employee holds such a position. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Senior Management Service Class shall not be earned after such withdrawal. Such members shall not be eligible to participate in the Senior Management Service Optional Annuity Program.

(c)1. Effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for up to 75 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the House of Representatives, as selected by the Speaker of the House of Representatives, up to 50 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the Senate, as selected by the President of the Senate, all staff directors of joint committees and service offices of the Legislature, the Auditor General and up to 9 managerial or policymaking positions within his or her office as selected by the Auditor General, and the executive director of the Commission on Ethics.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any legislative employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position.

3. In lieu of participation in the Senior Management Service Class, at the discretion of the President of the Senate and the Speaker of the House of Representatives, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(d) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System in a position that has been designated eligible for inclusion in the Executive Service of the State University System or who holds a position as president of a state university, unless such member elects, pursuant to s. 121.35, to participate in the optional retirement program.

(e) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for the number of senior managers who have policymaking authority with the State Board of Administration, as determined by the Governor, Treasurer, and Comptroller acting as the State Board of Administration, unless such member elects to participate in the Senior Management Service Optional Annuity Program as established in subsection (6) in lieu of participation in the Senior Management Service Class. Such election shall be made in writing and filed with the division and the personnel officer of the State Board of Administration within 90 days after becoming eligible for membership in the Senior Management Service Class.

(f) Effective July 1, 1997:

1. Any elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. Any elected county officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected county officers, elect to participate in a lifetime

monthly annuity program, as provided in subparagraph (b)2., in lieu of membership in the Senior Management Service Class.

(g) Effective July 1, 1996, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System employed with the Department of Military Affairs in the positions of the Adjutant General, Assistant Adjutant General-Army, Assistant Adjutant General-Air, State Quartermaster, Director of Military Personnel, Director of Administration, and additional directors as designated by the agency head, not to exceed a total of 10 positions. In lieu of participation in the Senior Management Service Class, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the Capital Collateral Regional Counsels, the clerks of the district courts of appeals, the marshals of the district courts of appeals, and the trial court administrator in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsels. *Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.*

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, *assistant attorneys general,* and assistant capital collateral regional counsels, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(i)1. Except as provided in subparagraph 2., effective July 1, 1999, participation in the Senior Management Service Class is compulsory for any member of the Florida Retirement System who is employed as a judge of compensation claims with the Office of the Judges of Compensation Claims within the Department of Labor and Employment Security.

2. In lieu of participating in the Senior Management Service Class, a judge of compensation claims may participate in the Senior Management Service Optional Annuity Program established under subsection (6).

(j) Except as may otherwise be provided, any member of the Senior Management Service Class may purchase additional retirement credit in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such service, to the extent of 2 percent of the member's average monthly compensation as specified in paragraph (4)(d) for such service. Contributions for upgrading the additional Senior Management Service credit pursuant to this paragraph shall be equal to the difference in the contributions paid and the Senior Management Service Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 7. Subsection (1), paragraph (a) of subsection (2), paragraph (e) of subsection (4), paragraph (b) of subsection (8), and paragraphs (a) and (b) of subsection (9) of section 121.4501, Florida Statutes, are amended, and paragraph (f) is added to subsection (9) of that section, to read:

121.4501 Public Employee Optional Retirement Program.—

(1) The Trustees of the State Board of Administration shall establish an optional defined contribution retirement program for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through employee-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. The employers shall contribute, as provided in this section and s. 121.571, *to the Public Employee Optional Retirement Program Trust Fund* toward the funding of such optional benefits.

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

(a) "Approved provider" or "provider" means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program. *The term includes a bundled provider that offers participants a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions; guidance, advice, and allocation services directly relating to its own investment options or products, but only if the bundled provider complies with the standard of care of s. 404(a)(1)(A-B) of the Employee Retirement Income Security Act of 1974 (ERISA) and if providing such guidance, advice, or allocation services does not constitute a prohibited transaction under s. 4975(c)(1) of the Internal Revenue Code or s. 406 of ERISA, notwithstanding that such prohibited transaction provisions do not apply to the optional retirement program; a broad array of distribution options; asset allocation; and retirement counseling and education.* Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(4) PARTICIPATION; ENROLLMENT.—

(e) After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, the employee shall have one opportunity, at the employee's discretion, to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move to the defined benefit program, the employee must transfer from his or her Public Employee Optional

Retirement Program account and from other employee moneys as necessary, a sum representing *the present value of that employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the Public Employee Optional Retirement Program* ~~all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program~~. *Benefit commencement occurs on the first date the employee would become eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the defined benefit plan, the then-present value of such accrued benefit shall be deemed part of the required transfer amount described in this subparagraph. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.*

3. Notwithstanding subparagraph 2., an employee who chooses to move to the defined benefit program and who became eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her Public Employee Optional Retirement Program account and, from other employee moneys as necessary, a sum representing that employee's actuarial accrued liability.

4. Employees' ability to transfer from the Florida Retirement System defined benefit program to the Public Employee Optional Retirement Program pursuant to paragraphs (a) through (d), and the ability for current employees to have an option to later transfer back into the defined benefit program under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any such resulting unfunded liability arising from actual original transfers from the defined benefit program to the optional program shall be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, no direct amortization payment shall be calculated for this base. During this 25-year period, such separate base shall be used to offset the impact of employees exercising their second program election under this paragraph. It is the legislative intent that the actuarial funded status of the Florida Retirement System defined benefit plan is neither beneficially nor adversely impacted by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following this initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

(8) ADMINISTRATION OF PROGRAM.—

(b)1. The state board shall select and contract with one third-party administrator to provide administrative services *if those services cannot be competitively and contractually provided by the Division of Retirement within the Department of Management Services*. With the approval of the state board, the third-party administrator may subcontract with other organizations or individuals to provide components of the administrative services. As a cost of administration, the board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. *These* administrative services *may* include, but are not limited to, *enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants;* services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. *This section does not prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; or periodic reporting to participants, at least quarterly, on account balances and transactions, if these services are authorized by the board as part of the contract.*

3. The state board shall select and contract with one or more organizations to provide educational services. With approval of the board, the organizations may subcontract with other organizations or individuals to provide components of the educational services. As a cost of administration, the board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

4. Educational services shall be designed by the board and department to assist employers, eligible employees, participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of defined benefit or defined contribution retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the differences between the defined benefit retirement plan and the defined contribution retirement plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products to which employees may direct retirement contributions under the program. In accordance with such policy and procedures, the board shall designate and contract for a number of investment products as determined by the board. The board shall *also* select one or more *bundled* providers *each of whom may offer multiple* ~~who offer multiple~~ investment *options and related services* ~~products~~ when such an approach is determined by the board to afford value to the participants otherwise not available through individual investment products. *Each approved bundled provider may offer investment options that provide participants with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent either a single asset class or a combination thereof: money markets, United States fixed income, United States equities, and foreign stock.* The board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the plan.

(b) The board shall consider investment options or products it considers appropriate to give participants the opportunity to accumulate retirement benefits, subject to the following:

1. The Public Employee Optional Retirement Program must offer a diversified mix of low-cost investment products that span the risk-return spectrum *and may include a guaranteed account as well as investment products, such as individually allocated guaranteed and variable annuities, which meet the requirements of this subsection and combine the ability to accumulate investment returns with the option of receiving lifetime income consistent with the long-term retirement security of a pension plan and similar to the lifetime-income benefit provided by the Florida Retirement System.*

2. Investment options or products offered by the group of approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, collective trusts, separate accounts, and other such financial instruments, *and may include products that give participants the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity.*

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition does*

not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.

4. Fees or charges for insurance features, such as mortality and expense-risk charges, must be reasonable relative to the benefits provided.

(f)1. An approved provider shall comply with all federal and state securities and insurance laws and regulations applicable to the provider, as well as the applicable rules and guidelines of the National Association of Securities Dealers which govern the ethical marketing of investment products. In furtherance of this mandate, an approved provider must agree in its contract with the board to establish and maintain a compliance education and monitoring system to supervise the activities of all personnel who directly communicate with individual participants and recommend investment products, which system is consistent with rules of the National Association of Securities Dealers.

2. Approved provider personnel who directly communicate with individual participants and who recommend investment products shall make an independent and unbiased determination as to whether an investment product is suitable for a particular participant.

3. The board shall develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the appropriate agency.

4. Approved providers may not sell or in any way distribute any customer list or participant identification information generated through their offering of products or services through the optional retirement program.

Section 8. Subsection (9) is added to section 121.0515, Florida Statutes, to read:

121.0515 Special risk membership.—

(9) CREDIT FOR UPGRADED SERVICE.—Any member of the Special Risk Class who has earned creditable service in another membership class of the Florida Retirement System as an emergency medical technician or paramedic, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit under this subsection shall be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 9. *It is the intent of the Legislature that any additional cost attributable to the upgrade in the retirement benefits for emergency medical technicians and paramedics above the contributions paid in accordance with section 4 of this act shall be funded by recognition of the necessary amount from the excess actuarial assets of the Florida Retirement System Trust Fund.*

Section 10. Paragraph (e) of subsection (3) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(e) Effective July 1, *2001* ~~1997~~, the governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected Officers' Class. Such election shall be made between July 1, *2001* ~~1997~~, and December 31, *2001* ~~1997~~, and shall be irrevocable. The designation of such positions shall be effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 24-26, delete those lines and insert: amending s. 122.0515, F.S., relating to special risk membership; revising criteria for members employed as firefighters, emergency medical technicians, or paramedics; adding specified classes of members employed within a correctional or forensic facility or institution; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term "approved provider" for purposes of the Public Employee Optional Retirement Program; revising requirements for transferring a member's optional program account to the defined benefit plan; providing for amortization of any unfunded liability; providing requirements for the State Board of Administration in administering the program; revising requirements for the board in selecting providers of investment products; requiring that providers comply with federal and state securities and insurance laws and rules governing the ethical marketing of investment products; requiring that the board develop procedures for resolving complaints of participants; prohibiting providers from selling or distributing customer lists generated through the optional retirement program; amending s. 121.0515, F.S.; allowing certain Special Risk Class members of the Florida Retirement System to purchase additional retirement credit; providing for funding; amending s. 121.052, F.S.; providing a period in which municipalities and special districts may designate elected positions for inclusion in the Elected Officers' Class;

On motion by Senator Garcia, **CS for HB 347** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **SB 486**, **SB 1958**, **HB 1157** and **HB 387** was deferred.

HB 1157—A bill to be entitled An act relating to the Department of State; directing the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state; providing requirements of the study; providing for planning and funding responsibilities; directing each department to make a budget request for funding purposes; providing an appropriation; amending s. 15.16, F.S.; authorizing the department to waive certain advertising requirements; amending s. 288.809, F.S.; revising membership of the Florida Intergovernmental Relations Foundation; amending s. 288.816, F.S.; deleting a requirement that certain law enforcement agencies notify the department of certain arrests and incarcerations; amending s. 679.401, F.S.; specifying the Florida Secured Transaction Registry as a place for certain filings; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the department; prescribing standards for the registry; providing powers and duties of contracting entities performing services with respect to the registry; amending s. 901.26, F.S.; providing that failure to provide certain consular notification shall not be a defense in a criminal proceeding or a cause for release of a foreign national from custody; providing effective dates.

—as amended May 2 was read the third time by title.

On motion by Senator Garcia, **HB 1157** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 2028—A bill to be entitled An act relating to production of certain records and other productions as a result of a subpoena, order, or warrant; creating s. 92.605, F.S.; defining terms; providing an exemption; providing requirements for production of records by an out-of-state corporation upon issuance of a subpoena, court order, or search warrant pertaining to such records; providing requirements for out-of-state corporations seeking to quash a subpoena or warrant; requiring out-of-state corporations to verify the authenticity of records such corporations are required to produce; providing requirements for the production of certain records by certain Florida corporations; providing that a cause of action does not arise against any out-of-state or Florida corporation or other specified persons for production of certain records, information, facilities, or assistance; providing an effective date.

—was read the third time by title.

Senator Villalobos moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (161702)—On page 2, delete line 14 and insert: *s. 933.01, or anyone who is authorized to issue a subpoena under Rule 3.220, Florida Rules of Criminal Procedure.*

Amendment 2 (675688)—On page 6, line 4, delete "*a civil*"

On motion by Senator Burt, **CS for SB 2028** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for HB 1803—A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and

Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—as amended May 2 was read the third time by title.

On motion by Senator King, **CS for HB 1803** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

Consideration of **SB 484** and **CS for SB 822** was deferred.

CS for CS for SB 856—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Wasserman Schultz, **CS for CS for SB 856** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Crist	Jones	Miller
Brown-Waite	Dawson	King	Mitchell
Burt	Diaz de la Portilla	Klein	Peaden
Campbell	Dyer	Latvala	Posey
Carlton	Garcia	Laurent	Pruitt
Clary	Geller	Lawson	Rossin
Constantine	Holzendorf	Lee	Sanderson
Cowin	Horne	Meek	Saunders
Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

Consideration of **CS for CS for SB 858** was deferred.

HB 403—A bill to be entitled An act relating to a public records exemption for records relating to pawnbroker transactions; amending s. 539.003, F.S., which provides an exemption from public records requirements for records relating to pawnbroker transactions delivered to appropriate law enforcement officials; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **HB 403** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lee	Silver
Burt	Garcia	Meek	Smith
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Mitchell	Villalobos
Clary	Horne	Peaden	Wasserman Schultz
Constantine	Jones	Posey	Webster
Cowin	King	Pruitt	
Crist	Klein	Rossin	
Dawson	Latvala	Saunders	

Nays—None

Vote after roll call:

Yea—Sanderson

THE PRESIDENT PRESIDING

CS for SB 1056—A bill to be entitled An act relating to the care of children; amending s. 39.5085, F.S., relating to the Relative Caregiver Program; revising eligibility guidelines; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising the list of eligible children to include otherwise eligible children for whom the state is paying a relative caregiver payment; amending s. 239.117, F.S., relating to workforce development postsecondary student fees; exempting from the payment of specified fees otherwise eligible students for whom the state is paying a relative caregiver payment; amending ss. 240.235, 240.35, F.S.; exempting certain children in the custody of a relative from payment of postsecondary undergraduate fees; requiring the Department of Children and Family Services to contract for a study of relative caregiver families; requiring a report to be submitted to the Department of Children and Family Services and the Legislature; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Dawson, **CS for SB 1056** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Cowin	Horne	Miller
Bronson	Crist	Jones	Mitchell
Brown-Waite	Dawson	King	Peaden
Burt	Diaz de la Portilla	Klein	Posey
Campbell	Dyer	Latvala	Pruitt
Carlton	Garcia	Laurent	Rossin
Clary	Geller	Lee	Sanderson
Constantine	Holzendorf	Meek	Saunders

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	

Nays—None

On motion by Senator Saunders, by two-thirds vote **CS for HB 475** was withdrawn from the Committees on Health, Aging and Long-Term Care; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Saunders, by two-thirds vote—

CS for HB 475—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; providing implied consent for treatment and transport and certain immunity from liability; amending s. 154.02, F.S.; specifying purposes for which reserve amounts must be maintained in the County Health Department Trust Fund; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; amending s. 381.0059, F.S.; revising background screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; replacing references to the term "physical handicap" with the term "handicap"; amending ss. 382.003, 382.004, 382.013, 382.016, and 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.14, F.S.; requiring postnatal tests and screenings for infant metabolic disorders to be performed by the State Public Health Laboratory; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the Department of Health to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; requiring the department to establish rules; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; modifying provisions relating to a retail pharmacy wholesaler's permit to authorize transfer of certain prescription drugs between the permittee and a Modified Class II institutional pharmacy; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; amending s. 742.10, F.S.; requiring a voluntary acknowledgment of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 212.055, F.S.; revising provisions relating to the county public hospital surtax; revising procedures and requirements for adoption and implementation of the health care plan for indigent health care services; amending s. 11 of ch. 2000-312, Laws of Florida; postponing future review and repeal of said provisions; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1312** as amended and read the second time by title.

On motion by Senator Saunders, further consideration of **CS for HB 475** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 1972** which has been reported favorably by the Appropriations Subcommittee on Education with amendments, was withdrawn from the Committee on Appropriations and the amendments recommended by the Subcommittee will be shown as offered by the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **SB 1218** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations; and **CS for SB 2158** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations.

MOTIONS

On motion by Senator Lee, by two-thirds vote **CS for SB 1784** was placed on the Special Order Calendar.

RECESS

On motion by Senator Lee, the Senate recessed at 11:59 a.m. to reconvene at 1:00 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:10 p.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 692** was withdrawn from the Committee on Rules and Calendar.

BILLS ON THIRD READING, continued

CS for CS for SB 1204—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 370.13, F.S.; renaming depredation endorsements as depredation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries Commission; amending s. 370.20, F.S.; providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; conforming the responsibilities for issuing artificial-reef permits with transfer of duties to the Department of Environmental Protection; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; encouraging the release and feeding of certain quail; amending s. 372.57, F.S.; deleting requirements for the use of certain fees to subsidize the private landowner payment program; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Bronson, **CS for CS for SB 1204** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Cowin	King	Mitchell
Bronson	Crist	Klein	Peaden
Brown-Waite	Dawson	Latvala	Posey
Burt	Diaz de la Portilla	Laurent	Pruitt
Campbell	Garcia	Lawson	Rossin
Carlton	Geller	Lee	Sanderson
Constantine	Horne	Miller	Saunders

Sebesta	Villalobos	Wasserman Schultz	Webster
Sullivan			

Nays—None

Vote after roll call:

Yea—Clary, Smith

CS for SB 1458—A bill to be entitled An act relating to public records; creating s. 631.195, F.S.; exempting certain records that come into the possession of the Department of Insurance pursuant to insurer receivership proceedings from inspection or disclosure as public records in order to protect the privacy interests of insureds; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

Senator Klein moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (274938)—On page 3, lines 6-8, delete those lines and insert:

Section 3. This act shall take effect upon becoming a law.

On motion by Senator Klein, **CS for SB 1458** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dawson	Laurent	Rossin
Bronson	Diaz de la Portilla	Lee	Sanderson
Brown-Waite	Garcia	Meek	Saunders
Burt	Geller	Miller	Sebesta
Carlton	Jones	Mitchell	Silver
Clary	King	Peaden	Smith
Cowin	Klein	Posey	Sullivan
Crist	Latvala	Pruitt	Villalobos

Nays—1

Campbell

Vote after roll call:

Yea—Constantine, Horne, Webster

On motion by Senator Geller, by two-thirds vote **CS for CS for HB 719** was withdrawn from the Committees on Agriculture and Consumer Services; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Geller, by two-thirds vote—

CS for CS for HB 719—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 1528** as amended and by two-thirds vote read the second time by title. On motion by Senator Geller, by two-thirds vote **CS for CS for HB 719** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Brown-Waite	Campbell	Clary
Bronson	Burt	Carlton	Constantine
Cowin	Horne	Meek	Saunders
Crist	Jones	Miller	Sebesta
Dawson	King	Mitchell	Silver
Diaz de la Portilla	Klein	Peaden	Smith
Dyer	Latvala	Posey	Sullivan
Garcia	Laurent	Pruitt	Villalobos
Geller	Lawson	Rossin	Wasserman Schultz
Holzendorf	Lee	Sanderson	Webster

Nays—None

SENATOR SILVER PRESIDING

CS for SB 1542—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; exempting certain transfers of homestead real property that involve spouses and that create a tenancy by the entireties from the tax on deeds and other instruments relating to real property or interests therein; providing that a certificate of title issued by a clerk of court in a judicial sale of real property pursuant to foreclosure proceedings shall be subject to said tax; providing for the method of computation of the tax when the certificate of title is issued to the party in whose favor a judgment of foreclosure is granted; providing for retroactive application; clarifying that said tax does not apply to contracts and related documents for selling the residence of an employee relocating at the employer's direction; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Sebesta, **CS for SB 1542** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

THE PRESIDENT PRESIDING

CS for SB 1560—A bill to be entitled An act relating to administrative procedures; amending s. 57.111, F.S.; increasing the limitation on attorney's fees and costs; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; revising requirements for initiating specified proceedings under the Environmental Protection Act; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term "information technology"; amending s. 287.012, F.S.; defining "invitation to negotiate" and "request for a quote"; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall

prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross-references; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Peaden, **CS for SB 1560** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	King	Posey	Webster
Cowin	Klein	Pruitt	
Crist	Latvala	Rossin	

Nays—1

Jones

SENATOR SILVER PRESIDING

On motion by Senator Sanderson, by two-thirds vote **CS for HB 1805** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Sanderson, by two-thirds vote—

CS for HB 1805—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public-records requirements for motor vehicle crash reports that reveal specified information; providing that such reports may be made available to certain parties; providing for future review and repeal; providing penalties for the unlawful disclosure of confidential information and for unlawfully obtaining or attempting to obtain confidential information; providing findings of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1466** as amended and read the second time by title. On motion by Senator Sanderson, by two-thirds vote **CS for HB 1805** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Cowin	Holzendorf	Lawson
Brown-Waite	Crist	Horne	Lee
Burt	Dawson	Jones	Meek
Campbell	Diaz de la Portilla	King	Miller
Carlton	Dyer	Klein	Mitchell
Clary	Garcia	Latvala	Peaden
Constantine	Geller	Laurent	Posey
Pruitt	Saunders	Smith	Wasserman Schultz
Rossin	Sebesta	Sullivan	Webster
Sanderson	Silver	Villalobos	

Nays—None

HB 1635—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; providing an effective date.

—was read the third time by title.

On motion by Senator Laurent, **HB 1635** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

CS for SB 1720—A bill to be entitled An act relating to trust funds; creating s. 20.505, F.S.; creating the Administrative Trust Fund within the Agency for Workforce Innovation; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for SB 1720** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Bronson	Diaz de la Portilla	Laurent	Sebesta
Brown-Waite	Dyer	Lawson	Silver
Burt	Garcia	Meek	Smith
Campbell	Geller	Miller	Sullivan
Carlton	Holzendorf	Peaden	Villalobos
Clary	Horne	Posey	Wasserman Schultz
Constantine	Jones	Pruitt	Webster
Cowin	King	Rossin	
Crist	Klein	Sanderson	
Dawson	Latvala	Saunders	

Nays—None

SB 1738—A bill to be entitled An act relating to information technology; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the

term "information technology"; amending s. 287.012, F.S.; defining "invitation to negotiate" and "request for a quote"; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross references; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Bronson, **SB 1738** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

CS for SB 1750—A bill to be entitled An act relating to economic development; creating the "Florida Emerging and Strategic Technologies Act"; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 159.705, F.S.; specifying that certain entities may operate a project located in a research and development park and financed under the Florida Industrial Development Financing Act; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.095, F.S.; increasing the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program and the qualified defense contractor tax refund program; amending s. 288.108, F.S.; specifying that the information technology sector is a high–impact sector for the purposes of a grant program for investments by certain businesses; providing legislative intent relating to the provision of state assistance to a not–for–profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing legislative intent related to the consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring Enterprise Florida, Inc., to provide initial staff support to the Florida Research Consortium; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide such services to Workforce Florida, Inc.; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high–technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the pilot program; directing the agency to provide such services to Workforce Florida, Inc.; providing legislative findings and intent relating to establishment of joint–use advanced digital–media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term "digital media"; requiring a report to the Legislature on recommended funding levels for such facilities; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations; providing effective dates.

—as amended May 2 was read the third time by title.

On motion by Senator Klein, **CS for SB 1750** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

HB 1429—A bill to be entitled An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S.,

relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, **HB 1429** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	

Nays—None

SB 514—A bill to be entitled An act relating to public records; creating s. 817.569, F.S.; providing that it is a misdemeanor of the first degree to use a public record, or information obtained from a public record, to facilitate the commission of a misdemeanor of the first degree; providing that it is a felony of the third degree to use a public record, or information obtained from a public record, to facilitate the commission of a felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to the act; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **SB 514** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Webster

SB 1958—A bill to be entitled An act relating to public records exemptions; amending s. 440.45, F.S.; exempting from public record requirements certain information obtained by the Division of Administrative Hearings in investigating complaints against judges of compensation claims; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **SB 1958** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—King

SB 486—A bill to be entitled An act relating to public records; amending s. 288.1066, F.S.; abrogating the scheduled repeal of a public records exemption for specified business information received under the qualified defense contractor and qualified target industry tax refund programs; eliminating obsolete references to the Department of Commerce; making the listing of tax information covered by the public records exemption consistent with the program's terms and conditions; providing confidentiality for information concerning taxes paid by businesses while participating in the programs; providing confidentiality for information concerning jobs created and wages paid by such businesses; providing for future repeal and legislative review; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **SB 486** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Smith
Carlton	Holzendorf	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

HB 387—A bill to be entitled An act relating to a public records exemption for certain information obtained by the direct-support organization authorized to assist in the promotion of sports-related industries; amending s. 288.12295, F.S., which provides an exemption from public records requirements for the identity of donors and prospective donors to the direct-support organization; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **HB 387** was passed and certified to the House. The vote on passage was:

Yeas—34

Bronson	Crist	Jones	Meek
Brown-Waite	Dawson	King	Miller
Burt	Diaz de la Portilla	Klein	Mitchell
Carlton	Dyer	Latvala	Peaden
Clary	Garcia	Laurent	Posey
Constantine	Holzendorf	Lawson	Pruitt
Cowin	Horne	Lee	Rossin

Saunders	Smith	Wasserman Schultz	Webster
Sebesta	Villalobos		

Nays—2

Campbell	Sullivan

Vote after roll call:

Yea—Sanderson

SB 484—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term "economic development agency" to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; abrogating the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Diaz de la Portilla, **SB 484** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Dyer	Lawson	Saunders
Brown-Waite	Garcia	Lee	Sebesta
Burt	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—1

Campbell

CS for CS for SB 858—A bill to be entitled An act relating to domestic violence; requiring the Department of Children and Family Services to provide training on domestic violence and child protection to specified professionals by a specified date; providing for the content of training; requiring the department to assess the need for special training of staff members and professionals who interact with families in which there is domestic violence and child abuse; requiring collaboration with other groups and state agencies; requiring a report to the Governor and the Legislature; requiring the department to conduct pilot programs in which department staff perform the role of domestic violence consultants participating in protective investigative units; specifying duties of the consultants; specifying qualifications and minimum numbers of such consultants per county; providing for compensation; requiring the department to collect and analyze data on the effectiveness of the domestic violence consultants; requiring a report to the Governor and the Legislature; providing guidelines for administrative rules or operating procedures relating to protective investigations of families in which domestic violence exists; requiring the department to form a work group concerned with the procedures for identifying perpetrators of child abuse; requiring a report to the Governor and the Legislature; amending s. 741.30, F.S.; requiring batterer's intervention programs to provide to the court certain documents for the case file; providing prerequisites to dissolving an injunction against a respondent in a domestic violence case; requiring the Office Of Program Policy Analysis and Government Accountability to conduct an examination of the batterer's intervention programs; specifying requirements of the study; requiring consultation with key stakeholders; providing for phase I and phase II reports to the Legislature; amending s. 39.903, F.S.; revising the duties of the department with respect to domestic violence; amending s. 39.904, F.S.; amending the list of subject matter to be included in the department's annual report to the Legislature on the status of domestic violence cases; providing an appropriation for districtwide joint training of domestic violence center and child protection staff; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Villalobos, the rules were waived to allow the following amendment to be considered:

Senator Villalobos moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (152728)(with title amendment)—On page 12, between lines 9 and 10, insert:

Section 10. Subsection (6) is added to section 273.05, Florida Statutes, to read:

273.05 Surplus property.—

(6) Cellular telephones that are classified as surplus shall be donated to any not-for-profit agency that serves the disabled community, the elderly, or victims of domestic violence so that such telephones can be made available to persons in one or more of those categories for the purpose of making emergency "911" calls.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 19, following the semicolon (;) insert: amending s. 273.05, F.S.; providing for disposition of surplus cellular telephones to certain nonprofit agencies;

On motion by Senator Peaden, **CS for CS for SB 858** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz de la Portilla	Laurent	Saunders
Brown-Waite	Dyer	Lawson	Sebesta
Burt	Garcia	Lee	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Diaz de la Portilla, the Senate reconsidered the vote by which—

SB 484—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term "economic development agency" to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; abrogating the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—as amended passed this day.

On motion by Senator Diaz de la Portilla, further consideration of **SB 484** as amended was deferred.

The Senate resumed consideration of—

CS for HB 475—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; providing implied consent for treatment and transport and certain immunity from liability; amending s. 154.02, F.S.; specifying purposes for which reserve amounts must be maintained in the County Health Department Trust Fund; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; amending s. 381.0059, F.S.; revising background screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; replacing references to the term "physical handicap" with the term "handicap"; amending ss. 382.003, 382.004, 382.013, 382.016, and 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.14, F.S.; requiring postnatal tests and screenings for infant metabolic disorders to be performed by the State Public Health Laboratory; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the Department of Health to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; requiring the department to establish rules; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; modifying provisions relating to a retail pharmacy wholesaler's permit to authorize transfer of certain prescription drugs between the permittee and a Modified Class II institutional pharmacy; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; amending s. 742.10, F.S.; requiring a voluntary acknowledgment of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 212.055, F.S.; revising provisions relating to the county public hospital surtax; revising procedures and requirements for adoption and implementation of the health care plan for indigent health care services; amending s. 11 of ch. 2000-312, Laws of Florida; postponing future review and repeal of said provisions; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration; providing effective dates.

—which was previously considered this day. On motion by Senator Saunders, by two-thirds vote **CS for HB 475** was read the third time by title.

Senator Saunders moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (083992)(with title amendment)—On page 35, line 1 through page 39, line 4, delete those lines and redesignate subsequent sections

And the title is amended as follows:

On page 3, lines 8-20, delete those lines and insert: general anesthesia services; providing

On motion by Senator Saunders, **CS for HB 475** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Bronson	Dawson	Laurent	Rossin
Brown-Waite	Diaz de la Portilla	Lawson	Sanderson
Burt	Dyer	Lee	Saunders
Campbell	Geller	Meek	Sebesta
Carlton	Holzendorf	Miller	Silver
Clary	Horne	Mitchell	Smith
Constantine	Jones	Peaden	Sullivan
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

Vote after roll call:

Yea—Garcia, Latvala, Villalobos

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 1188** and **SB 1906** was deferred.

SB 1314—A bill to be entitled An act relating to public records; amending s. 383.51, F.S.; providing an exemption from public records requirements for information that identifies parents who leave newborn infants at emergency medical services stations; providing an exception; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendments which were moved by Senator Saunders and adopted:

Amendment 1 (632134)—On page 1, line 26, delete "2005" and insert: *2006* ~~2005~~

Amendment 2 (935966)—On page 2, line 7, delete "*1312*" and insert: 1312

On motion by Senator Saunders, further consideration of **SB 1314** as amended was deferred.

Consideration of **CS for CS for SB 2214** was deferred.

On motion by Senator Cowin—

CS for CS for SB 1470—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; revising procedures for the appointment of members to each judicial nominating commission; prohibiting judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; providing for suspension or removal; requiring the Governor, in making appointments, to seek to ensure racial, ethnic, gender, and geographical diversity of membership; requiring consideration of county representation on circuit judicial nominating commissions; amending s. 112.3145, F.S.; providing that members of judicial nominating commissions are state officers for purposes of financial disclosure requirements; providing an appropriation; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

Amendments were considered and adopted to conform **CS for CS for SB 1470** to **CS for HB 367**.

Pending further consideration of **CS for CS for SB 1470** as amended, on motion by Senator Cowin, by two-thirds vote **CS for HB 367** was withdrawn from the Committees on Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Cowin—

CS for HB 367—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; specifying membership composition and requirements of judicial nominating commissions; providing limitations; providing for terms; abolishing prior offices; providing for suspension or removal; requiring racial, ethnic, gender, and geographical diversity of commission memberships; amending s. 112.3145, F.S.; specifying members of certain judicial nominating commissions as state officers; providing severability; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1470** as amended and read the second time by title.

Senator Cowin moved the following amendment which was adopted:

Amendment 1 (904728)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 43.291, Florida Statutes, is created to read:

43.291 Judicial nominating commissions.—

(1) Each judicial nominating commission shall be composed of the following members:

(a) Four members of The Florida Bar, appointed by the Governor, who are engaged in the practice of law, each of whom is a resident of the territorial jurisdiction served by the commission to which the member is appointed. The Board of Governors of The Florida Bar shall submit to the Governor three recommended nominees for each position. The Governor shall select the appointee from the list of nominees recommended for that position, but the Governor may reject all of the nominees recommended for a position and request that the Board of Governors submit a new list of three different recommended nominees for that position who have not been previously recommended by the Board of Governors.

(b) Five members appointed by the Governor, each of whom is a resident of the territorial jurisdiction served by the commission to which the member is appointed, of which at least two are members of The Florida Bar engaged in the practice of law.

(2) A justice or judge may not be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than judicial office. A member of a judicial nominating commission is not eligible for appointment, during his or her term of office and for a period of 2 years thereafter, to any state judicial office for which that commission has the authority to make nominations. All acts of a judicial nominating commission must be made with a concurrence of a majority of its members.

(3) Notwithstanding any other provision of this section, each current member of a judicial nominating commission appointed directly by the Board of Governors of The Florida Bar shall serve the remainder of his or her term, unless removed for cause. The terms of all other members of a judicial nominating commission are hereby terminated, and the Governor shall appoint new members to each judicial nominating commission in the following manner:

(a) Two appointments for terms ending July 1, 2002, one of which shall be an appointment selected from nominations submitted by the Board of Governors of The Florida Bar pursuant to paragraph (1)(a);

(b) Two appointments for terms ending July 1, 2003; and

(c) Two appointments for terms ending July 1, 2004.

Every subsequent appointment, except an appointment to fill a vacant, unexpired term, shall be for 4 years. Each expired term or vacancy shall be filled by appointment in the same manner as the member whose position is being filled.

(4) In making an appointment, the Governor shall seek to ensure that, to the extent possible, the membership of the commission reflects the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population within the territorial jurisdiction of the court for which nominations will be considered. The Governor shall also consider the adequacy of representation of each county within the judicial circuit.

(5) A member of a judicial nominating commission may be suspended for cause by the Governor pursuant to uniform rules of procedure established by the Executive Office of the Governor consistent with s. 7 of Art. IV of the State Constitution.

(6) A quorum of the judicial nominating commission is necessary to take any action or transact any business. For purposes of this section, a quorum consists of a majority of commission members currently appointed.

(7) The Executive Office of the Governor shall provide all administrative support for each judicial nominating commission. The Executive Office of the Governor shall adopt rules necessary to administer this section.

Section 2. Paragraph (c) of subsection (1) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(c) "State officer" means:

1. Any elected public officer, excluding those elected to the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Regents, the Chancellor and Vice Chancellors of the State University System, and the president of a state university.

4. A member of the judicial nominating commission for any district court of appeal or any judicial circuit.

Section 3. *Section 43.29, Florida Statutes, is repealed.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; revising the membership of and the procedures governing the appointment of members to each judicial nominating commission; prohibiting justices and judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; requiring the Governor to seek to ensure racial, ethnic, and gender diversity of the membership; requiring consideration of county representation on circuit judicial nominating commissions; providing for suspension of members for cause; prescribing quorum requirements; requiring the Executive Office of the Governor to provide administrative support and to adopt rules; amending s. 112.3145, F.S.; providing that members of judicial nominating commissions are state officers for purposes of financial disclosure requirements; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 367** as amended was placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

On motion by Senator Burt, the Senate resumed consideration of—

CS for CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "outdoor advertising," and "transit advertisements"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be participating manufacturers; providing for funds received from partici-

pating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—which was previously considered May 2. Pending **Amendment 1 (924410)** by Senator Brown-Waite and substitute **Amendment 2 (330308)** by Senators Latvala and Brown-Waite were withdrawn.

Senator Burt moved the following amendment which was adopted:

Amendment 3 (742202)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 215.5601, Florida Statutes, is amended to read:

215.5601 Lawton Chiles Endowment Fund.—

(1) SHORT TITLE.—This section may be cited as the "Lawton Chiles Endowment Fund."

(2) DEFINITIONS.—As used in this section:

(a) "Board" means the State Board of Administration established by s. 16, Art. IX of the State Constitution of 1885 and incorporated into s. 9(c), Art. XII of the State Constitution of 1968.

(b) "Endowment" means the Lawton Chiles Endowment Fund.

(c) "Earnings" means all income generated by investments and the net change in the market value of assets.

(d) "Outdoor advertising" means billboards, as well as all signs and placards in arenas and stadia, whether open-air or enclosed. It does not include:

1. Any advertisement placed on or outside the premises of retail establishments licensed to sell tobacco products or any retail point-of-sale; or

2. Any advertisement or billboard in connection with the sponsorship by a tobacco product manufacturer or importer of any entertainment, sporting, or similar event, such as the National Association for Stock Car Auto Racing (NASCAR) which appears in the State of Florida as part of a national or multi-state tour.

(e) "Participating manufacturer" means any manufacturer of tobacco products which meets the requirements of subsection (4)(a).

(f)~~(d)~~ "State agency" or "state agencies" means the Department of Health, the Department of Children and Family Services, the Department of Elderly Affairs, or the Agency for Health Care Administration, or any combination thereof, as the context indicates.

(g) "Subscribing participating manufacturer" means any manufacturer of tobacco products which meets the requirements of subsection (4)(c).

(h) "Transit advertisements" means advertising on private or public vehicles and all advertisements placed at, on, or within any bus stop, taxi stand, waiting area, train station, airport, or similar location.

(3) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(a) Provide a perpetual source of funding for the future of state children's health programs, child welfare programs, children's community-based health and human services initiatives, elder programs, and biomedical research activities.

(b) Ensure that enhancement revenues will be available to finance these important programs and initiatives.

(c) Use *funds received from the* Tobacco Settlement *Clearing Trust Fund* ~~moneys~~ to ensure the financial security of vital health and human services programs for children and elders.

(d) Encourage the development of community-based solutions to strengthen and improve the quality of life of Florida's most vulnerable citizens, its children and elders.

(e) Provide funds for cancer research and public-health research for diseases linked to tobacco use.

(f) Provide tobacco manufacturers the opportunity to voluntarily participate in mitigating the impact of the use of tobacco on the residents of this state.

(4) PARTICIPATING MANUFACTURERS; QUALIFICATIONS.—

(a) A tobacco manufacturer may become a participating manufacturer for purposes of this section if: (i) the manufacturer is a signatory to the August 25, 1997 and December 7, 1998 settlement agreements in The State of Florida, et al. v. American Tobacco Company, et al. Fifteenth Judicial Circuit Case No. 95-1466, who is in compliance with all economic and non-economic requirements in those agreements on the date of enactment of this act; and (ii) the manufacturer annually posts a performance bond payable to the Department of Business and Professional Regulation based upon the greater of the manufacturer's actual prior year's sales volume in Florida, or estimated annual Florida sales volume, in an amount sufficient to secure payment of all of the annual tobacco equity surcharge as prescribed in ss. 210.0220, 210.0221, and 210.0222. The bond shall be in such a form as may be approved by the department, executed by a surety company licensed to do business under the laws of this state as surety thereon, and conditioned upon the prompt filing of true reports, the timely payment to the State of Florida of the manufacturer's monetary agreement obligations, and generally upon faithful compliance with the provisions of the agreement and the laws of this state concerning sale and distribution of cigarettes. The manufacturer shall be the principal obligor, and the state shall be the obligee.

(b) Any such manufacturer whose obligations under such settlement agreements are abated, excused, nullified, or stayed, in total or in part, due to judicial action after the enactment of this act is not a "participating manufacturer" for purposes of this section.

(c) A tobacco manufacturer or importer may become a "subscribing participating manufacturer" for purposes of this section, by entering into an agreement with the State of Florida Department of Business and Professional Regulation and the Office of the Attorney General, which agreement provides for all of the following:

1. Elimination of the subscribing participating manufacturer's outdoor advertising and transit advertisements at the earlier of the expiration of applicable contracts or 4 months after the date the final list of the subscribing participating manufacturer's outdoor advertising signs is supplied to the Attorney General. The manufacturer or importer shall provide a final list of all its outdoor advertising signs and transit advertisements to the Attorney General within 45 days after entering the agreement;

2. Support of legislative initiatives to enact new laws and administrative initiatives to promulgate new rules intended to effectuate the following:

a. Prohibition of the sale of cigarettes in vending machines, except in adult-only locations and facilities;

b. Strengthening of civil penalties for sales of tobacco products to children under the age of 18, including the suspension or revocation of retail licenses; and

c. Strengthening of civil penalties for possession of tobacco products by children under the age of 18;

3. Prohibition on making or causing to be made, in connection with any motion picture made in the United States, any payment, direct or indirect, to any person to use, display, make reference to or use as a prop any cigarette, cigarette package, advertisement for cigarettes, or any other item bearing the brand name, logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of domestic tobacco products;

4. Prohibition and permanent cessation on marketing, licensing, distributing, selling or offering, directly or indirectly, including by catalogue

or direct mail, in the State of Florida, any item (other than tobacco products or any item of which the sole function is to advertise tobacco products) which bears the brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of domestic tobacco products;

5. Payment to the State of Florida, Department of Business and Professional Regulation by the earlier of December 31, or the last business day of each calendar year, of a public health tobacco equity contribution for mitigation of Florida's taxpayer-borne health and other costs and expenses related to tobacco use;

6. The manufacturer annually posts a performance bond payable to the Department of Business and Professional Regulation based upon the greater of the manufacturer's actual prior year's sales volume in Florida, or estimated annual Florida sales volume, in an amount sufficient to secure payment of all of the annual tobacco equity contribution as required herein. The bond shall be in such a form as may be approved by the department, executed by a surety company licensed to do business under the laws of this state as surety thereon, and conditioned upon the prompt filing of true reports, the payment to the department of the tobacco equity contribution and tobacco equity surcharge, and generally upon faithful compliance with the provisions of the agreement and the laws of this state concerning sale and distribution of cigarettes. The manufacturer shall be the principal obligor, and the state shall be the obligee.

(c) The public health tobacco equity contribution received by the Department of Business and Professional Regulation from subscribing participating manufacturers shall be deposited into the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.

(5) Beginning July 1, 2001, $10 million of the funds collected from subscribing participating manufacturers and the public health tobacco equity surcharge imposed by s. 210.0221 shall be transferred from the Tobacco Settlement Clearing Trust Fund to the Florida Comprehensive Health Association created in s. 627.6488, for coverage of new participants. Effective April 1, 2002, the association may provide coverage for up to 500 persons for the period ending December 31, 2002. On or after January 1, 2003, the association may enroll an additional 1,500 persons. At no time may the association provide coverage for more than 2,000 persons.

(6)~~(4)~~ LAWTON CHILES ENDOWMENT FUND; CREATION; PURPOSES AND USES.—

(a) There is created the Lawton Chiles Endowment Fund, to be administered by the State Board of Administration. The endowment shall serve as a clearing trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution and shall be funded by ~~settlement~~ moneys received from the Tobacco *Settlement Clearing Trust Fund* ~~industry~~ and by moneys received from the sale of the state's right, title, and interest in and to the tobacco settlement agreement, including the right to receive payments under such agreement. The endowment fund shall be exempt from the service charges imposed by s. 215.20.

(b) Funds from the endowment that are available for legislative appropriation pursuant to subsection *(8)* ~~(6)~~ shall be transferred by the board to the Tobacco Settlement Clearing Trust Fund, created in s. 17.41, in the amounts provided for in this paragraph.

1. For fiscal year 2000-2001, funds shall be distributed based on legislative appropriations.

2. For fiscal year 2001-2002 and beyond, funds shall be distributed annually as follows:

a. Fifty percent shall be deposited into a separate account in the Department of Children and Family Services Tobacco Settlement Trust Fund to be appropriated pursuant to paragraph *(10)(a)* ~~(8)(a)~~;

b. Thirty-three and one-half percent shall be deposited into the Biomedical Research Trust Fund in the Department of Health to be appropriated pursuant to paragraph *(10)(b)* ~~(8)(b)~~, if such a trust fund is created by law; otherwise, the funds shall be deposited into the Department of Health Tobacco Settlement Trust Fund; and

c. The remaining funds shall be deposited into a separate account in the Department of Elderly Affairs Tobacco Settlement Trust Fund to be appropriated pursuant to paragraph *(10)(a)* ~~(8)(a)~~.

(c) Subject to legislative appropriations, state agencies shall use distributions from the endowment fund to enhance services for children and elders or to support biomedical research initiatives pursuant to s. 215.5602.

(d) No later than October 1 of each year, the Secretary of Health, the Secretary of Children and Family Services, and the Secretary of Health Care Administration shall develop a list of the top five funding priorities for children's services eligible for funding from the endowment funds, and the Secretary of Health, the Secretary of Elderly Affairs, and the *Secretary* ~~Director~~ of Health Care Administration shall develop a list of the top five funding priorities for elder services eligible for funding from the endowment funds. No later than November 15 of each year, the list for children's services must be submitted to the advisory council for children's services created in paragraph *(11)(a)* ~~(9)(a)~~, and the list for elder services must be submitted to the advisory council for elder services created in paragraph *(11)(b)* ~~(9)(b)~~. The purposes of using the advisory councils are to evaluate the funding priorities of the agencies, to evaluate the request against the mission and goals of the agencies, to allow for public input and advocacy, and to gain consensus for priority requests and recommended endowment funding levels for those priority requests.

(e) Funds distributed from the endowment fund may not be used to supplant existing revenues.

(f) When advised by the Revenue Estimating Conference that a deficit will occur with respect to the appropriations from the tobacco settlement trust funds of the state agencies in any fiscal year, the Governor shall develop a plan of action to eliminate the deficit. Before implementing the plan of action, the Governor must comply with the provisions of s. 216.177(2). In developing the plan of action, the Governor shall, to the extent possible, preserve legislative policy and intent, and, absent any specific directions to the contrary in the General Appropriations Act, any reductions in appropriations from the tobacco settlement trust funds of the state agencies for a fiscal year shall be prorated among the purposes for which funds were appropriated from that Tobacco Settlement *Clearing* Trust Fund for that year.

(7)~~(5)~~ ADMINISTRATION OF THE ENDOWMENT.—

(a) The board is authorized to invest and reinvest funds of the endowment in those securities listed in s. 215.47, in accordance with the fiduciary standards set forth in s. 215.47(9) and consistent with an investment plan developed by the executive director and approved by the board. Costs and fees of the board for investment services shall be deducted from the earnings accruing to the endowment.

(b) The endowment shall be managed as an annuity. The investment objective shall be long-term preservation of the real value of the principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. The schedule of annual cash outflow shall be included within the investment plan adopted pursuant to paragraph (a).

(c) The board shall establish a separate account for the funds of the endowment. The board shall design and operate an investment portfolio that maximizes the financial return to the endowment, consistent with the risks inherent in each investment, and that is designed to preserve an appropriate diversification of the portfolio.

(d) No later than August 15 and February 15 of each year, the board shall report on the financial status of the endowment to the Governor, the Speaker of the House of Representatives, the President of the Senate, the chairs of the respective appropriations and appropriate substantive committees of each chamber, and the Revenue Estimating Conference.

(e) Accountability for funds from the endowment which have been appropriated to a state agency shall reside with the state agency. The board is not responsible for the proper expenditure or accountability of funds from the endowment after transfer to the Tobacco Settlement Clearing Trust Fund.

(f) The board may collect a fee for service from the endowment no greater than that charged to the Florida Retirement System.

(8)~~(6)~~ AVAILABILITY OF FUNDS.—

(a) Funds from the endowment shall not be available for appropriation to a state agency until July 1, 2000. Beginning July 1, 2000, the maximum annual amount of endowment funds that may be appropriated shall be in accordance with the following, based on earnings averaged over 3 years:

1. Beginning July 1, 2000, no more than a level of spending representing earnings at a rate of 3 percent.

2. Beginning July 1, 2001, no more than a level of spending representing earnings at a rate of 4 percent.

3. Beginning July 1, 2002, no more than a level of spending representing earnings at a rate of 5 percent.

4. Beginning July 1, 2003, and thereafter, no more than a level of spending representing earnings at a rate of 6 percent.

(b) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, all unencumbered balances of appropriations as of June 30 or undisbursed balances as of December 31 shall revert to the endowment's principal.

(9)~~(7)~~ ENDOWMENT PRINCIPAL.—The endowment shall receive moneys from the sale of the state's right, title, and interest in and to the tobacco settlement agreement and from amounts transferred from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund. Amounts to be transferred from the clearing trust fund shall be in the following amounts for the following fiscal years:

(a) For fiscal year 1999-2000, $1.1 billion;

(b) For fiscal year 2000-2001, $200 million;

(c) For fiscal year 2001-2002, $200 million; ~~and~~

(d) For fiscal year 2002-2003, $200 million*; and*~~.~~

(e) For all subsequent fiscal years, $30 million.

Amounts to be transferred pursuant to paragraphs (b), (c), ~~and~~ (d), *and (e)* shall be reduced by an amount equal to the lesser of *the amount scheduled to be transferred in that fiscal year pursuant to such paragraphs* ~~$200 million~~ or the amount the endowment receives in that fiscal year pursuant to the sale of the state's right, title, and interest in and to the tobacco settlement agreement.

(10)~~(8)~~ APPROPRIATIONS OF THE ENDOWMENT EARNINGS.—Beginning with fiscal year 2001-2002:

(a) Appropriations by the Legislature to the Department of Children and Family Services or the Department of Elderly Affairs from the endowment earnings distributed to those departments shall be from a category called Lawton Chiles Endowment Fund Programs. The departments shall distribute such appropriations pursuant to any directions or limitations provided for in the General Appropriations Act and consistent with this section.

(b) Appropriations by the Legislature to the Department of Health from the endowment earnings distributed to the department shall be from a category called Florida Biomedical Research Program. The department shall spend such funds in accordance with s. 215.5602.

(11)~~(9)~~ LAWTON CHILES ENDOWMENT FUND ADVISORY COUNCILS.—There are established the Lawton Chiles Endowment Fund Advisory Councils, the purpose of which is to evaluate and rank for legislative consideration recommendations submitted to the councils by the agencies for evaluation under paragraph *(6)(d)* ~~(4)(d)~~.

(a) There is created within the Department of Children and Family Services the Lawton Chiles Endowment Fund Advisory Council for Children.

1. The council shall consist of 13 members, including the director of the United Way of Florida, Inc., or a designee, the director of the Florida Federation of Community Foundations or a designee, the director of the Florida Foster Parents Association or a designee, and the director of the Florida Pediatric Association or a designee. The Governor shall appoint the remaining council members, including:

a. An academic expert in child health policy.

b. A representative of a children's services council.

c. A representative of the Guardian Ad Litem Program.

d. A representative of a child welfare lead agency for community-based care.

e. A representative of a statewide child advocacy organization.

f. A youth representing a statewide youth organization.

g. A professional who has expertise in the area of child development.

h. Two consumer caregivers of children.

2. The council shall adopt internal organizational procedures, including procedures for the appointment of a chair, as necessary for its efficient organization.

3. The department shall provide such staff, information, and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.

4. Members of the council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for travel and other necessary expenses incurred in the performance of their official duties.

5. Before February 1 of each year, the council shall advise the Legislature as to its ranking of the children's programs submitted by the agencies for evaluation under paragraph *(6)(d)* ~~(4)(d)~~. The responsibilities of the council may include, but are not limited to:

a. Developing criteria and guiding principles for the ranking of programs to be recommended to the Legislature.

b. Evaluating the value of programs or services submitted by the agencies as they relate to overall enhancement for children.

c. Providing recommendations on the funding levels to be allocated for the ranked programs.

d. Participating in periodic program evaluation to determine the need for continued funding.

e. Soliciting appropriate input from children's advocates and community stakeholders, such as voluntary organizations, community-based care lead agencies, health care delivery systems, business and industry, government agencies, and children's service providers.

(b) There is created within the Department of Elderly Affairs the Lawton Chiles Endowment Fund Advisory Council for Elders.

1. The council shall consist of 13 members, including the director of the United Way of Florida, Inc., or a designee, the director of the Florida Federation of Community Foundations or a designee, the director of the Florida branch of the American Association of Retired Persons or a designee, the director of the Florida Council on Aging or a designee, and the State Long-Term Care Ombudsman or a designee. The Governor shall appoint the remaining council members, including:

a. An academic expert in elder health policy.

b. A professional who has experience with the delivery of home care services.

c. A physician who is certified in geriatric medical care.

d. A professional who has experience with the delivery of services in adult congregate care facilities.

e. A professional who has experience with the delivery of services in a nursing home.

f. Two persons who are over the age of 60 years to represent elders.

g. One consumer caregiver for an elderly person.

2. The council shall adopt internal organizational procedures, including the appointment of a chair, as necessary for its efficient organization.

3. The department shall provide such staff, information, and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.

4. Members of the council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for travel and other necessary expenses incurred in the performance of their official duties.

5. Before February 1 of each year, the council shall advise the Legislature as to its ranking of the elder programs submitted by the agencies for evaluation under paragraph *(6)(d)* ~~(4)(d)~~. The responsibilities of the council may include, but are not limited to:

a. Developing criteria and guiding principles for the ranking of programs to be recommended to the Legislature.

b. Evaluating the value of programs or services submitted by the agencies as they relate to overall enhancement for elders.

c. Providing recommendations on the funding levels to be allocated for the ranked programs.

d. Participating in periodic program evaluation to determine the need for continued funding.

e. Soliciting appropriate input from elder advocates and community stakeholders, such as voluntary organizations, community-based care lead agencies, health care delivery systems, business and industry, government agencies, and elder-service providers.

Section 2. Subsection (1) of section 210.15, Florida Statutes, is amended to read:

210.15 Permits.—

(1)(a) Every person, firm, or corporation desiring to deal in cigarettes as a distributing agent, wholesale dealer, or exporter within this state shall file an application for a cigarette permit for each place of business with the Division of Alcoholic Beverages and Tobacco. Every application for a cigarette permit shall be made on forms furnished by the division and shall set forth the name under which the applicant transacts or intends to transact business, the location of the applicant's place of business within the state, and such other information as the division may require. If the applicant has or intends to have more than one place of business dealing in cigarettes within this state, the application shall state the location of each place of business. If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers thereof and any other information prescribed by the division for the purpose of identification. The application shall be signed and verified by oath or affirmation by the owner, if a natural person, and in the case of an association or partnership, members or partners thereof, and in the case of a corporation, by an executive officer thereof or by any person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of this authority. The cigarette permit for a distributing agent shall be issued annually for which an annual fee of $5 shall be charged.

(b) The holder of any duly issued, annual permit for a distributing agent shall be entitled to a renewal of his or her annual permit from year to year as a matter of course, on or before July 1, upon making application to the division and upon payment of this annual permit fee.

(c) The permit for a distributing agent, wholesale dealer, or exporter shall be issued only to persons of good moral character, who are not less than 18 years of age. Distributing agent, wholesale dealer, or exporter permits to corporations shall be issued only to corporations whose officers are of good moral character and not less than 18 years of age. There shall be no exemptions from the permit fees herein provided to any persons, association of persons or corporation, any law to the contrary notwithstanding. No distributing agent, wholesale dealer, or exporter permit shall be issued to any person who has been convicted within the past 5 years of any offense against the cigarette laws of this state or who has been convicted in this state, any other state, or the United States during the past 5 years of any offense designated as a felony by such state or the United States, or to a corporation, any of whose officers have been so convicted. The term "conviction" shall include an adjudication of guilt on a plea of guilty or a plea of nolo contendere, or the forfeiture of a bond when charged with a crime.

(d) The division may refuse to issue a distributing agent, wholesale, or exporter permit to any person, firm, or corporation whose permit under the cigarette law has been revoked or to any corporation, an officer of which has had his or her permit under the cigarette law revoked, or to any person who is or has been an officer of a corporation whose permit has been revoked under the cigarette law. Any permit issued to a firm or corporation prohibited from obtaining such permit under the cigarette law may be revoked by the division.

(e) Prior to an application for a distributing agent, wholesale dealer, or exporter permit being approved, the applicant shall file a set of fingerprints on forms provided by the division. The applicant shall also file a set of fingerprints for any person or persons interested directly or indirectly with the applicant in the business for which the permit is being sought, when so required by the division. If the applicant or any person interested with the applicant, either directly or indirectly, in the business for which the permit is sought shall be such a person as is within the definition of persons to whom a distributing agent, wholesale dealer, or exporter permit shall be denied, then the application may be denied by the division. If the applicant is a partnership, all members of the partnership are required to file said fingerprints, or if a corporation, all principal officers of the corporation are required to file said fingerprints. The cigarette permit for a wholesale dealer or exporter shall be originally issued at a fee of $100, which sum is to cover the cost of the investigation required before issuing such permit.

(f) The cigarette permit for a wholesale dealer or exporter shall be renewed from year to year as a matter of course, at an annual cost of $100, on or before July 1, upon making application to the division and upon payment of the annual renewal fee *and public health tobacco equity surcharge required in this chapter*.

(g) No tobacco product manufacturer, importer, distributing agent, wholesale dealer, exporter or other person shall use the State of Florida as a conduit to avoid or evade taxes or other payments (including statutorily mandated escrow payments) due or owing to another state, under the law of that state. Each such manufacturer, importer, distributing agent, wholesale exporter or other person shall provide a sworn certification to the distributing agent, wholesale dealer, exporter, or other person of its compliance with the laws of the receiving state. A distributing agent, wholesale dealer, exporter or other person who is transporting or transshipping tobacco products through this state for sale and consumption in another state in violation of this subsection shall be subject to revocation of its permits, licenses and bonds in this state. Tobacco products in Florida that are in violation of this part are subject to seizure and destruction by the department.

(h)~~(g)~~ Permittees, by acceptance of their permits, agree that their places of business or vehicles transporting cigarettes shall always be subject to be inspected and searched without a search warrant for the purpose of ascertaining that all provisions of this part are complied with by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or during any other time such premises are occupied by the permittee or other persons. Retail cigarette dealers and manufacturers' representatives, by dealing in cigarettes, agree that their places of business or vehicles transporting cigarettes shall always be subject to inspection and search without a search warrant for the purpose of ascertaining that all provisions of this part are complied with by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times when the premises are occupied by the retail dealer or manufacturers' representatives or other persons.

(i)~~(h)~~ No retail sales of cigarettes may be made at a location for which a wholesale dealer, distributing agent, or exporter permit has been issued. The excise tax on sales made to any traveling location, such as an itinerant store or industrial caterer, shall be paid into the General Revenue Fund unallocated. Cigarettes may be purchased for retail purposes only from a person holding a wholesale dealer permit. The invoice for the purchase of cigarettes must show the place of business for which the purchase is made and the cigarettes cannot be transferred to any other place of business for the purpose of resale.

Section 3. Subsections (19), (20), and (21) are added to section 210.01, Florida Statutes, to read:

210.01 Definitions.—When used in this part the following words shall have the meaning herein indicated:

(19) "Surcharge" means the Public Health Tobacco Equity Surcharge as prescribed in ss. 210.0220, 210.0221, and 210.0222.

(20) "Participating Manufacturer" has the meaning ascribed in s. 215.5601(2). However, any such manufacturer whose obligations under such agreements are abated, excused, nullified, or stayed, in total or in part, due to judicial action after the enactment of this act is not a "participating manufacturer" for purposes of this part.

(21) "Subscribing Participating Manufacturer" has the meaning ascribed in s. 215.5601(2).

Section 4. Section 210.0220, Florida Statutes, is created to read:

210.0220 Public Health Tobacco Equity Surcharge; Legislative intent and general provisions.—

(1)(a) It is the legislative intent that the Public Health Tobacco Equity Surcharge imposed in this part shall be in addition to all other taxes imposed under this chapter and other provisions of law.

(b) It is the legislative intent that the Public Health Tobacco Equity Surcharge imposed in this part shall be added to the tax imposed by s. 210.02; that the Public Health Tobacco Equity Surcharge imposed in this part shall not be a substitute for or replace the tax imposed by s. 210.02; and that the Public Health Tobacco Equity Surcharge imposed in this part shall supplement the tax imposed by s. 210.02.

(c) The application of any one tax under this part shall not preclude application of any or all of the other taxes or the Public Health Tobacco Equity Surcharge provided herein.

(2) The provisions of ss. 210.02, 210.04, 210.05, 210.06, 210.021, 210.07, 210.08, 210.09, 210.10, 210.11, 210.12, 210.13, 210.14, 210.15, 210.16, 210.1605, 210.161, 210.18, 210.185, 210.19, and 210.20 shall, as far as lawful or practicable, be applicable to the levy and collection of the Public Health Tobacco Equity Surcharge imposed pursuant to this section as if fully set out in this section and made expressly applicable to the surcharge imposed herein.

Section 5. Section 210.0221, Florida Statutes, is created to read:

210.0221 Public Health Tobacco Equity Surcharge Imposed.—

(1) A surcharge, in addition to all other taxes of every kind imposed by law, is imposed upon the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state per package of cigarettes after October 1, 2001 in the amount of $0.36 per package of cigarettes.

(2) Cigarettes packed in packages containing less than 20 cigarettes require the same surcharge of $0.36 per such package.

(3) The surcharge shall be added to the amount of the tax imposed by s. 210.02.

(4) This surcharge, like the tax imposed by s. 210.02, shall be paid by the wholesale dealer to the division for deposit and distribution as hereinafter provided upon the first sale or transaction within the state, whether or not such sale or transfer is to the ultimate purchaser or consumer.

(5) The wholesale dealer shall collect the surcharge from the retail dealer upon the sale of the cigarettes to the retail dealer. The retail dealer shall collect the surcharge from the purchaser or consumer, and the purchaser or consumer shall pay the surcharge to the seller.

(6) The wholesale dealer shall be responsible for the collection of the surcharge and the payment of the same to the division. The remittance of the surcharge is due not later than the 10th day of the month following the calendar month in which they were incurred, and thereafter shall bear interest at the rate of 1 percent per month. If the amount of surcharge due for a given period is paid without allocating it to any particular month, the interest shall begin with the date of the assessment.

(7) Whenever cigarettes are shipped from outside the state to anyone in Florida other than a distributing agent or wholesale dealer, the person receiving the cigarettes shall be responsible for the surcharge on said cigarettes and the payment of same to the division.

Section 6. Section 210.0222, Florida Statutes, is created to read:

210.0222 Credit on the Payment of the Surcharge.—

(1)(a) A $0.36 per package of cigarettes credit of this public health tobacco equity surcharge shall be extended for cigarettes sold in Florida after October 1, 2001 that have been produced or manufactured by each participating manufacturer, as defined in s. 215.5601(4)(a).

(b) The credit to each Participating Manufacturer shall be computed per package on an annual basis by the division. The total annual credit shall not exceed the amount annually owed by each Participating Manufacturer to the State of Florida under the qualifying settlement agreements enumerated in s. 215.5601(4)(a).

(2)(a) Cigarettes produced by each subscribing participating manufacturer that fully comply with the agreement entered into with the Attorney General under s. 215.5601(4)(c) shall receive a credit of this public health tobacco equity surcharge for each package of cigarettes sold in Florida after October 1, 2001 that has been produced or manufactured by each Subscribing Participating Manufacturer as defined in s. 215.5601(4)(c).

(b) A $0.36 per package of cigarettes credit of this public health tobacco equity surcharge shall be extended for each package of cigarettes sold in Florida after October 1, 2001 that has been produced or manufactured by each Subscribing Participating Manufacturer, as defined in s. 215.5601(4)(c).

(c) The credit to each Subscribing Participating Manufacturer shall be computed per package on an annual basis by the division. The total annual credit shall not exceed the amount annually paid by each Subscribing Participating Manufacturer to the State of Florida under the qualifying settlement agreements enumerated in s. 215.5601(4)(c).

Section 7. Section 210.0223, Florida Statutes, is created to read:

210.0223 Deposit of Proceeds.—The proceeds of the public health tobacco equity surcharge received by the Department of Business and Professional Regulation shall be deposited into the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund. For the purposes of this section, "proceeds" of the surcharge shall mean all funds collected and received by the division hereunder, including interest and penalties on delinquent surcharge payments.

Section 8. Section 210.0224, Florida Statutes, is created to read:

210.0224 Administration.—

(1) The division shall administer, collect, and enforce the surcharge imposed under this part pursuant to the same procedures used in the administration, collection, and enforcement of the general state excise tax imposed under part I of this chapter, except as provided in this section.

(2) The division is authorized to adopt rules to implement the provisions of this part.

(3) The participating manufacturers and subscribing participating manufacturers shall provide to the division on a quarterly basis a complete list of those products produced by such manufacturers and shipped into the State of Florida. Failure to timely provide the information required by this section shall constitute a waiver of the credit for the reporting period.

(4) The division will quarterly provide the wholesale dealers with a list of those products produced by the Participating Manufacturers and Subscribing Participating Manufacturers that qualify for the credit allowed under s. 210.0222.

Section 9. Section 210.0225, Florida Statutes, is created to read:

210.0225 Declaration of Legislative Intent.—

(1) If any section, subsection, sentence, clause, phrase or word of this law is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable, or void, such invalidity or unconstitutionality shall not be construed to affect the portions of this law not so held to be unconstitutional, void, invalid, or ineffective, or affect the application of this law to other circumstances not so held to be invalid, it being hereby declared to be the express legislative intent that any such

unconstitutional, illegal, invalid, ineffective, inapplicable, or void portion or portions of this law did not induce its passage, and that without the inclusion of any such unconstitutional, illegal, invalid, ineffective, or void portions of this law, the Legislature would have enacted the valid and constitutional portions thereof.

(2) It is hereby declared to be the specific legislative intent to impose the public health tobacco equity surcharge on each and every pack of cigarettes sold in the State of Florida after October 1, 2001. It is further declared to be the specific legislative intent that should any credit or attempted credit from the public health tobacco equity surcharge or from the operation or imposition of the public health tobacco equity surcharge be declared to be invalid, ineffective, inapplicable, unconstitutional, or void for any reason, such declaration shall not affect the public health tobacco equity surcharge imposed herein, but such sales of cigarettes for which a credit is given or a credit is attempted to be given from the public health tobacco equity surcharge, shall be subject to the public health tobacco equity surcharge and the operation and imposition thereof to the same extent as if such credit or attempted credit had never been included herein.

(3) It is further declared to be the specific legislative intent to provide a credit from the public health tobacco equity surcharge or from the operation or the imposition thereof only to the extent that such credits are in accordance with the provisions of the constitutions of the state and of the United States.

(4) It is further declared to be the specific legislative intent to impose the public health tobacco equity surcharge on each and every sale of cigarettes in the State of Florida specifically providing a credit therefrom by this law to the extent that such credits are in accordance with the provisions of the constitutions of the state and of the United States.

(5) It being further declared to be the specific legislative intent that in the event any credit or attempted credit from the public health tobacco equity surcharge imposed by this law is for any reason declared to be unconstitutional, ineffective, inapplicable, or void, that then and in such event each and every such sale of cigarettes shall be subject to the public health tobacco equity surcharge imposed by this law as fully and to the same extent as if such credit or attempted credit had never been included herein, it being declared to be the specific legislative intent that no unconstitutional, invalid, ineffective, inapplicable, or void credit or attempted credit induced the passage of this law, it being further declared to be the specific legislative intent that without the inclusion herein of any such unconstitutional, invalid, ineffective, inapplicable, or void credit or attempted credit, the valid portions of this law would have been enacted.

(6) It is the legislative intent that the repeal of any provision heretofore providing a credit in whole or part of any item or transaction from the public health tobacco equity surcharge imposed by this law shall result in the full imposition of the public health tobacco equity surcharge to any such item or transaction.

Section 10. Subsection (4) of section 17.41, Florida Statutes, is amended to read:

17.41 Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.—

(4) Net proceeds of the sale of the tobacco settlement agreement received by the state shall be immediately deposited into the Lawton Chiles Endowment Fund, created in *s. 215.5601* ~~s. 215.5601(4)~~, without deposit to the Tobacco Settlement Clearing Trust Fund.

Section 11. Paragraph (h) of subsection (1) of section 20.435, Florida Statutes, is amended to read:

20.435 Department of Health; trust funds.—

(1) The following trust funds are hereby created, to be administered by the Department of Health:

(h) Biomedical Research Trust Fund.

1. Funds to be credited to the trust fund shall consist of funds deposited pursuant to *s. 215.5601(6)* ~~s. 215.5601(4)~~. Funds shall be used for the purposes of the Florida Biomedical Research Program as specified in s. 215.5602. The trust fund is exempt from the service charges imposed by s. 215.20.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2004.

Section 12. Subsection (1) of section 215.5602, Florida Statutes, is amended to read:

215.5602 Florida Biomedical Research Program.—

(1) There is established within the Department of Health the Florida Biomedical Research Program funded by the proceeds of the Lawton Chiles Endowment Fund pursuant to *s. 215.5601* ~~s. 215.5601(4)~~. The purpose of the Florida Biomedical Research Program is to support research initiatives that address the health care problems of Floridians in the areas of cancer, cardiovascular disease, stroke, and pulmonary disease. The long-term goals of the program are to:

(a) Improve the health of Floridians by researching better prevention, diagnoses, and treatments for cancer, cardiovascular disease, stroke, and pulmonary disease.

(b) Expand the foundation of biomedical knowledge relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

(c) Improve the quality of the state's academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers.

(d) Increase the state's per capita funding for biomedical research by undertaking new initiatives in biomedical research that will attract additional funding from outside the state.

(e) Stimulate economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.

Section 13. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to tobacco; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "subscribing participating manufacturer," "outdoor advertising," and "transit advertisements"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a "participating manufacturer"; or a "subscribing participating manufacturer"; providing for funds received from participating manufacturers and subscribing participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing a portion of such funds to the Florida Comprehensive Health Association; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; directing wholesalers to pay surcharges required by the chapter; prohibiting specific practices by tobacco product manufacturers, importers, distributing agents, wholesale dealers, exporters or others; amending s. 210.01, F.S.; defining the terms "surcharges," "participating manufacturer," and "subscribing participating manufacturer"; creating s. 210.0220, F.S.; providing for imposition of the public health tobacco equity surcharge; providing legislative intent; providing applicability of specified provisions of law; creating s. 210.0221, F.S.; imposing the public health tobacco equity surcharge on the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state; specifying the amount of the surcharge; providing that the surcharge will be paid by the wholesale dealer; providing for collection of surcharge; requiring collection and payment to the division; providing for interest on unpaid amount; providing for responsible party when cigarettes shipped to other than wholesale dealer; creating s. 210.0222, F.S.; providing credit against surcharge for participating manufacturers and subscribing participating manufacturers; providing amount of credit; creating s. 210.0223, F.S.; providing for deposit of proceeds to the Tobacco Settlement Clearing Trust Fund; defining "proceeds"; creating s. 210.0224, F.S.; providing for duties of the division; providing for reports from participating manufacturers and subscribing participating

manufacturers; creating s. 210.0225, F.S.; providing intent related to severability and impact of declaration of unconstitutionality; amending s. 17.41, F.S., correcting a cross-reference; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 2214** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **HB 1737** was deferred.

On motion by Senator Webster, by two-thirds vote **HB 1545** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Webster, by two-thirds vote—

HB 1545—A bill to be entitled An act relating to school district performance; providing a short title; amending s. 229.57, F.S.; requiring the designation and publication of district performance grades; amending s. 236.02, F.S.; revising minimum requirements of the Florida Education Finance Program to include minimum classroom expenditure requirements and associated reporting; creating s. 236.08102, F.S.; authorizing the Legislature to require a school district that fails to meet minimum academic performance standards to meet district minimum classroom expenditure requirements; providing for monitoring; requiring reports; amending s. 237.041, F.S.; requiring a district's annual budget to include provision for required minimum classroom expenditure requirements; amending s. 237.081, F.S.; requiring the advertisement of the tentative school district budget to include notice of minimum classroom expenditure requirements; providing an effective date.

—a companion measure, was substituted for **SB 1710** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1545** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for CS for SB 1276—A bill to be entitled An act relating to driver's licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver's license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1276** to **CS for CS for HB 1121**.

Pending further consideration of **CS for CS for SB 1276** as amended, on motion by Senator Lee, by two-thirds vote **CS for CS for HB 1121** was withdrawn from the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Appropriations.

On motion by Senator Lee, by two-thirds vote—

CS for CS for HB 1121—A bill to be entitled An act relating to driver licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1276** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1121** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 986** and **CS for SB 1780** was deferred.

On motion by Senator Sullivan—

CS for SB 2096—A bill to be entitled An act relating to public accountancy; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees whose licenses have become void; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (230204)—On page 1, after "*board*." delete lines 21-23, and insert: *The board shall require that such an individual meet all continuing education requirements as provided in s. 473.312, the payment of appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.*

Pursuant to Rule 4.19, **CS for SB 2096** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

SB 2114—A bill to be entitled An act relating to historic preservation; repealing pt. I of ch. 266, F.S.; eliminating general provisions relating to historic preservation boards of trustees and the responsibilities of the Department of State with respect thereto; repealing ss. 266.0011, 266.0012, 266.0013, 266.0014, 266.0015, 266.00155, 266.0016, 266.0017, F.S.; eliminating the Historic Pensacola Board of Trustees; amending s. 267.031, F.S.; providing powers and duties of the Division of Historical Resources; providing for the establishment of historic preservation regional offices; providing purpose; requiring the division to establish a citizen support organization for each regional office; requiring the division to establish and maintain a central inventory of historic properties; requiring the employment of a state archaeologist; providing qualifications and responsibilities for the state archaeologist; requiring the employment of a state historic preservation officer and other personnel; providing for designation and responsibilities of the state historic preservation officer; amending s. 267.061, F.S.; conforming a cross-reference; requiring rules for historic property renovation to be based on certain national guidelines and standards; repealing provisions relating to division responsibilities, state archaeologist, and state historic preservation officer; amending s. 267.0612, F.S.; deleting provisions relating to the Historic Preservation Advisory Council; creating the Florida Historical Commission; providing powers and duties; providing composition of the commission; providing for initial membership and subsequent appointments; providing terms and organization; providing responsibilities of the commission; providing that specified members of the commission shall sit as Florida's National Register Review Board; amending s. 267.0617, F.S.; requiring review of special category historic preservation grants-in-aid by the Florida Historical Commission; defining such grants; providing for review of other grants by grant review panels; conforming cross-references; amending s. 267.062, F.S.; correcting a cross-reference; creating s. 267.0619, F.S.; revising provisions with respect to grant application review; amending s. 267.072, F.S.; revising provisions relating to the Museum of Florida History Programs; creating s. 267.073, F.S.; revising provisions relating to the Great Floridians program; creating s. 267.074, F.S.; requiring the Division of Historical Resources to coordinate and direct the Historical Marker Program; delineating program responsibilities; providing classification of markers; requiring the division to establish a central register of markers and to establish and maintain the Florida Register of Heritage Landmarks; requiring rules; requiring a comprehensive plan; providing for the establishment of fees; specifying funding sources for markers; creating s. 267.0743, F.S.; creating the State Historical Marker Council; providing for membership, meetings, organization, and responsibilities of the council; amending s. 267.081, F.S.; authorizing the division to exercise

the right of trademark and service mark over specified terms; creating s. 267.115, F.S.; providing division authority and responsibilities pertaining to objects of historical or archaeological value; requiring maintenance of records; providing for loan, sale, exchange, or other disposition of objects under certain circumstances; providing for disposition of funds; providing for rules; providing a penalty; providing for contracts; allowing program for administering finds of artifacts in state-owned river bottoms; amending s. 267.13, F.S.; revising provisions with respect to restitution for the commission of practices prohibited under ch. 267, F.S.; defining value elements for purposes of determining restitution; amending s. 267.14, F.S.; providing public policy declarations; creating s. 267.173, F.S.; requiring the Department of State to contract with the University of West Florida for management of certain state-owned properties; providing contract goals; requiring use of proceeds derived from the management of such properties; authorizing transfer and ownership of certain artifacts, documents, and properties to the university; providing for transfer of records, property, personnel, and funds of the Historic Pensacola Board of Trustees to the university; specifying certain powers and duties of the University of West Florida; providing that the university may contract with its direct-support organization to perform all acts necessary to assist the university in carrying out its historic preservation and historic education responsibilities; delineating certain powers; authorizing the Department of State to contract with the University of West Florida to serve as a regional office; providing an exception to the requirement for a separate direct-support organization for regional offices; transferring, renumbering, and amending s. 266.0018, F.S.; requiring the authorization of a direct-support organization to assist the University of West Florida in historic preservation and historic preservation education purposes and responsibilities; conforming references; providing membership criteria and selection; delineating contract and other governance requirements; providing for preservation of validity of judicial or administrative actions involving the Historic Pensacola Preservation Board of Trustees; amending ss. 607.1901, 872.05, F.S.; conforming cross-references; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2114** to **HB 1419**.

Pending further consideration of **SB 2114** as amended, on motion by Senator Clary, by two-thirds vote **HB 1419** was withdrawn from the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Clary—

HB 1419—A bill to be entitled An act relating to historic preservation; repealing pt. I of ch. 266, F.S.; eliminating general provisions relating to historic preservation boards of trustees and the responsibilities of the Department of State with respect thereto; repealing ss. 266.0011, 266.0012, 266.0013, 266.0014, 266.0015, 266.00155, 266.0016, and 266.0017, F.S.; eliminating the Historic Pensacola Board of Trustees; amending s. 267.031, F.S.; providing powers and duties of the Division of Historical Resources; providing for the establishment of historic preservation regional offices; providing purpose; requiring the division to establish a citizen support organization for each regional office; requiring the division to establish and maintain a central inventory of historic properties; requiring the employment of a state archaeologist; providing qualifications and responsibilities for the state archaeologist; requiring the employment of a state historic preservation officer and other personnel; providing for designation and responsibilities of the state historic preservation officer; amending s. 267.061, F.S.; correcting a cross reference; requiring rules for historic property renovation to be based on certain national guidelines and standards; repealing provisions relating to division responsibilities, state archaeologist, and state historic preservation officer; amending s. 267.0612, F.S.; deleting provisions relating to the Historic Preservation Advisory Council; creating the Florida Historical Commission; providing powers and duties; providing composition of the commission; providing for initial membership and subsequent appointments; providing terms and organization; providing responsibilities of the commission; providing that specified members of the commission shall sit as Florida's National Register Review Board; amending s. 267.0617, F.S.; requiring review of special category historic preservation grants-in-aid by the Florida Historical Commission; defining such grants; providing for review of other grants by grant review panels; conforming cross references; amending s. 267.062, F.S.; correcting a cross reference; amending s. 267.072, F.S., relating to Museum of Florida History programs; renumbering provisions relating to historical museum grants as s. 267.0619, F.S.; revising provisions with respect to grant application review; renumbering provisions relating to the Great Floridians program as s. 267.073, F.S.; correcting a cross reference; creating s. 267.074, F.S.; requiring the Division of Historical Resources to coordinate and direct the Historical Marker Program; delineating program responsibilities; providing classification of markers; requiring the division to establish a central register of markers and to establish and maintain the Florida Register of Heritage Landmarks; requiring rules; requiring a comprehensive plan; providing for the establishment of fees; specifying funding sources for markers; creating s. 267.0743, F.S.; creating the State Historical Marker Council; providing for membership, meetings, organization, and responsibilities of the council; amending s. 267.081, F.S.; authorizing the division to exercise the right of trademark and service mark over specified terms; creating s. 267.115, F.S.; providing division authority and responsibilities pertaining to objects of historical or archaeological value; requiring maintenance of records; providing for loan, sale, exchange, or other disposition of objects under certain circumstances; providing for disposition of funds; providing for rules; providing a penalty; providing for contracts; allowing program for administering finds of artifacts in state-owned river bottoms; amending s. 267.13, F.S.; revising provisions with respect to restitution for the commission of practices prohibited under ch. 267, F.S.; defining value elements for purposes of determining restitution; amending s. 267.14, F.S.; providing public policy declarations; creating s. 267.173, F.S.; requiring the Department of State to contract with the University of West Florida for management of certain state-owned properties; providing contract goals; requiring use of proceeds derived from the management of such properties; authorizing transfer and ownership of certain artifacts, documents, and properties to the university; providing for transfer of records, property, personnel, and funds of the Historic Pensacola Board of Trustees to the university; specifying certain powers and duties of the University of West Florida; providing that the university may contract with its direct-support organization to perform all acts necessary to assist the university in carrying out its historic preservation and historic education responsibilities; delineating certain powers; authorizing the Department of State to contract with the University of West Florida to serve as a regional office; providing an exception to the requirement for a separate direct-support organization for regional offices; amending and renumbering s. 266.0018, F.S.; requiring the authorization of a direct-support organization to assist the University of West Florida in historic preservation and historic preservation education purposes and responsibilities; conforming references; providing membership criteria and selection; delineating contract and other governance requirements; providing for preservation of validity of judicial or administrative actions involving the Historic Pensacola Preservation Board of Trustees; amending ss. 607.1901 and 872.05, F.S.; correcting cross references; providing effective dates.

—a companion measure, was substituted for **SB 2114** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1419** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 1534—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.161, F.S.; revising requirements for the department with respect to calculating credit allowed to a defendant for time served; revising requirements for certifying time served; amending s. 944.28, F.S.; providing for a disciplinary hearing officer rather than a disciplinary committee to determine forfeiture of gain-time; amending s. 944.35, F.S.; requiring that the department's Inspector General review the use of force by department employees; providing for the Inspector General to determine the appropriateness of the force used; amending ss. 944.012, 944.02, 944.023, 944.026, 944.033, 944.09, 944.095, 944.10, 944.11, 944.115, 944.14, 944.151, 944.23, 944.24, 944.31, 944.32, 944.39, 944.402, 944.44, 944.45, 944.46, 944.47, 944.611, 944.613, 944.801, 944.803, 944.8031, F.S., relating to the state correctional system; amending ss. 945.025, 945.0311, 945.091, 945.215, 945.21501, 945.21502, 945.27, 945.35, 945.6031, 945.6037, 945.72, 945.75, F.S., relating to the Department of Corrections; amending ss. 946.002, 946.205, 946.25, 946.40, 946.504, 946.513, F.S., relating to inmate labor and correctional work programs; redesignating correctional

institutions as "prisons" and community correctional centers as "work-release centers"; amending ss. 413.051, 414.40, 948.03, 951.23, 958.04, F.S., relating to vending operations, the Stop Inmate Fraud Program, probation and community control, county and municipal detention facilities, and youthful offenders; conforming cross-references to changes made by the act; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the department by offenders placed on community control; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1 (383692)—On page 54, line 3, delete "used" and insert: *appropriated by the Legislature for use* ~~used~~

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 2 (355072)—On page 44, lines 10-22, delete those lines and insert:

Section 40. Paragraph (c) of subsection (3) of section 945.6037, Florida Statutes, is amended to read:

945.6037 Nonemergency health care; inmate copayments.—

(3)

(c) The expenses and operating capital outlay required to develop, implement, and maintain the medical copayment accounting system must be appropriated from the Inmate Welfare Trust Fund. The fiscal assistants and accountants at *prisons* ~~the correctional facilities~~ funded from the Inmate Welfare Trust Fund are, in addition to their duties relating to the inmate canteen and bank, responsible for managing the medical copayment system.

(d) Subject to the availability of funds, the department may implement a Hepatitis B vaccination program for incoming inmates.

Senator Crist moved the following amendments which were adopted:

Amendment 3 (093996)(with title amendment)—On page 54, between lines 4 and 5, insert:

Section 55. Paragraphs (b), (c), and (d) of subsection (1) of section 945.215, Florida Statutes, are amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1) INMATE WELFARE TRUST FUND; DEPARTMENT OF CORRECTIONS.—

(b) Funds in the Inmate Welfare Trust Fund must be used exclusively for the following purposes at correctional facilities operated directly by the department:

1. To operate inmate canteens and vending machines, including purchasing items for resale at inmate canteens and vending machines; employing personnel and inmates to manage, supervise, and operate inmate canteens and vending machines; and covering other operating and fixed capital outlay expenses associated with operating inmate canteens and vending machines;

2. To employ personnel to manage and supervise the proceeds from telephone commissions;

3. To develop, implement, and maintain the medical copayment accounting system;

4. To provide literacy programs, vocational training programs, and educational programs that comply with standards of the Department of Education, including employing personnel and covering other operating and fixed capital outlay expenses associated with providing such programs;

5. To operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, libraries, and law libraries, including employing personnel and covering other operating and fixed capital outlay expenses associated with operating inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, libraries, and law libraries;

6. To provide for expenses associated with various inmate clubs;

7. To provide for expenses associated with legal services for inmates;

8. To provide inmate substance abuse treatment programs and transition and life skills training programs, including employing personnel and covering other operating and fixed capital outlay expenses associated with providing such programs*; and*~~.~~

9. To purchase other items for the benefit of the inmate population as deemed appropriate by the secretary.

(c) The Legislature shall annually appropriate the funds deposited in the Inmate Welfare Trust Fund. It is the intent of the Legislature that total annual expenditures for providing literacy programs, vocational training programs, and educational programs exceed the combined total annual expenditures for operating inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, libraries, and law libraries, covering expenses associated with inmate clubs, *purchasing other items deemed appropriate by the secretary,* and providing inmate substance abuse treatment programs and transition and life skills training programs.

(d) Funds in the Inmate Welfare Trust Fund or any other fund may not be used to purchase *weight training equipment or* cable television service, *or* to rent or purchase videocassettes *or*~~,~~ videocassette recorders~~, or other audiovisual or electronic equipment~~ used primarily for recreation purposes. This paragraph does not preclude the purchase or rental of electronic or audiovisual equipment *or wellness equipment* for inmate training or educational programs.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 945.215, F.S.; revising provisions relating to use of funds for specified purposes at correctional facilities operated by the Department of Corrections; deleting language relating to legislative intent;

THE PRESIDENT PRESIDING

Amendment 4 (155740)(with title amendment)—On page 54, between lines 4 and 5, insert:

Section 55. Subsections (5), (6), and (8) of section 944.17, Florida Statutes, are amended to read:

944.17 Commitments and classification; transfers.—

(5) The department shall also refuse to accept a person into the state correctional system unless the following documents are presented in a completed form by the *custodian of the local jail, by another person having custody of the prisoner,* ~~sheriff~~ or *by the* chief correctional officer, or a designated representative, to the officer in charge of the reception process:

(a) The uniform commitment and judgment and sentence forms as described in subsection (4).

(b) The ~~sheriff's~~ certificate as described in s. 921.161.

(c) A certified copy of the indictment or information relating to the offense for which the person was convicted.

(d) A copy of the probable cause affidavit for each offense identified in the current indictment or information.

(e) A copy of the Criminal Punishment Code scoresheet and any attachments thereto prepared pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or any other rule pertaining to the preparation of felony sentencing scoresheets.

(f) A copy of the restitution order or the reasons by the court for not requiring restitution pursuant to s. 775.089(1).

(g) The name and address of any victim, if available.

(h) A printout of a current criminal history record as provided through an FCIC/NCIC printer.

(i) Any available health assessments including medical, mental health, and dental, including laboratory or test findings; custody classification; disciplinary and adjustment; and substance abuse assessment and treatment information which may have been developed during the period of incarceration prior to the transfer of the person to the department's custody. Available information shall be transmitted on standard forms developed by the department.

In addition, the *custodian of the prisoner or a designated representative of the custodian* ~~sheriff or other officer having such person in charge~~ shall also deliver with the foregoing documents any available presentence investigation reports as described in s. 921.231 and any attached documents. After a prisoner is admitted into the state correctional system, the department may request such additional records relating to the prisoner as it considers necessary from the clerk of the court, the Department of Children and Family Services, or any other state or county agency for the purpose of determining the prisoner's proper custody classification, gain-time eligibility, or eligibility for early release programs. An agency that receives such a request from the department must provide the information requested.

(6) If a person is sentenced by a circuit court to serve a term of imprisonment concurrently with a term being served in another jurisdiction, the ~~sheriff or~~ chief correctional officer *or person having custody of the prisoner* shall notify the department of the location at which such person is serving such term of imprisonment and shall forward to the department the documents described in subsection (5).

(8) If a state prisoner's presence is required in court for any reason after the ~~sheriff or~~ chief correctional officer *or custodian of the local jail* has relinquished custody to the department, the court shall issue an order for the ~~sheriff or~~ chief correctional officer *or custodian of the local jail* to assume temporary custody and transport the prisoner to the county jail pending the court appearance. The ~~sheriff or~~ chief correctional officer *or custodian of the local jail*~~, or a designated representative,~~ shall present a copy of the order to appropriate officers at the facility housing the prisoner prior to assuming temporary custody of the prisoner. Neither the court nor the ~~sheriff or~~ chief correctional officer *nor any other person* may release such prisoner without first obtaining confirmation from the department that the prisoner has no commitments from other jurisdictions or outstanding detainers. It is the responsibility of the clerk of the circuit court to provide the department's central office with certified copies of each court action that affects a state commitment.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 944.17, F.S.; providing for certain responsibilities relating to the transportation of prisoners;

Senator Cowin moved the following amendment which was adopted:

Amendment 5 (231528)(with title amendment)—On page 54, between lines 8 and 9, insert:

Section 56. *(1) It is the intent of the Legislature that local correctional practices in the state be upgraded and strengthened through the adoption of meaningful standards of operation for local jails.*

(2) It is also the intent of the Legislature that local correctional facilities voluntarily adopt these standards of operation designed to promote equal and fair service delivery, maximize the capability of local jails to provide security and control, and increase interagency cooperation throughout the state.

(3)(a) It is further the intent of the Legislature to support the Florida Corrections Accreditation Commission accreditation program. Such program shall continue to be operated through the Florida Corrections Accreditation Commission as an independent body in cooperation with the Florida Department of Corrections.

(b) The Department of Corrections shall provide financial support to the Florida Corrections Accreditation Commission to maintain the effectiveness of the accreditation process, as deemed appropriate by the Secretary of Corrections.

(c) The corrections accreditation program shall continue to address, at a minimum, the following aspects of correctional service delivery: personnel issues; training; security and control; order and discipline; special operations; admission, classification, and release of adults; inmate housing; inmate programs; sanitation and hygiene; food service; direct supervision jails; admission, classification, and release of juveniles; housing of juveniles; medical and pharmacy issues; and public information.

(4) The Florida Corrections Accreditation Commission shall report to the President of the Senate and the Speaker of the House of Representatives on the status of corrections accreditation in this state no later than December 31, 2001.

Section 57. *The sum of $200,000 is appropriated from the Criminal Justice Standards and Training Trust Fund to the Department of Corrections for purposes of implementing the provisions of section 57 of this act during the 2001-2002 fiscal year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: providing Legislative intent regarding the adoption of standards for the operation of local jails; providing such intent regarding the operation of the Florida Corrections Accreditation Commission accreditation program; requiring the Department of Corrections to provide financial support to the commission; establishing standards for the program; requiring a report; providing an appropriation;

Senator Bronson moved the following amendment which was adopted:

Amendment 6 (414256)(with title amendment)—On page 54, between lines 8 and 9, insert:

Section 56. Section 943.12, Florida Statutes, is amended to read:

943.12 Powers, duties, and functions of the commission.—The commission shall:

(1) *Adopt* ~~Promulgate~~ rules for the administration of ss. 943.085-943.255 pursuant to chapter 120.

(2) Be responsible for the execution, administration, implementation, and evaluation of its powers, duties, and functions under ss. 943.085-943.255, including any rules promulgated or policies established hereunder.

(3) Certify, and revoke the certification of, officers, instructors, and criminal justice training schools.

(4) Establish uniform minimum employment standards for the various criminal justice disciplines.

(5) Establish uniform minimum training standards for the training of officers in the various criminal justice disciplines.

(6) Consult and cooperate with municipalities or the state or any political subdivision of the state and with universities, colleges, community colleges, and other educational institutions concerning the development of criminal justice training schools and programs or courses of instruction, including, but not necessarily limited to, education and training in the areas of criminal justice administration and all allied and supporting disciplines.

(7) *Conduct official inquiries or require criminal justice training schools to conduct official inquiries of* ~~Authorize the issuance of certificates for~~ criminal justice training *instructors who are certified by the commission* ~~schools~~.

(8) Establish minimum curricular requirements for criminal justice training schools.

(9) ~~Authorize the issuance of certificates for instructors.~~

(9)~~(10)~~ Make, publish, or encourage studies on any aspect of criminal justice education and training or recruitment, including the develop-

ment of defensible and job-related psychological, selection, and performance evaluation tests.

(10)~~(11)~~ With the approval of the head of the department, make and enter into such contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as the commission determines are necessary, expedient, or incidental to the performance of its duties or the execution of its powers.

(11)~~(12)~~ Provide to each commission member and, upon request, to any sheriff, chief of police, state law enforcement or correctional agency chief administrator, or training center director or to any other concerned citizen minutes of commission meetings and notices and agendas of commission meetings.

(12)~~(13)~~ Establish a central repository of records for the proper administration of its duties, powers, and functions.

(13)~~(14)~~ Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.

(14)~~(15)~~ Enforce compliance with provisions of this chapter through injunctive relief and civil fines.

(15)~~(16)~~ Make recommendations concerning any matter within the purview of this chapter.

(16)~~(17)~~ *Adopt* ~~Promulgate~~ rules for the certification and discipline of officers who engage in those specialized areas found to present a high risk of harm to the officer or the public at large and which would in turn increase the potential liability of an employing agency.

(17)~~(18)~~ Implement, administer, maintain, and revise a job-related officer certification examination for each criminal justice discipline. The commission shall, by rule, establish procedures for the administration of the officer certification examinations. Further, the commission shall establish standards for acceptable performance for each officer certification examination.

Section 57. Subsection (6) of section 943.13, Florida Statutes, is amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, to a county commission, or to the Correctional Privatization Commission shall:

(6) Have passed a physical examination by a licensed physician *or physician assistant*, based on specifications established by the commission.

Section 58. Section 943.131, Florida Statutes, is amended to read:

943.131 Temporary employment or appointment; minimum basic recruit training exemption.—

(1)(a) An employing agency may temporarily employ or appoint a person who complies with the qualifications for employment in s. 943.13(1)-(8), but has not fulfilled the requirements of s. 943.13(9) and (10), if a critical need exists to employ or appoint the person and such person is or will be enrolled in the next approved basic recruit training program available in the geographic area or that no assigned state training program for state officers is available within a reasonable time. The employing agency must maintain documentation which demonstrates that a critical need exists to employ a person pursuant to this section. Prior to the employment or appointment of any person other than a correctional probation officer under this subsection, the person shall comply with the firearms provisions established pursuant to s. 943.17(1)(a). Any person temporarily employed or appointed as an officer under this subsection must attend the first training program offered in the geographic area, or the first assigned state training program for a state officer, subsequent to his or her employment or appointment. Further, upon successful completion of the basic recruit training program, any person temporarily employed or appointed as an officer must fulfill the requirements of s. 943.13(10) within 180 consecutive days.

(b) In no case may the person be temporarily employed or appointed for more than 180 consecutive days, and such temporary employment or appointment is not renewable by the employing agency or transferable to another employing agency. However, a person who is temporarily employed or appointed and is attending the first training program offered in the geographic area, or has been assigned to a state training program, may continue to be temporarily employed or appointed until the person:

1. Successfully completes the basic recruit training program and achieves an acceptable score on the officer certification examination;

2. Fails or withdraws from *a* ~~any course of the~~ basic recruit training program;

3. Fails to achieve an acceptable score on the officer certification examination within 180 consecutive days after the successful completion of the basic recruit training program; or

4. Is separated from employment or appointment by the employing agency.

(c) No person temporarily employed or appointed under the provisions of this subsection may perform the duties of an officer unless he or she is adequately supervised by another officer of the same discipline. The supervising officer must be in full compliance with the provisions of s. 943.13 and must be employed or appointed by the employing agency.

(2) If an applicant seeks an exemption from completing a commission-approved basic recruit training program, the employing agency must verify that the applicant has successfully completed a comparable basic recruit training program *for the discipline in which the applicant is seeking certification* in another state or for the Federal Government. Further, the employing agency must verify that the applicant has served as a full-time sworn officer in another state or for the Federal Government for at least one year. When the employing agency obtains written documentation regarding the applicant's criminal justice experience, the documentation must be submitted to the commission. The commission shall adopt rules that establish criteria and procedures to determine if the applicant is exempt from completing the commission-approved basic recruit training program and, upon making a determination, shall notify the employing agency. *An* ~~If the~~ applicant *who* is exempt from completing the ~~commission-approved basic recruit~~ training program~~, the applicant~~ must *demonstrate proficiency in the high-liability areas, as defined by commission rule, and must complete the requirements of s. 943.13(10) within 180 days after receiving an exemption. If the proficiencies and requirements of s. 943.13(10) are not met within the 180 days, the applicant must complete a commission-approved basic recruit training program* ~~complete training,~~ as required by the commission by rule~~, in areas which include, but are not limited to, defensive driving, defensive tactics, firearms training, and first responder training~~. Except as provided in subsection (1), before the employing agency may employ or appoint the applicant as an officer, the applicant must meet the minimum qualifications described in s. 943.13(1)-(8), and must fulfill the requirements of s. 943.13(10).

Section 59. Subsection (1) of section 943.135, Florida Statutes, is amended to read:

943.135 Requirements for continued employment.—

(1) The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. The rule shall also provide:

(a) Assistance to an employing agency in identifying each affected officer, the date of his or her employment or appointment, and his or her

most recent date for successful completion of continuing training or education; *and*

(b) A procedure for reactivation of the certification of an officer who is not in compliance with this section.~~; and~~

~~(c) A remediation program supervised by the training center director within the geographic area for any officer who is attempting to comply with the provisions of this subsection and in whom learning disabilities are identified. The officer shall be assigned nonofficer duties, without loss of employee benefits, and the program shall not exceed 90 days.~~

Section 60. Subsection (2) of section 943.1395, Florida Statutes, is amended to read:

943.1395 Certification for employment or appointment; concurrent certification; reemployment or reappointment; inactive status; revocation; suspension; investigation.—

(2) An officer who is certified in one discipline and who complies with s. 943.13 in another discipline shall hold concurrent certification and may be assigned in either discipline within his or her employing agency. *However, the officer may be registered and hold concurrent certification only if the employing agency has authority to employ multiple disciplines.*

Section 61. Section 943.14, Florida Statutes, is amended to read:

943.14 *Commission-certified* criminal justice training schools; certificates and diplomas; exemptions; injunctive relief; fines.—

(1) Each criminal justice training school approved by the commission shall obtain from the commission a certificate of compliance, with rules of the commission, signed by the chair of the commission. ~~Any training or educational courses which are taught in any criminal justice training school must first be approved in writing by the commission.~~

(2) Any certificate or diploma issued by any criminal justice training school which relates to completion, graduation, or attendance in criminal justice training or educational subjects, or related matters, must be approved by ~~the~~ commission *staff in the department's Criminal Justice Professionalism Program*.

(3) The commission shall establish, by rule, procedures for the certification and discipline of all instructors in any criminal justice training school.

(4) Prior to the issuance of a certificate of compliance, or as a condition of continuing certification, all records of any criminal justice training school that relate to training and all financial and personnel records of the school shall be made available to the commission upon request.

(5) No private criminal justice training school may include within its name the word "commission," "bureau," or "division" together with the word "Florida" or "state," the name of any county or municipality, or any misleading derivative thereof which might be construed to represent a government agency or an entity authorized by a government agency.

~~(6) Criminal justice training schools and courses which are licensed and operated in accordance with the rules of the State Board of Education and the rules of the commission are exempt from the requirements of subsections (1)-(5). However, any school which instructs approved commission courses must meet the requirements of subsections (1)-(5).~~

(6)~~(7)~~(a) Commission-approved correctional probation courses and subjects which are taught by Florida 4-year accredited colleges and universities are exempt from subsections *(1)-(6)* ~~(1)-(5)~~ except for such documentation which may be required by the commission. The commission retains control over the content of courses and subjects covered by this subsection as specified in s. 943.17(1)(a). Florida 4-year accredited colleges and universities must obtain approval from the commission prior to offering correctional probation courses. Florida 4-year accredited colleges and universities offering the Correctional Probation Training Program shall teach the learning objectives specified by the commission. The administration of the commission's Correctional Probation Training Program within a Florida 4-year accredited college or university shall fall within the institution's established guidelines for course delivery and student attendance. The Florida 4-year accredited college or university shall provide to the commission and to the student proof of successful completion of all the approved objectives required by the commission for the academic courses approved for the Correctional Probation Training Program. The commission-certified training school administering the commission-required correctional probation high-liability training shall provide to the commission and to the student proof of successful completion of all approved objectives.

(b) All other criminal justice sciences or administration courses or subjects which are a part of the curriculum of any accredited college, university, community college, or vocational-technical center of this state, and all full-time instructors of such institutions, are exempt from the provisions of subsections (1)-(5).

(7)~~(8)~~ Each criminal justice training school that offers law enforcement, correctional, or correctional probation officer basic recruit training, or selection center that provides applicant screening for criminal justice training schools, shall conduct a criminal history background check of an applicant prior to entrance into the basic recruit class. A complete set of fingerprints must be taken by an authorized criminal justice agency or by an employee of the criminal justice training school or selection center who is trained to take fingerprints. The criminal justice training school or selection center shall submit the fingerprints to the Florida Department of Law Enforcement for a statewide criminal history check, and forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. Applicants found through fingerprint processing to have pled guilty to or been convicted of a crime which would render the applicant unable to meet the minimum qualifications for employment as an officer as specified in s. 943.13(4) shall be removed from the pool of qualified candidates by the criminal justice training school or selection center.

(8)~~(9)~~(a) If a criminal justice training school or person violates this section, or any rule adopted pursuant hereto, the Department of Legal Affairs, at the request of the chair of the commission, shall apply to the circuit court in the county in which the violation or violations occurred for injunctive relief prohibiting the criminal justice training school or person from operating contrary to this section.

(b)1. In addition to any injunctive relief available under paragraph (a), the commission may impose a civil fine upon any criminal justice training school or person who violates subsection (1) or subsection (5), or any rule adopted pursuant thereto, of up to $10,000 for each violation, which fine shall be paid into the Criminal Justice Standards and Training Trust Fund. The commission may impose a civil fine upon any criminal justice training school or person who violates subsection (2), subsection (3), or subsection (4), or any rule adopted pursuant thereto, of up to $1,000 for each violation, which fine shall be paid into the Criminal Justice Standards and Training Trust Fund.

2. A proceeding under this paragraph shall comply with the provisions of chapter 120, and the final order of the commission constitutes final agency action for the purposes of chapter 120. When the commission imposes a civil fine and the fine is not paid within a reasonable time, the Department of Legal Affairs, at the request of the chair of the commission, shall bring a civil action under the provisions of s. 120.69 to recover the fine. The commission and the Department of Legal Affairs are not required to post any bond in any proceeding herein.

Section 62. Subsection (1) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise *entry requirements,* job-related curricula, and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(a) Design, implement, maintain, evaluate, ~~and~~ revise *or adopt* a basic recruit training program for the purpose of providing minimum employment training qualifications for all officers to be employed or appointed in each discipline.

(b) Design, implement, maintain, evaluate, ~~and~~ revise *or adopt* an advanced training program which is limited to those courses enhancing an officer's knowledge, skills, and abilities for the job he or she performs.

(c) Design, implement, maintain, evaluate, ~~and~~ revise *or adopt* a career development training program which is limited to those courses related to promotion to a higher rank or position. Career development courses will not be eligible for funding as provided in s. 943.25(9).

(d) *Design, implement, maintain, evaluate, or adopt a specialized training program, consisting of identified goals and objectives that enhance an officer's ability to perform the duties of his or her job.* ~~For any existing or newly established course, adopt an examination and assessment instrument that is job-related and measures an officer's acquisition of knowledge, skills, and abilities. An acceptable level of measurable student performance shall also be developed for each course.~~

Section 63. Subsection (2) of section 943.173, Florida Statutes, is amended to read:

943.173 Examinations; administration; materials not public records; disposal of materials.—

(2) Each advanced and career development course examination ~~adopted by the commission~~ shall be administered at a certified criminal justice training school under the supervision of the training center director.

Section 64. Section 943.175, Florida Statutes, is amended to read:

943.175 Inservice ~~and specialized~~ training.—

(1) Inservice training programs, consisting of courses established, implemented, and evaluated by an employing agency, are the responsibility of the employing agency. *Inservice* ~~Specialized~~ training programs, consisting of courses established, implemented, and evaluated by a criminal justice training school, are the responsibility of the criminal justice training school. Inservice ~~and specialized~~ training programs or courses need not be approved by the commission.

~~(2) The commission shall, by rule, establish procedures and criteria whereby an employing agency or criminal justice training school seeking commission approval of a specialized training program or course must submit the program or course to the commission for evaluation. The procedures and criteria shall include, but are not limited to, a demonstration of job relevance and quality of instruction.~~

(2)~~(3)~~ Inservice ~~or specialized~~ training courses or programs shall not be part of the programs or courses established by the commission pursuant to s. 943.17, nor shall they be used to qualify an officer for salary incentive payment provided under s. 943.22.

Section 65. Paragraph (a) of subsection (1) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.—

(1) For the purpose of this section, the term:

(a) "Accredited college, university, or community college" means a college, university, or community college which has been accredited by the Southern Association of Colleges and Schools *or*~~,~~ another regional accrediting agency~~, or the American Association of Collegiate Registrars and Admissions Officers~~.

Section 66. Subsection (6) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(6) ~~No~~ Training, room, or board cost may *not* be assessed against any officer or employing agency for any advanced and specialized training course funded from the Criminal Justice Standards and Training Trust Fund *and offered through a criminal justice training school certified by the commission*. Such expenses shall be paid from the trust fund and are not reimbursable by the officer. Travel costs to and from the training site are the responsibility of the trainee or employing agency. Any compensation, including, but not limited to, salaries and benefits, paid to any person during the period of training shall be fixed and determined by the employing agency; and such compensation shall be paid directly to the person.

(a) The commission shall develop a policy of reciprocal payment for training officers from regions other than the region providing the training.

(b) An officer who is not employed or appointed by an employing agency of this state may attend a course funded by the trust fund, provided the officer is required to pay to the criminal justice training school all training costs incurred for her or his attendance.

Section 67. Section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off-campus when hot pursuit originates on-campus.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. Nothing in this subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall a toll enforcement officer have arrest authority.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

(2) COUNTIES.—

(a) The sheriff's office of each of the several counties of this state shall enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the county wherever the public has the right to travel by motor vehicle. In addition, the sheriff's office may be required by the county to enforce the traffic laws of this state on any private or limited access road or roads over which the county has jurisdiction pursuant to a written agreement entered into under s. 316.006(3)(b).

(b) The sheriff's office of each county may employ as a traffic crash investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash may issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person who was involved has committed an offense under this chapter in connection with the crash. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

(c) The sheriff's office of each of the several counties of this state may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

1. A parking enforcement specialist employed by the sheriff's office of each of the several counties of this state is authorized to enforce all state and county laws, ordinances, regulations, and official signs governing parking within the unincorporated areas of the county by appropriate state or county citation and may issue such citations for parking in violation of signs erected pursuant to s. 316.006(3) at parking areas located on property owned or leased by a county, whether or not such areas are within the boundaries of a chartered municipality.

2. A parking enforcement specialist employed pursuant to this subsection shall not carry firearms or other weapons or have arrest authority.

(3) MUNICIPALITIES.—

(a) The police department of each chartered municipality shall enforce the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the municipality wherever the public has the right to travel by motor vehicle. In addition, the police department may be required by a municipality to enforce the traffic laws of this state on any private or limited access road or roads over which the municipality has jurisdiction pursuant to a written agreement entered into under s. 316.006(2)(b). However, nothing in this chapter shall affect any law, general, special, or otherwise, in effect on January 1, 1972, relating to "hot pursuit" without the boundaries of the municipality.

(b) The police department of a chartered municipality may employ as a traffic crash investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash is authorized to issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person involved has committed an offense under the provisions of this chapter in connection with the crash. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such officers have arrest authority other than for the issuance of a traffic citation as authorized above.

(c)1. A chartered municipality or its authorized agency or instrumentality may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

2. A parking enforcement specialist employed by a chartered municipality or its authorized agency or instrumentality is authorized to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of the municipality employing the specialist, by appropriate state, county, or municipal traffic citation. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such a parking enforcement specialist have arrest authority.

(4)(a) Any sheriff's department, or any police department of a municipality, may employ as a traffic control officer any individual who successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program offered by the local sheriff's department or police department, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. A traffic control officer employed pursuant to this subsection may direct traffic or operate a traffic control device only at a fixed location and only upon the direction of a fully qualified law enforcement officer; however, it is not necessary that the traffic control officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(b) In the case of a special event or activity in relation to which a nongovernmental entity is paying for traffic control on public streets, highways, or roads, traffic control officers may be employed to perform such traffic control responsibilities only when off-duty, full-time law enforcement officers, as defined in s. 943.10(1), are unavailable to perform those responsibilities. However, this paragraph may not be con-

strued to limit the use of traffic infraction enforcement officers for traffic enforcement purposes.

(c) This subsection does not permit the carrying of firearms or other weapons, nor do traffic control officers have arrest authority.

(5)(a) Any sheriff's department or police department of a municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for the infraction when, based upon personal investigation, he or she has reasonable and probable grounds to believe that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14.

(b) The traffic enforcement officer shall be employed in relationship to a selective traffic enforcement program at a fixed location or as part of a crash investigation team at the scene of a vehicle crash or in other types of traffic infraction enforcement under the direction of a fully qualified law enforcement officer; however, it is not necessary that the traffic infraction enforcement officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(c) This subsection does not permit the carrying of firearms or other weapons, nor do traffic infraction enforcement officers have arrest authority other than the authority to issue a traffic citation as provided in this subsection.

(6) MOBILE HOME PARK RECREATION DISTRICTS.—Notwithstanding subsection (2) or subsection (3), the sheriff's office of each of the several counties of this state and the police department of each chartered municipality have authority, but are not required, to enforce the traffic laws of this state on any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under s. 418.30 and the recreational facilities of which district are open to the general public.

(7) CONSTRUCTION OF CHAPTER 87-88, LAWS OF FLORIDA.—For purposes of traffic control and enforcement, nothing in chapter 87-88, Laws of Florida, shall be construed to classify any road which has been dedicated or impliedly dedicated for public use, and which has been constructed and is open to the use of the public for vehicular traffic, as a private road or driveway.

(8) TRAFFIC ENFORCEMENT AGENCY.—Any agency or governmental entity designated in subsection (1), subsection (2), or subsection (3), including a university, a community college, a school board, or an airport authority, is a traffic enforcement agency for purposes of s. 316.650.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 943.12, F.S.; revising the powers and duties of the commission relating to certification of training schools and instructors; amending s. 943.13, F.S.; allowing employee physicals to be performed by physician assistants; amending s. 943.131, F.S.; providing alternative requirements for certain applicants who seek exemptions from the basic-recruit training program; amending s. 943.135, F.S.; eliminating a requirement that the department provide remediation programs for officers who cannot comply with continuing education requirements because of learning disabilities; amending s. 943.1395, F.S.; limiting the circumstances under which officers may be registered and hold concurrent certification; amending s. 943.14, F.S.; deleting a requirement for commission approval of certain courses; providing for staff to approve certain diplomas or certificates; eliminating an exemption from section requirements for certain training schools and programs; amending s. 943.17, F.S.; requiring the commission to establish a specialized training program; amending s. 943.173, F.S.; conforming provisions amending s. 943.175, F.S.; eliminating provisions governing specialized training programs; amending s. 943.22, F.S.; redefining the term "accredited college"; amending s. 943.25, F.S.; prohibiting the assessment of certain costs against officers or agencies for courses offered by criminal justice training schools; amending s. 316.640, F.S.; specifying the training requirement for certain persons employed as traffic accident or crash investigation officers or traffic infraction enforcement officers;

Senator Crist moved the following amendments which were adopted:

Amendment 7 (505610)(with title amendment)—On page 54, between lines 8 and 9, insert:

Section 56. Section 944.31, Florida Statutes, is amended to read:

944.31 Inspector general; inspectors; power and duties.—The inspector general shall be responsible for prison inspection and investigation, internal affairs investigations, and management reviews. The office of the inspector general shall be charged with the duty of inspecting the penal and correctional systems of the state. The office of the inspector general shall inspect each *prison* ~~correctional institution~~ or any place in which state prisoners are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort; the quality and supply of all bedding; the quality, quantity, and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each *prison* ~~institution~~. The office of inspector general shall see that all the rules and regulations issued by the department are strictly observed and followed by all persons connected with the correctional systems of the state. The office of the inspector general shall coordinate and supervise the work of inspectors throughout the state. The inspector general and inspectors may enter any place where prisoners in this state are kept and shall be immediately admitted to such place as they desire and may consult and confer with any prisoner privately and without molestation. The inspector general and inspectors shall be responsible for criminal and administrative investigation of matters relating to the Department of Corrections. *The secretary may designate persons within the Office of the Inspector General as law enforcement officers to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction. A person designated as a law enforcement officer must be certified pursuant to s. 943.1395 and must have a minimum of 3 years' experience as an inspector general investigator or as a law enforcement officer. The department shall maintain a memorandum of understanding with the Department of Law Enforcement for the notification of and investigation of mutually agreed-upon predicate events, which shall include, but are not limited to, suspicious deaths and major organized criminal activity. During* ~~In such~~ investigations, the inspector general and inspectors may consult and confer with any prisoner or staff member privately and without molestation, and *persons designated as law enforcement officers under this section* shall have the authority to *conduct warrantless arrests of* ~~detain~~ any person for violations of the *felony* criminal laws of the state, *as enumerated in this chapter and chapter 893. A person designated as a law enforcement officer under this section may make arrests pursuant to a warrant, including arrests of offenders who have escaped or absconded from custody.* ~~Such detention shall be made only on properties owned or leased by the department, and~~ The *arrested* ~~detained~~ person shall be surrendered without delay to the *detention facility* ~~sheriff~~ of the county in which the *arrest* ~~detention~~ is made, with a formal complaint subsequently made against her or him in accordance with law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 944.31, F.S.; revising terminology; providing for the designation of law enforcement officers to conduct certain investigations; providing such officers' qualifications and powers;

Amendment 8 (510480)(with title amendment)—On page 3, between lines 23 and 24, insert:

(e) The custodian of the local jail shall prepare the calculations required under this section and shall provide it to the court prior to sentencing.

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: requiring the custodians of the local jail to perform certain calculation;

Pursuant to Rule 4.19, **CS for SB 1534** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for CS for SB's 310 and 380—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; providing for an exemption for certain urban infill areas; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; creating s. 163.3198, F.S.; requiring the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; providing for appointment of a technical advisory committee to advise the agency; requiring a report to the Governor and the Legislature; providing an appropriation; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax and school capital outlay surtax by a supermajority vote; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; allowing a school district to levy by referendum additional millage for school operational purposes; amending s. 236.31, F.S.; authorizing school boards to direct the county commission to call an election for approval of an ad valorem tax millage; amending s. 236.32, F.S.; substantially rewording the section and providing procedures for holding and conducting school district millage elections; amending s. 380.06, F.S.; revising provisions governing developments of regional impact; providing for designation of a lead regional planning council; exempting certain marinas from Development of Regional Impact review; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; providing that the act does not abridge or modify certain rights, duties, or obligations pursuant to development orders or agreements; directing the Legislative Committee on Intergovernmental Relations to conduct a study of the bonding capacity of local governments and school boards; imposing prerequisites on the ability of certain multi-county airport authorities to amend their development-of-regional-impact development orders or commence development under such development orders; providing effective dates.

—was read the second time by title.

Senator Constantine moved the following amendment:

Amendment 1 (085144)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. *All local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application, provided that nothing contained in this subsection shall prevent a local agency from granting voting status to the school board member.* The governing body may designate itself as the local planning agency pursuant to this subsection *with the addition of a nonvoting school board representative.* The governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall provide opportunities for involvement by ~~district school boards and~~ applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

Section 2. Paragraph (a) of subsection (4), paragraphs (a), (c), and (h) of subsection (6), and subsection (11) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; *with the appropriate water management district's regional*

water supply plans adopted pursuant to s. 373.0361, or successor plans required by legislative directive; with adopted rules pertaining to designated areas of critical state concern; and with the state comprehensive plan shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; *the availability of ground water and surface water resources for present and future water supplies and the potential for development of alternative water supplies;* the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. *Amendments* ~~An amendment~~ proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use *or for adopting or amending the school-siting maps pursuant to s. 163.31776(6) are* ~~is~~ exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria *that* ~~which~~ encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible *and to encourage the use of elementary schools as focal points for neighborhoods.*

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. *By October 1, 2002, the element shall also include data and analysis, including, but not limited to, the appropriate water management district's regional water supply plan adopted pursuant to s. 373.0361, which evaluates the availability of potable water compared to population growth projected by the local government comprehensive plan.*

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 240.155.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

5. Intergovernmental coordination between local governments and the district school board shall be governed by ss. 163.31776 and 163.31777 for those local governments adopting a public educational facilities element pursuant to s. 163.31776.

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and Rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in Rule 9J-5.006(5)(l), Florida Administrative Code.

2. The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.

3. A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.

4. In selecting a local government, the department shall, by written agreement:

a. Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection.

b. Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.

5. The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization including the extent the rural land stewardship area enhances rural land values; control urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.

6. A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 250,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and must provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and Rule 9J-5.006(5)(1), Florida Administrative Code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and Rule 9J-5.006(5)(1), Florida Administrative Code.

7. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government.

8. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferrable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implemention occurs on a statewide basis.

(e)~~(d)~~ The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)~~(e)~~ The department *may adopt rules necessary to administer* ~~shall implement the provisions of~~ this subsection ~~by rule~~.

Section 3. Section 163.31776, Florida Statutes, is created to read:

163.31776 Public educational facilities element.—

(1) The intent of the Legislature is to establish a systematic process for school boards and local governments to:

(a) Share information concerning the growth and development trends in their communities in order to forecast future enrollment and school needs;

(b) Cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system population, including the needs placed on the public education system as a result of growth and development decisions by local government; and

(c) Cooperatively identify and meet the infrastructure needs of public schools to assure healthy school environments and safe school access.

(2) The Legislature finds that:

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in thousands of individual housing decisions that result in community growth trends.

(b) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(3) A public educational facilities element shall be adopted in cooperation with the applicable school district by all local governments meeting the criteria identified in paragraph (a). The public educational facilities elements shall be transmitted no later than January 1, 2003, for those local governments initially meeting the criteria in paragraph (a).

(a) A local government must adopt a public educational facilities element if the local government is located in a county where:

1. The number of districtwide capital outlay full-time-equivalent students equals 80 percent or more of the most current year's school capacity and the projected 5-year student growth is 1,000 students or greater; or

2. The projected 5-year student growth rate is 10 percent or greater.

(b)1. The Department of Education shall issue a report notifying the state land planning agency and each county and school district that meets the criteria in paragraph (a) on June 1 of each year. Local governments and school boards will have 18 months following notification within which to comply with the requirements of ss. 163.31776 and 163.31777.

2. By January 1, 2007, remaining local governments that have not been notified by June 1, 2005, that they have met the criteria in paragraph (a) shall adopt, in cooperation with the applicable school district, a limited public educational facilities element. The state land planning agency shall by rule specify the contents of the limited public educational facilities element. The rule specifying the contents of the limited public facilities element must incorporate the future land use element requirements of s. 163.3177(6)(a), including school-siting requirements, requirements for intergovernmental coordination and interlocal agreements with school boards contained in s. 163.3177(6)(h)1.-2., and requirements for evaluation and appraisal reports contained in s. 163.3191(2)(k). The agency rule must ensure effective planning with school boards, but recognize that the needs for school planning differ for those local governments that have lower population and student-population growth rates. The sanctions of subsection (9) apply to local governments that fail to adopt a limited public educational facilities element. Any local government that, after complying with this rule, reaches the criteria in paragraph (a) shall have 18 months within which to comply with subsections (4) and (5). Nothing in this subsection shall supersede the other requirements of this chapter.

(c) Each municipality shall adopt its own element or accept by resolution or ordinance the public educational facilities element adopted by the county which includes the municipality's area of authority as defined in s. 163.3171. However, a municipality is exempt from this requirement if it meets all the following criteria:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the last 5 years or it has generated fewer than 25 additional public school students during the last 5 years;

2. The municipality has not annexed new land during the last 5 years in land use categories that permit residential uses that may affect school attendance rates;

3. The municipality has no public schools located within its boundaries;

4. At least 80 percent of the developable land within the boundaries of the municipality has been built upon; and

5. The municipality has not adopted a land use amendment that increases residential density for more than 50 residential units.

Any municipality that is exempt shall notify the county and the school board of any planned annexation into residential or proposed residential areas or other change in condition and must comply with this subsection within 1 year following a change in conditions that renders the municipality no longer eligible for exemption or following the identification of a proposed public school in the school board's 5-year district facilities work program in the municipality's jurisdiction.

(4) No later than 6 months prior to the deadline for transmittal of a public educational facilities element, the county, the non-exempt municipalities, and the school board shall enter into an interlocal agreement that establishes a process for developing coordinated and consistent local government public educational facilities elements and a district educational facilities plan, including a process:

(a) By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment;

(b) To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment;

(c) To ensure that school siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting and for early involvement by the local government as the school board identifies potential school sites;

(d) To coordinate and provide timely formal comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform countywide school facility planning system;

(e) For school district participation in the review of comprehensive plan amendments and rezonings that increase residential density and that are reasonably expected to have an impact on public school facility demand pursuant to s. 163.31777. The interlocal agreement must specify how the school board and local governments will develop the methodology and criteria for determining whether school facility capacity will be readily available at the time of projected school impacts, and must specify uniform, districtwide level-of-service standards for all public schools of the same type and availability standards for public schools. The interlocal agreement must ensure that consistent criteria and capacity-determination methodologies including student generation multipliers are adopted into the school board's district educational facilities plan and the local government's public educational facilities element. The interlocal agreement must also set forth the process and uniform methodology for determining proportionate-share mitigation pursuant to s. 163.31777; and

(f) For the resolution of disputes between the school district and local governments.

(5) The public educational facilities element must be based on data and analysis, including the interlocal agreement required by subsection (4), and on the educational facilities plan required by s. 235.185. Each local government public educational facilities element within a county must be consistent with the other elements and must address:

(a) The need for, strategies for, and commitments to addressing improvements to infrastructure, safety, and community conditions in areas proximate to existing public schools.

(b) The need for and strategies for providing adequate infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

(c) Colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools.

(d) Location of schools proximate to residential areas and to complement patterns of development, including using elementary schools as focal points for neighborhoods.

(e) Use of public schools to serve as emergency shelters.

(f) Consideration of the existing and planned capacity of public schools when reviewing comprehensive plan amendments and rezonings that are likely to increase residential development and that are reasonably expected to have an impact on the demand for public school facilities pursuant to s. 163.31777, with the review to be based on uniform, districtwide level-of-service standards for all public schools of the same type, availability standards for public schools, and the financially feasible 5-year district facilities work program adopted by the school board pursuant to s. 235.185.

(g) A uniform methodology for determining school capacity and proportionate-share mitigation consistent with the requirements of s. 163.31777(4) and the interlocal agreement.

(h) The response of the school board to the financial management and performance audit required by s. 235.185(2)(f).

(6) The future land-use map series must incorporate maps that are the result of a collaborative process for identifying school sites in the educational facilities plan adopted by the school board pursuant to s. 235.185 and must show the locations of existing public schools and the general locations of improvements to existing schools or new schools anticipated over the 5-year, 10-year, and 20-year time periods, or such maps shall be data and analysis in support of the future land-use map series. Maps indicating general locations of future schools or school improvements should not prescribe a land use on a particular parcel of land.

(7) The process for adopting a public educational facilities element shall be as provided in s. 163.3184. The state land planning agency shall submit a copy of the proposed public school facilities element pursuant to the procedures outlined in s. 163.3184(4) to the Office of Educational Facilities of the Commissioner of Education for review and comment.

(8) In any proceeding to challenge the adoption of the public educational facilities element pursuant to s. 163.3184, the petitioner may also challenge the data and analysis used to support the processes set forth in the interlocal agreement executed pursuant to this section.

(9)(a) If the county, school board and nonexempt municipalities within the county cannot reach agreement regarding the interlocal agreement required by subsection (4), the parties shall seek mediation through the appropriate regional planning council or the state land planning agency. The bad-faith failure of any party to enter into an interlocal agreement within 60 days after referral to mediation shall result in the prohibition of that local government's ability to amend its comprehensive plan until the dispute is resolved.

(b) The failure by a local government to comply with the requirement to transmit and adopt a public educational facility element will result in the prohibition of the local government's ability to amend the local comprehensive plan until the public school facilities element is adopted.

(c) If a local government fails to comply with the requirements of this section to enter into the interlocal agreement or to transmit a public educational facilities element by the required date, or if the Administration Commission finds that the public educational facilities element is not in compliance, the local government shall be subject to sanctions imposed by the Administration Commission pursuant to s. 163.3184(11).

(d) The failure of a school board to provide the required plans or information or to enter into the interlocal agreement under this section shall subject the school board to sanctions pursuant to s. 235.193(3).

(e) A local government or school board's bad-faith failure to enter into the interlocal agreement does not subject another local government or school board to sanctions.

(10) Any local government that has executed an interlocal agreement for the purpose of adopting public school concurrency before the effective date of this act is not required to amend the public school element or any interlocal agreement to conform with the provisions of this section or s. 163.31777 if such amendment is ultimately determined to be in compliance.

Section 4. Section 163.31777, Florida Statutes, is created to read:

163.31777 Public school capacity for plan amendments and rezonings.—

(1) Local governments shall consider public school facilities when reviewing proposed comprehensive plan amendments and rezonings that increase residential densities and that are reasonably expected to have an impact on the demand for public school facilities.

(2) For each proposed comprehensive plan amendment or rezoning that increases residential densities and is reasonably expected to have an impact on the demand for public school facilities, the school board shall provide the local government with a school-capacity report based on the district educational facilities plan adopted by the school board pursuant to s. 235.185, which must provide data and analysis on the capacity and enrollment of affected schools based on standards established by state or federal law or judicial orders, projected additional enrollment attributable to the density increase resulting from the amendment or rezoning, programmed and financially feasible new public school facilities or improvements for affected schools identified in the educational facilities plan of the school board and the expected date of availability of such facilities or improvements, and available reasonable options for providing public school facilities to students if the rezoning or comprehensive plan amendment is approved. The options must include, but need not be limited to, the school board's evaluation of school schedule modification, school attendance zones modification, school facility modification, and the creation of charter schools. The report must be consistent with this section, any adopted interlocal agreement and public educational facilities element, and must be submitted no later than 3 working days before the first public hearing by the local government to consider the comprehensive plan amendment or rezoning.

(3) The local government shall deny a request for a comprehensive plan amendment or rezoning which would increase the density of residential development allowed on the property subject to the amendment or rezoning and is reasonably expected to have an increased impact on the demand for public school facilities, if the school facility capacity will not be reasonably available at the time of projected school impacts as determined by the methodology established in the public educational facilities element. However, the application for a comprehensive plan amendment or a rezoning may be approved if the applicant executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subsection (4).

(4)(a) Options for proportionate-share mitigation of public school facility impacts from actual development of property subject to a plan amendment or rezoning that increases residential density shall be established in the educational facilities plan and the public educational facilities element. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement pursuant to ss. 163.3220-163.3243 which constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment or rezoning that increased overall residential density. The district school board may be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

(b) If the educational facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

(c) Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement that is identified in the financially feasible 5-year district work plan and that will be provided in accordance with a binding developers agreement.

(5) Subsections (3) and (4) shall not take effect within a jurisdiction until:

(a) The local governments and the school board have entered into an interlocal agreement pursuant to ss. 163.31776 and 235.193;

(b) The local government has adopted a public education facilities element required under s. 163.31776 and the element has been found in compliance;

(c) The school board has revised its district education facilities plan to comply with s. 235.185; and

(d) One of the following revenue sources is levied for the purpose of funding public educational facilities consistent with the public educational facilities plan and interlocal agreement adopted pursuant to s. 163.31776, and the district educational facilities plan pursuant to s. 235.185:

1. The half-cent school capital outlay surtax authorized by s. 212.055(6); or

2. An amount of new broad-based revenue from state or local sources, equivalent to the amount that would be raised from the school capital outlay surtax, is available and dedicated to the implementation of the financially feasible work program adopted by the school board pursuant to s. 235.185.

(6) Under limited circumstances dealing with educational facilities, countervailing planning and public policy goals may come into conflict with the requirements of subsections (3) and (4). Often the unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. Therefore, a local government may grant an exception from the requirements of subsections (3) and (4) if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project located within an area designated in the comprehensive plan for:

(a) Urban infill development;

(b) Urban redevelopment;

(c) Downtown revitalization; or

(d) Urban infill and redevelopment under s. 163.2517.

(7) This section does not prohibit a local government from using its home-rule powers to deny a comprehensive plan amendment or from rezoning.

Section 5. Subsection (4) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(4)(a) The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals, transit station parking, park-and-ride lots, intermodal public transit connection or transfer facilities, and fixed bus, guideway, and rail stations. As used in this paragraph, the terms “terminals” and “transit

facilities" do not include airports or seaports or commercial or residential development constructed in conjunction with a public transit facility.

(c) The concurrency requirement as implemented in local government comprehensive plans may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan.

Section 6. Subsections (1), (3), (4), and (6) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

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

(a) "Affected person" includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; *owners of real property abutting real property that is the subject of a proposed change to a future land use map;* and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) "In compliance" means consistent with the requirements of ss. 163.3177, *163.31776,* 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern.

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.—

(a) Each local governing body shall transmit the complete proposed comprehensive plan or plan amendment to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State,* and the Department of Transportation, *and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,* immediately following a public hearing pursuant to subsection (15) as specified in the state land planning agency's procedural rules. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. *The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of the transmittal of an amendment.*

(b) A local governing body shall not transmit portions of a plan or plan amendment unless it has previously provided to all state agencies designated by the state land planning agency a complete copy of its adopted comprehensive plan pursuant to subsection (7) and as specified in the agency's procedural rules. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State,* and the Department of Transportation, *and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,* the materials specified in the state land planning agency's procedural rules and, in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.

(c) A local government may adopt a proposed plan amendment previously transmitted pursuant to this subsection, unless review is requested or otherwise initiated pursuant to subsection (6).

(d) In cases in which a local government transmits multiple individual amendments that can be clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).

(4) INTERGOVERNMENTAL REVIEW.—*The* ~~If review of a proposed comprehensive plan amendment is requested or otherwise initiated pursuant to subsection (6), the state land planning agency within 5 working days of determining that such a review will be conducted shall transmit a copy of the proposed plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Protection, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. These~~ governmental agencies *specified in paragraph (3)(a)* shall provide comments to the state land planning agency within 30 days after receipt *by the state land planning agency* of the *complete* proposed plan amendment. *If the plan or plan amendment includes or relates to the public school facilities element required by s. 163.31776, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment.* The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt *by the state land planning agency* of the *complete* proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.—

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment. *The request from the regional planning council or affected person must be* ~~if the request is~~ received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). ~~The agency shall issue a report of its objections, recommendations, and comments regarding the proposed plan amendment.~~ A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

(b) The state land planning agency may review any proposed plan amendment regardless of whether a request for review has been made, if the agency gives notice to the local government, and any other person who has requested notice, of its intention to conduct such a review within *35* ~~30~~ days *after receipt* ~~of transmittal~~ of the *complete* proposed plan amendment ~~pursuant to subsection (3)~~.

(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). *If the state land planning agency elects to review the amendment or the agency is required to review the amendment as specified in paragraph (a), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed amendment within 60 days after receipt of the complete proposed amendment by the state land planning agency.* ~~The state land planning agency shall have 30 days to review comments from the various government agencies along with a local government's comprehensive plan or plan amendment. During that period, the state land planning agency shall transmit in writing its comments to the local government along with any objections and any recommendations for modifications.~~ When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not

require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations regarding densities and intensities consistent with the provisions of this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, from any source.

(d) The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. The list of documents must be made a part of the public records of the state land planning agency.

Section 7. Effective October 1, 2001, subsections (7), (8), and (15) and paragraph (d) of subsection (16) of section 163.3184, Florida Statutes, as amended by this act, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.—The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the *complete* adopted comprehensive plan or ~~adopted~~ plan amendment, *including the names and addresses of persons compiled pursuant to paragraph (15)(c),* to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.

(8) NOTICE OF INTENT.—

(a) Except as provided in s. 163.3187(3), the state land planning agency, upon receipt of a local government's *complete* adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b) During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government ~~and to persons who request notice. The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point~~. The advertisement shall not be placed in that portion of the newspaper where legal notices and ~~classified advertisements~~ appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph *(15)(e)* ~~(15)(c)~~ and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

(c) The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, mail a courtesy informational statement to the persons whose names and mailing addresses were compiled pursuant to paragraph (15)(c). The informational statement must identify the newspaper in which the notice of intent will appear, the approximate date of publication of the notice of intent, and the ordinance number of the plan or plan amendment and must advise that the informational statement is provided as a courtesy to the person and that affected persons have 21 days from the actual date of publication of the notice to file a petition. The informational statement must be sent by regular mail and does not affect the timeframes specified in subsections (9) and (10).

(d) A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on that site within 5 days after receipt of the mailed copy of the agency's notice of intent.

(15) PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subsection (3) and for adoption of a comprehensive plan or plan amendment pursuant to subsection (7) shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage pursuant to subsection (3). It shall be held on a weekday at least 7 days after the day that the first advertisement is published.

2. The second public hearing shall be held at the adoption stage pursuant to subsection (7). It shall be held on a weekday at least 5 days after the day that the second advertisement is published.

(c) The local government shall provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign-in form must advise that any person providing the requested information will receive a courtesy informational statement concerning publications of the state land planning agency's notice of intent. The local government shall add to the sign-in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It is the responsibility of the person completing the form or providing written commends to accurately, completely, and legibly provide all information needed in order to receive the courtesy informational statement.

(d) The agency shall provide a model sign-in format for providing the list to the agency which may be used by the local government to satisfy the requirements of this subsection.

(e)~~(c)~~ If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses

within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.

(16) COMPLIANCE AGREEMENTS.—

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph *(15)(e)* ~~(15)(c)~~. Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.

Section 8. Paragraph (k) is added to subsection (1) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(k) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.31776 and future land-use-map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.

Section 9. Paragraph (k) of subsection (2) of section 163.3191, Florida Statutes, is amended, and paragraph (l) is added to that subsection, to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable *educational* ~~5-year school district~~ facilities *plan* ~~work program~~ adopted pursuant to s. 235.185. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.

(l) If any of the jurisdiction of the local government is located within the coastal high hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

Section 10. *The sum of $500,000 is appropriated to the Department of Community Affairs from the General Revenue Fund to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development.*

Section 11. Section 163.3215, Florida Statutes, is amended to read:

163.3215 Standing to enforce local comprehensive plans through development orders.—

(1) Any aggrieved or adversely affected party may maintain an action for *declaratory and* injunctive or other relief against any local government to *challenge any decision of local government granting or denying an application for, or to* prevent such local government from taking any action on a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property t hat is not consistent with the comprehensive plan adopted under this part. *Such action shall be filed no later than 30 days following rendition of a development order or other written decision, or when all local administrative appeals, if any, are exhausted, whichever is later.*

(2) "Aggrieved or adversely affected party" means any person or local government which will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons. *The term shall include the owner, developer or applicant for a development order.*

(3)~~(a) No suit may be maintained under this section challenging the approval or denial of a zoning, rezoning, planned unit development, variance, special exception, conditional use, or other development order granted prior to October 1, 1985, or applied for prior to July 1, 1985.~~

~~(b)~~ Suit under *subsections (1) or (4)* ~~this section~~ shall be the sole action available to challenge the consistency of a development order with a comprehensive plan adopted under this part. *The local government that issues that development order shall be named as the respondent.*

(4) *If a local government elects to adopt or has adopted an ordinance establishing, at a minimum, the requirements listed in this subsection, then the sole action for an aggrieved and adversely affected party to challenge consistency of a development order with the comprehensive plan shall be by a petition for certiorari filed in circuit court no later than 30 days following rendition of a development order or other written decision of the local government, or when all local administrative appeals, if any, are exhausted, whichever is later. An action for injunctive or other relief may be joined with the petition for certiorari. Principles of judicial or administrative res judicata and collateral estoppel shall apply to these proceedings. Minimum components of the local process shall be as follows:* ~~As a condition precedent to the institution of an action pursuant to this section, the complaining party shall first file a verified complaint with the local government whose actions are complained of setting forth the facts upon which the complaint is based and the relief sought by the complaining party. The verified complaint shall be filed no later than 30 days after the alleged inconsistent action has been taken. The local government receiving the complaint shall respond within 30 days after receipt of the complaint. Thereafter, the complaining party may institute the action authorized in this section. However, the action shall be instituted no later than 30 days after the expiration of the 30-day period which the local government has to take appropriate action. Failure to comply with this subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the actions complained of.~~

(a) Notice by publication and by mailed notice to all abutting property owners within 10 days of the filing of an application for development review, provided that notice under this subsection shall not be required for an application for a building permit. The notice must delineate that aggrieved or adversely affected persons have the right to request a quasi-judicial hearing, that the request need not be a formal petition or complaint, how to initiate the quasi-judicial process and the time-frames for initiating the process. The local government shall include an opportunity for an alternative dispute resolution process and may include a stay of the formal quasi-judicial hearing for this purpose.

(b) A point of entry into the process consisting of a written preliminary decision, at a time and in a manner to be established in the local ordinance, with the time to request a quasi-judicial hearing running from the written preliminary decision; provided that the local government is not bound by the preliminary decision. A party may request a hearing to challenge or support a preliminary decision.

(c) An opportunity to participate in the process for an aggrieved or adversely affected party which provides a reasonable time to prepare and present a case for a quasi-judicial hearing.

(d) An opportunity for reasonable discovery prior to a quasi-judicial hearing.

(e) A quasi-judicial hearing before an independent special master who shall be an attorney with at least five years experience and who shall, at the conclusion of the hearing, recommend written findings of fact and conclusions of law.

(f) At the quasi-judicial hearing all parties shall have the opportunity to respond, present evidence and argument on all issues involved that are related to the development order and to conduct cross-examination and submit rebuttal evidence. Public testimony must be allowed.

(g) The standard of review applied by the special master shall be strict scrutiny in accordance with Florida law.

(h) A duly noticed public hearing before the local government at which public testimony shall be allowed. At the hearing the local government shall be bound by the special master's findings of fact unless the findings of fact are not supported by competent substantial evidence. The governing body may modify the conclusions of law if it finds that the special master's application or interpretation of law is erroneous. The governing body may make reasonable interpretations of its comprehensive plan and land development regulations without regard to whether the special master's interpretation is labeled as a finding of fact or a conclusion of law. The local government's final decision shall be reduced to writing, including the findings of fact and conclusions of law, and shall not be considered rendered or final until officially date stamped by the city or county clerk.

(i) No ex parte communication relating to the merits of the matter under review shall be made to the special master. No ex parte communication relating to the merits of the matter under review shall be made to the governing body after a time to be established by the local ordinance, but no later than receipt of the recommended order by the governing body.

(j) At the option of the local government this ordinance may require actions to challenge the consistency of a development order with land development regulations to be brought in the same proceeding.

(k) Authority by the special master to issue and enforce subpoenas and compel entry upon land.

(5) Venue in any cases brought under this section shall lie in the county or counties where the actions or inactions giving rise to the cause of action are alleged to have occurred.

(6) The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or for economic advantage, competitive reasons or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the court, upon motion or its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(7) In any *suit* ~~action~~ under *subsections (1) or (4)* ~~this section~~, no settlement shall be entered into by the local government unless the terms of the settlement have been the subject of a public hearing after notice as required by this part.

(8) In any suit under this section, the Department of Legal Affairs may intervene to represent the interests of the state.

(9) Nothing in this section shall be construed to relieve the local government of its obligations to hold public hearings as required by law.

Section 12. Subsection (9) of section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable communities demonstration project.—

(9) This section *is* ~~shall stand~~ repealed ~~on~~ June 30, *2002* ~~2001, and shall be reviewed by the Legislature prior to that date~~.

Section 13. Subsections (2) and (3) of section 186.504, Florida Statutes, are amended to read:

186.504 Regional planning councils; creation; membership.—

(2) Membership on the regional planning council shall be as follows:

(a) Representatives appointed by each of the member counties in the geographic area covered by the regional planning council.

(b) Representatives from other member local general-purpose governments in the geographic area covered by the regional planning council.

(c) Representatives appointed by the Governor from the geographic area covered by the regional planning council, *including an elected school board member from the geographic area covered by the regional planning council, to be nominated by the Florida School Board Association*.

(3) Not less than two-thirds of the representatives serving as voting members on the governing bodies of such regional planning councils shall be elected officials of local general-purpose governments chosen by the cities and counties of the region, provided each county shall have at least one vote. The remaining one-third of the voting members on the governing board shall be appointed by the Governor, *to include one elected school board member*, subject to confirmation by the Senate, and shall reside in the region. No two appointees of the Governor shall have their places of residence in the same county until each county within the region is represented by a Governor's appointee to the governing board. Nothing contained in this section shall deny to local governing bodies or the Governor the option of appointing either locally elected officials or lay citizens provided at least two-thirds of the governing body of the regional planning council is composed of locally elected officials.

Section 14. Paragraph (a) of subsection (2) and subsection (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a *supermajority* ~~majority~~ of the members of the county governing authority *or* ~~and~~ approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax *or pursuant to ordinance enacted by a supermajority vote of the members of the county governing authority*.

For purposes of this paragraph, the term "supermajority vote" means an affirmative vote of a majority of the membership of the governing authority plus one.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

. . . . FOR THE	. . . . CENTS TAX
. . . . AGAINST THE	. . . . CENTS TAX

(c) As an alternative method of levying the discretionary sales surtax, the district school board may levy, pursuant to resolution adopted by a supermajority of the members of the school board, a discretionary sales surtax at a rate not to exceed 0.5 percent where the following conditions are met:

1. The district school board and local governments in the county where the school district is located have adopted the interlocal agreement and public educational facilities element required by s. 163.31776;

2. The district school board has adopted a district educational facilities plan pursuant to s. 235.185; and

3. The district school board has been recognized by the State Board of Education as having a Florida Frugal School Program pursuant to s. 235.2197 and complies with s. 235.2197(2)(b) and (c).

For purposes of this paragraph, the term "supermajority vote" means an affirmative vote of a majority of the membership of the school board plus one.

(d)~~(c)~~ The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.

(e)~~(d)~~ Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(f)~~(e)~~ Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 15. Section 235.002, Florida Statutes, is amended to read:

235.002 Intent.—

(1) The intent of the Legislature is *to*:

~~(a) To provide each student in the public education system the availability of an educational environment appropriate to his or her educational needs which is substantially equal to that available to any similar student, notwithstanding geographic differences and varying local economic factors, and to provide facilities for the Florida School for the Deaf and the Blind and other educational institutions and agencies as may be defined by law.~~

(a)~~(b) To~~ Encourage the use of innovative designs, construction techniques, and financing mechanisms in building educational facilities for the *purposes* ~~purpose~~ of reducing costs *to the taxpayer,* creating a more satisfactory educational environment, ~~and~~ reducing the amount of time necessary for design and construction to fill unmet needs, *and permitting the on-site and off-site improvements required by law.*

(b)~~(c) To~~ Provide a systematic mechanism whereby educational facilities construction plans can meet the current and projected needs of the public education system population as quickly as possible by building uniform, sound educational environments and to provide a sound base for planning for educational facilities needs.

(c)~~(d) To~~ Provide ~~proper legislative support~~ for ~~as wide a range of~~ fiscally sound financing methodologies ~~as possible for the delivery~~ of educational facilities ~~and, where appropriate, for their construction, operation, and maintenance~~.

(d) Establish a systematic process of sharing information between school boards and local governments on the growth and development trends in their communities in order to forecast future enrollment and school needs.

(e) Establish a systematic process by which school boards and local governments can cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system, including the needs placed on the public education system as a result of growth and development decisions by local governments.

(f) Establish a systematic process by which local governments and school boards can cooperatively identify and meet the infrastructure needs of public schools.

(2) The Legislature finds and declares that:

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in the thousands of individual housing decisions that result in community growth trends.

(b)~~(a)~~ Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(c)~~(b)~~ The effective and efficient provision of public educational facilities and services *enhances* ~~is essential to preserving and enhancing~~ the quality of life of the people of this state.

(d)~~(c)~~ The provision of educational facilities often impacts community infrastructure and services. Assuring coordinated and cooperative provision of such facilities and associated infrastructure and services is in the best interest of the state.

Section 16. Section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Division of Workforce Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Division of Workforce Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) Survey preparation and required data.—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the *Office of Educational Facilities of the* Commissioner *of Education*. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing

educational and ancillary plants, *including safe access facilities*; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan *and safe access facilities*; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) Required need assessment criteria for district, community college, and state university plant surveys.—~~Each~~ Educational plant *surveys* ~~survey completed after December 31, 1997,~~ must use uniform data sources and criteria specified in this paragraph. ~~Each educational plant survey completed after June 30, 1995, and before January 1, 1998, must be revised, if necessary, to comply with this paragraph.~~ Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. *The school district's survey must be submitted as a part of the district educational facilities plan defined in s. 235.185.* ~~Each school district's educational plant survey must reflect the capacity of existing satisfactory facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department and must include all enrollment used in the calculation of the distribution formula in s. 235.435(3). All satisfactory relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be included in the school district inventory of gross capacity of facilities and must be counted at actual student capacity for purposes of the inventory. For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under s. 235.185. Those relocatables clearly identified and scheduled for replacement in a school board adopted financially feasible 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All remaining relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be counted at actual student capacity. The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys revised after July 1, 1998, shall include information on leased space used for conducting the district's instructional program, in accordance with the recommendations of the department's report authorized in s. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the department.~~

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Division of Community Colleges.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Board of Regents. Projections of facility space needs must be consistent with standards for determining space needs approved by the Board of Regents. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Regents.

5. The *district educational facilities plan* ~~educational plant survey~~ of a school district *and the educational plant survey of a*~~,~~ community college~~,~~ or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.

(c) Review and validation.—The *Office of Educational Facilities of the Commissioner of Education* ~~department~~ shall review and validate the surveys of school districts and community colleges and any amendments thereto for compliance with the requirements of this chapter and~~,~~ ~~when required by the State Constitution,~~ shall recommend those in compliance for approval by the State Board of Education.

(2) Only the superintendent or the college president shall certify to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ that the need *for* and location of the facility are in compliance with the board-approved survey recommendations, ~~and that~~ the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding*, and the plan is consistent with the local government comprehensive plan*.

(b) Upon request for release of construction funds, certification must be made to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the State Uniform Building Code for Educational Facilities Construction or other applicable codes as authorized in this chapter.

Section 17. Subsection (3) of section 235.175, Florida Statutes, is amended to read:

235.175 SMART schools; Classrooms First; legislative purpose.—

(3) SCHOOL DISTRICT *EDUCATIONAL* FACILITIES *PLAN* ~~WORK PROGRAMS~~.—It is the purpose of the Legislature to create s. 235.185, requiring each school district annually to adopt *an educational facilities plan that provides an integrated long-range facilities plan, including the survey of projected needs and the* ~~a district facilities~~ 5-year work program. The purpose of the *educational facilities plan* ~~district facilities work program~~ is to keep the school board, *local governments,* and the public fully informed as to whether the district is using sound policies and practices that meet the essential needs of students and that warrant public confidence in district operations. The *educational facilities plan* ~~district facilities work program~~ will be monitored by the SMART Schools Clearinghouse, which will also apply performance standards pursuant to s. 235.218.

Section 18. Section 235.18, Florida Statutes, is amended to read:

235.18 Annual capital outlay budget.—Each board, including the Board of Regents, shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood by the public. This capital outlay budget shall be a part of the annual budget and shall be based upon and in harmony with the educational plant and ancillary facilities plan. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. The board may not expend any funds on any project not included in the budget, as amended. Each district school board must prepare its tentative district *education facilities plan* ~~facilities work program~~ as required by s. 235.185 before adopting the capital outlay budget.

Section 19. Section 235.185, Florida Statutes, is amended to read:

235.185 School district *educational* facilities *plan* ~~work program~~; definitions; preparation, adoption, and amendment; long-term work programs.—

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

(a) "Adopted educational facilities plan" means the comprehensive planning document that is adopted annually by the district school board as provided in subsection (2) and that contains the educational plant survey.

~~(a) "Adopted district facilities work program" means the 5-year work program adopted by the district school board as provided in subsection (3).~~

(b) "~~Tentative~~ District facilities work program" means the 5-year listing of capital outlay projects, *adopted by the district school board as provided in subparagraph (2)(a)2. and paragraph (2)(b) as part of the district educational facilities plan, which is* required *in order to*:

1. ~~To~~ Properly maintain the educational plant and ancillary facilities of the district.

2. ~~To~~ Provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s. 235.062.

(c) "Tentative educational facilities plan" means the comprehensive planning document prepared annually by the district school board and submitted to the Office of Educational Facilities of the Commissioner of Education and the affected general-purpose local governments.

(2) PREPARATION OF TENTATIVE DISTRICT *EDUCATIONAL* FACILITIES *PLAN* ~~WORK PROGRAM~~.—

(a) Annually, prior to the adoption of the district school budget, each school board shall prepare a tentative district *educational* facilities *plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. The plan must be developed in coordination with the general-purpose local governments and be consistent with the local government comprehensive plans. The school board's plan for provision of new schools must meet the needs of all growing communities in the district, ranging from small rural communities to large urban cities. The plan must include* ~~work program that includes~~:

1. Projected student populations apportioned geographically at the local level. The projections must be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136, where available, as modified by the district based on development data and agreement with the local governments and the Office of Educational Facilities of the Commissioner of Education. The projections must be apportioned geographically with assistance from the local governments using local development trend data and the school district student enrollment data.

2. An inventory of existing school facilities. Any anticipated expansions or closures of existing school sites over the 5-year, 10-year, and 20-year periods must be identified. The inventory must include an assessment of areas proximate to existing schools and identification of the need for improvements to infrastructure, safety, including safe access routes, and conditions in the community. The plan must also provide a listing of major repairs and renovation projects anticipated over the period of the plan.

3. Projections of facilities space needs, which may not exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.

4. Information on leased, loaned, and donated space and relocatables used for conducting the district's instructional programs.

5. The general location of public schools proposed to be constructed over the 5-year, 10-year, and 20-year time periods, including a listing of the proposed schools' site acreage needs and anticipated capacity and maps showing the general locations. The school board's identification of general locations of future school sites must be based on the school siting requirements of s. 163.3177(6)(a) and policies in the comprehensive plan which provide guidance for appropriate locations for school sites.

6. The identification of options deemed reasonable and approved by the school board which reduce the need for additional permanent student stations. Such options may include, but need not be limited to:

a. Acceptable capacity;

b. Redistricting;

c. Busing;

d. Year-round schools; and

e. Charter schools.

7. The criteria and method, jointly determined by the local government and the school board, for determining the impact to public school capacity in response to a local government request for a report pursuant to s. 235.193(4).

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational *facilities* ~~plant~~ and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. *The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department including all enrollment used in the calculation of the distribution formula in s. 235.435(3).*

b. The proposed locations of planned facilities, *whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 235.19 and 235.193(6), (7), and (8) must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.*

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for *additional* permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district *which* ~~that~~ will result if the tentative district facilities work program is fully implemented. ~~The average shall not include exceptional student education classes or prekindergarten classes.~~

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. *For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.*

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.

3. The projected cost for each project identified in the ~~tentative~~ district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the ~~tentative~~ district facilities work program.

5. A schedule indicating which projects included in the ~~tentative~~ district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the ~~tentative~~ district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

(c)~~(b)~~ To the extent available, the *tentative* district *educational* facilities *plan* ~~work program~~ shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136.

(d)~~(c)~~ Provision shall be made for public comment concerning the tentative district *educational* facilities *plan* ~~work program~~.

(e) The district school board shall coordinate with each affected local government to ensure consistency between the tentative district educational facilities plan and the local government comprehensive plans of the affected local governments during the development of the tentative district educational facilities plan.

(f) Commencing on October 1, 2001, and not less than once every 5 years thereafter, the district school board shall contract with a qualified, independent third party to conduct a financial management and performance audit of the educational planning and construction activities of the district. An audit conducted by the Auditor General satisfies this requirement.

(3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN TO LOCAL GOVERNMENT.—The district school board shall submit a copy of its tentative district educational facilities plan to all affected local governments prior to adoption by the board. The affected local governments shall review the tentative district educational facilities plan and comment to the district school board on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment for a proposed educational facility, the matter shall be resolved pursuant to the interlocal agreement required by ss. 163.31776(4) and 235.193(2). The process for the submittal and review shall be detailed in the interlocal agreement required pursuant to ss. 163.31776(4) and 235.193(2).

(4)~~(3)~~ ADOPTED DISTRICT *EDUCATIONAL* FACILITIES *PLAN* ~~WORK PROGRAM~~.—Annually, the district school board shall consider and adopt the tentative district *educational* facilities *plan* ~~work program~~ completed pursuant to subsection (2). Upon giving proper ~~public~~ notice *to the public and local governments* and opportunity for public comment, the district school board may amend the *plan* ~~program~~ to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The adopted district *educational* facilities *plan* ~~work program~~ shall:

(a) Be a complete, balanced, *and financially feasible* capital outlay financial plan for the district.

(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities, *including safe access ways from neighborhoods to schools*.

(5)~~(4)~~ EXECUTION OF ADOPTED DISTRICT *EDUCATIONAL* FACILITIES *PLAN* ~~WORK PROGRAM~~.—The first year of the adopted district *educational* facilities *plan* ~~work program~~ shall constitute the capital outlay budget required in s. 235.18. The adopted district *educational* facilities *plan* ~~work program~~ shall include the information required in subparagraphs *(2)(b)1., 2., and 3.* ~~(2)(a)1., 2., and 3.~~, based upon projects actually funded in the program.

~~(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.—In addition to the adopted district facilities work program covering the 5-year work program, the district school board shall adopt annually a 10-year and a 20-year work program which include the information set forth in subsection (2), but based upon enrollment projections and facility needs for the 10-year and 20-year periods. It is recognized that the projections in the 10-year and 20-year timeframes are tentative and should be used only for general planning purposes.~~

Section 20. Section 235.188, Florida Statutes, is amended to read:

235.188 Full bonding required to participate in programs.—Any district with unused bonding capacity in its Capital Outlay and Debt Service Trust Fund allocation that certifies in its district *educational* facilities *plan* ~~work program~~ that it will not be able to meet all of its need for new student stations within existing revenues must fully bond its Capital Outlay and Debt Service Trust Fund allocation before it may participate in Classrooms First, the School Infrastructure Thrift (SIT) Program, or the Effort Index Grants Program.

Section 21. Section 235.19, Florida Statutes, is amended to read:

235.19 Site planning and selection.—

(1) If the school board and local government have entered into an interlocal agreement pursuant to ss. 163.31776(4) and 235.193(2) and have developed a process to ensure consistency between the local government comprehensive plan and the school district educational facilities plan and a method to coordinate decisionmaking and approved activities relating to school planning and site selection, the provisions of this section do not apply to such school board and local government.

(2)~~(1)~~ Before acquiring property for sites, each board shall determine the location of proposed educational centers or campuses for the board. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the *consistency* ~~compatibility~~ of such plans ~~with site planning~~. Boards are encouraged to locate schools proximate to urban residential areas to the extent possible, and shall seek to collocate schools with other public facilities, such as parks, libraries, and community centers, to the extent possible *and to encourage using elementary schools as focal points for neighborhoods*.

(3)~~(2)~~ Each new site selected must be adequate in size to meet the educational needs of the students to be served on that site by the original educational facility or future expansions of the facility through renovation or the addition of relocatables. ~~The Commissioner of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the commissioner. Less-than-recommended site sizes are allowed if the board, by a two-thirds majority, recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.~~

(4)~~(3)~~ Sites recommended for purchase, or purchased, in accordance with chapter 230 or chapter 240 must meet standards prescribed therein and such supplementary standards as the *school board* ~~commissioner~~ prescribes to promote the educational interests of the students. Each site must be well drained and suitable for outdoor educational purposes as appropriate for the educational program *or colocated with facilities to*

serve this purpose. As provided in s. 333.03, the site must not be located within any path of flight approach of any airport. Insofar as is practicable, the site must not adjoin a right-of-way of any railroad or through highway and must not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program. *To the extent practicable, sites must be chosen that will provide safe access from neighborhoods to schools.*

(5)~~(4)~~ It shall be the responsibility of the board to provide adequate notice to appropriate municipal, county, regional, and state governmental agencies for requested traffic control and safety devices so they can be installed and operating prior to the first day of classes or to satisfy itself that every reasonable effort has been made in sufficient time to secure the installation and operation of such necessary devices prior to the first day of classes. It shall also be the responsibility of the board to review annually traffic control and safety device needs and to request all necessary changes indicated by such review.

(6)~~(5)~~ Each board may request county and municipal governments to construct and maintain sidewalks and bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government. When a board discovers or is aware of an existing hazard on or near a public sidewalk, street, or highway within a 2-mile radius of a school site and the hazard endangers the life or threatens the health or safety of students who walk, ride bicycles, or are transported regularly between their homes and the school in which they are enrolled, the board shall, within 24 hours after discovering or becoming aware of the hazard, excluding Saturdays, Sundays, and legal holidays, report such hazard to the governmental entity within the jurisdiction of which the hazard is located. Within 5 days after receiving notification by the board, excluding Saturdays, Sundays, and legal holidays, the governmental entity shall investigate the hazardous condition and either correct it or provide such precautions as are practicable to safeguard students until the hazard can be permanently corrected. However, if the governmental entity that has jurisdiction determines upon investigation that it is impracticable to correct the hazard, or if the entity determines that the reported condition does not endanger the life or threaten the health or safety of students, the entity shall, within 5 days after notification by the board, excluding Saturdays, Sundays, and legal holidays, inform the board in writing of its reasons for not correcting the condition. The governmental entity, to the extent allowed by law, shall indemnify the board from any liability with respect to accidents or injuries, if any, arising out of the hazardous condition.

Section 22. Section 235.193, Florida Statutes, is amended to read:

235.193 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational *facilities plan* ~~plant survey~~ and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local *governments* ~~governing bodies~~. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. *In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.*

(2) No later than 6 months prior to the transmittal of a public educational facilities element by general purpose local governments meeting the criteria of s. 163.31776(3), the school district, the county, and the nonexempt municipalities shall enter into an interlocal agreement that establishes a process for developing coordinated and consistent local government public educational facilities elements and a district educational facilities plan, including a process:

(a) By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment.

(b) To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment.

(c) To ensure that school-siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting, and to ensure early involvement by the local government as the school board identifies potential school sites.

(d) To coordinate and provide timely formal comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform, countywide school facility planning system.

(e) For school-district participation in the review of comprehensive plan amendments and rezonings that increase residential density and that are reasonably expected to have an impact on public school facility demand pursuant to s. 163.31777. The interlocal agreement must specify how the school board and local governments will develop the methodology and the criteria for determining whether school facility capacity will be reasonably available at the time of projected school impacts, including uniform, districtwide level-of-service standards for all public schools of the same type and availability standards for public schools. The interlocal agreement shall ensure that consistent criteria and capacity-determination methodologies including student generation multipliers are adopted into the school board's district educational facilities plan and the local government's public educational facilities element. The interlocal agreement shall also set forth the process and uniform methodology for determining proportionate-share mitigation pursuant to s. 163.31777.

(f) For the resolution of disputes between the school district and local governments.

Any school board entering into an interlocal agreement for the purpose of adopting public school concurrency prior to the effective date of this act is not required to amend the interlocal agreement to conform to the provisions of this subsection if the comprehensive plan amendment adopting public school concurrency is ultimately determined to be in compliance.

(3) Failure to enter into an interlocal agreement as required by s. 235.193(2) shall result in the withholding of funds for school construction available pursuant to ss. 235.187, 235.216, 235.2195, and 235.42 and a prohibition from siting schools. Before the Office of Educational Facilities of the Commissioner of Education may withhold any funds, the office shall provide the school board with a notice of intent to withhold funds, which the school board may appeal under chapter 120. The office shall withhold funds when a final order is issued finding that the school board has failed to enter into an interlocal agreement that meets the requirements of this section.

(4) The school board shall report to the local government on school capacity when the local government notifies the school board that it is reviewing an application for a comprehensive plan amendment or a rezoning that seeks to increase residential density. The report must provide data and analysis as required by s. 163.31777(2) for the local government's review of the proposed plan amendment or rezoning.

(5)~~(2)~~ A school board and the local governing body must share and coordinate information related to existing and planned public school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the public school facilities, concurrent with proposed development. A school board shall use *information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136* ~~Department of Education enrollment projections~~ when preparing the ~~5-year~~ district *educational* facilities *plan* ~~work program~~ pursuant to s. 235.185, *as modified and agreed to by the local governments and the Office of Educational Facilities of the Commissioner of Education, in* ~~and a school board shall affirmatively demonstrate in the educational facilities report~~ consideration of local governments' population projections, to ensure that the *district*

educational facilities plan ~~5-year work program~~ not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. *The projections shall be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data.* A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities *plan* ~~report~~ for the prior year required pursuant to *s. 235.185* ~~s. 235.194~~ unless the failure is corrected.

(6)~~(3)~~ The location of public educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and *consistent with* the plan's implementing land development regulations~~, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed by the local government and the board~~.

(7)~~(4)~~ To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land at least *120* ~~60~~ days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection *(8)* ~~(5)~~.

(8)~~(5)~~ As early in the design phase as feasible, but at least before commencing construction of a new public educational facility, the local governing body that regulates the use of land shall determine, in writing within 90 days after receiving the necessary information and a school board's request for a determination, whether a proposed public educational facility is consistent with the local comprehensive plan and *consistent with* local land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed. If the determination is affirmative, school construction may proceed and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a school board's request for a determination of consistency shall be considered an approval of the school board's application.

(9)~~(6)~~ A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's ~~future~~ land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 235.34(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed.

(10)~~(7)~~ This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts *pursuant to an interlocal agreement adopted in accordance with this section.*

(11)~~(8)~~ Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. ~~The collocation of a new proposed public educational facility with an existing public educational facility, or the expansion of an existing public educational facility is not inconsistent with the local comprehensive plan, if the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, and levels of service adopted by the local government for any facilities affected by the proposed location for the new facility are maintained.~~ If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 235.34(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed. Local government review or approval is not required for:

(a) The placement of temporary or portable classroom facilities; or

(b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed.

Section 23. *Section 235.194, Florida Statutes, is repealed.*

Section 24. Section 235.218, Florida Statutes, is amended to read:

235.218 School district *educational* facilities *plan* ~~work program~~ performance and productivity standards; development; measurement; application.—

(1) The SMART Schools Clearinghouse shall develop and adopt measures for evaluating the performance and productivity of school district *educational* facilities *plans* ~~work programs~~. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the districts' control. The measures must, at a minimum, assess performance in the following areas:

(a) Frugal production of high-quality projects.

(b) Efficient finance and administration.

(c) Optimal school and classroom size and utilization rate.

(d) Safety.

(e) Core facility space needs and cost-effective capacity improvements that consider demographic projections.

(f) Level of district local effort.

(2) The clearinghouse shall establish annual performance objectives and standards that can be used to evaluate district performance and productivity.

(3) The clearinghouse shall conduct ongoing evaluations of district educational facilities program performance and productivity, using the measures adopted under this section. If, using these measures, the clearinghouse finds that a district failed to perform satisfactorily, the clearinghouse must recommend to the district school board actions to be taken to improve the district's performance.

Section 25. Section 235.321, Florida Statutes, is amended to read:

235.321 Changes in construction requirements after award of contract.—The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts. Approvals shall be for the purpose of expediting the work in progress and shall be reported to the board and entered in its official minutes. For accountability, the school district shall monitor and report the impact of change orders on its district *educational* facilities *plan* ~~work program~~ pursuant to s. 235.185.

Section 26. Paragraph (d) of subsection (5) of section 236.25, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

236.25 District school tax.—

(5)

(d) Notwithstanding any other provision of this subsection, if through its adopted *educational* facilities *plan* ~~work program~~ a district has clearly identified the need for an ancillary plant, has provided opportunity for public input as to the relative value of the ancillary plant versus an educational plant, and has obtained public approval, the district may use revenue generated by the millage levy authorized by subsection (2) for the *acquisition,* construction, renovation, remodeling, maintenance, or repair of an ancillary plant.

A district that violates these expenditure restrictions shall have an equal dollar reduction in funds appropriated to the district under s. 236.081 in the fiscal year following the audit citation. The expenditure restrictions do not apply to any school district that certifies to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the

district reasonably expects to receive during the next 5 years or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management.

(6) In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.

Section 27. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

Section 28. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 Procedures for holding and conducting school district millage elections.—

(1) HOLDING ELECTIONS.—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.

(2) FORM OF BALLOT.—

(a) The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.

(b) The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.

(3) QUALIFICATION OF ELECTORS.—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.

(4) RESULTS OF ELECTION.—When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

Section 29. Paragraph (e) of subsection (2), subsection (12), paragraph (c) of subsection (15), and subsections (18) and (19) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(e) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992. *The applicable guidelines and standards shall be increased by 200 percent for development in any area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656 during the effective period of the designation.* ~~The Administration Commission, upon the recommendation of the state land planning agency, shall implement this paragraph by rule no later than December 1, 1993. The increased guidelines and standards authorized by this paragraph shall not be implemented until the effectiveness of the rule which, among other things, shall set forth the pertinent characteristics of urban central business districts and regional activity centers.~~

(12) REGIONAL REPORTS.—

(a) Within 50 days after receipt of the notice of public hearing required in paragraph (11)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:

1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans. For the purposes of this subsection, “applicable state plan” means the state comprehensive plan. For the purposes of this subsection, “applicable regional plan” means an adopted comprehensive regional policy plan until the adoption of a strategic regional policy plan pursuant to s. 186.508, and thereafter means an adopted strategic regional policy plan.

2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.

3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.

(b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits but may not offer conflicting recommendations.

(c) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.

(d) Where the location of a proposed development involves land within the boundaries of multiple regional planning councils, the state land planning agency shall designate a lead regional planning council. The lead regional planning council shall prepare the regional report.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:

1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.

2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a termination date that reasonably reflects the time required to complete the development.

3. Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

4. Shall specify the requirements for the *biennial* ~~annual~~ report designated under subsection (18), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.

5. May specify the types of changes to the development which shall require submission for a substantial deviation determination under subsection (19).

6. Shall include a legal description of the property.

(18) *BIENNIAL* ~~ANNUAL~~ REPORTS.—The developer shall submit *a biennial* ~~an annual~~ report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies *in alternate years* on the date specified in the development order*, unless the development order by its terms requires more frequent monitoring.* If the annual report is not received, the regional planning agency or the state land planning agency shall notify the local government. If the local government does not receive the *biennial* ~~annual~~ report or receives notification that the regional planning agency or the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days shall result in the temporary suspension of the development order by the local government. *If no additional development pursuant to the development order has occurred since the submission of the previous report, a letter from the developer stating that no development has occurred satisfies the requirement for a report. Development orders that require annual reports may be amended to require biennial reports at the option of the local government.*

(19) SUBSTANTIAL DEVIATIONS.—

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates. However, if an airport is located in two counties, a 10-percent lengthening of an existing runway or a 20-percent increase in the number of gates of an existing terminal is the applicable criteria.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent ~~or 6 acres, whichever is greater,~~ or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

10. An increase in commercial development by ~~6 acres of land area or by~~ 50,000 square feet of gross floor area~~,~~ or of parking spaces provided for customers for 300 cars or a 5-percent increase of *either* ~~any~~ of these, whichever is greater.

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

14. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

15. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

16. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or

archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under sub-subparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., 10., 14., excluding residential uses, and 15., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) An extension of the date of buildout of a development, or any phase thereof, by 7 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of 5 years or more but less than 7 years shall be presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of less than 5 years is not a substantial deviation. For the purpose of calculating when a buildout, phase, or termination date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof by a like period of time.

(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

(e)~~1. A proposed change which, either individually or, if there were previous changes, cumulatively with those changes, is equal to or exceeds 40 percent of any numerical criterion in subparagraphs (b)1.-15., but which does not exceed such criterion, shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government pursuant to subparagraph (f)5.~~

1.~~2.~~ Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than ~~40 percent of~~ any numerical criterion contained in subparagraphs (b)1.-15. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years *is not a substantial deviation,* is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-h. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-i. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Except for the types of uses listed in subparagraph (b)16., any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

c. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (f), and (g) and residential use.

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider

the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 90 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer. ~~A change which is subject to the substantial deviation criteria specified in sub-subparagraph (e)5.c. shall not be subject to this requirement.~~

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and *subparagraph (e)3.* ~~subparagraphs (e)1. and 3.~~ shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change, as it relates to the entire development, should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not affected by the proposed change.

(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be consistent with the requirements of subsection (15) and shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

Section 30. Paragraphs (d) and (f) of subsection (3) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(d) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or

~~2. Has a total site size of 30 or more acres; or~~

2.~~3.~~ Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(f) Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; *or*

~~2. Occupies more than 40 acres of land; or~~

2.~~3.~~ Provides parking spaces for more than 2,500 cars.

Section 31. Section 570.71, Florida Statutes, is created to read:

570.71 Conservation easements and agreements.—

(1) The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for the following public purposes:

(a) Promotion and improvement of wildlife habitat;

(b) Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;

(c) Perpetuation of open space on lands with significant natural areas; or

(d) Protection of agricultural lands threatened by conversion to other uses.

(2) To achieve the purposes of this act, beginning no sooner than July 1, 2002, and every year thereafter, the department may accept applications for project proposals that:

(a) Purchase conservation easements, as defined in s. 704.06.

(b) Purchase rural-lands-protection easements pursuant to this act.

(c) Fund resource conservation agreements pursuant to this act.

(d) Fund agricultural protection agreements pursuant to this act.

No funds may be expended to implement this subsection prior to July 1, 2002.

(3) Rural-lands-protection easements shall be a perpetual right or interest in agricultural land which is appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. This right or interest in property shall prohibit only the following:

(a) Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);

(b) Subdivision of the property;

(c) Dumping or placing of trash, waste, or offensive materials; and

(d) Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.

(4) Resource conservation agreements will be contracts for services which provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or which provide recreational opportunities. They will be for a term of not less than 5 years and not more than 10 years. Property owners will become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural lands protection easement.

(5) Agricultural protection agreements shall be for terms of 30 years and will provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.

(a) For the length of the agreement, the landowner shall agree to prohibit:

1. Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);

2. Subdivision of the property;

3. Dumping or placing of trash, waste, or offensive materials; and

4. Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.

(b) As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.

(6) Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into.

(7) Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into and remaining payments on the balance shall be equal annual payments over the term of the agreement.

(8) Payments for the resource conservation agreements shall be equal annual payments over the term of the agreement.

(9) Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.

(10) The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in s. 570.71(1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

(11) If a landowner objects to having his property included in any lists or maps developed to implement this act, the department shall remove the property from any such lists or maps upon receipt of the landowner's written request to do so.

(12) The department is authorized to use funds from the following sources to implement this act:

(a) State funds;

(b) Federal funds;

(c) Other governmental entities;

(d) Nongovernmental organizations; or

(e) Private individuals.

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this act.

(13) No more than ten percent of any funds made available to implement this act shall be expended for resource conservation agreements and agricultural protection agreements.

(14) The department, in consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the water management districts shall conduct a study to determine and prioritize needs for implementing the act.

(a) The department may contract with the Florida Natural Areas Inventory for an analysis of the geographic distribution of certain types of natural resources, or resource-based land uses that have been identified for acquisition by previous conservation and recreation land acquisition programs.

(b) The needs assessment shall locate areas of the state where existing privately-owned ranch and timber lands containing resources of the type identified in (a) can be preserved or protected through implementation of the Rural and Family Lands Protection Act.

(c) The department shall report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2001. At a minimum, the report must include a prioritization of the types of resources to be preserved or protected, the location of privately-owned ranch and timber lands containing such resources that could be preserved or protected by easements or agreements pursuant to this act, and the funding needs for the program.

Section 32. *Requirement of interlocal service provision agreements.—*

(1) By January 1, 2005, counties having a population over 100,000 shall negotiate and adopt a service-delivery interlocal agreement with all of the municipalities within the county, with those special districts providing a service listed in paragraph (a), and with the school district which:

(a) Identifies the current providers of the following services; education, sanitary sewer, public safety, solid waste, drainage, potable water, parks and recreation, and transportation facilities.

(b) Describes the existing organization of such services and the means of financing such services and designates the entities that will provide the services over the next 20 years, including any anticipated changes caused by annexation.

(c) Identifies any deficits in the provision of services and prescribes a 5-year capital outlay plan for the provision of deficit infrastructure.

(d) Identifies opportunities for the joint financing of capital outlay projects.

(e) Identifies any areas that the municipalities plan to annex within the next 5 years and establishes a plan for service delivery within the areas to be annexed or a process for resolving service-delivery issues associated with annexation.

(f) Provides specific procedures for amending the interlocal agreement.

(2) Each county and municipality shall submit a copy of its interlocal agreement to the Department of Community Affairs by February 15, 2005.

(3) The regional planning councils may provide technical assistance and dispute-resolution services to assist local governments in complying with this section.

Section 33. *The sum of $500,000 is appropriated from the General Revenue Fund to the Department of Community Affairs for the purpose of funding the Urban Infill and Redevelopment Assistance Grant Program established under section 163.2523, Florida Statutes, during the 2001-2002 fiscal year.*

Section 34. *The Legislature finds that the integration of the growth-management system and the planning of public educational facilities is a matter of great public importance.*

Section 35. *(1) The Legislative Committee on Intergovernmental Relations is directed to conduct a study of the existing bonding capacity of counties, municipalities, and school boards. The study shall include, but is not limited to: possible methods of strengthening their credit ratings and interest rates; feasibility of increasing their borrowing capacity to the extent of their authorized millage or revenue; and more flexible use of bond proceeds, especially for small municipalities and counties.*

(2) The Legislative Committee on Intergovernmental Relations is required to report its findings and recommendations to the Governor and Legislature by January 1, 2002. The recommendations must specifically include proposed legislation, if applicable, for additional county, municipality, and school board bonding capacity.

Section 36. *Any multicounty airport authority created as an independent special district which is subject to a development-of-regional-impact development order and which has conducted a noise study in accordance with 14 C.F.R. Part 150 shall, in fiscal year 2002, establish a noise-mitigation-project fund in an amount of $7.5 million, which shall be increased by another $2.5 million in fiscal year 2004. The moneys in the project fund shall be segregated and expended by the airport authority by December 31, 2006, to the extent necessary to comply with development-order commitments to acquire property from or otherwise mitigate property owners adversely affected by the development of regional impact. If moneys are not expended for such purposes by December 31, 2006, the airport authority shall not thereafter amend its development-of-regional-impact development order or commence development of airport infrastructure improvements authorized by such development order until such funds are fully expended for such purposes.*

Section 37. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a schedule for adoption by local governments; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; providing for an exemption for certain urban infill areas; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; providing an appropriation for the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; amending s. 163.3215, F.S.; revising provisions governing the challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.3244, F.S.; postponing the repeal of provisions governing the Sustainable Communities Demonstration Project; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax and school capital outlay surtax by a supermajority vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; allowing a school district to levy by referendum additional millage for school operational purposes; amending s. 236.31, F.S.; authorizing school boards to direct the county commission to call an election for approval of an ad valorem tax millage; amending s. 236.32, F.S.; substantially rewording the section and providing procedures for holding and conducting school district millage elections; amending s. 380.06, F.S.; providing that certain standards must be increased for development in any area designated by the Governor as a rural area of critical economic concern; revising provisions governing substantial-deviation standards for developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report; requiring specified counties to adopt a service-delivery interlocal agreement with all municipali-

ties and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; directing the Legislative Committee on Intergovernmental Relations to conduct a study of the bonding capacity of local governments and school boards; requiring multicounty airport authorities with development-of-regional-impact development orders to establish a noise-mitigation-project fund; providing for the expenditure of such funds; preventing the airport authority from amending its development order or commencing development until such funds are expended; providing effective dates.

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

Amendment 1A (212348)—On page 1, line 24, delete "*All*" and insert: *Notwithstanding any special act to the contrary, all*

Senator Constantine moved the following amendments to **Amendment 1** which were adopted:

Amendment 1B (255294)—On page 3, delete line 3 and insert: (a), (c), and (h) of subsection (6) of

Amendment 1C (952652)(with title amendment)—On page 9, line 8 through page 16, line 21, delete those lines

And the title is amended as follows:

On page 109, lines 6-18, delete those lines and insert: creating s. 163.31776, F.S.; providing

Amendment 1D (161864)(with title amendment)—On page 100, line 20 through page 106, line 2, delete those lines

And the title is amended as follows:

On page 113, lines 16-30, delete those lines and insert: development-of-regional-impact review; requiring specified counties to

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

Amendment 1E (930266)(with title amendment)—On page 108, between lines 16 and 17, insert:

Section 37. Subsection (1) of section 163.356, Florida Statutes, is amended to read:

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a "community redevelopment agency." *A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one community redevelopment agency.* Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. ~~The~~ Community redevelopment *agencies* ~~agency~~ of a county *have* ~~has~~ the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan or plans proposed by the governing body of the county.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 114, line 16, after the semicolon (;) insert: amending s. 163.356, F.S.; allowing certain charter counties to create multiple community redevelopment agencies within the unincorporated county areas;

Senator Pruitt moved the following amendment to **Amendment 1** which failed:

Amendment 1F (933582)(with title amendment)—On page 108, between lines 16 and 17, insert:

Section 37. Subsection (6) is added to section 163.3202, Florida Statutes, to read:

163.3202 Land development regulations.—

(6)(a) The Legislature finds that electric utilities have a statutory duty pursuant to this chapter to provide reasonably sufficient, adequate, and efficient service. The Legislature further finds that electric substations are an indispensable component of the grid system by which electric utilities deliver reliable electric service to all public and private persons as required by law. The Legislature further finds that electric utility substations are essential services for the public health, safety, and welfare and therefore are in the public interest.

(b) Nothing in this section shall prohibit a local government from adopting land development regulations which establish reasonable standards for setbacks, buffering, and landscaping and other such site conditions which ensure consistency with the local comprehensive plan for a substation that will be constructed or operated by an electric utility. Compliance with any such adopted standards creates a presumption that the substation is compatible with adjacent land uses and consistent with the local comprehensive plan.

(c) If an electric utility demonstrates by competent substantial evidence that it meets all criteria for approval of an application for a development permit for the location, construction, and operation of a substation, the local government may not deny the application unless the preponderance of the evidence applying a strict scrutiny standard of review demonstrates the application does not meet the requirements of the comprehensive plan or applicable land development regulations.

Section 38. Paragraph (b) of subsection (3) of section 380.04, Florida Statutes, is amended to read:

380.04 Definition of development.—

(3) The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section:

(b) Work by any utility and other persons engaged in the distribution or transmission of gas, *electricity*, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 114, line 16, after the semicolon (;) insert: amending s. 163.3202, F.S.; providing for the siting of substations; amending s. 380.04, F.S.; revising the definition of development;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for CS for SB's 310 and 380** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1374** was deferred.

On motion by Senator Campbell—

CS for SB 386—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for

perfection and priority of security interests; creating ss. 679.40111, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; providing legislative findings; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521, 679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; providing authority for the Secretary of State to delegate certain filing functions to a private filing agency under certain circumstances; providing criteria, requirements, procedures, and limitations; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; specifying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers' rights to goods on a seller's repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679,303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 386** to **HB 579**.

Pending further consideration of **CS for SB 386** as amended, on motion by Senator Campbell, by two-thirds vote **HB 579** was withdrawn from the Committees on Judiciary; Banking and Insurance; Health, Aging and Long-Term Care; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Campbell—

HB 579—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for perfection and priority of security interests; creating ss. 679.40111, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; providing legislative findings; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521, 679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; providing criteria for the registry; operation of a filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; specifying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers' rights to goods on a seller's repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679,303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and

rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; creating s. 285.20, F.S.; establishing the Tribal Secured Transactions Filing Offices; specifying nonsupersession of certain provisions; providing effective dates.

—a companion measure, was substituted for **CS for SB 386** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 579** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 524—A bill to be entitled An act relating to the criminal use of personal information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit services received, payment sought to be avoided, or injury or fraud perpetrated is of a specified amount or more; providing for reclassification of certain offenses involving the criminal use of personal-identification information if the offense was facilitated by the use of a public record; requiring that such offense be prosecuted in the county where the victim resides or in a county where any element of the offense occurred; limiting the time within which a person who fraudulently uses personal-identification information must be prosecuted; amending s. 921.0022, F.S., relating to the the offense severity ranking chart of the Criminal Punishment Code; ranking offenses relating to fraudulent use of personal identification information; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 524** to **HB 1845**.

Pending further consideration of **CS for SB 524** as amended, on motion by Senator Burt, by two-thirds vote **HB 1845** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Burt—

HB 1845—A bill to be entitled An act relating to the criminal use of personal information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit services received, payment sought to be avoided, or injury or fraud perpetrated is of a specified amount or more; providing for reclassification of certain offenses involving the criminal use of personal-identification information if the offense was facilitated by the use of a public record; requiring that such offense be prosecuted in the county where the victim resides or in a county where any element of the offense occurred; limiting the time within which a person who fraudulently uses personal-identification information must be prosecuted; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; ranking offenses relating to fraudulent use of personal identification information; providing an effective date.

—a companion measure, was substituted for **CS for SB 524** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1845** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

SB 1380—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing exemptions from public records requirements for individual agricultural records that are reported to the Department of Agriculture and Consumer Services; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **SB 1380** to **CS for CS for HB 721**.

Pending further consideration of **SB 1380** as amended, on motion by Senator Laurent, by two-thirds vote **CS for CS for HB 721** was withdrawn from the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

On motion by Senator Laurent, by two-thirds vote—

CS for CS for HB 721—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 1380** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 721** was placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

On motion by Senator Miller—

CS for SB 1330—A bill to be entitled An act relating to student financial assistance; creating the Vocational Student Assistance Grant Program; providing eligibility criteria for students and educational institutions; establishing conditions for the amount of an award; providing program criteria; providing restrictions; providing administrative procedures; requiring certain reports; requiring recommendations of the Postsecondary Education Planning Commission, the State Board of Nonpublic Career Education, and the State Board of Independent Colleges and Universities; amending s. 231.621, F.S.; authorizing alternative payment procedures for a loan forgiveness program; amending s. 240.40201, F.S.; extending and placing a limit upon the eligibility period for the Florida Bright Futures Scholarship Program; redesignating the Florida Merit Scholarship as the Florida Medallion Scholarship; amending s. 240.40202, F.S.; defining terms; revising application dates for the Florida Bright Futures Scholarship Program; amending s. 240.40203, F.S.; defining terms; providing conditions for awards to students in programs that confer post-baccalaureate degrees; conforming provisions; amending s. 240.40204, F.S.; conforming provisions; amending s. 240.40205, F.S.; eliminating obsolete provisions; amending s. 240.40206, s. 240.40207, F.S.; conforming provisions; amending s. 240.40209, F.S.; directing the Department of Education to define fee calculation; amending s. 240.404, F.S.; requiring an application process; providing conditions for maintaining status as a resident for tuition purposes; amending s. 240.4063, F.S.; conforming provisions; amending s. 240.4064, F.S.; revising the tuition reimbursement rate; amending s. 240.409, F.S.; authorizing certain grants for part-time students; revising terms of eligibility for certain grants; amending ss. 240.4095, 240.4097, F.S.; conforming provisions; amending s. 240.412, F.S.; conforming provisions; amending s. 240.4126, F.S.; establishing the amount of an award; conforming provisions; amending ss. 240.4128, 240.413, F.S.; conforming provisions; amending s. 240.437, F.S.; authorizing administration by the Department of Education for certain scholarship programs; amending ss. 240.472, 240.6073, 240.6074, 240.6075, F.S.; conforming provisions; amending ss. 295.01, 295.02, F.S.; providing eligibility for students attending certain postsecondary institutions; repealing s. 240.40208, F.S., relating to the transition period for the Bright Futures Scholarship Program; repealing s. 240.40242, F.S., relating to criteria for use of certain scholarship funds by children of deceased or disabled veterans; repealing s. 240.465(5), F.S., relating to withholding the academic transcript of a borrower who is in default in repayment of student loans; providing effective dates.

—was read the second time by title.

Senator Miller moved the following amendment:

Amendment 1 (822406)(with title amendment)—On page 8, between lines 18 and 19, insert:

Section 3. Paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of *75* ~~50~~ percent of funds from the student financial aid fee *for new financial aid awards* shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award. *The Board of Regents shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subparagraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Regents. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.*

6. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

a. A nonrefundable application fee in an amount not to exceed $30.

b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed $200.

c. An orientation fee in an amount not to exceed $35.

d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed $10 per card. The maximum amount charged for a replacement card may not exceed $15.

e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed $15, for the payment of tuition in installments; and a late-registration fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to initiate registration during the regular registration period.

f. A late-payment fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).

h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

k. A service charge on university loans in lieu of interest and administrative handling charges.

l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed $10 per item.

Section 4. Effective July 1, 2002, subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $250,000. If the amount generated is less than $250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of *75* ~~50~~ percent of the balance of these funds *for new awards* shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on *the revenue collected pursuant to this paragraph, the amount carried forward,* the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. *The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received.* Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending ss. 240.209, 240.35, F.S.; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid for students at state universities and community colleges; requiring a report;

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

Amendment 1A (690708)—On page 6, line 25, delete "Effective July 1, 2002, subsection" and insert: Subsection

Amendment 1 as amended was adopted.

Senator Lee moved the following amendment which was adopted:

Amendment 2 (451022)(with title amendment)—On page 11, line 9 through page 12, line 18, delete those lines and insert:

Section 4. Paragraphs (b) and (f) of subsection (1) and subsection (2) of section 240.40202, Florida Statutes, are amended, present subsection (4) of that section is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 232.246 or s. 229.814 unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 232.0201; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida. *The term, "public service assignment," as used in this subparagraph, means the occupational assignment outside Florida of a person who is a permanent resident of Florida and who is employed by the United States Government or the State of Florida, a condition of which employment is assignment outside Florida.*

(f) Apply for a scholarship from the program by ~~April 1 of the last semester before~~ high school graduation. *Requests for exceptions to this deadline may be accepted by the high school or district through December 31 following high school graduation. There is no application deadline for a student who graduates from a non-Florida high school pursuant to subparagraph (b)2.*

(2) ~~A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation.~~ A student ~~who applies for an award by April 1 and~~ who meets all ~~other~~ eligibility requirements, but who does not accept his or her award *during the first year of eligibility after high school graduation,* may *apply for reinstatement of the award for use within 7* ~~reapply during subsequent application periods up to 3~~ years after high school graduation. *Reinstatement applications must be received by the deadline established by the Department of Education.*

(4) Each school district shall annually provide to each high school student a complete and accurate Florida Bright Futures Scholarship Evaluation Report and Key. The report shall be disseminated at the beginning of each school year. The report must include all high school coursework attempted, the number of credits earned toward each type of award, and the calculation of the grade point average for each award. The report must also identify all requirements not met per award as well as identify the awards for which the student has met the academic requirements.

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: requiring school districts to provide an annual report to students;

Senator Sullivan moved the following amendment which was adopted:

Amendment 3 (424064)(with title amendment)—On page 15, line 21 through page 20, line 16, delete those lines and insert:

Section 7. Subsections (1), (2), and (4) of section 240.40205, Florida Statutes, are amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 240.40202, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(f) Has been recognized by the National Hispanic Recognition Program as a scholar recipient.

~~Effective with the 1998-1999 school year,~~ A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(2) A Florida Academic Scholar who is enrolled in a public postsecondary education institution is eligible for an award equal to the amount required to pay matriculation, ~~fees, and~~ $600 for college-related expenses annually, *and up to $400 per semester for fees other than matriculation, assessed as authorized in s. 240.235, for a student at a state university. For a student at a public community college or technical center, the award amount for fees other than matriculation, as authorized in s. 240.35(10), (11), (13), (14), (15), (16), and (17), is up to $120 per semester*. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay for the average matriculation and fees of a public postsecondary education institution at the comparable level, plus the annual $600.

(4) In each school district, the Florida Academic Scholar with the highest academic ranking shall *be designated as an Academic Top Scholar and shall* receive an additional award of $1,500 for college-related expenses. This award must be funded from the Florida Bright Futures Scholarship Program.

Section 8. Section 240.40206, Florida Statutes, is amended to read:

240.40206 Florida *Medallion* ~~Merit~~ Scholars award.—

(1) A student is eligible for a Florida *Medallion* ~~Merit~~ Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a)*1.* Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 240.40202, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

2.~~(b)~~ Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; ~~or~~

(b)~~(c)~~ Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program~~;~~.

(c) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist but has not completed a program of community service as provided in s. 240.40205; or

(d) Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 240.40205.

(2) A Florida *Medallion* ~~Merit~~ Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and *up to $300 per semester for fees, assessed as authorized in s. 240.235, for a student at a state university. For a student at a public community college or technical center, the award amount for fees other than matriculation, as authorized in s. 240.35(10), (11), (13), (14), (15), (16), and (17), is up to $90 per semester* ~~fees, if the student is enrolled in a public postsecondary education institution~~. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and *mandatory* fees, *up to the amount established in this section,* of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal award as a Florida *Medallion* ~~Merit~~ Scholar, a student must maintain the equivalent of a grade point average of 2.75 on a 4.0 scale for all postsecondary education work attempted, with an opportunity for *restoration* ~~reinstatement~~ one time as provided in this act.

Section 9. Section 240.40207, Florida Statutes, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Completes ~~the secondary school portion of a sequential program of studies that requires~~ at least three *consecutive* secondary school vocational credits ~~taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by the Workforce Estimating Conference or Workforce Florida, Inc., for its ability to provide high-wage employment in an occupation with high potential for employment opportunities.~~ On-the-job training may not be substituted for any of the three required vocational credits.

(b) Demonstrates readiness for postsecondary education by earning a passing score on the Florida College Entry Level Placement Test or its equivalent as identified by the Department of Education.

(c) Earns a minimum cumulative weighted grade point average of 3.0, as calculated pursuant to s. 240.40202, on all subjects required for a standard high school diploma, excluding elective courses.

(d) Earns a minimum unweighted grade point average of 3.5 on a 4.0 scale for secondary vocational courses comprising the vocational program.

~~(e) Completes the requirements of a vocational-ready diploma program, as defined by rules of the State Board of Education.~~

(2) A Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and *up to $300 per semester for fees, assessed as authorized in s. 240.235, for a student at a state university. For a student at a public community college or technical center, the award amount for fees other than matriculation, as authorized in s. 240.35(10), (11), (13), (14), (15), (16), and (17), is up to $90 per semester* ~~fees, if the student is enrolled in a public postsecondary education institution~~. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and mandatory fees, *up to the amounts established in this section,* of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal *or restoration* award as a Florida Gold Seal Vocational Scholar, a student must *meet the requirements of s. 240.40203 and the* ~~maintain the equivalent of a~~ grade point average *requirement* of 2.75 on a 4.0 scale for all postsecondary education work attempted. *A student has*~~, with~~ an opportunity for *one restoration* ~~reinstatement one time~~ as provided in this act.

(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. A Florida Gold Seal *Vocational* Scholar who *meets all renewal requirements for the Florida Medallion Scholars award,* ~~has a cumulative grade point average of 2.75 in all postsecondary education work attempted~~ may apply for a Florida *Medallion* ~~Merit~~ Scholars award at any renewal period *or the department may transfer the student to the Florida Medallion Scholars Award during any renewal period*. All other provisions of that program apply, and the credit-hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.

And the title is amended as follows:

On page 1, line 31 and on page 2, line 1, after the semicolon (;) insert: establishing an award limit for the payment of fees other than matriculation;

Senator Miller moved the following amendments which were adopted:

Amendment 4 (875802)(with title amendment)—On page 16, line 26, insert:

(g) Has been awarded the American International Certificate of Education Diploma from the University of Cambridge.

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: expanding eligibility for the Florida Academic Scholarship;

Amendment 5 (325100)—On page 19, lines 11-13, delete those lines and insert:

(a) Completes ~~the secondary school portion of a sequential program of studies that requires~~ at least three secondary school vocational credits *in the same program* ~~taken over at~~

Amendment 6 (054270)—On page 23, line 5 through page 25, line 6, delete those lines and insert:

Section 12. Subsection (2) and paragraph (a) of subsection (3) of section 240.4063, Florida Statutes, are amended to read:

240.4063 Florida Teacher Scholarship and Forgivable Loan Program.—

(2) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the "Chappie" James Most Promising Teacher Scholarship, which shall be offered to a top graduating senior from each *publicly funded* ~~public~~ secondary school in the state. An additional number of "Chappie" James Most Promising Teacher Scholarship awards shall be offered annually to graduating seniors from nonpublic secondary schools in the state which are listed with the Department of Education and accredited by the Southern Association of Colleges and Schools or any other private statewide accrediting agency which makes public its standards, procedures, and member schools. The nonpublic secondary schools shall be in compliance with regulations of the Office for Civil Rights. The number of awards to nonpublic secondary school students shall be proportional to the number of awards available to public secondary school students and shall be calculated as the ratio of the number of nonpublic to public secondary school seniors in the state multiplied by the number of public secondary schools in the state.

(a) The scholarship may be used for attendance at a state university, a community college, or an independent institution as defined in s. 240.605.

(b) The amount of the scholarship is $1,500 and may be renewed for 1 year if the student earns a 2.5 cumulative grade point average and 12 credit hours per term and meets the eligibility requirements for renewal of the award.

(c) To be eligible for the scholarship, a student shall: be ranked within the top quartile of the senior class; have been an active member of a high school future teacher organization, if such organization exists in the student's school; have earned a minimum unweighted cumulative grade point average of 3.0 on a 4.0 scale; file an application within the application period; meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section; and have the intent to enter the public teaching profession in Florida.

(d) Three candidates from each *publicly funded* ~~public~~ secondary school and one candidate from each nonpublic secondary school in the state shall be nominated by the principal and a committee of teachers, based on criteria which shall include, but need not be limited to, rank in class, standardized test scores, cumulative grade point average, extracurricular activities, letters of recommendation, an essay, and a declaration of intention to teach in a public school in the state.

(e) From public secondary school nominees, the Commissioner of Education shall select a graduating senior from each *publicly funded* ~~public~~ high school to receive a scholarship. Selection of recipients from nonpublic secondary schools shall be made by a committee appointed by the Commissioner of Education comprised of representatives from nonpublic secondary schools and the Department of Education.

(f) Fifteen percent of scholarships awarded shall be to minority students. However, in the event that fewer than 15 percent of the total eligible nominees are minority students, the commissioner may allocate all award funds as long as a scholarship loan is reserved for each eligible minority nominee.

(3)(a) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the Florida Critical Teacher Shortage Forgivable Loan Program which shall make undergraduate and graduate forgivable loans available to eligible students entering programs of study that lead to a degree in a teaching program in a critical teacher shortage area. To be eligible for a program loan, a candidate shall:

1. Be a full-time student at the upper-division undergraduate or graduate level in a teacher training program approved by the department pursuant to s. 240.529 leading to certification in a critical teacher shortage subject area.

2. Have declared an intent to teach, for at least the number of years for which a forgivable loan is received, in publicly funded elementary or secondary schools of Florida in a critical teacher shortage area identified by the State Board of Education. For purposes of this *chapter* ~~subsection~~, a school is publicly funded if it receives at least 75 percent of its operating costs from governmental agencies and operates its educational program under contract with a public school district or the Department of Education.

3. Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

4. If applying for an undergraduate forgivable loan, have maintained a minimum cumulative grade point average of 2.5 on a 4.0 scale for all undergraduate work. Renewal applicants for undergraduate loans shall maintain a minimum cumulative grade point average of at least a 2.5 on

a 4.0 scale for all undergraduate work and have earned at least 12 semester credits per term, or the equivalent.

5. If applying for a graduate forgivable loan, have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate Record Examination score of at least 1,000. Renewal applicants for graduate loans shall maintain a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.

Senator Sullivan moved the following amendment which was adopted:

Amendment 7 (505860)(with title amendment)—On page 37, between lines 17 and 18, insert:

Section 29. Subsection (1) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(1) Each university *may* ~~is authorized to~~ establish separate activity and service, health, and athletic fees. When duly established, *these* ~~the~~ fees shall be collected as component parts of the registration and tuition fees and shall be retained by the university and paid into the separate activity and service, health, and athletic funds.

(a)1. Each university president shall establish a student activity and service fee on the main campus of the university. The university president may also establish a student activity and service fee on any branch campus or center. Any subsequent *modification* ~~increase~~ in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, *may* ~~shall~~ vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. The student activity and service fees shall be expended for lawful purposes to benefit the student body in general. *These purposes* ~~This~~ shall include, but *are* ~~shall~~ not ~~be~~ limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for *student-government-sponsored* ~~student-government-association-sponsored~~ concerts. The allocation and expenditure of the fund shall be determined by the student government ~~association~~ of the university, except that the president of the university may veto any line item or portion thereof within the budget when submitted by the student government ~~association~~ legislative body. The university president shall have 15 school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government ~~association~~ legislative body shall within 15 school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(b) Each university president shall establish a student health fee on the main campus of the university. The university president may also establish a student health fee on any branch campus or center. Any subsequent *modification* ~~increase~~ in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, *may* ~~shall~~ vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

(c) Each university president shall establish a separate athletic fee on the main campus of the university. The university president may also establish a separate athletic fee on any branch campus or center. The initial aggregate athletic fee at each university shall be equal to, but may be no greater than, the 1982-1983 per-credit-hour activity and service fee contributed to intercollegiate athletics, including women's athletics, as provided by s. 240.533. Concurrently with the establishment of the athletic fee, the activity and service fee shall experience a one-time reduction equal to the initial aggregate athletic fee. Any subsequent *modification* ~~increase~~ in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, *may* ~~shall~~ vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the athletic fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

Section 30. Section 240.236, Florida Statutes, is created to read:

240.236 University student governments.—

(1) There is created within each state university a student government that shall be organized and maintained by students as the official representatives of the student body. Each student government shall be composed of at least a student body president and a student legislative body. Interim vacancies may be filled in a manner other than election as prescribed by the student government. Each student government may adopt internal procedures governing:

(a) The operation and administration of the student government.

(b) The election, appointment, removal, and discipline of officers of the student government.

(c) The execution of all other duties as prescribed to the student government by law.

(2) Any elected officer of the student government of a state university may be removed from office by the majority vote of students participating in a referendum held pursuant to the provisions of this section. The student government shall develop a procedure by which students may petition for a referendum to remove from office an elected officer of the student government. The grounds for removal of a student government officer by petition must be expressly contained in the petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The referendum must be held no more than 60 days after the filing of the petition.

(3) The student government shall develop procedures providing for the suspension and removal of an elected student government officer following the conviction of that officer of a felony.

(4) Each student government is a part of the university at which it is established. The internal procedures adopted by the student government under this section are subject to final approval by the university president.

Section 31. Subsection (3) of section 240.295, Florida Statutes, is amended to read:

240.295 State University System; authorization for fixed capital outlay projects.—

(3) Other than those projects currently authorized, no project proposed by a university which is to be funded from Capital Improvement Trust Fund fees or building fees shall be submitted to the Board of

Regents for approval without prior consultation with the student government ~~association~~ of that university. The Board of Regents shall *adopt* ~~promulgate~~ rules *that* ~~which~~ are consistent with this requirement.

Section 32. Section 240.336, Florida Statutes, is created to read:

240.336 Community college student governments.—

(1) There is created within each community college a student government that shall be organized and maintained by students as the official representatives of the student body. Each student government shall be composed of at least a student body president and a student legislative body. Interim vacancies may be filled in a manner other than election as prescribed by the student government. Each student government may adopt internal procedures governing:

(a) The operation and administration of the student government.

(b) The election, appointment, removal, and discipline of officers of the student government.

(c) The execution of all other duties as prescribed to the student government by law.

(2) Any elected officer of the student government of a community college may be removed from office by the majority vote of students participating in a referendum held pursuant to the provisions of this section. The student government shall develop a procedure by which students may petition for a referendum to remove from office an elected officer of the student government. The grounds for removal of a student government officer by petition must be expressly contained in the petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The referendum must be held no more than 60 days after the filing of the petition.

(3) The student government shall develop procedures providing for the suspension and removal of an elected student government officer following the conviction of that officer of a felony.

(4) Each student government is a part of the community college at which it is established. The internal procedures adopted by the student government under this section are subject to final approval by the community college president.

Section 33. Subsection (2) of section 240.382, Florida Statutes, is amended to read:

240.382 Establishment of child development training centers at community colleges.—

(2) In consultation with the student government ~~association~~ or a recognized student group representing the student body, the district board of trustees of any community college may establish a child development training center in accordance with this section. Each child development training center shall be a child care center established to provide child care during the day and at variable hours, including evenings and weekends, for the children of students. Emphasis should be placed on serving students who demonstrate financial need as defined by the district board of trustees. At least 50 percent of the child care slots must be made available to students, and financially needy students, as defined by the district board of trustees, shall receive child care slots first. The center may serve the children of staff, employees, and faculty; however, a designated number of child care slots shall not be allocated for employees. Whenever possible, the center shall be located on the campus of the community college. However, the board may elect to provide child care services for students through alternative mechanisms, which may include contracting with private providers.

Section 34. Subsections (1), (2), and (4) of section 240.531, Florida Statutes, are amended to read:

240.531 Establishment of educational research centers for child development.—

(1) Upon approval of the university president, the student government ~~association~~ of any university within the State University System may establish an educational research center for child development in accordance with the provisions of this section. Each such center shall be a child day care center established to provide care for the children of students, both graduate and undergraduate, faculty, and other staff and employees of the university and to provide an opportunity for interested schools or departments of the university to conduct educational research programs and establish internship programs within such centers. Whenever possible, such center shall be located on the campus of the university. There shall be a director of each center, selected by the board of directors of the center.

(2) There shall be a board of directors for each educational research center for child development, consisting of the president of the university or his or her designee, the student *body* ~~government~~ president or his or her designee, the chair of each department participating in the center or his or her designee, and one parent for each 50 children enrolled in the center, elected by the parents of children enrolled in the center. The director of the center shall be an ex officio, nonvoting member of the board. The board shall establish local policies and perform local oversight and operational guidance for the center.

(4) The Board of Regents *shall adopt* ~~is authorized and directed to promulgate~~ rules for the establishment, operation, and supervision of educational research centers for child development. *These* ~~Such~~ rules shall include, but *are* ~~need~~ not ~~be~~ limited to,~~:~~ a defined method of establishment of and participation in the operation of centers by the appropriate student *governments,* ~~government associations;~~ guidelines for the establishment of an intern program in each center,~~;~~ and guidelines for the receipt and monitoring of funds from grants and other sources of funds consistent with existing laws.

Section 35. Subsection (18) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(18) "Student representative" means the representative selected by each community college student government ~~association~~ and the council of student body presidents. Each representative may be present at all negotiating sessions which take place between the appropriate public employer and an exclusive bargaining agent. *The* ~~Said~~ representative shall be enrolled as a student with at least 8 credit hours in the respective community college or in the State University System during his or her term as student representative.

Section 36. Subsection (5) of section 447.301, Florida Statutes, is amended to read:

447.301 Public employees' rights; organization and representation.—

(5) In negotiations over the terms and conditions of service and other matters affecting the working environment of employees, or the learning environment of students, in institutions of higher education, one student representative selected by the council of student body presidents may, at his or her discretion, be present at all negotiating sessions which take place between the Board of Regents and the bargaining agent for an employee bargaining unit. In the case of community colleges, the student government ~~association~~ of each college shall establish procedures for the selection of, and shall select, a student representative to be present, at his or her discretion, at negotiations between the bargaining agent of the employees and the board of trustees. Each student representative shall have access to all written draft agreements and all other written documents pertaining to negotiations exchanged by the appropriate public employer and the bargaining agent, including a copy of any prepared written transcripts of any negotiating session. Each student representative shall have the right at reasonable times during the negotiating session to comment to the parties and to the public upon the impact of proposed agreements on the educational environment of students. Each student representative shall have the right to be accompanied by alternates or aides, not to exceed a combined total of two in number. Each student representative shall be obligated to participate in good faith during all negotiations and shall be subject to the rules and regulations of the Public Employees Relations Commission. The student representatives shall have neither voting nor veto power in any negotiation, action, or agreement. The state or any branch, agency, division, agent, or institution of the state shall not expend any moneys from any source for the payment of reimbursement for travel expenses or per diem to aides, alternates, or student representatives participating in, observing, or contributing to any negotiating sessions between the bargaining parties; however, this limitation does not apply to the use of student activity fees

for the reimbursement of travel expenses and per diem to the university student representative, aides, or alternates participating in the aforementioned negotiations between the Board of Regents and the bargaining agent for an employee bargaining unit.

Section 37. *Section 240.136, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 1, after the semicolon (;) insert: amending s. 240.235, F.S.; requiring the approval of certain student fee modifications, rather than just increases, by certain committees; conforming provisions; creating s. 240.236, F.S.; providing for the establishment of student governments at each state university with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending s. 240.295, F.S.; conforming provisions; creating s. 240.336, F.S.; providing for student governments at community colleges; amending ss. 240.382, 240.531, 447.203, 447.301, F.S.; conforming provisions; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers;

Senator Clary moved the following amendment which was adopted:

Amendment 8 (105344)(with title amendment)—On page 37, between lines 17 and 18, insert:

Section 29. *A Bachelor of Science in Nursing degree program is authorized at the University of West Florida.*

Section 30. *A Master of Science in Social Work degree program is authorized at Florida Atlantic University.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 1, after the semicolon (;) insert: authorizing a Bachelor of Science in Nursing degree program at the University of West Florida; authorizing a Master of Science in Social Work degree program at Florida Atlantic University;

Pursuant to Rule 4.19, **CS for SB 1330** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

SB 636—A bill to be entitled An act relating to high school grades; amending s. 232.2463, F.S.; altering the required ranges of percentage grades that equate to letter grades and grade points; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Pruitt and failed:

Amendment 1 (803912)(with title amendment)—On page 1, between lines 9 and 10, insert:

Section 1. Paragraph (e) of subsection (16) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but is not limited to, the following:

(e) Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss. 229.555 and 229.57(5) and implement a system of school reports as required by statute and State Board of Education rule which shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 230.23161(21). Annual public disclosure reports *must* ~~shall~~ be *a profile of each school* in an easy-to-read *report-card* ~~report card~~ format and *must* ~~shall~~ include the school's student and school performance grade category designation and performance data as specified in state board rule. *The school board shall report academic achievement of high school students as measured by all statewide assessments, by national assessments, and by grades in high school courses. Grade reports on high school courses must specify the number and percentage of students who received each letter grade in all courses and in each type of course, organized by level and category.*

Section 2. Section 232.24521, Florida Statutes, is amended to read:

232.24521 Report cards; end-of-the-year status.—

(1) Each school district shall establish and publish policies requiring the content and regular issuance of student report cards for all elementary school, middle school, and high school students. These report cards must clearly depict and grade:

(a) The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria.

(b) The student's conduct and behavior.

(c) The student's attendance, including absences and tardiness.

(2) A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion. *Grades reported on the final report card must be expressed as letter grades or grade points, and, on report cards issued after the first grading period of the junior year, grade-point averages must be calculated using the grade-weighting system adopted by the Department of Education for the Academic and Merit Scholarship components of the Bright Futures Scholarship Program in courses designated for Bright Futures eligibility. If a different grade-weighting system is used to calculate grade-point averages for class ranking, it must be reported separately from the Bright Futures grade-point average. Unweighted grades in academic courses must also be calculated to report an academic grade-point average for each student.*

(3) Academic achievement should be graded upon measurement of academic performance and timely completion of academic requirements. Academic-achievement grades should be separated from grades for other matters such as academic improvement, conduct, attitude, attendance, or tardiness.

School districts shall not allow schools to exempt students from academic performance requirements based on practices or policies designed to encourage student attendance. A student's attendance record may not be used in whole or in part to provide an exemption from any academic performance requirement.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 230.23, F.S.; requiring certain reports; amending s. 232.24521, F.S.; encouraging certain grading practices; requiring a grade-point-average calculation for the Bright Futures Scholarship Program;

Amendment 2 (363058)(with title amendment)—On page 2, between lines 13 and 14, insert:

Section 2. Paragraph (d) is added to subsection (20) of section 230.23, Florida Statutes, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(20) SCHOOL-WITHIN-A-SCHOOL.—In order to reduce the anonymity of students in large schools, the district school board shall adopt

policies effective for the 2002-2003 school year, and thereafter, to encourage any school that does not meet the definition of a small school, as established by s. 235.2157(2), to subdivide into schools-within-a-school, which shall operate within existing resources. A "school-within-a-school" means an operational program that uses flexible scheduling, team planning, and curricular and instructional innovation to organize groups of students with groups of teachers as smaller units, so as to functionally operate as a smaller school. Examples of this include, but are not limited to:

(d) A physical plant design that would house students grouped by the smaller school designation in buildings that surround or are easily accessible to a structure containing core facilities, as defined by rule of the Department of Education, which would be shared by the surrounding buildings.

Section 3. Subsections (2) and (4) of section 235.2157, Florida Statutes, are amended to read:

235.2157 Small school requirement.—

(2) DEFINITION.—As used in this section, "small school" means:

(a) An elementary school with a student population of not more than 500 students.

(b) A middle school with a student population of not more than *900* ~~700~~ students.

(c) A high school with a student population of not more than *1,200* ~~900~~ students.

(d) A school serving kindergarten through grade 8 with a student population of not more than *900* ~~700~~ students.

(e) A school serving kindergarten through grade 12 with a student population of not more than *1,200* ~~900~~ students.

A school on a single campus which operates as a school-within-a-school, as defined by s. 230.23(20), shall be considered a small school if each smaller unit located on the single campus meets the requirements of this subsection.

(4) EXCEPTIONS.—

(a) This section does not apply to plans for new educational facilities already under architectural contract on July 1, 2003.

(b) The Commissioner of Education may approve an exemption to the small-school requirement under any of the following conditions:

1. An interlocal agreement between the school district and the local governmental body having geographic jurisdiction requires specified construction of schools under s. 163.3177;

2. The school district has submitted documentation that the lowest bid or request for proposals meeting small-schools specifications would exceed the per-pupil station cost defined in s. 235.216; or

3. The school district has submitted documentation that school siting is unavailable or excessively priced above appraisal and that to pursue a small school in the particular location would not be in the best interest of the district's students.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 1-6, delete those lines and insert: A bill to be entitled An act relating to education; amending s. 232.2463, F.S.; altering the required ranges of percentage grades that equate to letter grades and grade points; amending s. 230.23, F.S.; providing an example of a school-within-a-school; amending s. 235.2157, F.S.; modifying small-school student-population limits; providing for exceptions to the small-schools requirements; providing an effective date.

Senators Cowin and Pruitt offered the following amendment which was moved by Senator Cowin and adopted:

Amendment 3 (923620)(with title amendment)—On page 1, line 9, insert:

Section 1. Paragraph (e) of subsection (16) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but is not limited to, the following:

(e) Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss. 229.555 and 229.57(5) and implement a system of school reports as required by statute and State Board of Education rule which shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 230.23161(21). Annual public disclosure reports *must* ~~shall~~ be *a profile of each school* in an easy-to-read *report-card* ~~report card~~ format and *must* ~~shall~~ include the school's student and school performance grade category designation and performance data as specified in state board rule. *The school board shall report academic achievement of high school students as measured by all statewide assessments, by national assessments, and by grades in high school courses. Grade reports on high school courses must specify the number and percentage of students who received each letter grade in all courses and in each type of course, organized by level and category.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 230.23, F.S.; requiring certain reports of academic achievement;

Pursuant to Rule 4.19, **SB 636** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1948—A bill to be entitled An act relating to drivers' licenses; creating s. 322.0515, F.S.; providing for compliance with federal requirements by certain applicants for drivers' licenses or identification cards; directing the Department of Highway Safety and Motor Vehicles to forward certain information to the federal Selective Service System with respect to certain applicants; providing described notice to applicants; directing the department to include a described statement on certain applications for drivers' licenses or identification cards; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1948** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

CS for SB 2172—A bill to be entitled An act relating to state universities; amending s. 240.235, F.S.; requiring the approval of certain student fee modifications, rather than just increases, by certain committees; conforming provisions; creating s. 240.236, F.S.; providing for the establishment of student governments at each state university with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending s. 240.295, F.S.; conforming provisions; creating s. 240.336, F.S.; providing for student governments at community colleges; amending ss. 240.382, 240.531, 447.203, 447.301, F.S.; conforming provisions; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2172** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 1010—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; extending the repeal date of a provision authorizing operating grants; requiring the Division of Library and Information Services to facilitate the extension of free library services through interlocal agreement; requiring reports; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1010** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB's 128 and 1598** was deferred.

On motion by Senator Lee—

HB 21—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.032, F.S.; reducing the rate of the annual tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida's Future Investment Fund, to conform; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Lee:

Amendment 1 (161740)(with title amendment)—On page 1, line 15 through page 2, line 3, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 3-7, delete those lines and insert: taxes; amending s. 199.185, F.S.;

Senator Carlton moved the following substitute amendment which was adopted:

Amendment 2 (112476)(with title amendment)—On page 1, line 15 through page 2, line 3, delete those lines and insert:

Section 1. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.

Section 2. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

Section 3. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 Procedures for holding and conducting school district millage elections.—

(1) HOLDING ELECTIONS.—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.

(2) FORM OF BALLOT.—

(a) The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.

(b) The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.

(3) QUALIFICATION OF ELECTORS.—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.

(4) RESULTS OF ELECTION.—When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

(5) EXPENSES OF ELECTION.—The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-7, delete those lines and insert: An act relating to taxation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 199.185, F.S.;

Pursuant to Rule 4.19, **HB 21** as amended was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Crist, the Senate recalled from Engrossing—

CS for SB 1534—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.161, F.S.; revising requirements for the department with respect to calculating credit allowed to a defendant for time served; revising requirements for certifying time served;

amending s. 944.28, F.S.; providing for a disciplinary hearing officer rather than a disciplinary committee to determine forfeiture of gain-time; amending s. 944.35, F.S.; requiring that the department's Inspector General review the use of force by department employees; providing for the Inspector General to determine the appropriateness of the force used; amending ss. 944.012, 944.02, 944.023, 944.026, 944.033, 944.09, 944.095, 944.10, 944.11, 944.115, 944.14, 944.151, 944.23, 944.24, 944.31, 944.32, 944.39, 944.402, 944.44, 944.45, 944.46, 944.47, 944.611, 944.613, 944.801, 944.803, 944.8031, F.S., relating to the state correctional system; amending ss. 945.025, 945.0311, 945.091, 945.215, 945.21501, 945.21502, 945.27, 945.35, 945.6031, 945.6037, 945.72, 945.75, F.S., relating to the Department of Corrections; amending ss. 946.002, 946.205, 946.25, 946.40, 946.504, 946.513, F.S., relating to inmate labor and correctional work programs; redesignating correctional institutions as "prisons" and community correctional centers as "work-release centers"; amending ss. 413.051, 414.40, 948.03, 951.23, 958.04, F.S., relating to vending operations, the Stop Inmate Fraud Program, probation and community control, county and municipal detention facilities, and youthful offenders; conforming cross-references to changes made by the act; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the department by offenders placed on community control; providing an effective date.

—for further consideration.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 9 (845428)(with title amendment)—On page 54, between lines 8 and 9, insert:

Section 56. *If a prisoner in the custody of the Department of Corrections is diagnosed with hepatitis, the department must notify the prisoner of the diagnosis.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: requiring the Department of Corrections to notify a prisoner of any hepatitis diagnosis;

Pursuant to Rule 4.19, **CS for SB 1534** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin, by two-thirds vote **HB 251** was withdrawn from the Committees on Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Cowin—

HB 251—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing, school supplies, and certain other items shall be exempt from such tax; defining "clothing" and "school supplies" for purposes of the exemption; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 156** and read the second time by title.

Senator Cowin moved the following amendment which was adopted:

Amendment 1 (251986)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Florida Residents' Tax Relief Act."*

Section 2. *(1) A tax levied under chapter 212, Florida Statutes, shall not be collected on sales of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a selling price of $50 or less during the period from 12:01 a.m., July 28, 2001, through midnight, August 5, 2001.*

(2) As used in this section, the term "clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. For purposes of this section, the term "clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(3) This section does not apply to sales within a theme park or entertainment complex as defined in section 509.013(9), Florida Statutes, within a public lodging establishment as defined in section 509.013(4), Florida Statutes, or within an airport as defined in section 330.27(2), Florida Statutes.

(4) The provisions of chapter 120, Florida Statutes, to the contrary notwithstanding, the Department of Revenue may adopt rules to carry out this section.

Section 3. *(1) A tax levied under chapter 212, Florida Statutes, shall not be collected on sales of school supplies having a selling price of $10 per item or less during the period from 12:01 a.m., July 28, 2001, through midnight, August 5, 2001.*

(2) As used in this section, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, protractors, compasses, and calculators.

(3) This section does not apply to sales within a theme park or entertainment complex as defined in section 509.013(9), Florida Statutes, within a public lodging establishment as defined in section 509.013(4), Florida Statutes, or within an airport as defined in section 330.27(2), Florida Statutes.

(4) The provisions of chapter 120, Florida Statutes, to the contrary notwithstanding, the Department of Revenue may adopt rules to carry out this section.

Section 4. *The sum of $200,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering this act.*

Section 5. This act shall take effect upon becoming a law.

Pursuant to Rule 4.19, **HB 251** as amended was placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

On motion by Senator Latvala, the Senate reconsidered the vote by which—

HB 1265—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 723.06115, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing purposes; providing funding; providing for legislative review and termination or re-creation of the trust fund; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use of the mobile home park which requires a mobile home owner to move; providing exceptions; providing an appropriation; providing a contingent effective date.

—passed this day.

Senator Latvala moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (753578)—On page 3, line 14, following "442" insert: or similar legislation

On motion by Senator Latvala, **HB 1265** as amended was read by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Bronson	Clary	Diaz de la Portilla	Horne
Brown-Waite	Constantine	Dyer	Jones
Burt	Cowin	Garcia	King
Campbell	Crist	Geller	Klein
Carlton	Dawson	Holzendorf	Latvala

Laurent	Mitchell	Sanderson	Sullivan
Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz
Meek	Pruitt	Silver	Webster
Miller	Rossin	Smith	

Nays—None

On motion by Senator Mitchell—

CS for SB 256—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendments which were moved by Senator Mitchell and adopted:

Amendment 1 (463910)—On page 1, line 21, delete "*s. 320.08*" and insert: *s. 320.08(5)*

Amendment 2 (965736)—On page 1, line 31, delete "July 1, 2001" and insert: October 1, 2001

Pursuant to Rule 4.19, **CS for SB 256** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for SB 1772—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business enterprises; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; creating s. 288.7075, F.S.; providing legislative findings that the needs of black business enterprises are shared by other minority business enterprises; expressing the intent of the Legislature that the Black Business Investment Board and the black business investment corporations include minority business enterprises within the scope of their duties, responsibilities, and activities and report on their progress in assisting such business enterprises; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of "executive director" as "president"; providing for the appointment and compensation of the president; providing for delegation of powers and responsibilities to the president; prescribing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; requiring the board to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private-sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the board's annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing Enterprise Florida, Inc., to contract with the Black Business Investment Board under certain conditions; requiring the Black Business Investment Board to complete a report on the inclusion of all minorities in the activities of the board and the black business investment corporations; providing appropriations; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1772** to **HB 1749**.

Pending further consideration of **CS for SB 1772** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1749** was withdrawn from the Committees on Commerce and Economic Opportunities; and Governmental Oversight and Productivity.

On motion by Senator Diaz de la Portilla, the rules were waived and—

HB 1749—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment of officers, compensation of board members, the executive director, and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; providing for delegation of powers and responsibilities to the executive director; providing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; removing references to board rulemaking; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming language; amending s. 288.714, F.S.; revising the persons to whom the board's annual report is submitted; clarifying references to ss. 288.707-288.714, F.S., in said provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1772** as amended and read the second time by title.

Senator Diaz de la Portilla moved the following amendment which was adopted:

Amendment 1 (801068)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 288.707, Florida Statutes, is amended to read:

288.707 Florida Black Business Investment Board.—

(1) The Legislature finds that the public interest of Florida will be served by the creation and growth of black business enterprises by:

(a) Establishing a partnership between the public sector and the private sector which seeks to leverage the provision of state funds with funds and other resources from private-sector businesses and other nonstate sources.

(b)~~(a)~~ Increasing opportunities for employment of blacks, as well as the population in general;

(c)~~(b)~~ Providing role models and establishing business networks for the benefit of future generations of aspiring black entrepreneurs;

(d)~~(c)~~ Strengthening the economy of the state by increasing the number of qualified black business enterprises, which in turn will increase competition in the marketplace and improve the welfare of economically depressed neighborhoods; and

(e)~~(d)~~ Taking measures to increase access of black businesses to both debt and equity capital.

(2) For the purposes of ss. *288.707-288.714* ~~9-21, chapter 85-104, Laws of Florida~~:

(a) "Black business enterprise" means any business concern which is organized to engage in commercial transactions and which is at least 51 percent owned by one or more black Americans as defined in s. 288.703 and whose management and daily operations are controlled by such persons.

(b) "Black business investment corporation" means a subsidiary of a financial institution or a consortium of financial institutions investing in, or lending to, black business enterprises.

(c) "Consortium" means two or more financial institutions which jointly negotiate and agree to provide assistance to black business enterprises as provided in ss. *288.707-288.714* ~~9-21, chapter 85-104, Laws of Florida~~.

(3) There is hereby created *a not-for-profit corporation* ~~within the Office of Tourism, Trade, and Economic Development a body politic and corporate~~ to be known as the Florida Black Business Investment Board, hereinafter referred to as the "board~~,~~" *which shall be registered, incorporated, organized, and operated in compliance with chapter 617 and which shall not be a unit or entity of state government.* ~~The board is hereby constituted a public instrumentality, and the exercise by the board of the powers conferred by ss. 9-21, chapter 85-104, Laws of Florida, shall be deemed to be the performance of an essential governmental function.~~

(a) The board shall consist of *the following members:*

1. Six ~~seven~~ members appointed by the Governor subject to confirmation by the Senate, *who must* ~~six of whom shall~~ be experienced in investment finance and business development~~, one of whom must be a member of a black business investment corporation~~.

2. One member from the private sector appointed by the President of the Senate, who must be experienced in investment finance and business development and who shall serve a term of 2 years.

3. One member from the private sector appointed by the Speaker of the House of Representatives, who must be experienced in investment finance and business development and who shall serve a term of 2 years.

4. Three representatives of black business investment corporations, who must be selected from among and by the chairmen of the black business investment corporations. A representative from a black business investment corporation shall serve for a term of 2 years but shall be eligible for reappointment on a rotating basis with other representatives from black business investment corporations.

5. The vice chairman of Enterprise Florida, Inc., or his or her designee, who shall be an ex officio, nonvoting member, and who shall provide information, advice, and guidance designed to enhance the coordination of activities of Enterprise Florida, Inc., and the board.

6. The chair of the Florida Development Finance Corporation, created pursuant to s. 288.9604, *who* shall be an ex officio, *nonvoting* member of the board.

(b) Members appointed by the Governor shall serve terms of 4 years, except that in making the initial appointments, the Governor shall appoint ~~one member to serve for a term of 1 year,~~ two members to serve for terms of 2 years, two members to serve for terms of 3 years, and two members to serve for terms of 4 years.

(c) Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment.

(d) The Governor shall appoint the chairperson who shall be a member of the board *and shall serve at the pleasure of the Governor.* The board shall annually elect one of its members as vice chairperson and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all books, documents, and papers filed with the board, of the minute books of the board, and of its official seal. ~~A majority of the members of the board shall constitute a quorum.~~

(e) The board shall meet at least four times each year, upon the call of the chairperson, the vice chairperson, or at the request of a majority of the membership. A majority of the total number of all members fixed by paragraphs (a) and (h) shall constitute a quorum. The board may take official action by a majority vote of the members present at any meeting at which a quorum is present.

(f)~~(e)~~ Members of the board shall serve without compensation, but *members, the president of the board, and other board employees may be reimbursed for all reasonable, necessary, and actual expenses as determined by the board* ~~shall be reimbursed for per diem and travel expenses in accordance with s. 112.061~~.

(g)~~(f)~~ Each member of the board *who is not otherwise required to file financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144* shall file ~~full and public~~ disclosure of financial interests *pursuant to s. 112.3145* ~~at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution~~.

(h) Notwithstanding the provisions of paragraph (a), the board may by resolution appoint two at-large members to the board from the private sector, each of whom may serve a 1-year term. At-large members shall have the powers and duties of other members of the board, except that they may not serve on an executive committee. An at-large member is eligible for reappointment but may not vote on his or her own reappointment.

Section 2. Section 288.7075, Florida Statutes, is created to read:

288.7075 Legislative findings and intent; assistance to minority business enterprises.—The Legislature finds that a public purpose is served by creating and providing state financial support for the public–private partnership known as the Florida Black Business Investment Board, as well as by providing financial support for the black business investment corporations, in order to address the business–development needs of black business enterprises. The Legislature further finds, however, that the business–development needs of black business enterprises are shared by other minority business enterprises defined under s. 288.703. It is the intent of the Legislature, therefore, that the board and the black business investment corporations, notwithstanding any provisions in ss. 288.707–288.714 to the contrary, include minority business enterprises within the scope of their duties, responsibilities, and activities and report to the Governor and the Legislature on their progress in assisting black business enterprises and minority business enterprises.

Section 3. Section 288.708, Florida Statutes, is amended to read:

288.708 *President* ~~Executive director~~; employees.—

(1) The *president* ~~executive director~~ of the board, who may also be designated as secretary-treasurer, shall be appointed by the board *and shall serve at the pleasure of the board. The board shall establish and adjust the compensation of the president.* The *president* ~~executive director~~ shall be the chief administrative and operational officer of the board and shall direct and supervise administrative affairs and the general management of the board. *The board may delegate to its president those powers and responsibilities it deems appropriate, except for appointment of the president.* The *president* ~~executive director~~:

(a) May contract with or employ legal and technical experts and such other employees, permanent and temporary, as shall be authorized by the board;

(b) Shall attend meetings of the board; and

(c) Shall cause copies to be made of all minutes and other records and documents of the board and shall certify that such copies are true copies. All persons dealing with the board may rely upon such certification.

(2) *The board and its officers shall be responsible for the prudent use of all public and private funds and shall ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements. No employee of the board shall receive compensation for employment which exceeds the salary paid to the Governor, unless the board and the employee have executed a contract that prescribes specific, measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of incentive payments that increase the*

employee's total compensation to a level above the salary paid to the Governor. ~~The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 110, and the executive director shall be subject to the provisions of part IV of chapter 110.~~

Section 4. Section 288.709, Florida Statutes, is amended to read:

288.709 Powers of the Florida Black Business Investment Board.—The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of ss. *288.707-288.714* ~~9-21, chapter 85-104, Laws of Florida~~, including, but not limited to, the power to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business and adopt *policies* ~~rules pursuant to ss. 120.536(1) and 120.54~~ to implement the provisions of law conferring duties upon it. However, any proposed *bylaws or policies* ~~rules~~ affecting the operation or administration or financial well-being of any of the black business investment corporations must first be approved by a majority of the black business investment corporations.

(2) Adopt an official seal.

(3) Sue and be sued in its own name.

(4) Make and execute contracts and other instruments necessary or convenient for the exercise of its power and functions.

(5) Acquire, hold, and dispose of personal property for its corporate purposes.

(6) Enter into agreements or other transactions with any federal, state, or local agency.

(7) Encourage financial institutions to participate in consortia for the purpose of investing in black business enterprises.

(8) Ensure that funds available to the board for purposes set forth in ss. *288.707-288.714* ~~9-21, chapter 85-104, Laws of Florida,~~ are disbursed on a statewide basis and are not concentrated in one geographical area.

(9) Acquire real property or any interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the board has an interest; to sell, transfer, and convey any such property to a buyer without regard to the provisions of chapters 253 and 270; and, in the event that such sale, transfer, or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property for occupancy by eligible persons.

(10) Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized for trust funds under s. 215.47; provided, such investments will be made on behalf of the board by the Office of State Treasurer or by another trustee appointed for that purpose.

(11) Appear in its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government.

(12) Procure insurance or require bond against any loss in connection with its property in such amounts and from such insurers as may be necessary or desirable.

(13) Receive and accept from any federal, state, or local agency grants, loans, or advances for, or in aid of, the purposes of ss. *288.707-288.714* ~~9-21, chapter 85-104, Laws of Florida~~, and to receive and accept contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied for said purposes.

(14) Create, issue, and buy and sell stock, evidences of indebtedness, and other capital participation instruments; to hold such stock, evidences of indebtedness, and capital participation instruments; and to underwrite the creation of a capital market for these securities in a manner designed to enhance development of capital ownership in the target group.

(15) Provide and pay for such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act.

(16) Engage in special programs to enhance the development of black business enterprises as authorized by this act.

(17) Promote black ownership of financial institutions in Florida.

(18) Take, hold, and improve property, including real property.

(19) Do any and all things necessary or convenient to carry out the purposes of, and exercise the powers given and granted in, ss. *288.707-288.714* ~~9-21, chapter 85-104, Laws of Florida~~, and exercise any other powers, rights, or responsibilities of a corporation.

Section 5. Section 288.7091, Florida Statutes, is amended to read:

288.7091 Duties of the Florida Black Business Investment Board.—The Florida Black Business Investment Board shall:

(1) Establish certification criteria for black business investment corporations. Certification criteria shall include administrative capacity, fiduciary controls, and, in the case of existing black business investment corporations, solvency and soundness of prior loan decisions;

(2) Ensure that any appropriations by the Legislature to the board on behalf of the black business investment corporations are provided to the corporations in the manner and amount prescribed by the Legislature;

(3) Work with Enterprise Florida, Inc., and local economic development organizations to promote the retention and expansion of existing black business enterprises and to promote the formation and recruitment of new black business enterprises;

(4)~~(2)~~ Develop a memorandum of understanding with Enterprise Florida, Inc., that outlines a strategy for collaboration with the programs*, activities, and committees or similar units* ~~and boards~~ of Enterprise Florida, Inc.*, which memorandum of understanding shall provide for Enterprise Florida, Inc., to contract with the board, where practicable, for the delivery of economic development services relating to black business enterprises*;

(5)~~(3)~~ Include in the criteria for loan decisions, occupational forecasting results set forth in s. 216.136(9) which target high growth jobs;

(6)~~(4)~~ *Facilitate the formation of black business investment corporations in communities that are not currently served by such corporations and* establish, in communities that are not currently served by an existing black business investment corporation, memoranda of understanding with local financial institutions that will provide loan guarantees for loans to black business enterprises;

(7)~~(5)~~ Develop memoranda of understanding with the Departments of ~~Labor and Employment Security,~~ Education, Transportation*, Community Affairs* and Management Services, as well as *with Workforce Florida, Inc., and* the State Board of Regents, detailing efforts of common interest and collaborations to expand black business development;

(8)~~(6)~~ Intensify efforts to increase the number of *franchises owned by black businesses and the number of* ~~the~~ black business enterprises in construction and construction-related projects, focusing on federal, state, and local government financed construction projects; and

(9)~~(7)~~ Annually, prepare a report detailing the performance of each black business investment corporation, addressing the number of jobs created and/or retained, success and failure rates among loan recipients, and the amount of funds leveraged from other sources.

Section 6. Section 288.7092, Florida Statutes, is created to read:

288.7092 Return on investment from activities of the board.—

(1) The public funds appropriated each year for the operation of the board are invested in this public-private partnership to enhance black business ownership and investments in Florida. This policy shall be the Legislature's priority consideration when reviewing the return on investment for the board.

(2) It is also the intent of the Legislature that the board coordinate its operations with Enterprise Florida, Inc., and with local economic development organizations to maximize the state and local return on investment to create jobs for Floridians.

(3) It is further the intent of the Legislature to maximize private sector support in operating the board as an endorsement of its value and as an enhancement of its efforts.

(4)(a) The state's operating investment in the board is the budget contracted by the Office of Tourism, Trade, and Economic Development to the board, less funding that is directed by the Legislature to be subcontracted to a specific recipient.

(b) The board shall adopt for each upcoming fiscal year an operating budget for the organization that specifies the intended uses of the state's operating investment, other sources of income, and a plan for securing private sector support to the board. Each fiscal year, private sector support to the board shall be as follows: no less than 50 percent of the state's investment by July 1, 2002; no less than 60 percent of the state's investment by July 1, 2003; no less than 70 percent of the state's investment by July 1, 2004; no less than 80 percent of the state's investment by July 1, 2005; and no less than 100 percent of the state's investment by July 1, 2006.

(5) Private sector support in operating the board includes:

(a) Cash given directly to the board for its operating budget.

(b) Cash jointly raised by the board and a local economic development organization, a group of such organizations, or a statewide business organization that supports collaborative projects.

(c) Cash generated by products or services of the board.

(d) In-kind contributions directly to the board, including private sector equipment contributed as part of technical assistance; goods and services, including time donated by loan officers, advertising or marketing support, and items used to promote the board; business expenditures; business services provided; business support; and other business contributions that augment the operations, program, activities, or assets of the board, including, but not limited to, an individual's time and expertise, sponsored publications, private sector staff services, payment for advertising placements, sponsorship of events, sponsored or joint research, discounts on leases or purchases, mission or program sponsorship, copayments, stock, warrants, royalties, or other private resources dedicated to the board, low interest loans, participations, investment income, equity, and investments.

(6) The board shall fully comply with the performance measures, standards, and sanctions in its contracts with the Office of Tourism, Trade, and Economic Development. The office shall ensure, to the maximum extent possible, that the contract performance measures are consistent with performance measures that the office is required to develop and track under performance-based program budgeting.

(7) As part of the annual report required under s. 288.714, the board shall provide the Legislature with information quantifying the public's return on investment.

(8) The board, in consultation with the Office of Program Policy Analysis and Government Accountability, shall hire a private accounting firm or economic analysis firm to develop the methodology for establishing and reporting return on investment and in-kind contributions as described in this section. The Office of Program Policy Analysis and Government Accountability shall review and offer feedback on the methodology before it is implemented. The private accounting firm or economic analysis firm shall certify whether the applicable statements in the annual report comply with this section.

Section 7. Subsections (1) and (4) of section 288.711, Florida Statutes, are amended to read:

288.711 Florida Investment Incentive Trust Fund.—

(1) There is hereby created the Florida Investment Incentive Trust Fund from which money may be drawn for investments or loans, as authorized by this section, to encourage the development of appropriate financial mechanisms in the private sector to capitalize and assist in the development of black business enterprises. All income earned by investments of the fund shall be deposited in the fund for carrying out the purposes of ss. *288.707-288.714* ~~9-21, chapter 85-104, Laws of Florida~~. Administrative costs of the program shall be appropriated in a lump-sum appropriation from the fund created herein and shall be provided in the General Appropriations Act.

(4) All loans and investments, and any income related thereto, shall be used to carry out the public purpose of ss. *288.707-288.714* ~~9-21, chapter 85-104, Laws of Florida~~, which is to develop black business enterprises. This is not meant to preclude a reasonable profit for the participating black business investment corporation or for return of equity developed to the state and participating financial institutions upon any distribution of the assets or excess income of the investment corporation.

Section 8. Paragraph (b) of subsection (3) and paragraph (b) of subsection (4) of section 288.712, Florida Statutes, are amended to read:

288.712 Florida guarantor funds.—

(3)

(b) For purposes of this section, the board may utilize the Black Contractors Bond Trust Fund in the State Treasury, consisting of moneys deposited or credited to the Black Contractors Bond Trust Fund pursuant to appropriation made by law; any grants, gifts, and contributions received pursuant to ss. *288.707-288.714* ~~9-21, chapter 85-104, Laws of Florida~~; all moneys recovered following defaults; and any other moneys obtained by the board for this purpose. The fund shall be administered by the board in trust for the purposes of this section and shall at no time be part of general public funds under the following procedures:

1. The board is authorized to post or pledge the assets of the Black Contractors Bond Trust Fund as collateral in amounts necessary to secure the issuance of bid bonds and construction contract bonds to black business enterprises. The board shall establish a premium to be charged to the black business enterprise for which the assets have been so posted or pledged, pursuant to generally accepted actuarial principles, and shall establish such rules as may otherwise be necessary to carry out the purposes of this section.

2. Any claims against the state arising from defaults shall be payable from the Black Contractors Bond Trust Fund.

3. Nothing in this subsection shall be construed to prohibit or restrict the board from entering into a joint venture or other contractual agreement with a private insurer or to invest in a private entity to handle all or part of a black contractors bonding program, credit program, or both for black business enterprises. Such investments or joint venture shall be made under conditions required by law and as the board may, from time to time, require and may take any of the forms described in s. 288.711(2) and (3). The board is authorized and encouraged to contract with a regulated surety company to conduct a surety bond program for black business enterprises. Moneys from the Black Contractors Bond Trust Fund may be used for these purposes.

(4)

(b) If the board chooses to establish a loan guaranty program, it shall utilize the Black Business Loan Guaranty Trust Fund in the State Treasury, consisting of moneys deposited or credited to the Black Business Loan Guaranty Trust Fund pursuant to appropriation made by law; any grants, gifts, and contributions received pursuant to ss. *288.707-288.714* ~~9-21, chapter 85-104, Laws of Florida~~; all moneys recovered following defaults; and any other moneys obtained by the board for this purpose. The Black Business Loan Guaranty Trust Fund shall be administered by the board in trust for the purposes of this section and shall at no time be part of general public funds under the following procedures:

1. The board shall utilize the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund in the State Treasury, consisting of all premiums charged and collected in accordance with this section and any income earned from the moneys in the account. All expenses of the board in carrying out the purposes of this subsection shall be paid from the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund. Any moneys to the credit of the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund in excess of the amount necessary to fund the board's activity shall be held as a loss reserve to pay claims arising from defaults on loans underwritten in accordance with this section.

2. Any claims against the state arising from defaults shall be payable initially from the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund and, secondarily, from the Black Business Loan Guaranty Trust Fund.

3. The board as loan guarantor may exercise all rights and powers of a company authorized by the Department of Insurance to guarantee loans but shall not be subject to any requirements of an insurance company under the Florida Insurance Code, nor to any rules of the Department of Insurance; however, the board shall refer to the insurance code and rules thereunder when designing and administering such program. The board shall follow sound actuarial principles when administering this program. The board shall establish a premium for the loan guaranty and such rules as may be necessary to carry out the purposes of this section.

4. The board may guarantee no more than 20 percent of the principal of a loan to a black business enterprise.

Section 9. Section 288.714, Florida Statutes, is amended to read:

288.714 Annual report.—By *February 1* ~~March 31~~ of each year the board shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, *and the director of the Office of Tourism, Trade, and Economic Development* ~~and the secretary of the Department of Labor and Employment Security~~ a complete and detailed report setting forth:

(1) Operations and accomplishments of the board;

(2) The number of black business enterprises which participated during the past year in programs established or administered by the board;

(3) The number of black business enterprises receiving assistance from the board and the manner in which the assistance was received;

(4) The status of black business enterprises which participated in programs established or administered by the board;

(5) The total number of jobs represented by black business enterprises participating in programs established or administered by the board;

(6) Receipts and expenditures of the board during its most recent fiscal year in accordance with the categories or classifications established by the board for its operating and capital accounts;

(7) Assets and liabilities of the board at the end of its most recent fiscal year and the status of its trust funds; and

(8) A schedule of local bonds outstanding authorized by the board and capital participation instruments issued by the board for the year and the total to date.

Section 10. *Black Business Investment Board state employee leasing program.—*

(1) The Department of Management Services shall establish a lease–agreement program under which an employee as of June 30, 2001, of the Black Business Investment Board created under chapter 85–104, Laws of Florida, retains his or her status as a state employee until a set date.

(2) The Department of Management Services shall establish the terms and conditions of the program and such lease agreements.

(a) Status as a state employee shall include the right to participate in the Florida Retirement System.

(b) Any employee who participates in a lease agreement shall work under the direct supervision of the board.

(c) Status as a state employee under a lease agreement as provided in this section expires on June 30, 2003, unless the employee voluntarily relinquishes his or her status as a state employee before that date.

Section 11. Subsection (5) of section 288.9015, Florida Statutes, is amended to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(5) Enterprise Florida, Inc., shall incorporate the needs of small and minority businesses into the economic-development, international-trade and reverse-investment, and workforce-development responsibilities assigned to the organization by this section. *Where practicable and consistent with the expertise of the Black Business Investment Board, Enterprise Florida, Inc., shall contract with the board for the delivery of services in fulfillment of the responsibilities of Enterprise Florida, Inc., relating to small and minority businesses.*

Section 12. *The Black Business Investment Board shall report to the Legislature by January 1, 2003, on what efforts were made to include all minorities within the scope of activities by the board and the black business investment corporations.*

Section 13. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business enterprises; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; creating s. 288.7075, F.S.; providing legislative findings that the needs of black business enterprises are shared by other minority business enterprises; expressing the intent of the Legislature that the Black Business Investment Board and the black business investment corporations include minority business enterprises within the scope of their duties, responsibilities, and activities and report on their progress in assisting such business enterprises; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of "executive director" as "president"; providing for the appointment and compensation of the president; providing for delegation of powers and responsibilities to the president; prescribing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; requiring the board to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private-sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the board's annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing Enterprise Florida, Inc., to contract with the Black Business Investment Board under certain conditions; requiring the Black Business Investment Board to complete a report on the inclusion of all minorities in the activities of the board and the black business investment corporations; providing an effective date.

Pursuant to Rule 4.19, **HB 1749** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 1816—A bill to be entitled An act relating to insurer rehabilitation and liquidation; amending s. 626.9541, F.S.; correcting a cross-reference; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to

certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross-reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1816** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1707—A bill to be entitled An act relating to energy management; amending s. 255.257, F.S.; removing provisions which direct the Department of Management Services to provide for an energy management plan for state agencies, and which require state agencies to submit certain energy data to the department; providing that the department may develop such a plan; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 1707** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1711—A bill to be entitled An act relating to construction management for nonstate entities; repealing s. 255.31(3), F.S.; eliminating the authority of the Department of Management Services to enter into contracts with nonstate entities for construction management services; repealing s. 235.017(2)(e), F.S., to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 1711** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1717—A bill to be entitled An act relating to the Division of Dairy Industry of the Department of Agriculture and Consumer Services; eliminating the Division of Dairy Industry; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry; amending ss. 20.14, 570.18, and 570.29, F.S., to conform; amending s. 570.50, F.S.; including the powers and duties of the Division of Dairy Industry within the powers and duties assigned to the Division of Food Safety of the Department of Agriculture and Consumer Services; amending s. 570.51, F.S., renaming the Division of Food Safety to the Division of Dairy and Food Safety; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 1717** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1719—A bill to be entitled An act relating to the Department of Management Services; amending s. 287.16, F.S.; revising language with respect to the powers and duties of the department; authorizing the department to contract for the maintenance of motor vehicles; deleting reference to special purpose aircraft with respect to an annual report to the Legislature; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 1719** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1741—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 39.3065, F.S.; adding Seminole County to list of counties whose sheriffs provide protective investigative services; amending s. 393.063, F.S.; modifying the definition of "support coordinator" in provisions relating to developmental disabilities; amending s. 393.0651, F.S.; removing requirement for support coordinator review of individual or family support plans; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for transfer of certain funds to the Department of Children and Family Services for the prevention of domestic and sexual violence; repealing s. 402.185, F.S., relating to certification forward of certain unused funds of the Department of Children and Family Services; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Horne and adopted:

Amendment 1 (244456)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 414.045, Florida Statutes, is amended to read:

414.045 Cash assistance program.—Cash assistance families include any families receiving cash assistance payments from the state program for temporary assistance for needy families as defined in federal law, whether such funds are from federal funds, state funds, or commingled federal and state funds. Cash assistance families may also include families receiving cash assistance through a program defined as a separate state program.

(1) For reporting purposes, families receiving cash assistance shall be grouped *into* ~~in~~ the following categories. The department may develop additional groupings in order to comply with federal reporting requirements, to comply with the data-reporting needs of the board of directors of Workforce Florida, Inc., or to better inform the public of program progress. ~~Program reporting data shall include, but not necessarily be limited to, the following groupings:~~

(a) Work-eligible cases.—Work-eligible cases shall include:

1. Families containing an adult or a teen head of household, as defined by federal law. These cases are generally subject to the work activity requirements provided in s. 445.024 and the time limitations on benefits provided in s. 414.105.

2. Families with a parent where the parent's needs have been removed from the case due to sanction or disqualification shall be considered work-eligible cases to the extent that such cases are considered in the calculation of federal participation rates or would be counted in such calculation in future months.

3. Families participating in transition assistance programs.

4. Families otherwise eligible for temporary cash assistance that receive diversion services, a severance payment, or participate in the relocation program.

(b) Child-only cases.—Child-only cases include cases that do not have an adult or teen head of household as defined in federal law. Such cases include:

1. ~~Child-only families with~~ Children in the care of caretaker relatives where the caretaker relatives choose to have their needs excluded in the calculation of the amount of cash assistance.

2. Families in the Relative Caregiver Program as provided in s. 39.5085.

3. Families in which the only parent in a single-parent family or both parents in a two-parent family receive supplemental security income (SSI) benefits under Title XVI of the Social Security Act, as amended. To the extent permitted by federal law, individuals receiving SSI shall be excluded as household members in determining the amount of cash assistance, and such cases shall not be considered families containing an adult. Parents or caretaker relatives who are excluded from the cash assistance group due to receipt of SSI may choose to participate in work activities. An individual who volunteers to participate in work activity but whose ability to participate in work activities is limited shall be assigned to work activities consistent with such limitations. An individual who volunteers to participate in a work activity may receive child care or support services consistent with such participation.

4. Families where the only parent in a single-parent family or both parents in a two-parent family are not eligible for cash assistance due to immigration status or other *limitation* ~~requirements~~ of federal law. To the extent required by federal law, such cases shall not be considered families containing an adult.

5. To the extent permitted by federal law and subject to appropriations, special needs children who have been adopted pursuant to s. 409.166 and whose adopting family qualifies as a needy family under the state program for temporary assistance for needy families. Notwithstanding any provision to the contrary in s. 414.075, s. 414.085, or s. 414.095, a family shall be considered a needy family if:

a. The family is determined by the department to have an income below 200 percent of the federal poverty level;

b. The family meets the requirements of s. 414.095(2) and (3) related to residence, citizenship, or eligible noncitizen status; and

c. The family provides any information that may be necessary to meet federal reporting requirements specified under Part A of Title IV of the Social Security Act.

Families described in subparagraph 1., subparagraph 2., or subparagraph 3. may receive child care assistance or other supports or services so that the children may continue to be cared for in their own homes or the homes of relatives. Such assistance or services may be funded from the temporary assistance for needy families block grant to the extent permitted under federal law and to the extent *funds have been provided in the General Appropriations Act* ~~permitted by appropriation of funds~~.

Section 2. Section 409.1674, Florida Statutes, is created to read:

409.1674 It is the intent of the Legislature to improve services and local participation in community-based care initiatives by fostering community support and providing enhanced prevention and in-home services, thereby reducing the risk otherwise faced by lead agencies. There is established a community partnership matching grant program to be operated by the Department of Children and Family Services for the purpose of encouraging local participation in community-based care for child welfare. Any children's services council or other local government entity that makes a financial commitment to a community-based care lead agency is eligible for a grant upon proof that the children's services council or local government entity has provided the selected lead agency at least $825,000 in start-up funds, from any local resources otherwise available to it. The total amount of local contribution may be matched on a two-for-one basis up to a maximum amount of $2 million per council. Awarded matching grant funds may be used for any prevention or in-home services provided by the children's services council or other local government entity that meets temporary-assistance-for-needy-families' eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system. To ensure necessary flexibility for the development, start-up, and ongoing operation of community-based care initiatives, the notice period required for any budget action authorized by the provisions of s. 20.19(5)(b), is waived for the family safety program; however, the Department of Children and Family Services must provide copies of all such actions to the Executive Office of the Governor and Legislature within 72 hours of their occurrence. Funding available for the matching grant program is subject to legislative appropriation of nonrecurring temporary-assistance-for-needy-families funds provided for the purpose. This sections expires July 1, 2002.

Section 3. Subsection (1) of section 938.01, Florida Statutes, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess $3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, $3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement ~~and the Department of Community Affairs~~ for distribution as follows:

1. Two dollars and seventy-five cents of each $3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited into the *Department of Law Enforcement* Operating Trust Fund and shall be disbursed to the ~~Bureau of Public Safety Management of the~~ Department of *Law Enforcement* ~~Community Affairs~~.

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the *Department of Law Enforcement* Operating Trust Fund and shall be disbursed to the ~~Bureau of Public Safety Management of the~~ Department of *Law Enforcement* ~~Community Affairs~~.

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the *Department of Law Enforcement* Operating Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund until the following year.

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with s. 943.25(9).

Section 4. Subsection (1) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(1) The Department of *Law Enforcement* ~~Community Affairs~~ may approve, for disbursement from *the Department of Law Enforcement* ~~its~~ Operating Trust Fund, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds. Disbursements from the trust fund for the purpose of supplanting state general revenue funds may not be made without specific legislative appropriation.

Section 5. *The criminal justice program of the Department of Community Affairs is transferred to the Department of Law Enforcement by a type two transfer, as defined in section 20.06, Florida Statutes. The criminal justice program so transferred is composed of the Byrne State and Local Law Enforcement Assistance Program, local law enforcement block grants, the Drug-Free Communities Program, residential substance-abuse treatment of state prisoners, the bulletproof vest program, the Guantanamo Bay Refugee and Entrant Assistance Program, the national criminal history improvement program, and the Violent Offender Incarceration and Truth-in-Sentencing Program.*

Section 6. *The Department of Law Enforcement may adopt rules necessary for the operation of the criminal justice program.*

Section 7. *(1) The Prevention of Domestic and Sexual Violence Program is transferred from the Department of Community Affairs to the Department of Children and Family Services by a type two transfer, as defined in section 20.06, Florida Statutes. The Domestic and Sexual Violence Program so transferred is composed of the Governor's Task Force on Domestic and Sexual Violence and the Violence Against Women Program.*

(2) From the funds deposited into the Department of Law Enforcement Operating Trust Fund pursuant to section 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law Enforcement shall transfer funds to the Department of Children and Family Services to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program transferred from the Department of Community Affairs. The amount of the transfer for fiscal year 2001-2002 shall be determined by the Governor's Office of Planning and Budgeting in consultation with the Department of Community Affairs, the Department of Law Enforcement, and the Department of Children and Family Services and shall be based on the historic use of these funds and current needs of the Prevention of Domestic and Sexual Violence Program. In subsequent years, the transfer of funds shall be based on the amount appropriated.

Section 8. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act to be entitled An act relating to children and family services and to criminal justice programs; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; creating s. 409.1674, F.S.; providing legislative intent; establishing the community partnership matching grant program to be operated by the Department of Children and Family Services to encourage local participation in community-based care for child welfare; providing conditions for obtaining grants; providing that funding is subject to legislative appropriation of nonrecurring temporary-assistance-for-needy-families funds; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain court-cost proceeds into the Department of Law Enforcement Operating Trust Fund; prescribing authorized uses of assets in such fund; transferring the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; providing for the latter department to adopt rules relating to the program; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing for funding the program; providing an effective date.

Pursuant to Rule 4.19, **HB 1741** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1743—A bill to be entitled An act relating to the elimination of the Juvenile Justice Advisory Board; repealing s. 985.401, F.S., which created the Juvenile Justice Advisory Board; amending ss. 20.316, 216.136, 985.227, 985.315, 985.317, and 985.404, F.S., to remove references to the Juvenile Justice Advisory Board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 1743** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SJR 124—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution, relating to excessive punishment.

—was read the second time by title.

An amendment was considered and adopted to conform **SJR 124** to **HJR 951**.

Pending further consideration of **SJR 124** as amended, on motion by Senator Burt, by two-thirds vote **HJR 951** was withdrawn from the Committees on Criminal Justice; and Rules and Calendar.

On motion by Senator Burt—

HJR 951—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—a companion measure, was substituted for **SJR 124** as amended and read the second time by title.

THE PRESIDENT PRESIDING

Pursuant to Rule 4.19, **HJR 951** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 812—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 17 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 812** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer, by two-thirds vote **HB 29** was withdrawn from the Committees on Transportation; Criminal Justice; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Dyer—

HB 29—A bill to be entitled An act relating to driving under the influence; amending s. 322.2616, F.S.; providing for the requirement that certain license suspensions shall remain in effect for a described time period; providing for the assumption of the costs for substance abuse education; providing a definition; providing for the admission of certain minors into county addictions receiving facilities under certain circumstances; clarifying the blood-alcohol and breath-alcohol level that is unlawful; providing for a temporary driving permit to become effective after a specified period has elapsed following the issuance of the permit; authorizing the use of a blood test obtained pursuant to certain other investigations to be used for the purposes of s. 322.2616, F.S.; providing an effective date.

—a companion measure, was substituted for **SB 430** and read the second time by title.

Pursuant to Rule 4.19, **HB 29** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 402—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising provisions with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising provisions with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising provisions with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising provisions with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s.

732.102, F.S.; revising provisions with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; revising provisions with respect to escheat; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2035, F.S.; redefining the term "decedent's ownership interest"; amending s. 732.2045, F.S.; adding protected homestead property as an exclusion to the elective estate; amending s. 732.2055, F.S.; redefining the term "value" for purposes of calculating the elective estate share; amending s. 732.2075, F.S.; revising formula for payment of elective share; amending s. 732.2085, F.S.; adding a cross-reference; amending s. 732.2095, F.S.; conforming a cross-reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on their estate interests; amending s. 732.2125, F.S.; revising provisions with respect to the right of election; amending s. 732.2135, F.S.; revising provisions with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising provisions with respect to the order of contribution; amending s. 732.2155, F.S.; revising provisions with respect to the effective date of certain trusts; amending s. 732.218, F.S.; revising provisions with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising provisions with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising provisions with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising provisions with respect to pretermitted children; amending s. 732.401, F.S.; revising provisions with respect to descent of homestead; amending s. 732.4015, F.S.; revising provisions with respect to the definition of the terms "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising provisions with respect to exempt property; amending s. 732.403, F.S.; revising provisions with respect to family allowance; amending s. 732.501, F.S.; revising provisions with respect to who may make a will; amending s. 732.502, F.S.; revising provisions with respect to execution of wills; amending s. 732.503, F.S.; revising provisions with respect to self-proof of will; amending s. 732.505, F.S.; revising provisions with respect to revocation by writing; amending s. 732.507, F.S.; revising provisions with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising provisions with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising provisions with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising provisions with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising provisions with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a nonresident under certain circumstances; amending s. 732.702, F.S.; revising provisions with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising provisions with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills, eliminating provisions with respect to willful failure to deposit the will; transferring and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S., to chapter 765, F.S.; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising provisions with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising provisions with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising provisions with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising provisions with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising provisions with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising provisions with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising provisions with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising provisions with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising provisions with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising provisions with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising provisions with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising provisions with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising provisions with respect to the release of surety; amending s. 733.406, F.S.; revising provisions with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising provisions with respect to curators; amending s. 733.502, F.S.; revising provisions with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising provisions with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising provisions with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising provisions with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising provisions with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising provisions with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising provisions with respect to the possession of the estate; amending s. 733.608, F.S.; revising provisions with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising provisions with respect to improper exercise of power and the breech of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising provisions with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising provisions with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising provisions with respect to the personal representative's right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising provisions with respect to joint personal representatives; amending s. 733.616, F.S.; revising provisions with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising provisions with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising provisions with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising provisions with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701,

F.S.; revising provisions with respect to notifying creditors; conforming cross-references; amending s. 733.702, F.S.; revising provisions with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising provisions with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising provisions with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising provisions with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising provisions with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising provisions with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising provisions with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising provisions with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising provisions with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising provisions with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising provisions with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising provisions with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising provisions with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising provisions with respect to ancillary administration; amending s. 734.1025, F.S.; revising provisions with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising provisions with respect to the petition for summary administration; amending s. 735.206, F.S.; revising provisions with respect to summary administration distribution; amending s. 735.2063, F.S.; revising provisions with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising provisions with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising provisions with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising provisions with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising provisions with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; conforming cross-references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 402** to **CS for HB 137**.

Pending further consideration of **CS for SB 402** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 137** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Burt—

CS for HB 137—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising language with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising language with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising language with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising language with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising language with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; clarifying provisions; revising a filing date; revising certain provisions regarding owner's representation; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2035, F.S.; redefining the term "decedent's ownership interest"; amending s. 732.2045, F.S.; adding an exclusion to the elective share for property that is part of the protected homestead; amending s. 732.2055, F.S.; redefining "value" for purposes of calculating the elective estate; amending s. 732.2075, F.S.; revising the formula for payment of the elective share; amending s. 732.2085, F.S.; adding a cross reference; amending s. 732.2095, F.S.; correcting a cross reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on other estate interests; amending s. 732.2125, F.S.; revising language with respect to the right of election; amending s. 732.2135, F.S.; revising language with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising language with respect to the order of contribution; amending s. 732.2155, F.S.; revising language with respect to the effective date of certain trusts; providing for applicability of certain provisions under specified circumstances; amending s. 732.218, F.S.; revising language with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising language with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising language with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising language with respect to pretermitted children; amending s. 732.401, F.S.; revising language with respect to descent of homestead; amending s. 732.4015, F.S.; revising language with respect to the definition of "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising language with respect to exempt property; amending s. 732.403, F.S.; revising language with respect to family allowance; amending s. 732.501, F.S.; revising language with respect to who may make a will; amending s. 732.502, F.S.; revising language with respect to execution of wills; amending s. 732.503, F.S.; revising language with respect to self-proof of will; amending s. 732.505, F.S.; revising language with respect to revocation by writing; amending s. 732.507, F.S.; revising language with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising language with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising language with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising language with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising language with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a nonresident under certain circumstances; amending s. 732.702, F.S.; revising language with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising language with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills; eliminating language with respect to

willful failure to deposit the will; transferring, amending, and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S.; correcting cross references; amending ss. 381.004 and 381.0041, F.S.; correcting cross references; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising language with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising language with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising language with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising language with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising language with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising language with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising language with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising language with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising language with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising language with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising language with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising language with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising language with respect to the release of surety; amending s. 733.406, F.S.; revising language with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising language with respect to curators; amending s. 733.502, F.S.; revising language with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising language with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising language with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising language with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising language with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising language with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising language with respect to the possession of the estate; amending s. 733.608, F.S.; revising language with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising language with respect to improper exercise of power and the breech of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising language with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising language with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising language with respect to the personal representatives' right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising language with respect to joint personal representatives; amending s. 733.616, F.S.; revising language with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising language with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising language with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising language with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising language with respect to notifying creditors; correcting cross references; amending s. 733.702, F.S.; revising language with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising language with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising language with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising language with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising language with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising language with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising language with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising language with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising language with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising language with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising language with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising language with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising language with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising language with respect to ancillary administration; amending s. 734.1025, F.S.; revising language with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising language with respect to the petition for summary administration; amending s. 735.206, F.S.; revising language with respect to summary administration distribution; amending s. 735.2063, F.S.; revising language with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising language with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising language with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising language with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts;

amending s. 737.308, F.S.; revising language with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; correcting cross references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

—a companion measure, was substituted for **CS for SB 402** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 137** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 678—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and an amendment was considered and adopted to conform **CS for SB 678** to **CS for HB 175**.

Pending further consideration of **CS for SB 678** as amended, on motion by Senator Klein, by two-thirds vote **CS for HB 175** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Klein, the rules were waived and—

CS for HB 175—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; amending s. 782.071, F.S., relating to vehicular homicide; providing penalties; amending ss. 921.0022 and 960.03, F.S.; conforming cross references; creating s. 316.1923, F.S.; defining the term "aggressive careless driving"; amending s. 316.650, F.S.; requiring that the Department of Highway Safety and Motor Vehicles revise the uniform traffic citation upon future printings, to include a special check-off box for law enforcement officers to use to indicate aggressive careless driving; requiring the department to make a report to the Legislature on the number of aggressive careless driving incidents; providing an effective date.

—a companion measure, was substituted for **CS for SB 678** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 175** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 696—A bill to be entitled An act relating to the criminal use of personal identification information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit resulting from such use is of a specified amount or more; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (562392)—On page 4, line 15, delete "October" and insert: July

Pursuant to Rule 4.19, **SB 696** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King, by unanimous consent—

CS for SB 1246—A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the North Florida State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; authorizing and directing the construction of certain facilities, subject to appropriations; providing an effective date.

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

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator King and adopted:

Amendment 1 (121126)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 258.166, Florida Statutes, is created to read:

258.166 North Florida State Reserve designated.—There is designated and established a state reserve to be known as North Florida State Reserve, in Marion and Putnam counties, which shall include all state-owned lands within the floodplain of the Oklawaha River and those hereafter acquired by the state from Eureka Dam in Marion County to Buckman Lock in Putnam County. Those lands are deemed and held to be a state reserve, under the supervision of the Division of Recreation and Parks of the Department of Environmental Protection. The division is charged with the duty of providing for the development of multipurpose recreational opportunities at this reserve and the care, upkeep, maintenance, and beautification of the North Florida State Reserve including all those dams, locks, and other structures transferred by the federal government to the state.

(1) Public hunting is allowed in the state reserve as authorized by the Fish and Wildlife Conservation Commission.

(2) The Division of State Lands of the Department of Environmental Protection may acquire in the name of the Board of Trustees of the Internal Improvement Trust Fund any additional property adjacent or contiguous to the North Florida State Reserve, from private owners or from the United States Government for improved management and recreational opportunities.

(3) The Division of State Lands shall identify, contact, and inform all property owners who entered into easements located within the taking line of the Rodman Reservoir of the designation of this area as a state reserve.

(4) By January 1, 2002, the Division of State Lands shall submit a report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives which:

(a) Identifies the entities that have an easement within the taking line of the reservoir.

(b) Indicates whether the holder of the easement is willing to sell the easement.

(c) Estimates the cost of acquiring the easements.

(d) Identifies any additional issues resulting from this designation.

Section 2. *Subject to appropriations, the Department of Environmental Protection is authorized and directed to construct restroom facilities, a paved parking lot, small spectator bleachers, boat ramps, and a covered pavilion by that part of Rodman Reservoir which is located on the eastern shore of Lake Oklawaha, between the barge canal channel and the George Kirkpatrick Dam, on the southwest quarter of Section 37, Township 11 South, Range 25. Funds provided in the General Appropriations Act for fiscal year 2001-2002 shall be used for construction as directed in this section regardless of whether the George Kirkpatrick Dam remains in place, and moneys so appropriated may be used only for the purposes expressed in this section. Furthermore, funds made available in the General Appropriations Act for fiscal year 2001-2002 for sediment management and studies at the Rodman Reservoir may be expended only for such purposes if funds made available in the General Appropriations Act for fiscal year 2001-2002 for the construction activities authorized in this section are also expended.*

Section 3. *The sediment management or studies authorized in section 2, and any appropriations related thereto, may not be used or expended for the breeching of the George Kirkpatrick Dam. Furthermore, any drawdowns necessary to effectuate the sediment management or studies must be minimized to the greatest extent possible and follow prescribed procedures for weed and water quality control, and the level of the reservoir as it existed prior to any drawdowns must be restored as expeditiously as possible.*

Section 4. Nothing in this act abrogates the provisions in s. 253.7829(6), Florida Statutes.

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the North Florida State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; authorizing and directing the construction of certain facilities, subject to appropriations; providing limitations on certain funds; clarifying that certain existing law relating to state lands is not abrogated; providing an effective date.

Senators King and Smith offered the following amendment which was moved by Senator King:

Amendment 2 (732872)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 258.166, Florida Statutes, is created to read:

258.166 North Florida State Reserve designated.—There is designated and established a state reserve to be known as North Florida State Reserve, in Marion and Putnam counties, which shall include all state-owned lands within the floodplain of the Oklawaha River and those hereafter acquired by the state from Eureka Dam in Marion County to Buckman Lock in Putnam County. Those lands are deemed and held to be a state reserve, under the supervision of the Division of Recreation and Parks of the Department of Environmental Protection. The division is charged with the duty of providing for the development of multipurpose recreational opportunities at this reserve and the care, upkeep, maintenance, and beautification of the North Florida State Reserve including all those dams, locks, and other structures transferred by the federal government to the state.

(1) Public hunting is allowed in the state reserve as authorized by the Fish and Wildlife Conservation Commission.

(2) The Division of State Lands of the Department of Environmental Protection may acquire in the name of the Board of Trustees of the Internal Improvement Trust Fund any additional property adjacent or contiguous to the North Florida State Reserve, from private owners or from the United States Government for improved management and recreational opportunities.

(3) The Division of State Lands shall identify, contact, and inform all property owners who entered into easements located within the taking line of the Rodman Reservoir of the designation of this area as a state reserve.

(4) By January 1, 2002, the Division of State Lands shall submit a report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives which:

(a) Identifies the entities that have an easement within the taking line of the reservoir.

(b) Indicates whether the holder of the easement is willing to sell the easement.

(c) Estimates the cost of acquiring the easements.

(d) Identifies any additional issues resulting from this designation.

Section 2. *Subject to appropriations, the Department of Environmental Protection is authorized and directed to construct restroom facilities, a paved parking lot, small spectator bleachers, boat ramps, and a covered pavilion by that part of the Oklawaha River Basin which is located on the eastern shore of Lake Oklawaha, between the barge canal channel and the George Kirkpatrick Dam, on the southwest quarter of Section 37, Township 11 South, Range 25. Funds provided in the General Appropriations Act for fiscal year 2001-2002 shall be used for construction as directed in this section regardless of whether the George Kirkpatrick Dam remains in place, and moneys so appropriated may be used only for the purposes expressed in this section. Furthermore, funds made available in the General Appropriations Act for fiscal year 2001-2002 for nutrient management and studies at the Oklawaha River Basin may be expended only for such purposes if funds made available in the General Appropriations Act for fiscal year 2001-2002 for the construction activities authorized in this section are also expended. If all permits for the capital improvements authorized by this part are sought with deliberate speed and without design to delay obtaining the permits, no more than 50 percent of the funds for the nutrient management or studies authorized in this part shall be expended until all permits related to the capital improvement projects in this act are obtained by the department.*

Section 3. *The nutrient management or studies authorized in section 2, and any appropriations related thereto, does not authorize any other expenditure or action that would result in the breeching of the George Kirkpatrick Dam in any manner. Furthermore, any drawdowns necessary to effectuate the nutrient management or studies must be minimized to the greatest extent possible and follow prescribed procedures for weed and water quality control, and the level of the reservoir as it existed prior to any drawdowns must be restored as expeditiously as possible.*

Section 4. Nothing in this act abrogates the provisions in s. 253,7829(6), Florida Statutes.

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the North Florida State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; authorizing and directing the construction of certain facilities, subject to appropriations; providing limitations on certain funds; clarifying that certain existing law relating to state lands is not abrogated; providing an effective date.

On motion by Senator King, further consideration of **CS for SB 1246** with pending **Amendment 2** was deferred.

CS for SB 1002—A bill to be entitled An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32, 741.325, F.S.; revising references to conform to the transfer of the office; transferring, renumbering, and amending s. 945.76, F.S.; transferring authority for certain fee assessment and collection from the Department of Corrections to the Department of Children and Family Services; amending s. 921.0024, F.S.; removing the Department of Corrections' responsibility for preparing sentencing scoresheets; amending s. 944.023, F.S.; removing reference to pretrial intervention from the correctional master plan; amending s. 944.026, F.S.; removing reference to pretrial intervention programs as community-based programs; amending s. 948.03, F.S.; removing offenders under pretrial intervention from state employee status pursuant to chapter 440, F.S., when participating in a work program; amending s. 948.08, F.S.; deleting the Department of Corrections' responsibilities and authority regarding pretrial intervention and providing for the counties to supervise pretrial intervention offenders; amending s. 948.09, F.S.; removing reference to pretrial intervention with respect to cost of supervision and rehabilitation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1002** to **HB 1729**.

Pending further consideration of **CS for SB 1002** as amended, on motion by Senator Cowin, by two-thirds vote **HB 1729** was withdrawn from the Committees on Criminal Justice; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Cowin, the rules were waived and—

HB 1729—A bill to be entitled An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32 and 741.325, F.S.; revising references to conform to the transfer of the office; amending s. 921.0024, F.S.; removing the Department of Corrections' responsibility for preparing sentencing scoresheets; renumbering and amending s. 945.76, F.S.; transferring authority for certain fee assessment and collection from the Department of Corrections to the Department of Children and Family Services; providing an effective date.

—a companion measure, was substituted for **CS for SB 1002** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1729** was placed on the calendar of Bills on Third Reading.

On motion by Senator King, the Senate resumed consideration of—

CS for SB 1246—A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the North Florida State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; authorizing and directing the construction of certain facilities, subject to appropriations; providing an effective date.

—with pending **Amendment 2 (732872)** by Senators King and Smith.

RECONSIDERATION OF AMENDMENT

On motion by Senator King, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** failed.

The question recurred on **Amendment 2**.

Senators Horne, King and Smith offered the following amendment to **Amendment 2** which was moved by Senator Horne and adopted:

Amendment 2A (973826)—On page 3, line 22 through page 4, line 2, delete those lines and insert:

Section 3. *Neither Line Item 1808 of the 2001-2002 General Appropriations Act or any other provision of that act nor the nutrient management or studies provided for in this act authorizes any expenditure or action that would result in the breeching of the George Kirkpatrick Dam in any manner. Furthermore, any drawdowns necessary to effectuate the nutrient management or studies must be minimized to the greatest extent possible and follow prescribed procedures for weed and water quality control, and the level of the reservoir as it existed prior to any drawdowns must be restored as expeditiously as possible.*

Section 4. *Nothing in this act abrogates the provisions in section 253.7829(6), Florida Statutes.*

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1246** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by two-thirds vote **HB 953** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Villalobos, by two-thirds vote—

HB 953—A bill to be entitled An act relating to burglary; creating s. 810.015, F.S.; providing legislative findings and intent; providing for retroactive operation; amending s. 810.02, F.S.; revising the definition of burglary; reenacting s. 943.325(1)(a), F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1080 and 950** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 953** was placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

On motion by Senator Campbell—

CS for SB 846—A bill to be entitled An act relating to felony offenses; amending s. 316.1935, F.S.; providing an enhanced penalty for the offense of fleeing or eluding a law enforcement officer if, in the course of the violation, the defendant causes serious bodily injury to another; amending s. 921.0022, F.S.; ranking the offense of aggravated fleeing or eluding; reenacting ss. 318.17, 322.61, F.S., relating respectively to offense excepted from motor vehicle licenses and disqualifications from operating a commercial motor vehicle, to incorporate the amendments to s. 316.1935, F.S., in references thereto; creating s. 812.158, F.S.; prohibiting certain acts by movers involving a shipper's household goods; providing a penalty; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 846** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Sullivan, the Senate recalled from Engrossing—

CS for SB 1330—A bill to be entitled An act relating to student financial assistance; creating the Vocational Student Assistance Grant Program; providing eligibility criteria for students and educational institutions; establishing conditions for the amount of an award; providing program criteria; providing restrictions; providing administrative procedures; requiring certain reports; requiring recommendations of the Postsecondary Education Planning Commission, the State Board of Nonpublic Career Education, and the State Board of Independent Colleges and Universities; amending s. 231.621, F.S.; authorizing alternative payment procedures for a loan forgiveness program; amending s. 240.40201, F.S.; extending and placing a limit upon the eligibility period for the Florida Bright Futures Scholarship Program; redesignating the Florida Merit Scholarship as the Florida Medallion Scholarship; amending s. 240.40202, F.S.; defining terms; revising application dates for the Florida Bright Futures Scholarship Program; amending s. 240.40203, F.S.; defining terms; providing conditions for awards to students in programs that confer post-baccalaureate degrees; conforming provisions; amending s. 240.40204, F.S.; conforming provisions; amending s. 240.40205, F.S.; eliminating obsolete provisions; amending s. 240.40206, s. 240.40207, F.S.; conforming provisions; amending s. 240.40209, F.S.; directing the Department of Education to define fee calculation; amending s. 240.404, F.S.; requiring an application process; providing conditions for maintaining status as a resident for tuition purposes; amending s. 240.4063, F.S.; conforming provisions; amending s. 240.4064, F.S.; revising the tuition reimbursement rate; amending s. 240.409, F.S.; authorizing certain grants for part-time students; revising terms of eligibility for certain grants; amending ss. 240.4095, 240.4097, F.S.; conforming provisions; amending s. 240.412, F.S.; conforming provisions; amending s. 240.4126, F.S.; establishing the amount of an award; conforming provisions; amending ss. 240.4128, 240.413, F.S.; conforming provisions; amending s. 240.437, F.S.; authorizing administration by the Department of Education for certain scholarship programs; amending ss. 240.472, 240.6073, 240.6074, 240.6075, F.S.; conforming provisions; amending ss. 295.01, 295.02, F.S.; providing eligibility for students attending certain postsecondary institutions; repealing s. 240.40208, F.S., relating to the transition period for the Bright Futures Scholarship Program; repealing s. 240.40242, F.S., relating to criteria for use of

certain scholarship funds by children of deceased or disabled veterans; repealing s. 240.465(5), F.S., relating to withholding the academic transcript of a borrower who is in default in repayment of student loans; providing effective dates.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sullivan, the Senate reconsidered the vote by which **Amendment 3** was adopted. **Amendment 3** was withdrawn.

Pursuant to Rule 4.19, **CS for SB 1330** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 1634—A bill to be entitled An act relating to unlawful activities involving driver's licenses and identification cards; amending s. 322.212, F.S.; prohibiting a person from knowingly selling, manufacturing, or delivering, or offering to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of such license or such card; providing a penalty; authorizing investigations of violations of this section; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1634** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB's 1708 and 1626—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.31, F.S.; authorizing the secretary of the department to designate as law enforcement officers employees of the department's inspector general's office who are certified as law enforcement officers; prescribing the powers and duties of employees so designated; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment:

Amendment 1 (224440)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 944.31, Florida Statutes, is amended to read:

944.31 Inspector general; inspectors; power and duties.—The inspector general shall be responsible for prison inspection and investigation, internal affairs investigations, and management reviews. The office of the inspector general shall be charged with the duty of inspecting the penal and correctional systems of the state. The office of the inspector general shall inspect each *prison* ~~correctional institution~~ or any place in which state prisoners are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort; the quality and supply of all bedding; the quality, quantity, and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each *prison* ~~institution~~. The office of inspector general shall see that all the rules and regulations issued by the department are strictly observed and followed by all persons connected with the correctional systems of the state. The office of the inspector general shall coordinate and supervise the work of inspectors throughout the state. The inspector general and inspectors may enter any place where prisoners in this state are kept and shall be immediately admitted to such place as they desire and may consult and confer with any prisoner privately and without molestation. The inspector general and inspectors shall be responsible for criminal and administrative investigation of matters relating to the Department of Corrections. *The secretary shall have the authority to designate persons within the Office of the Inspector General as law enforcement officers to conduct any criminal investigation that occurs on property owned or leased by the department or matters over which the department has jurisdiction. Persons designated as law enforcement officers must be certified pursuant to s. 943.1395, and must have a minimum of 3 years experience as an inspector general investigator or as a law enforcement officer. The department shall maintain a memorandum of understanding with the Department of Law Enforcement for the notification of an investigation of mutually agreed upon predicate events that shall include, but not be limited to, suspicious deaths and major organized criminal activity. During* ~~In such~~ investigations, the inspector general and inspectors may consult and confer with any prisoner or staff member privately and without molestation and *persons designated as law enforcement officers under this section* shall have the authority to *conduct warrantless arrests of* ~~detain~~ any person for violations of the *felony*, criminal laws of the state *prescribed in chapters 944 and 893. Persons designated as law enforcement officers under this section may make arrests pursuant to a warrant, including offenders who have escaped or absconded from custody.* ~~Such detention shall be made only on properties owned or leased by the department, and~~ The *arrested* ~~detained~~ person shall be surrendered without delay to the *detention facility* ~~sheriff~~ of the county in which the *arrest* ~~detention~~ is made, with a formal complaint subsequently made against her or him in accordance with law.

Section 2. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Corrections; amending s. 944.31, F.S.; authorizing the Secretary of Corrections to designate persons in the Office of the Inspector General as law enforcement officers to conduct criminal investigations occurring on property under the jurisdiction of the department; such persons must be certified and possess minimum experience; requiring a memorandum of understanding between the department and the Department of Law Enforcement relating to predicate events; authorizing law enforcement officers to make warrantless arrests; providing that arrested persons must be surrendered to the county detention facility; providing an effective date.

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

Amendment 1A (961310)(with title amendment)—On page 3, between lines 10 and 11, insert:

Section 2. Section 943.12, Florida Statutes, is amended to read:

943.12 Powers, duties, and functions of the commission.—The commission shall:

(1) *Adopt* ~~Promulgate~~ rules for the administration of ss. 943.085-943.255 pursuant to chapter 120.

(2) Be responsible for the execution, administration, implementation, and evaluation of its powers, duties, and functions under ss. 943.085-943.255, including any rules promulgated or policies established hereunder.

(3) Certify, and revoke the certification of, officers, instructors, and criminal justice training schools.

(4) Establish uniform minimum employment standards for the various criminal justice disciplines.

(5) Establish uniform minimum training standards for the training of officers in the various criminal justice disciplines.

(6) Consult and cooperate with municipalities or the state or any political subdivision of the state and with universities, colleges, community colleges, and other educational institutions concerning the development of criminal justice training schools and programs or courses of instruction, including, but not necessarily limited to, education and training in the areas of criminal justice administration and all allied and supporting disciplines.

(7) *Conduct official inquiries or require criminal justice training schools to conduct official inquiries of* ~~Authorize the issuance of certificates for~~ criminal justice training *instructors who are certified by the commission* ~~schools~~.

(8) Establish minimum curricular requirements for criminal justice training schools.

(9) ~~Authorize the issuance of certificates for instructors.~~

(9)~~(10)~~ Make, publish, or encourage studies on any aspect of criminal justice education and training or recruitment, including the development of defensible and job-related psychological, selection, and performance evaluation tests.

(10)~~(11)~~ With the approval of the head of the department, make and enter into such contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as the commission determines are necessary, expedient, or incidental to the performance of its duties or the execution of its powers.

(11)~~(12)~~ Provide to each commission member and, upon request, to any sheriff, chief of police, state law enforcement or correctional agency chief administrator, or training center director or to any other concerned citizen minutes of commission meetings and notices and agendas of commission meetings.

(12)~~(13)~~ Establish a central repository of records for the proper administration of its duties, powers, and functions.

(13)~~(14)~~ Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.

(14)~~(15)~~ Enforce compliance with provisions of this chapter through injunctive relief and civil fines.

(15)~~(16)~~ Make recommendations concerning any matter within the purview of this chapter.

(16)~~(17)~~ *Adopt* ~~Promulgate~~ rules for the certification and discipline of officers who engage in those specialized areas found to present a high risk of harm to the officer or the public at large and which would in turn increase the potential liability of an employing agency.

(17)~~(18)~~ Implement, administer, maintain, and revise a job-related officer certification examination for each criminal justice discipline. The commission shall, by rule, establish procedures for the administration of the officer certification examinations. Further, the commission shall establish standards for acceptable performance for each officer certification examination.

Section 3. Subsection (6) of section 943.13, Florida Statutes, is amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, to a county commission, or to the Correctional Privatization Commission shall:

(6) Have passed a physical examination by a licensed physician *or physician assistant*, based on specifications established by the commission.

Section 4. Section 943.131, Florida Statutes, is amended to read:

943.131 Temporary employment or appointment; minimum basic recruit training exemption.—

(1)(a) An employing agency may temporarily employ or appoint a person who complies with the qualifications for employment in s. 943.13(1)-(8), but has not fulfilled the requirements of s. 943.13(9) and (10), if a critical need exists to employ or appoint the person and such person is or will be enrolled in the next approved basic recruit training program available in the geographic area or that no assigned state training program for state officers is available within a reasonable time. The employing agency must maintain documentation which demonstrates that a critical need exists to employ a person pursuant to this section. Prior to the employment or appointment of any person other than a correctional probation officer under this subsection, the person shall comply with the firearms provisions established pursuant to s. 943.17(1)(a). Any person temporarily employed or appointed as an officer under this subsection must attend the first training program offered in the geographic area, or the first assigned state training program for a state officer, subsequent to his or her employment or appointment. Further, upon successful completion of the basic recruit training program, any person temporarily employed or appointed as an officer must fulfill the requirements of s. 943.13(10) within 180 consecutive days.

(b) In no case may the person be temporarily employed or appointed for more than 180 consecutive days, and such temporary employment or appointment is not renewable by the employing agency or transferable to another employing agency. However, a person who is temporarily employed or appointed and is attending the first training program offered in the geographic area, or has been assigned to a state training program, may continue to be temporarily employed or appointed until the person:

1. Successfully completes the basic recruit training program and achieves an acceptable score on the officer certification examination;

2. Fails or withdraws from *a* ~~any course of the~~ basic recruit training program;

3. Fails to achieve an acceptable score on the officer certification examination within 180 consecutive days after the successful completion of the basic recruit training program; or

4. Is separated from employment or appointment by the employing agency.

(c) No person temporarily employed or appointed under the provisions of this subsection may perform the duties of an officer unless he or she is adequately supervised by another officer of the same discipline. The supervising officer must be in full compliance with the provisions of s. 943.13 and must be employed or appointed by the employing agency.

(2) If an applicant seeks an exemption from completing a commission-approved basic recruit training program, the employing agency must verify that the applicant has successfully completed a comparable basic recruit training program *for the discipline in which the applicant is seeking certification* in another state or for the Federal Government. Further, the employing agency must verify that the applicant has served as a full-time sworn officer in another state or for the Federal Government for at least one year. When the employing agency obtains written documentation regarding the applicant's criminal justice experience, the documentation must be submitted to the commission. The commission shall adopt rules that establish criteria and procedures to determine if the applicant is exempt from completing the commission-approved basic recruit training program and, upon making a determination, shall notify the employing agency. *An* ~~If the~~ applicant *who* is exempt from completing the ~~commission-approved basic recruit~~ training program~~, the applicant~~ must *demonstrate proficiency in the high-liability areas, as defined by commission rule, and must complete the requirements of s. 943.13(10) within 180 days after receiving an exemption. If the proficiencies and requirements of s. 943.13(10) are not met within the 180 days, the applicant must complete a commission-approved basic recruit training program* ~~complete training,~~ as required by the commission by rule~~, in areas which include, but are not limited to, defensive driving, defensive tactics, firearms training, and first responder training~~. Except as provided in subsection (1), before the employing agency may employ or appoint the applicant as an officer, the applicant must meet the minimum qualifications described in s. 943.13(1)-(8), and must fulfill the requirements of s. 943.13(10).

Section 5. Subsection (1) of section 943.135, Florida Statutes, is amended to read:

943.135 Requirements for continued employment.—

(1) The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. The rule shall also provide:

(a) Assistance to an employing agency in identifying each affected officer, the date of his or her employment or appointment, and his or her most recent date for successful completion of continuing training or education; *and*

(b) A procedure for reactivation of the certification of an officer who is not in compliance with this section.~~; and~~

~~(c) A remediation program supervised by the training center director within the geographic area for any officer who is attempting to comply with the provisions of this subsection and in whom learning disabilities are identified. The officer shall be assigned nonofficer duties, without loss of employee benefits, and the program shall not exceed 90 days.~~

Section 6. Subsection (2) of section 943.1395, Florida Statutes, is amended to read:

943.1395 Certification for employment or appointment; concurrent certification; reemployment or reappointment; inactive status; revocation; suspension; investigation.—

(2) An officer who is certified in one discipline and who complies with s. 943.13 in another discipline shall hold concurrent certification and may be assigned in either discipline within his or her employing agency. *However, the officer may be registered and hold concurrent certification only if the employing agency has authority to employ multiple disciplines.*

Section 7. Section 943.14, Florida Statutes, is amended to read:

943.14 *Commission-certified* criminal justice training schools; certificates and diplomas; exemptions; injunctive relief; fines.—

(1) Each criminal justice training school approved by the commission shall obtain from the commission a certificate of compliance, with rules of the commission, signed by the chair of the commission. ~~Any training or educational courses which are taught in any criminal justice training school must first be approved in writing by the commission.~~

(2) Any certificate or diploma issued by any criminal justice training school which relates to completion, graduation, or attendance in criminal justice training or educational subjects, or related matters, must be approved by ~~the~~ commission *staff in the department's Criminal Justice Professionalism Program*.

(3) The commission shall establish, by rule, procedures for the certification and discipline of all instructors in any criminal justice training school.

(4) Prior to the issuance of a certificate of compliance, or as a condition of continuing certification, all records of any criminal justice training school that relate to training and all financial and personnel records of the school shall be made available to the commission upon request.

(5) No private criminal justice training school may include within its name the word "commission," "bureau," or "division" together with the word "Florida" or "state," the name of any county or municipality, or any misleading derivative thereof which might be construed to represent a government agency or an entity authorized by a government agency.

~~(6) Criminal justice training schools and courses which are licensed and operated in accordance with the rules of the State Board of Education and the rules of the commission are exempt from the requirements of subsections (1)-(5). However, any school which instructs approved commission courses must meet the requirements of subsections (1)-(5).~~

(6)~~(7)~~(a) Commission-approved correctional probation courses and subjects which are taught by Florida 4-year accredited colleges and universities are exempt from subsections *(1)-(6)* ~~(1)-(5)~~ except for such documentation which may be required by the commission. The commission retains control over the content of courses and subjects covered by this subsection as specified in s. 943.17(1)(a). Florida 4-year accredited colleges and universities must obtain approval from the commission prior to offering correctional probation courses. Florida 4-year accredited colleges and universities offering the Correctional Probation Training Program shall teach the learning objectives specified by the commission. The administration of the commission's Correctional Probation Training Program within a Florida 4-year accredited college or university shall fall within the institution's established guidelines for course delivery and student attendance. The Florida 4-year accredited college or university shall provide to the commission and to the student proof of successful completion of all the approved objectives required by the commission for the academic courses approved for the Correctional Probation Training Program. The commission-certified training school administering the commission-required correctional probation high-liability training shall provide to the commission and to the student proof of successful completion of all approved objectives.

(b) All other criminal justice sciences or administration courses or subjects which are a part of the curriculum of any accredited college, university, community college, or vocational-technical center of this state, and all full-time instructors of such institutions, are exempt from the provisions of subsections (1)-(5).

(7)~~(8)~~ Each criminal justice training school that offers law enforcement, correctional, or correctional probation officer basic recruit training, or selection center that provides applicant screening for criminal justice training schools, shall conduct a criminal history background check of an applicant prior to entrance into the basic recruit class. A complete set of fingerprints must be taken by an authorized criminal justice agency or by an employee of the criminal justice training school or selection center who is trained to take fingerprints. The criminal justice training school or selection center shall submit the fingerprints to the Florida Department of Law Enforcement for a statewide criminal history check, and forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. Applicants found through fingerprint processing to have pled guilty to or been convicted of a crime which would render the applicant unable to meet the minimum qualifications for employment as an officer as specified in s. 943.13(4) shall be removed from the pool of qualified candidates by the criminal justice training school or selection center.

(8)~~(9)~~(a) If a criminal justice training school or person violates this section, or any rule adopted pursuant hereto, the Department of Legal Affairs, at the request of the chair of the commission, shall apply to the circuit court in the county in which the violation or violations occurred for injunctive relief prohibiting the criminal justice training school or person from operating contrary to this section.

(b)1. In addition to any injunctive relief available under paragraph (a), the commission may impose a civil fine upon any criminal justice training school or person who violates subsection (1) or subsection (5), or any rule adopted pursuant thereto, of up to $10,000 for each violation, which fine shall be paid into the Criminal Justice Standards and Training Trust Fund. The commission may impose a civil fine upon any criminal justice training school or person who violates subsection (2), subsection (3), or subsection (4), or any rule adopted pursuant thereto, of up to $1,000 for each violation, which fine shall be paid into the Criminal Justice Standards and Training Trust Fund.

2. A proceeding under this paragraph shall comply with the provisions of chapter 120, and the final order of the commission constitutes final agency action for the purposes of chapter 120. When the commission imposes a civil fine and the fine is not paid within a reasonable time, the Department of Legal Affairs, at the request of the chair of the commission, shall bring a civil action under the provisions of s. 120.69 to recover the fine. The commission and the Department of Legal Affairs are not required to post any bond in any proceeding herein.

Section 8. Subsection (1) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise *entry requirements,* job-related curricula, and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(a) Design, implement, maintain, evaluate, ~~and~~ revise *or adopt* a basic recruit training program for the purpose of providing minimum employment training qualifications for all officers to be employed or appointed in each discipline.

(b) Design, implement, maintain, evaluate, ~~and~~ revise *or adopt* an advanced training program which is limited to those courses enhancing an officer's knowledge, skills, and abilities for the job he or she performs.

(c) Design, implement, maintain, evaluate, ~~and~~ revise *or adopt* a career development training program which is limited to those courses related to promotion to a higher rank or position. Career development courses will not be eligible for funding as provided in s. 943.25(9).

(d) *Design, implement, maintain, evaluate, or adopt a specialized training program, consisting of identified goals and objectives that enhance an officer's ability to perform the duties of his or her job.* ~~For any existing or newly established course, adopt an examination and assessment instrument that is job-related and measures an officer's acquisition of knowledge, skills, and abilities. An acceptable level of measurable student performance shall also be developed for each course.~~

Section 9. Subsection (2) of section 943.173, Florida Statutes, is amended to read:

943.173 Examinations; administration; materials not public records; disposal of materials.—

(2) Each advanced and career development course examination ~~adopted by the commission~~ shall be administered at a certified criminal justice training school under the supervision of the training center director.

Section 10. Section 943.175, Florida Statutes, is amended to read:

943.175 Inservice ~~and specialized~~ training.—

(1) Inservice training programs, consisting of courses established, implemented, and evaluated by an employing agency, are the responsibility of the employing agency. *Inservice* ~~Specialized~~ training programs, consisting of courses established, implemented, and evaluated by a criminal justice training school, are the responsibility of the criminal justice training school. Inservice ~~and specialized~~ training programs or courses need not be approved by the commission.

~~(2) The commission shall, by rule, establish procedures and criteria whereby an employing agency or criminal justice training school seeking commission approval of a specialized training program or course must submit the program or course to the commission for evaluation. The procedures and criteria shall include, but are not limited to, a demonstration of job relevance and quality of instruction.~~

(2)~~(3)~~ Inservice ~~or specialized~~ training courses or programs shall not be part of the programs or courses established by the commission pursuant to s. 943.17, nor shall they be used to qualify an officer for salary incentive payment provided under s. 943.22.

Section 11. Paragraph (a) of subsection (1) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.—

(1) For the purpose of this section, the term:

(a) "Accredited college, university, or community college" means a college, university, or community college which has been accredited by the Southern Association of Colleges and Schools *or*~~,~~ another regional accrediting agency~~, or the American Association of Collegiate Registrars and Admissions Officers~~.

Section 12. Subsection (6) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(6) ~~No~~ Training, room, or board cost may *not* be assessed against any officer or employing agency for any advanced and specialized training course funded from the Criminal Justice Standards and Training Trust Fund *and offered through a criminal justice training school certified by the commission*. Such expenses shall be paid from the trust fund and are not reimbursable by the officer. Travel costs to and from the training site are the responsibility of the trainee or employing agency. Any compensation, including, but not limited to, salaries and benefits, paid to any person during the period of training shall be fixed and determined by the employing agency; and such compensation shall be paid directly to the person.

(a) The commission shall develop a policy of reciprocal payment for training officers from regions other than the region providing the training.

(b) An officer who is not employed or appointed by an employing agency of this state may attend a course funded by the trust fund, provided the officer is required to pay to the criminal justice training school all training costs incurred for her or his attendance.

Section 13. Section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off-campus when hot pursuit originates on-campus.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce

traffic laws of this state only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. Nothing in this subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall a toll enforcement officer have arrest authority.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

(2) COUNTIES.—

(a) The sheriff's office of each of the several counties of this state shall enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the county wherever the public has the right to travel by motor vehicle. In addition, the sheriff's office may be required by the county to enforce the traffic laws of this state on any private or limited access road or roads over which the county has jurisdiction pursuant to a written agreement entered into under s. 316.006(3)(b).

(b) The sheriff's office of each county may employ as a traffic crash investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash may issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person who was involved has committed an offense under this chapter in connection with the crash. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

(c) The sheriff's office of each of the several counties of this state may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

1. A parking enforcement specialist employed by the sheriff's office of each of the several counties of this state is authorized to enforce all state and county laws, ordinances, regulations, and official signs governing parking within the unincorporated areas of the county by appropriate state or county citation and may issue such citations for parking in violation of signs erected pursuant to s. 316.006(3) at parking areas located on property owned or leased by a county, whether or not such areas are within the boundaries of a chartered municipality.

2. A parking enforcement specialist employed pursuant to this subsection shall not carry firearms or other weapons or have arrest authority.

(3) MUNICIPALITIES.—

(a) The police department of each chartered municipality shall enforce the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the municipality wherever the public has the right to travel by motor vehicle. In addition, the police department may be required by a municipality to enforce the traffic laws of this state on any private or limited access road or roads over which the municipality has jurisdiction pursuant to a written agreement entered into under s. 316.006(2)(b). However, nothing in this chapter shall affect any law, general, special, or otherwise, in effect on January 1, 1972, relating to "hot pursuit" without the boundaries of the municipality.

(b) The police department of a chartered municipality may employ as a traffic crash investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash is authorized to issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person involved has committed an offense under the provisions of this chapter in connection with the crash. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such officers have arrest authority other than for the issuance of a traffic citation as authorized above.

(c)1. A chartered municipality or its authorized agency or instrumentality may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

2. A parking enforcement specialist employed by a chartered municipality or its authorized agency or instrumentality is authorized to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of the municipality employing the specialist, by appropriate state, county, or municipal traffic citation. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such a parking enforcement specialist have arrest authority.

(4)(a) Any sheriff's department, or any police department of a municipality, may employ as a traffic control officer any individual who successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program offered by the local sheriff's department or police department, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. A traffic control officer employed pursuant to this subsection may direct traffic or operate a traffic control device only at a fixed location and only upon the direction of a fully qualified law enforcement officer; however, it is not necessary that the traffic control officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(b) In the case of a special event or activity in relation to which a nongovernmental entity is paying for traffic control on public streets, highways, or roads, traffic control officers may be employed to perform such traffic control responsibilities only when off-duty, full-time law enforcement officers, as defined in s. 943.10(1), are unavailable to perform those responsibilities. However, this paragraph may not be construed to limit the use of traffic infraction enforcement officers for traffic enforcement purposes.

(c) This subsection does not permit the carrying of firearms or other weapons, nor do traffic control officers have arrest authority.

(5)(a) Any sheriff's department or police department of a municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for the infraction when, based upon personal investigation, he or she has reasonable and probable grounds to believe that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14.

(b) The traffic enforcement officer shall be employed in relationship to a selective traffic enforcement program at a fixed location or as part of a crash investigation team at the scene of a vehicle crash or in other types of traffic infraction enforcement under the direction of a fully qualified law enforcement officer; however, it is not necessary that the traffic infraction enforcement officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(c) This subsection does not permit the carrying of firearms or other weapons, nor do traffic infraction enforcement officers have arrest authority other than the authority to issue a traffic citation as provided in this subsection.

(6) MOBILE HOME PARK RECREATION DISTRICTS.—Notwithstanding subsection (2) or subsection (3), the sheriff's office of each of the several counties of this state and the police department of each chartered municipality have authority, but are not required, to enforce the traffic laws of this state on any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under s. 418.30 and the recreational facilities of which district are open to the general public.

(7) CONSTRUCTION OF CHAPTER 87-88, LAWS OF FLORIDA.—For purposes of traffic control and enforcement, nothing in chapter 87-88, Laws of Florida, shall be construed to classify any road which has been dedicated or impliedly dedicated for public use, and which has been constructed and is open to the use of the public for vehicular traffic, as a private road or driveway.

(8) TRAFFIC ENFORCEMENT AGENCY.—Any agency or governmental entity designated in subsection (1), subsection (2), or subsection (3), including a university, a community college, a school board, or an airport authority, is a traffic enforcement agency for purposes of s. 316.650.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 4, after the semicolon (;) insert: amending s. 943.12, F.S.; revising the powers and duties of the commission relating to certification of training schools and instructors; amending s. 943.13, F.S.; allowing employee physicals to be performed by physician assistants; amending s. 943.131, F.S.; providing alternative requirements for certain applicants who seek exemptions from the basic-recruit training program; amending s. 943.135, F.S.; eliminating a requirement that the department provide remediation programs for officers who cannot comply with continuing education requirements because of learning disabilities; amending s. 943.1395, F.S.; limiting the circumstances under which officers may be registered and hold concurrent certification; amending s. 943.14, F.S.; deleting a requirement for commission approval of certain courses; providing for staff to approve certain diplomas or certificates; eliminating an exemption from section requirements for certain training schools and programs; amending s. 943.17, F.S.; requiring the commission to establish a specialized training program; amending s. 943.173, F.S.; conforming provisions amending s. 943.175, F.S.; eliminating provisions governing specialized training programs; amending s. 943.22, F.S.; redefining the term "accredited college"; amending s. 943.25, F.S.; prohibiting the assessment of certain costs against officers or agencies for courses offered by criminal justice training schools; amending s. 316.640, F.S.; specifying the training requirement for certain persons employed as traffic accident or crash investigation officers or traffic infraction enforcement officers;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB's 1708 and 1626** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

CS for SB 1968—A bill to be entitled An act relating to the State Law Enforcement Radio Operating Trust Fund; amending s. 282.1095, F.S.; creating the State Law Enforcement Operating Trust Fund; providing for its purposes; transferring a current trust fund balance; providing for review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1968** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 1980—A bill to be entitled An act relating to criminal justice programs; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain court-cost proceeds into the Department of Law Enforcement Operating Trust Fund; prescribing authorized uses of assets in such fund; transferring the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; providing for the latter department to adopt rules relating to the program; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing for funding the program; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1980** to **HB 1731**.

Pending further consideration of **SB 1980** as amended, on motion by Senator Burt, by two-thirds vote **HB 1731** was withdrawn from the Committees on Criminal Justice; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Burt—

HB 1731—A bill to be entitled An act relating to the transfer of criminal justice programs; amending ss. 938.01 and 943.25, F.S., relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001, relating to deposit of certain funds for use by the Department of Law Enforcement rather than the Department of Community Affairs; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and providing matching funds for the administration of such program; providing for transfer of funds; providing an effective date.

—a companion measure, was substituted for **SB 1980** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1731** was placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell, by two-thirds vote **HB 421** was withdrawn from the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Mitchell—

HB 421—A bill to be entitled An act relating to mental health; directing the Department of Children and Family Services to develop and implement a pilot project to provide client-directed and choice-based mental health treatment and support services to certain adults; requiring an independent evaluation; providing evaluation criteria; requiring reports; providing an appropriation; providing for expiration; providing an effective date.

—a companion measure, was substituted for **CS for SB 682** and read the second time by title.

Pursuant to Rule 4.19, **HB 421** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 792** and **CS for SB 904** was deferred.

On motion by Senator Peaden—

SB 1230—A bill to be entitled An act providing for the Interstate Compact on Adoption and Medical Assistance; creating s. 409.406, F.S.; providing authority for the Department of Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special-needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; providing for the adoption of administrative rules; creating s. 409.407, F.S.; prohibiting expansion of the state's financial commitment; providing an effective date.

—was read the second time by title.

The Committee on Children and Families recommended the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (123744)—On page 4, line 29, after the period (.) through page 5, line 2, delete those lines and insert: *The state will provide the benefits under this section to children who are the subject of a state adoption assistance agreement, pursuant to the department and agency's determination that the adoption assistance state is a party to the compact and has reciprocity in provision of medical assistance to state adoption assistance children.*

Pursuant to Rule 4.19, **SB 1230** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

CS for SB 1368—A bill to be entitled An act providing adoption benefits for employees of the state or water management districts; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; providing for priority in the allocation of funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1368** was placed on the calendar of Bills on Third Reading.

CS for SB 1734—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; providing an exemption from public-records requirements for specific information related to financial or medical records of insureds and consumers which are in the possession of the Department of Insurance; providing for future review and an expiration date; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (194768)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 627.3111, Florida Statutes, is created to read:

627.3111 Public records exemption.—All bank account numbers, and debit, charge, and credit card numbers; and, all personal identifying information contained in financial records, patient records, and other individual health records, held by the Department of Insurance, or its service providers, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The department, however, shall release such information to any local, state, or federal law enforcement agency as is necessary for the performance of such agency's official duties and responsibilities, and in addition, this exemption does not apply to any information regarding an insured or other person who is the subject of a criminal investigation. This exemption is subject to the Open Government Sunset Review At of 1995 in accordance with s. 119.15 and expires on October 2, 2006, unless reviewed and reenacted by the Legislature.

Section 2. *The Legislature finds that it is a public necessity that bank account numbers, debit, charge, and credit card numbers; and, personal identifying information contained in financial records, held by the Department of Insurance or its service providers be made exempt from public disclosure, except as otherwise provided in this act, in order to protect the financial interests of those persons about whom that information pertains. Without the exemption, a person could use that information to gain access to highly sensitive, personal financial data that is not his or hers. In addition, this information could easily be used for fraudulent and other illegal purposes, including identify theft, and could result in substantial financial harm. Accordingly, such information is traditionally not disclosed to the public, as is evidenced throughout the Florida Statutes. Furthermore, every person has an expectation of and a right to privacy in all matters concerning his or her personal financial matters. The Legislature further finds that it is a public necessity that personal identifying information contained in patient records and other individual health records held by the Department of Insurance or its service providers be held exempt from public disclosure, except as otherwise provided in the act, because of the sensitive personal nature of such medical information. Matters of personal health are traditionally private concerns between the patient and the health care provider, which pervades both the public and private health care sectors. Such information should not be open to public disclosure just because the records come into the possession of a public entity. Disclosure of such information could cause unwarranted damage to the good name or reputation of such individuals and could actually jeopardize their health and safety.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; providing an exemption from public records requirements for personal identifying information contained in financial records, patient records, and other medical records, as well as bank account numbers, debit, charge, and credit card numbers, held by the Department of Insurance; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

Senator Clary moved the following amendment:

Amendment 2 (404784)(with title amendment)—On page 2, line 31, insert:

Section 3. Section 458.353, Florida Statutes, is created to read:

458.353 Notification of adverse incident; public records exemption.—The information contained in the notification of an adverse incident, which is required under s. 458.351 and provided to the department by a physician licensed under this chapter, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The information may not be made available to the public as part of the record of investigation or prosecution in a disciplinary proceeding. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. Section 459.028, Florida Statutes, is created to read:

459.028 Notification of adverse incident; public records exemption.—The information contained in the notification of an adverse incident, which is required under s. 459.026 and provided to the department by an osteopathic physician licensed under this chapter, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The information may not be made available to the public as part of the record of investigation or prosecution in a disciplinary proceeding. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 5. *The Legislature finds that the exemptions from public records requirements provided in sections 458.353 and 459.028, Florida Statutes, are a public necessity, and that it would be an invasion of a patient's privacy for personal, sensitive information contained in the notification of an adverse incident to be publicly available. Furthermore, the Legislature finds that failure to protect the confidentiality of any information submitted to or collected by the Department of Health pursuant to section 458.351, Florida Statutes, or section 459.026, Florida Statutes, regarding an adverse incident, including, but not limited to, the identity of the patient, the type of adverse incident, and the fact that an investigation is being conducted, would deter the collection and reporting of this information to the department. This would prevent the department and the appropriate regulatory boards from effectively carrying out their responsibility to enforce safe patient care and take necessary disciplinary action for practice violations. Release of such information would deter physicians and osteopathic physicians licensed in this state from reporting adverse incidents. This could lead to the deterioration of services and care rendered, all to the detriment of the health of those served. These exemptions apply the same exemption accorded under sections 395.0198 and 395.0193, Florida Statutes, relating to the reporting of adverse incidents by facilities licensed under chapter 395, Florida Statutes. The Legislature has thus consistently and repeatedly acknowledged the public necessity of these types of exemptions.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity;

On motion by Senator Rossin, further consideration of **CS for SB 1734** with pending **Amendment 2** was deferred.

On motion by Senator Burt—

CS for CS for SB 1814—A bill to be entitled An act relating to the state court system; providing legislative intent with respect to the development of treatment-based drug courts; requiring each judicial circuit to establish one or more treatment-based drug courts within any of the divisions of the circuit; specifying the principles of therapeutic jurisprudence to be included in the drug court programs; providing duties of the coordinator; authorizing the drug courts to include certain pretrial intervention programs in the court's program; creating the Florida Association of Drug Court Professionals; providing for membership; requiring that the chairperson of the association provide recommendations to the Supreme Court Treatment-Based Drug Court Steering Committee; amending s. 910.035, F.S.; providing for a defendant to be transferred to a drug-treatment program in another county; providing criteria for such transfer; providing for the defendant to be prosecuted upon failure to successfully complete the drug-treatment program; amending s. 948.08, F.S.; providing for persons charged with certain offenses involving controlled substances who have not been charged with a crime involving violence to be admitted to a pretrial intervention program; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; creating s. 948.16, F.S.; providing a pretrial substance abuse treatment and intervention program; providing criteria for admission to the program; providing for denial of such admission if the defendant was involved in the dealing or selling of controlled substances; requiring the court to determine whether the defendant has successfully completed the program; providing contract requirements for entities that provide pretrial substance abuse treatment and intervention programs; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1814** to **CS for HB 199**.

Pending further consideration of **CS for CS for SB 1814** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 199** was withdrawn from the Committees on Judiciary; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Burt—

CS for HB 199—A bill to be entitled An act relating to substance abuse treatment programs; providing goals for treatment-based drug court programs; requiring judicial circuits to establish a model of treatment-based drug court programs for certain purposes; providing criteria; providing legislative intent; providing certain principles for operating drug court programs; providing for inclusion of certain programs in such drug court programs; amending s. 910.035, F.S.; providing for transferring persons eligible for participation in drug court treatment programs to other jurisdictions under certain circumstances; providing criteria, requirements, and limitations; amending s. 948.08, F.S.; adding persons charged with specified crimes to the list of persons eligible for admission into a pretrial substance abuse program; creating s. 948.16, F.S.; providing for a misdemeanor pretrial substance abuse education and treatment intervention program; providing for admitting certain persons to the program under certain circumstances; providing for disposition of persons in the program; providing criteria; providing contracting requirements for entities providing such a program; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1814** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 199** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, by two-thirds vote **CS for CS for HB 269** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Horne, the rules were waived and—

CS for CS for HB 269—A bill to be entitled An act relating to school district best financial management practices reviews; creating the "Sharpening the Pencil Act"; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report

issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the "Seal of Best Financial Management"; establishing requirements relating to status reports; requiring OPPAGA to review a district's status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; providing for citizen appeals to the department; providing rulemaking authority; providing legislative intent; clarifying provisions relating to the award of the "Seal of Best Financial Management"; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1780** and read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (161930)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Short title.—This act may be cited as the "Sharpening the Pencil Act."*

Section 2. Section 230.23025, Florida Statutes, as amended by chapters 97-384, 98-225, 2000-235, and 2000-291, Laws of Florida, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.—

(1) *The purpose of best financial management practices reviews is to improve Florida school district management and use of resources and to identify cost savings.* The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, ~~OPPAGA and~~ the Auditor General shall *assist OPPAGA in examining* ~~jointly examine~~ district operations to determine whether they meet "best financial management practices."

(2) The best financial management practices adopted by the Commissioner of Education may be updated periodically after consultation with the Legislature, the Governor, the SMART Schools Clearinghouse, *the Department of Education, school districts,* ~~OPPAGA,~~ and the Auditor General, *OPPAGA shall submit to the Commissioner of Education for review and adoption proposed revisions to the best financial management practices adopted by the commissioner*. The best financial management practices, at a minimum, must instill public confidence by addressing *the school district's use of resources; identifying ways that the district could save funds; and improving districts' performance accountability systems, including public accountability. To achieve these objectives, best practices shall be developed for, but need not be limited to,* the following areas:

(a) Management structures.

(b) Performance accountability.

(c) Efficient delivery of educational services, including instructional materials.

(d) Administrative and instructional technology.

(e) Personnel systems and benefits management.

(f) Facilities construction.

(g) Facilities maintenance.

(h) Student transportation.

(i) Food service operations.

(j) Cost control systems, including asset management, risk management, financial management, purchasing, internal auditing, and financial auditing.

In areas for which the commissioner has not adopted best practices, OPPAGA may develop additional best financial management practices, with input from a broad range of stakeholders. OPPAGA shall present any additional best practices to the commissioner for review and adoption. Revised best financial management practices adopted by the commissioner must be used in the next year's scheduled school district reviews conducted according to this section.

~~(a) Efficient use of resources, use of lottery proceeds, student transportation and food service operations, management structures, and personnel systems and benefits, instructional materials, and administrative and instructional technology.~~

~~(b) Compliance with generally accepted accounting principles and state and federal laws relating to financial management.~~

~~(c) Performance accountability systems, including performance measurement reports to the public, internal auditing, financial auditing, and information made available to support decisionmaking.~~

~~(d) Cost control systems, including asset, risk, and financial management, purchasing, and information system controls.~~

~~(e) Safety and security practices at the district and school levels.~~

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

(3) OPPAGA shall contract with a private firm selected through a formal request for proposal process to perform the review, to the extent that funds are provided for this purpose in the General Appropriations Act each year. When sufficient funds are not provided to contract for all the scheduled best financial management practices reviews, OPPAGA shall conduct the remaining reviews scheduled for that year, except as otherwise provided in this act. At least one member of the private firm review team shall have expertise in school district finance. The scope of the review shall focus on the best practices adopted by the Commissioner of Education, pursuant to subsection (2). OPPAGA may include additional items in the scope of the review after seeking input from the school district and the Department of Education.

(4) OPPAGA shall consult with the Commissioner of Education throughout the best practices review process to ensure that the technical expertise of the Department of Education benefits the review process and supports the school districts before, during, and after the review.

(5) It is the intent of the Legislature that each school district shall be subject to a best financial management practices review. The Legislature also intends that all school districts shall be reviewed on a continuing 5-year cycle, as follows, unless specified otherwise in the General Appropriations Act, or as provided in this act:

(a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa, Alachua, St. Lucie, Santa Rosa, Hernando, Indian River, Monroe, Osceola, and Bradford.

(b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia, Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden, and Franklin.

(c) Year 3: Palm Beach, Orange, Seminole, Lee, Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie, Liberty, and Lafayette.

(d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay, Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee, Hardee, DeSoto, and Glades.

(e) Year 5: Broward, Polk, Brevard, Lake, St. Johns, Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes, Washington, and Calhoun.

(6)(a) The Joint Legislative Auditing Committee may adjust the schedule of districts to be reviewed when unforeseen circumstances prevent initiation of reviews scheduled in a given year.

(b) Once the 5-year cycle has been completed, reviews shall continue, beginning again with those districts included in year one of the cycle unless a district has requested and received a waiver as provided in subsection (17).

(7) At the direction of the Joint Legislative Auditing Committee or the President of the Senate and the Speaker of the House of Representatives, and subject to funding by the Legislature, OPPAGA may conduct, or contract with a private firm to conduct, up to two additional best financial management practices reviews in districts not scheduled for review during that year if such review is necessary to address adverse financial conditions.

(8) Reviews shall be conducted by OPPAGA and the consultant to the extent specifically funded by the Legislature in the General Appropriations Act for this purpose. Such funds may be used for the cost of reviews by OPPAGA and private consultants contracted by the director of OPPAGA. Costs may include professional services, travel expenses of OPPAGA and staff of the Auditor General, and any other necessary expenses incurred as part of a best financial management practices review.

(9) Districts scheduled for review must complete a self-assessment instrument provided by OPPAGA which indicates the school district's evaluation of its performance on each best practice. The district must begin the self-assessment not later than 60 days prior to the commencement of the review. The completed self-assessment instrument and supporting documentation must be submitted to OPPAGA not later than the date of commencement of the review as notified by OPPAGA. The best practice review team will use this self-assessment information during their review of the district.

(10) During the review, OPPAGA and the consultant conducting the review, if any, shall hold at least one advertised public forum as part of the review in order to explain the best financial management practices review process and obtain input from students, parents, the business community, and other district residents regarding their concerns about the operations and management of the school district.

(11)~~(3)~~ District reviews conducted under this section must be completed within 6 months after commencement. OPPAGA shall issue a *final* report to the *President of the Senate, the Speaker of the House of Representatives, and the* district regarding *the district's use of best* ~~its~~ financial management practices and cost savings recommendations within 60 days after completing the reviews. *Copies of the final report shall be provided to the Governor, the Commissioner of Education, and to the chairs of school advisory councils and district advisory councils established pursuant to s. 229.58(1)(a) and (b). The school district shall notify all members of the school advisory councils and district advisory council by mail that the final report has been delivered to the school district and to the council chairs. The notification shall also inform members of the OPPAGA web site address at which an electronic copy of the report is available.*

(12) After receipt of the final report and before the school board votes whether to adopt the action plan, or if no action plan was required because the district was found to be using the best practices, the school district shall hold an advertised public forum to accept public input and review the findings and recommendations of the report. The district shall advertise and promote this forum in a manner appropriate to inform school and district advisory councils, parents, school district employees, the business community, and other district residents of the opportunity to attend this meeting. OPPAGA and the consultant, if any, shall also be represented at this forum.

(13)(a) If the district is found not to conform to best financial management practices, the report must contain *an* ~~a plan of~~ action *plan* detailing how the district could meet the best practices within 2 years. *The school board must decide, by a majority plus one vote within 90 days after receipt of the final report, whether or not to implement the action plan and pursue a "Seal of Best Financial Management" awarded by the State Board of Education to qualified school districts. If a district fails to vote on the action plan within 90 days, school board members may be required to appear and present testimony before a legislative committee, pursuant to s. 11.143.*

(b) The school board may vote to reverse a decision not to implement an action plan, provided that the action plan is implemented and there is still sufficient time, as determined by the district school board, to meet the best practices within 2 years after issuance of the final report.

(c) Within 90 days after the receipt of the final report, the school board must notify OPPAGA and the Commissioner of Education in writing of the date and outcome of the school board vote on whether to adopt the action plan. If the school board fails to vote on whether to adopt the action plan, the superintendent must notify OPPAGA and the Commissioner of Education. The Department of Education may contact the school district, assess the situation, urge the school board to vote, and offer technical assistance, if needed.

(14)~~(4)~~ *If a school board votes to implement the action plan:*

(a) No later than 1 year after receipt of the final report, the school district must ~~District school boards that agree by a majority plus one vote to institute the action plan shall~~ submit an *initial status* ~~annual~~ report to the *President of the Senate, the Speaker of the House of Representatives* ~~Legislature~~, the Governor, ~~the SMART Schools Clearinghouse,~~ OPPAGA, the Auditor General, *the State Board of Education,* and the Commissioner of Education on progress made towards implementing the *action* plan and whether changes have occurred in other areas of operation *that* ~~which~~ would affect compliance with the best practices.

(b) A second status report must be submitted by the school district to the President of the Senate, the Speaker of the House of Representatives, the Governor, OPPAGA, the Auditor General, the Commissioner of Education, and the State Board of Education no later than 1 year after submission of the initial report.

Status reports are not required once OPPAGA concludes that the district is using best practices. ~~Such districts shall be reviewed annually by OPPAGA, in addition to the annual financial audit required under s. 11.45, to determine whether they have attained compliance with the best financial management practices in the areas covered by the plan.~~

(15) After receipt of each of a district's two status reports required by subsection (14), OPPAGA shall assess the district's implementation of the action plan and progress toward implementing the best financial management practices in areas covered by the plan. Following each assessment, OPPAGA shall issue a report to the President of the Senate, the Speaker of the House of Representatives, and the district indicating whether the district has successfully implemented the best financial management practices. Copies of the report must be provided to the Governor, the Auditor General, the Commissioner of Education, and the State Board of Education. If a district has failed to implement an action plan adopted pursuant to subsection (13), school board members and the school superintendent may be required to appear before a legislative committee, pursuant to s. 11.143, to present testimony regarding the district's failure to implement such action plan.

(16) School districts that successfully implement the best financial management practices within 2 years, or are determined in the review to be using the best practices, are eligible to receive a "Seal of Best Financial Management." Upon notification to the Commissioner of Education and the State Board of Education by OPPAGA that a district has been ~~districts that are~~ found to *be using* ~~comply with~~ the best financial management practices, *the State Board of Education shall award that district* ~~shall receive~~ a "Seal of Best Financial Management" ~~by the State Board of Education~~ certifying that the district is adhering to the state's best financial management practices. *The State Board of Education* ~~This~~ designation shall be effective for *5 years from the certification date or until the next review is completed, whichever is later* ~~a 5-year period, after which the district school board may reapply for the designation to be granted after another financial management practice review~~. During the designation period, the district school board shall annually, *not later*

than the anniversary date of the certification, notify ~~the SMART Schools Clearinghouse,~~ OPPAGA, the Auditor General, *the Commissioner of Education,* and the State Board of Education of any changes in policies or operations or any other situations that would not conform to the state's best financial management practices. The State Board of Education may revoke the designation of a district at any time if it determines that a district is no longer complying with the state's best financial management practices. *If no such changes have occurred and the school board determines that the school district continues to conform to the best financial management practices, the school board shall annually report that information to the State Board of Education, with copies to OPPAGA, the Auditor General, and the Commissioner of Education.*

(17)(a) The school board of a district that has been awarded a "Seal of Best Financial Management" by the State Board of Education and has annually reported to the State Board of Education that the district is still conforming to the best financial management practices may request a waiver from undergoing its next scheduled Best Financial Management Practices review.

(b) To apply for such waiver, not later than September 1 of the fiscal year prior to the fiscal year in which the district is next scheduled for review, the school board shall certify to OPPAGA and the Department of Education the school board's determination that the school district is still conforming to the best financial management practices.

(c) After consultation with the Department of Education and review of the school board's determination, OPPAGA may recommend to the Legislative Budget Commission that the district be granted a waiver for the next scheduled Best Financial Management Practices review. If approved for waiver, OPPAGA shall notify the school district and the Department of Education that no review of that district will be conducted during the next scheduled review cycle. In that event, the school district must continue annual reporting to the State Board of Education as required in subsection (16). Districts granted a waiver for one review cycle are not eligible for waiver of the next scheduled review cycle.

(18) School districts that receive a best financial management practices review must maintain records that will enable independent verification of the implementation of the action plan and any related fiscal impacts.

(19) Unrestricted cost savings resulting from implementation of the best financial management practices must be spent at the school and classroom levels for teacher salaries, teacher training, improved classroom facilities, student supplies, textbooks, classroom technology, and other direct student instruction activities. Cost savings identified for a program that has restrictive expenditure requirements shall be used for the enhancement of the specific program.

~~(5) Any audit or performance review of one or more of the designated components conducted or supervised by OPPAGA or the Department of Management Services, and completed within 2 years before the date of application to OPPAGA for a best financial practices review, may serve as all or part of the audit or review required as the examination of district operations necessary for a determination of whether a district meets the "best financial management practices" designation. The cost contribution requirements of subsection (2) do not apply to any such audit or performance review.~~

Section 3. *Section 11.515, Florida Statutes, is repealed.*

Section 4. *Section 230.2302, Florida Statutes, is repealed.*

Section 5. *Section 230.23026, Florida Statutes, is repealed.*

Section 6. Subsection (1) of section 11.51, Florida Statutes, is amended to read:

11.51 Office of Program Policy Analysis and Government Accountability.—

(1) There is hereby created the Office of Program Policy Analysis and Government Accountability as a unit of the Office of the Auditor General appointed pursuant to s. 11.42. *The* ~~Such~~ office shall perform *independent examinations, program reviews, and other projects as provided by general law, as provided by concurrent resolution, or as directed by the Legislative Auditing Committee, and shall provide recommendations, training, or other services to assist the Legislature* ~~program evaluation and justification reviews as required by s. 11.513 and performance audits as defined in s. 11.45 and shall contract for performance reviews of school districts pursuant to ss. 11.515 and 230.2302~~.

Section 7. Subsection (4) of section 230.23027, Florida Statutes, is amended to read:

230.23027 Small School District Stabilization Program.—

(4) Effective July 1, 2000, and thereafter, when the Office of Tourism, Trade, and Economic Development authorizes a school district to participate in the program, the Legislature may give priority to that district for a best financial management practices review in the school district, *subject to approval pursuant to s. 230.23025(7)* ~~as authorized in s. 11.515~~, to the extent that funding is provided annually for such purpose in the General Appropriations Act. The scope of the review shall be as set forth in *s. 230.23025* ~~s. 11.515~~.

Section 8. Subsection (1) of section 233.43, Florida Statutes, is amended to read:

233.43 Duties of superintendent relating to instructional materials.—

(1) The duties and responsibilities of each superintendent of schools for the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials shall be prescribed by policies of the district school board. Such policies shall also provide for an evaluation of any instructional materials to be requisitioned that have not been used previously in the schools of the district. The duties and responsibilities include keeping adequate records and accounts for all financial transactions for funds collected pursuant to s. 233.46(4). Such records and accounts shall be a component of the educational service delivery scope in a school district best financial management practices review under *s.* ~~ss. 11.515 and~~ 230.23025.

Section 9. Paragraph (a) of subsection (2) of section 235.2197, Florida Statutes, is amended to read:

235.2197 Florida Frugal Schools Program.—

(2) The "Florida Frugal Schools Program" is created to recognize publicly each district school board that agrees to build frugal yet functional educational facilities and that implements "best financial management practices" when planning, constructing, and operating educational facilities. The State Board of Education shall recognize a district school board as having a Florida Frugal Schools Program if the district requests recognition and satisfies two or more of the following criteria:

(a) The district receives a "Seal of Best Financial Management" as provided in s. 230.23025 or implements best financial management practices *applicable to* ~~in the area of~~ educational facilities as evidenced by a ~~partial~~ review under *s. 230.23025* ~~s. 230.2302~~.

Section 10. *Land Acquisition and Facilities Advisory Board.—*

(1) The Legislature recognizes that effective land acquisition and facilities operations are essential components of Florida district school boards' ability to provide facilities to accommodate the growing student population in the state. To support and assist the school districts, it is appropriate for the Legislature to make advisory resources available to aid districts in meeting those needs.

(2) If the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA) or the Auditor General determines in a review or examination that significant deficiencies exist in a school district's land acquisition and facilities operational processes, he or she shall certify to the President of Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and the Governor that the deficiency exists. The Legislative Budget Commission shall determine whether funds for the school district will be placed in reserve until the deficiencies are corrected.

(3) After receipt of that certification, the President of the Senate, the Speaker of the House of Representatives, and the Governor shall name a Land Acquisition and Facilities Advisory Board to provide expert advice and assist in improving the district's land acquisition and facilities operational processes. Each Land Acquisition and Facilities Advisory Board

shall consist of seven members and shall possess specific expertise needed to assist the school district in improving its deficient processes. The President of the Senate and the Speaker of the House shall each appoint two members, and the Governor shall appoint three members of the advisory board. Membership of each advisory board may be different for each district. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in accordance with section 112.061, Florida Statutes.

(4) Within 30 days of its formation, the Land Acquisition and Facilities Advisory Board shall convene in the district and make all reasonable efforts to help the district correct deficiencies noted in the examination or audit of the district. The district must cooperate with the advisory board and provide information as requested.

(5) Within 60 days of convening, the Land Acquisition and Facilities Advisory Board shall assess the district's progress and corrective actions and report to the Commissioner of Education. The advisory board's report must address the release of any funds placed in reserve by the Executive Office of the Governor. Any recommendation from the advisory board for the release of funds shall include a certification that policies established, procedures followed, and expenditures made by the school board related to site acquisition and facilities planning and construction are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action and address recommendations made by the Office of Program Policy Analysis and Government Accountability and the Auditor General. If the advisory board does not recommend release of the funds held in reserve they shall provide additional assistance and submit a subsequent report 60 days after the previous report.

(6) Upon certification by the advisory board that corrective action has been taken, each Land Acquisition and Facilities Advisory Board shall be disbanded.

Section 11. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to school district best financial management practices reviews; creating the "Sharpening the Pencil Act"; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing OPPAGA to complete reviews under certain circumstances; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; requiring consultation with the Commissioner of Education throughout the best-practices-review process; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; providing for district self-assessments; requiring public forums to review final reports; requiring copies of the final report issued by OPPAGA to be provided to additional entities; providing for electronic access to reports; requiring public meetings; revising provisions relating to eligibility for the "Seal of Best Financial Management"; establishing requirements relating to status reports; requiring OPPAGA to review a district's status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; clarifying provisions relating to the award of the "Seal of Best Financial Management"; providing for waiver of subsequent reviews under certain circumstances; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., revising duties of the Office of Program Policy Analysis and Government Accountability; amending s. 230.23027, F.S., relating to the Small School District Stabilization Program; conforming provisions to changes made by the act; amending s. 233.43, F.S., relating to duties of superintendent relating to instructional materials; conforming a cross-reference; amending s. 235.2197, F.S., relating to the Florida Frugal Schools Program; conforming cross-references; creating the Land Acquisition and Facilities Advisory Board; providing for appointment of members; providing a review process; providing for board dissolution; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 269** as amended was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Rossin, the Senate resumed consideration of—

CS for SB 1734—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; providing an exemption from public-records requirements for specific information related to financial or medical records of insureds and consumers which are in the possession of the Department of Insurance; providing for future review and an expiration date; providing a finding of public necessity; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (404784)** by Senator Clary was adopted.

Pursuant to Rule 4.19, **CS for SB 1734** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB's 1960 and 1760** was deferred.

On motion by Senator Lawson—

SB 2216—A bill to be entitled An act relating to the food stamp program; amending s. 414.31, F.S.; providing a methodology for valuing vehicles as assets for purposes of food stamp eligibility; providing rulemaking authority; providing a deadline for implementation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2216** was placed on the calendar of Bills on Third Reading.

CS for HB 415—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining "adoption entity," "legal custody," "parent," and "relative"; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent's right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s.

63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; creating the Paternity Registry; providing duties of registrants and department; requiring registration in order to assert an interest in a minor under specified circumstances; providing for admissibility of information in the Paternity Registry; providing penalties; providing rulemaking authority; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; amending s. 63.182, F.S.; revising language with respect to the statute of repose; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendments which were moved by Senator Campbell and adopted:

Amendment 1 (311110)(with title amendment)—On page 91, line 1 through page 93, line 31, delete those lines

And the title is amended as follows:

On page 4, lines 12-23, delete those lines and insert: amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; amending s. 63.202, F.S.; conforming

Amendment 2 (791932)—On page 89, line 12, delete "*Paternity Registry;*"

Senator Garcia moved the following amendment:

Amendment 3 (304386)—On page 27, lines 30 and 31, delete those lines.

On motion by Senator Campbell, further consideration of **CS for HB 415** with pending **Amendment 3** was deferred.

On motion by Senator King—

CS for SB 910—A bill to be entitled An act relating to administrative procedure; amending s. 57.111, F.S.; redefining the term "small business party"; increasing the limitation on attorney's fees and costs; amending s. 120.52, F.S.; redefining the term "agency"; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; restricting persons without substantial interests from initiating specified proceedings under the Environmental Protection Act; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (330674)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (4) of section 57.111, Florida Statutes, is amended to read:

57.111 Civil actions and administrative proceedings initiated by state agencies; attorney's fees and costs.—

(4)

(d) The court, or the administrative law judge in the case of a proceeding under chapter 120, shall promptly conduct an evidentiary hearing on the application for an award of attorney's fees and shall issue a judgment, or a final order in the case of an administrative law judge. The final order of an administrative law judge is reviewable in accordance with the provisions of s. 120.68. If the court affirms the award of attorney's fees and costs in whole or in part, it may, in its discretion, award additional attorney's fees and costs for the appeal.

1. No award of attorney's fees and costs shall be made in any case in which the state agency was a nominal party.

2. No award of attorney's fees and costs for an action initiated by a state agency shall exceed *$50,000* ~~$15,000~~.

Section 2. Paragraph (e) of subsection (2) of section 120.569, Florida Statutes, is amended to read:

120.569 Decisions which affect substantial interests.—

(2)

(e)*1. Every pleading, written motion, and other paper filed in a proceeding must be signed by at least one attorney or qualified representative of record in the attorney's or qualified representative's individual name, or, if the party is not represented by an attorney or qualified representative, the pleading, written motion, or other paper must be signed by the party. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney, qualified representative, or party.*

2. By presenting a pleading, written motion, or other paper, whether by signing, filing, submitting, or later advocating, an attorney, qualified representative, or unrepresented party is certifying that, to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

a. The pleading, written motion, or other paper is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

b. The claims, defenses, and other legal contentions contained in the pleading, written motion, or other paper are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

c. The allegations and other factual contentions have evidentiary support or, if specifically identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

d. The denials of factual contentions are warranted on the evidence or, if specifically identified, are reasonably based on a lack of information or belief.

3. If, after notice and a reasonable opportunity to respond, the presiding officer determines that subparagraph 2. has been violated, the presiding officer may impose an appropriate sanction against the person who signed it, the represented party, or both, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including reasonable attorney's fees. However:

a. Monetary sanctions may not be awarded against a represented party for a violation of sub-subparagraph 2.b.

b. Monetary sanctions may not be awarded under this paragraph based on a violation of discovery rules.

c. This paragraph does not authorize the award of sanctions against any person who comments on or objects to a draft permit during an authorized period for public comment or at a public hearing.

4. Sanctions under this paragraph may be initiated at any time after the initiation of a proceeding either by motion or on the presiding officer's own initiative. A motion shall describe the specific conduct alleged to violate subparagraph 2. The motion shall be served upon the attorney or qualified representative of a party or an unrepresented party against whom such sanctions are sought and shall be filed with the presiding officer. However, such motion shall not be acted upon by the presiding officer or called up for hearing by the movant unless, within 14 days after service of the motion or such other period as the presiding officer may prescribe, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. A presiding officer's own initiative to impose sanctions may be undertaken only after entering an order describing the specific conduct that appears to violate subparagraph 2. and directing the attorney or qualified representative of a party or the unrepresented party to show cause why subparagraph 2. has not been violated. When imposing sanctions, the presiding officer shall describe the conduct determined to constitute a violation of subparagraph 2. and explain the basis for the sanction imposed. ~~All pleadings, motions, or other papers filed in the proceeding must be signed by the party, the party's attorney, or the party's qualified representative. The signature constitutes a certificate that the person has read the pleading, motion, or other paper and that, based upon reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay, or for frivolous purpose or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the presiding officer shall impose upon the person who signed it, the represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.~~

Section 3. Paragraphs (c) and (e) of subsection (1) of section 120.595, Florida Statutes, are amended to read:

120.595 Attorney's fees.—

(1) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION 120.57(1).—

(c) In proceedings pursuant to s. 120.57(1), and upon motion, the administrative law judge shall determine whether any party participated in the proceeding for an improper purpose as defined by this subsection ~~and s. 120.569(2)(e)~~. In making such determination, the administrative law judge shall consider whether the nonprevailing adverse party has participated in two or more other such proceedings involving the same prevailing party and the same project as an adverse party and in which such two or more proceedings the nonprevailing adverse party did not establish either the factual or legal merits of its position, and shall consider whether the factual or legal position asserted in the instant proceeding would have been cognizable in the previous proceedings. In such event, it shall be rebuttably presumed that the nonprevailing adverse party participated in the pending proceeding for an improper purpose.

(e) For the purpose of this subsection:

1. "Improper purpose" means participation in a proceeding pursuant to s. 120.57(1) primarily to harass or to cause unnecessary delay or for frivolous purpose or to needlessly increase the cost of *litigation,* licensing, or securing the approval of an activity.

2. "Costs" has the same meaning as the costs allowed in civil actions in this state as provided in chapter 57.

3. "Nonprevailing adverse party" means a party that has failed to have substantially changed the outcome of the proposed or final agency action which is the subject of a proceeding. In the event that a proceeding results in any substantial modification or condition intended to resolve the matters raised in a party's petition, it shall be determined that the party having raised the issue addressed is not a nonprevailing adverse party. The recommended order shall state whether the change is substantial for purposes of this subsection. In no event shall the term "nonprevailing party" or "prevailing party" be deemed to include any party that has intervened in a previously existing proceeding to support the position of an agency.

Section 4. Subsection (1) of section 373.114, Florida Statutes, is amended to read:

373.114 Land and Water Adjudicatory Commission; review of district rules and orders; department review of district rules.—

(1) Except as provided in subsection (2), the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, have the exclusive authority to review any order or rule of a water management district, other than a rule relating to an internal procedure of the district, *an order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57, or a rule that has been adopted after issuance of an order resulting from an evidentiary hearing held under s. 120.56,* to ensure consistency with the provisions and purposes of this chapter. Subsequent to the legislative ratification of the delineation methodology pursuant to s. 373.421(1), this subsection also shall apply to an order of the department, or a local government exercising delegated authority, pursuant to ss. 373.403-373.443, except an order pertaining to activities or operations subject to conceptual plan approval pursuant to chapter 378 *or an order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57.*

(a) Such review may be initiated by the department or by a party to the proceeding below by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the department and on any person named in the rule or order within 20 days after adoption of the rule or the rendering of the order. For the purposes of this section, the term "party" means any affected person who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the rule or order that are cognizable within the scope of the provisions and purposes of this chapter~~, or any person who participated as a party in a proceeding instituted pursuant to chapter 120~~. In order for the commission to accept a request for review initiated by a party below, with regard to a specific order, four members of the commission must determine on the basis of the record below that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. Review of an order may also be accepted if four members of the commission determine that the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from the standpoint of agency precedent. The party requesting the commission to review an order must allege with particularity, and the commission must find, that:

1. The order is in conflict with statutory requirements; or

2. The order is in conflict with the requirements of a duly adopted rule.

(b) Review by the Land and Water Adjudicatory Commission is appellate in nature and shall be based solely on the record below. If there

was no evidentiary administrative proceeding below, the facts contained in the proposed agency action, including any technical staff report, shall be deemed undisputed. The matter shall be heard by the commission not more than 60 days after receipt of the request for review, unless waived by the parties.

(c) If the Land and Water Adjudicatory Commission determines that a rule of a water management district is not consistent with the provisions and purposes of this chapter, it may require the water management district to initiate rulemaking proceedings to amend or repeal the rule. If the commission determines that an order is not consistent with the provisions and purposes of this chapter, the commission may rescind or modify the order or remand the proceeding for further action consistent with the order of the Land and Water Adjudicatory Commission only if the commission determines that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. In the case of an order which does not itself substantially affect natural resources of statewide or regional significance, but which raises issues of policy that have regional or statewide significance from the standpoint of agency precedent, the commission may direct the district to initiate rulemaking to amend its rules to assure that future actions are consistent with the provisions and purposes of this chapter without modifying the order.

(d) In a review under this section of a construction permit issued pursuant to a conceptual permit under part IV, which conceptual permit is issued after July 1, 1993, a party to the review may not raise an issue which was or could have been raised in a review of the conceptual permit under this section.

(e) A request for review under this section shall not be a precondition to the seeking of judicial review pursuant to s. 120.68 or the seeking of an administrative determination of rule validity pursuant to s. 120.56.

(f) The Florida Land and Water Adjudicatory Commission may adopt rules to set forth its procedures for reviewing an order or rule of a water management district consistent with the provisions of this section.

(g) For the purpose of this section, it shall be presumed that activity authorized by an order will not affect resources of statewide or regional significance if the proposed activity:

1. Occupies an area less than 10 acres in size, and

2. Does not create impervious surfaces greater than 2 acres in size, and

3. Is not located within 550 feet of the shoreline of a named body of water designated as Outstanding Florida Waters, and

4. Does not adversely affect threatened or endangered species.

This paragraph shall not operate to hold that any activity that exceeds these limits is presumed to affect resources of statewide or regional significance. The determination of whether an activity will substantially affect resources of statewide or regional significance shall be made on a case-by-case basis, based upon facts contained in the record below.

Section 5. Subsection (5) of section 403.412, Florida Statutes, is amended to read:

403.412 Environmental Protection Act.—

(5)*(a)* In any administrative, licensing, or other proceedings authorized by law for the protection of the air, water, or other natural resources of the state from pollution, impairment, or destruction, the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state shall have standing to intervene as a party on the filing of a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water, or other natural resources of the state.

(b) Citizen initiation of a proceeding under s. 120.569 or s. 120.57 shall not be authorized by paragraph (a), but shall be governed by the provisions of chapter 120.

(c) However, a nonprofit corporation or association organized in whole or in part to promote conservation, to protect the environment or other biological values, or to preserve historical sites may petition to initiate a proceeding under s. 120.569 or s. 120.57 with regard to an agency action or a proposed agency action in any administrative, licensing, or other proceedings described in paragraph (a) without demonstrating that its substantial interests have been or will be determined, if:

1. Such corporation or association was in existence at least 1 year before the filing of the application to license or permit an activity, conduct, or product which resulted in the agency action or proposed agency action that is the subject of the petition;

2.a. Such corporation or association has an office for the transaction of its customary business or owns real property, within the same county where the activity, conduct, or product to be permitted or licensed is located, or

b. At least 25 members of the corporation or association reside or own real property within the same county where the activity, conduct, or product to be permitted or licensed is located; and

3. Such corporation or association files a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water, or other natural resources of the state.

Section 6. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to administrative procedures; amending s. 57.111, F.S.; increasing the limitation on attorney's fees and costs; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; revising requirements for initiating specified proceedings under the Environmental Protection Act; providing an effective date.

Senator Campbell offered the following amendments which were moved by Senator King and adopted:

Amendment 2 (105170)—On page 5, line 12, delete "*shall*" and insert: *may*

Amendment 3 (402804)—On page 5, line 14, delete "*must*" and insert: *may*

Pursuant to Rule 4.19, **CS for SB 910** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

CS for CS for SB 294—A bill to be entitled An act relating to housing; amending s. 420.503, F.S.; redefining the term "elderly"; allowing the Mortgage Revenue Bond Program to be included in the federal fair housing definition of elder housing; amending s. 420.5088, F.S.; allowing funds from the Homeowner's Assistance Program to be used for certain programs other than those sponsored by the Florida Housing Finance Corporation; amending s. 420.5092, F.S.; including housing for the homeless in eligible housing under the Florida Affordable Housing Guarantee Program; increasing the cap on the Affordable Housing Guarantee Fund; amending s. 760.29, F.S.; providing that a facility or community claiming an exemption from said act with respect to familial status for housing for older persons shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements; providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 294** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for CS for SB 792—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.904, F.S.; providing for the agency to pay for health insurance premiums for certain Medicaid-eligible persons; providing for the agency to pay for specified cancer treatment; providing Medicaid eligibility for certain disabled persons under a Medicaid buy-in program, subject to specific federal authorization; directing the Agency for Health Care Administration to seek a federal grant, demonstration project, or waiver for establishment of such buy-in program, subject to a specific appropriation; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; revising standards for payable intermediate care services; authorizing the agency to pay for assistive-care services; amending s. 409.908, F.S.; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distribution to rural hospitals; amending s. 409.91195, F.S.; requiring the Medicaid Pharmaceutical and Therapeutics Committee to recommend a preferred drug formulary; revising the membership of the Medicaid Pharmaceutical and Therapeutics Committee; authorizing the Agency for Health Care Administration to implement a prior authorization program for outpatient prescription drugs under the Medicaid program; providing duties of the committee in advising the agency with respect to prior authorization for drugs; providing requirements for the program; requiring public notice and comment; requiring the committee to develop a grievance mechanism; requiring the agency to publish the preferred drug formulary; amending s. 409.912, F.S.; authorizing the agency to establish requirements for prior authorization for certain populations, drug classes, or particular drugs; specifying conditions under which the agency may enter certain contracts with exclusive provider organizations; revising components of the agency's spending-control program; prescribing additional services that the agency may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted-drug formulary; directing the agency to establish a demonstration project in Miami-Dade County to provide minority health care; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for assignment of certain Medicaid recipients to managed-care plans; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursement to hospitals; revising the level of county participation; providing for distribution of funds under the disproportionate share program for specified hospitals for the 2001 federal fiscal year; providing effective dates.

—was read the second time by title.

Senators Silver and Sanderson offered the following amendment which was moved by Senator Silver and adopted:

Amendment 1 (324854)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. *From the funds in Specific Appropriation 1002 of the General Appropriations Act for FY 2001-2002, $1,750,000 in nonrecurring County Health Department Trust Funds is provided for the following:*

School Health—Hillsborough County	*$550,000*
School Health—Broward County	*$500,000*
School Health—Escambia County	*$200,000*
School Health—Monroe County	*$200,000*
School Health—Dade County	*$300,000*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: providing for the distribution of County Health Department Trust Funds;

Senator Silver moved the following amendments which were adopted:

Amendment 2 (312140)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. *The certificate-of-need workgroup created by section 15 of Chapter 2000-318, Laws of Florida, shall review and make recommendations regarding the appropriateness of current regulations on services provided in ambulatory surgical centers. The recommendations shall be based on consideration of:*

(1) The consistency of the regulations with federal law and federal reimbursement policies;

(2) The effectiveness of the regulations in protecting the public health and safety, promoting the quality of services provided by ambulatory surgical centers, and encouraging the participation of ambulatory surgical centers in the delivery of essential community services; and

(3) The impact of any change of the current regulations on the health care market, including:

(a) The number and location of facilities and services, whether provided by an ambulatory surgical center or other licensed health care provider;

(b) The financial condition of safety net providers;

(c) The availability of essential community services, including trauma, emergency care and specialty, tertiary services; and

(d) The cost and availability of health care services to all classes of patients, including insured, uninsured, underinsured, and Medicare and Medicaid.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: requiring the certificate-of-need workgroup to review and make recommendations regarding specified regulations;

Amendment 3 (104132)(with title amendment)—On page 11, line 28, insert:

4. Hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001 and restored effective April 1, 2002.

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: providing for a temporary rate reduction;

Amendment 4 (104548)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. Paragraphs (r) and (s) are added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(r) For the conversion of hospital-based Medicare and Medicaid certified skilled nursing beds to acute care beds, if the conversion does not involve the construction of new facilities.

(s) For fiscal year 2001-2002 only, for transfer by a health care system of existing services and not more than 100 licensed and approved beds from a hospital in district 1, subdistrict 1, to another location within the same subdistrict in order to establish a satellite facility that will improve access to outpatient and inpatient care for residents of the district and subdistrict and that will use new medical technologies, including advanced diagnostics, computer assisted imaging, and telemedicine to improve care. This paragraph is repealed on July 1, 2002.

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: providing for an exemption from review for transfer of certain beds and services to a satellite facility; providing for future repeal;

RECONSIDERATION OF AMENDMENT

On motion by Senator Cowin, the Senate reconsidered the vote by which **Amendment 4** was adopted. **Amendment 4** was adopted.

Senator Silver moved the following amendments which were adopted:

Amendment 5 (885628)(with title amendment)—On page 24, line 29 through page 30, line 26, delete those lines and insert:

Section 8. Section 409.91195, Florida Statutes, is amended to read:

409.91195 Medicaid Pharmaceutical and Therapeutics Committee.—There is created a Medicaid Pharmaceutical and Therapeutics Committee *within the Agency for Health Care Administration for the purpose of developing a preferred drug formulary pursuant to 42 U.S.C. s. 1396r-8.* ~~The committee shall develop and implement a voluntary Medicaid preferred prescribed drug designation program. The program shall provide information to Medicaid providers on medically appropriate and cost-efficient prescription drug therapies through the development and publication of a voluntary Medicaid preferred prescribed drug list.~~

(1) The Medicaid Pharmaceutical and Therapeutics Committee shall be comprised *as specified in 42 U.S.C. s. 1396r-8 and consist of eleven members appointed by the Governor. Four members shall be physicians, licensed under chapter 458; one member licensed under chapter 459; five members shall be pharmacists licensed under chapter 465; and one member shall be a consumer representative.*~~of nine members appointed as follows: one practicing physician licensed under chapter 458, appointed by the Speaker of the House of Representatives from a list of recommendations from the Florida Medical Association; one practicing physician licensed under chapter 459, appointed by the Speaker of the House of Representatives from a list of recommendations from the Florida Osteopathic Medical Association; one practicing physician licensed under chapter 458, appointed by the President of the Senate from a list of recommendations from the Florida Academy of Family Physicians; one practicing podiatric physician licensed under chapter 461, appointed by the President of the Senate from a list of recommendations from the Florida Podiatric Medical Association; one trauma surgeon licensed under chapter 458, appointed by the Speaker of the House of Representatives from a list of recommendations from the American College of Surgeons; one practicing dentist licensed under chapter 466, appointed by the President of the Senate from a list of recommendations from the Florida Dental Association; one practicing pharmacist licensed under chapter 465, appointed by the Governor from a list of recommendations from the Florida Pharmacy Association; one practicing pharmacist licensed under chapter 465, appointed by the Governor from a list of recommendations from the Florida Society of Health System Pharmacists; and one health care professional with expertise in clinical pharmacology appointed by the Governor from a list of recommendations from the Pharmaceutical Research and Manufacturers Association.~~ The members shall be appointed to serve for terms of 2 years from the date of their appointment. Members may be appointed to more than one term. The Agency for Health Care Administration shall serve as staff for the committee and assist them with all ministerial duties. *The Governor shall ensure that at least some of the members of the Medicaid Pharmaceutical and Therapeutics Committee represent Medicaid participating physicians and pharmacies serving all segments and diversity of the Medicaid population, and have experience in either developing or practicing under a preferred drug formulary. At least one of the members shall represent the interests of pharmaceutical manufacturers.*

(2) Committee members shall select a chairperson and a vice chairperson each year from the committee membership.

(3) The committee shall meet at least quarterly and may meet at other times at the discretion of the chairperson and members. The committee shall comply with rules adopted by the agency, including notice of any meeting of the committee pursuant to the requirements of the Administrative Procedure Act.

(4) Upon recommendation of the Medicaid Pharmaceutical and Therapeutics Committee the agency shall adopt a preferred drug list. To the extent feasible, the committee shall review all drug classes included in the formulary at least every 12 months, and may recommend additions to and deletions from the formulary, such that the formulary provides

~~(2) Upon recommendation by the committee, the Agency for Health Care Administration shall establish the voluntary Medicaid preferred prescribed drug list. Upon further recommendation by the committee, the agency shall add to, delete from, or modify the list. The committee shall also review requests for additions to, deletions from, or modifications of the list. The list shall be adopted by the committee in consultation with medical specialists, when appropriate, using the following criteria: use of the list shall be voluntary by providers and the list must provide~~ for medically appropriate drug therapies for Medicaid patients which achieve cost savings *contained in the General Appropriations Act.*

(5) Except for mental health-related drugs, anti-retroviral drugs, and drugs for nursing home residents and other institutional residents, reimbursement of drugs not included in the formulary is subject to prior authorization ~~in the Medicaid program~~.

(6)~~(3)~~ The Agency for Health Care Administration shall publish and disseminate the *preferred drug formulary* ~~voluntary Medicaid preferred prescribed drug list~~ to all Medicaid providers in the state.

(7) The committee shall ensure that pharmaceutical manufacturers agreeing to provide a supplemental rebate as outlined in this chapter have an opportunity to present evidence supporting inclusion of a product on the preferred drug list. Upon timely notice, the agency shall ensure that any drug that has been approved or had any of its particular uses approved by the United States Food and Drug Administration under a priority review classification will be reviewed by the Medicaid Pharmaceutical and Therapeutics Committee at the next regularly scheduled meeting. To the extent possible, upon notice by a manufacturer the agency shall also schedule a product review for any new product at the next regularly scheduled Medicaid Pharmaceutical and Therapeutics Committee.

(8) Until the Medicaid Pharmaceutical and Therapeutics Committee is appointed and a preferred drug list adopted by the agency, the agency shall use the existing voluntary preferred drug list adopted pursuant to Chapter 2000-367, Section 72, Laws of Florida. Drugs not listed on the voluntary preferred drug list will require prior authorization by the agency or its contractor.

(9) The Medicaid Pharmaceutical and Therapeutics Committee shall develop its preferred drug list recommendations by considering the clinical efficacy, safety, and cost effectiveness of a product. When the preferred drug formulary is adopted by the agency, if a product on the formulary is one of the first four brand-name drugs used by a recipient in a month the drug shall not require prior authorization.

(10) The Medicaid Pharmaceutical and Therapeutics Committee may also make recommendations to the agency regarding the prior authorization of any prescribed drug covered by Medicaid.

(11) Medicaid recipients may appeal agency preferred drug formulary decisions using the Medicaid fair hearing process administered by the Department of Children and Family Services.

And the title is amended as follows:

On page 2, lines 8-18, delete those lines and insert: and Therapeutics Committee; providing for committee responsibilities; requiring the agency to publish the preferred drug formulary; providing for a hearing process;

Amendment 6 (733542)—On page 15, line 22, after the period (.) insert: *Each rate semester, the agency shall calculate and publish a Medicaid hospital rate schedule that does not reflect either special Medicaid payments or the elimination of rate reimbursement ceilings, to be used by hospitals and Medicaid health maintenance organizations, in order to determine the Medicaid rate referred to in ss. 409.912(16), 409.9128(5), and 641.513(6).*

Amendment 7 (471714)—On page 58, lines 19-28, delete those lines and insert:

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 10 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter

unless the federal or supplemental rebate, or both, equals or exceeds 25 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" may include, at the agency's discretion, cash rebates and other program benefits that offset a Medicaid expenditure. Such other program benefits may include, but are not limited to, disease management programs, drug product donation programs, drug utilization control programs, prescriber and beneficiary counseling and education, fraud and abuse initiatives, and other services or administrative investments with guaranteed savings to the Medicaid program in the same year the rebate reduction is included in the General Appropriations Act. The agency is authorized to seek any federal waivers to implement this initiative.

Amendment 8 (411394)—On page 56, line 9, after the period (.) insert: *Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit.*

Amendment 9 (611284)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. *It is hereby appropriated for state fiscal year 2001-2002, $713,493 from the General Revenue Fund and $924,837 from the Medical Care Trust Fund to increase the pharmaceutical dispensing fee for prescriptions dispensed to nursing home residents and other institutional residents from $4.23 to $4.73 per prescription.*

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: providing an appropriation;

Amendment 10 (104794)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. *From the funds in Specific Appropriation 500 of the General Appropriations Act for FY 2001-2002, $196,000 in General Revenue is provided for the following:*

Public Guardianship Program - Dade County	*$150,000*
Public Guardianship Program - Collier County	*$ 38,000*
Public Guardianship Program - Escambia County	*$ 8,000*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: providing an appropriation;

Senator Sanderson moved the following amendment which was adopted:

Amendment 11 (101730)(with title amendment)—On page 64, between lines 10 and 11, insert:

Section 13. Subsection (1) and paragraph (a) of subsection (7) of section 240.4075, Florida Statutes, are amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(1) To encourage qualified personnel to seek employment in areas of this state in which critical nursing shortages exist, there is established the Nursing Student Loan Forgiveness Program. The primary function of the program is to increase employment and retention of registered nurses and licensed practical nurses in nursing homes and hospitals in the state and in state-operated medical and health care facilities, birth centers, federally sponsored community health centers, ~~and~~ teaching hospitals, *family practice teaching hospitals, and specialty children's hospitals* by making repayments toward loans received by students from federal or state programs or commercial lending institutions for the support of postsecondary study in accredited or approved nursing programs.

(7)(a) Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, county health departments, federally sponsored community health centers, ~~or~~ teaching hospitals as defined in s. 408.07, *family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119. If, in any given fiscal quarter, there are insufficient funds in the trust fund to grant all eligible applicants' requests, awards must be based on the following priority by employer: county health departments, federally sponsored community health centers, state-operated medical and health care facilities, teaching hospitals as defined in s. 408.07, family practice teaching hospitals as defined in s. 395.805, specialty children's hospitals as described in s. 409.9119, and other hospitals, birthing centers, or nursing homes where the match is required.*

Section 14. Paragraph (b) of subsection (4) of section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship program.—

(4) Credit for repayment of a scholarship shall be as follows:

(b) Eligible health care facilities include state-operated medical or health care facilities, county health departments, federally sponsored community health centers, ~~or~~ teaching hospitals as defined in s. 408.07, *nursing homes, family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119*. The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

Section 15. *All the statutory powers, duties, and functions and the records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Nursing Student Loan Forgiveness Program are transferred from the Department of Education to the Department of Health by a type two transfer as defined in section 20.06, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health;

Pursuant to Rule 4.19, **CS for CS for SB 792** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 348—A bill to be entitled An act relating to condominiums; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S.; revising provisions with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising provisions with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising provisions with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising provisions with respect to the association; amending s. 718.112, F.S.; revising provisions with respect to bylaws; amending s. 718.113, F.S.; revising provisions with respect to material alterations of common elements or association real property operated by a multicondominium

association; amending s. 718.115, F.S.; revising provisions with respect to common expenses; amending s. 718.405, F.S.; revising provisions with respect to multicondominiums and multicondominium associations; amending s. 718.504, F.S.; revising provisions with respect to the prospectus or offering circular; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment:

Amendment 1 (514528)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 326.001, Florida Statutes, is amended to read:

326.001 Short title.—*This chapter* ~~Sections 326.001-326.006~~ may be cited as the "Yacht and Ship Brokers' Act."

Section 2. Section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in *this chapter* ~~ss. 326.001-326.006~~, the term:

(1) "Broker" means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.

(2) *"Department"* ~~"Division"~~ means the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes of the~~ Department of Business and Professional Regulation.

(3) "Salesperson" means a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.

(4) "Yacht" means any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

Section 3. Section 326.003, Florida Statutes, is amended to read:

326.003 Administration.—The *department* ~~division~~ shall:

(1) Administer ~~ss. 326.001-326.006~~ and collect fees sufficient to administer *this chapter* ~~ss. 326.001-326.006~~.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer this chapter* ~~implement ss. 326.001-326.006~~ and to classify brokers and salespersons and regulate their activities.

(3) Enforce the provisions of *this chapter* ~~ss. 326.001-326.006~~ against any person who operates as a broker or salesperson without a license.

Section 4. Section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(1) A person may not act as a broker or salesperson unless licensed under the Yacht and Ship Brokers' Act. The *department* ~~division~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

(2) A broker may not engage in business as a broker under a fictitious name unless his or her license is issued in such name.

(3) A license is not required for:

(a) A person who sells his or her own yacht.

(b) An attorney at law for services rendered in his or her professional capacity.

(c) A receiver, trustee, or other person acting under a court order.

(d) A transaction involving the sale of a new yacht.

(e) A transaction involving the foreclosure of a security interest in a yacht.

(4) Any person who purchases a used yacht for resale must transfer title to such yacht into his or her name and maintain the title or bill of sale in his or her possession to be exempt from licensure.

(5) The *department* ~~division~~ by rule shall establish fees for application, initial licensing, biennial renewal, and reinstatement of licenses in an amount not to exceed $500. The fees must be set in an amount that is adequate to proportionately fund the expenses of the *department* ~~division~~ in *this chapter* ~~ss. 326.001-326.006~~.

(6) The *department* ~~division~~ may deny a license *or license renewal* to any applicant who does not:

(a) Furnish proof satisfactory to the *department* ~~division~~ that he or she is of good moral character.

(b) Certify that he or she has never been convicted of a felony.

(c) Post the bond required by the Yacht and Ship Brokers' Act.

(d) Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.

(e) Furnish a full set of fingerprints taken within the 6 months immediately preceding the submission of the application.

(f) Have a current license and has operated as a broker or salesperson without a license.

(7)(a) Before any license may be issued to a yacht or ship broker, he or she must deliver to the *department* ~~division~~ a good and sufficient surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of $25,000.

(b) Surety bonds and irrevocable letters of credit must be in a form to be approved by the *department* ~~division~~ and must be conditioned upon the broker complying with the terms of any written contract made by such broker in connection with the sale or exchange of any yacht or ship and not violating any of the provisions of the Yacht and Ship Brokers' Act in the conduct of the business for which he or she is licensed. The bonds and letters of credit must be delivered to the *department* ~~division~~ and in favor of any person in a transaction who suffers any loss as a result of any violation of the conditions in *this chapter* ~~ss. 326.001-326.006~~. When the *department* ~~division~~ determines that a person has incurred a loss as a result of a violation of the Yacht and Ship Brokers' Act, it shall notify the person in writing of the existence of the bond or letter of credit. The bonds and letters of credit must cover the license period, and a new bond or letter of credit or a proper continuation certificate must be delivered to the *department* ~~division~~ at the beginning of each license period. However, the aggregate liability of the surety in any one year may not exceed the sum of the bond or, in the case of a letter of credit, the aggregate liability of the issuing bank may not exceed the sum of the credit.

(c) Surety bonds must be executed by a surety company authorized to do business in the state as surety, and irrevocable letters of credit must be issued by a bank authorized to do business in the state as a bank.

(d) Irrevocable letters of credit must be engaged by a bank as an agreement to honor demands for payment as specified in this section.

The security for a broker must remain on deposit for a period of 1 year after he or she ceases to be a broker.

(8) A person may not be licensed as a broker unless he or she has been a salesperson for at least 2 consecutive years, and may not be licensed as a broker after October 1, 1990, unless he or she has been licensed as a salesperson for at least 2 consecutive years.

(9) An applicant for a salesperson's license or its renewal must deposit with the *department* ~~division~~ a bond or equivalent securities in the sum of $10,000 subject to the conditions in subsection (7).

(10) Upon a final judgment being rendered against a yacht broker or salesperson for a violation of *this chapter* ~~ss. 326.001-326.006~~ which results in any action being commenced on the bond or letter of credit, the *department* ~~division~~ may require the filing of a new bond or letter of credit and immediately on the recovery in any action on such bond or letter of credit, the broker or salesperson involved must file a new bond

or letter of credit. His or her failure to do so within 10 days constitutes grounds for the suspension or revocation of his or her license.

(11) Any person injured by the fraud, deceit, or willful negligence of any broker or salesperson or by the failure of any broker or salesperson to comply with the Yacht and Ship Brokers' Act or other law may file an action for damages upon the respective bonds against the principals and the surety.

(12) If a surety notifies the *department* ~~division~~ that it is no longer the surety for a licensee, the *department* ~~division~~ shall notify the licensee of such withdrawal by certified mail, return receipt requested, addressed to the licensee's principal office. Upon the termination of such surety the licensee's license is automatically suspended until he or she files a new bond with the *department* ~~division~~.

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. A separate license must be maintained for each branch office. The *department* ~~division~~ shall establish by rule a fee not to exceed $100 for each branch office license.

(14)(a) Each license must be prominently displayed in the office of the broker.

(b) Each salesperson's license must remain in the possession of the employing broker until canceled or until the salesperson leaves such employment. Immediately upon a salesperson's withdrawal from the employment of a broker, the broker must return the salesperson's license to the *department* ~~division~~ for cancellation.

(15) The *department* ~~division~~ shall provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement *and the Federal Bureau of Investigation conduct* ~~conducts~~ a national criminal history analysis of the applicant by means of fingerprint identification.

Section 5. Section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties of *department* ~~division~~.—

(1) Proceedings under the Yacht and Ship Brokers' Act shall be conducted pursuant to chapter 120.

(2) The *department may* ~~division has the power to~~ enforce and ensure compliance with the provisions of this chapter and rules adopted under this chapter relating to the sale and ownership of yachts and ships. In performing its duties, the *department* ~~division~~ has the following powers and duties:

(a) The *department* ~~division~~ may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order issued under this chapter, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms under this chapter.

(b) The *department* ~~division~~ may require or permit any person to file a statement in writing, under oath or otherwise, as the *department* ~~division~~ determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the *secretary of the department* ~~division director~~ or any officer or employee designated by the *secretary* ~~division director~~ may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the *department* ~~investigating officer~~ and upon reasonable notice to all persons affected thereby, the *department* ~~division~~ may apply to the circuit court for an order compelling compliance*, may impose a civil penalty, and may suspend or revoke the licensee's license.*

(d) Notwithstanding any remedies available to a yacht or ship purchaser, if the *department* ~~division~~ has reasonable cause to believe that a violation of any provision of this chapter or rule adopted under this chapter has occurred, the *department* ~~division~~ may institute enforcement proceedings in its own name against any broker or salesperson or any of his or her assignees or agents, or against any unlicensed person or any of his or her assignees or agents, as follows:

1. The *department* ~~division~~ may permit a person whose conduct or actions are under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The *department* ~~division~~ may issue an order requiring the broker or salesperson or any of his or her assignees or agents, or requiring any unlicensed person or any of his or her assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the *department* ~~division~~ will carry out the purposes of this chapter.

3. The *department* ~~division~~ may bring an action in circuit court on behalf of a class of yacht or ship purchasers for declaratory relief, injunctive relief, or restitution.

4. The *department* ~~division~~ may impose a civil penalty against a broker or salesperson or any of his or her assignees or agents, or against an unlicensed person or any of his or her assignees or agents, for any violation of this chapter or a rule adopted under this chapter. A penalty may be imposed for each day of continuing violation, but in no event may the penalty for any offense exceed $10,000. All amounts collected must be deposited with the Treasurer to the credit of the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund. If a broker, salesperson, or unlicensed person working for a broker, fails to pay the civil penalty, the *department* ~~division~~ shall thereupon issue an order suspending the broker's license until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. The order imposing the civil penalty or the order of suspension may not become effective until 20 days after the date of such order. Any action commenced by the *department* ~~division~~ must be brought in the county in which the *department* ~~division~~ has its executive offices or in the county where the violation occurred.

(e) The *department* ~~division~~ may suspend or revoke the license of a broker or salesperson who:

1. Makes a substantial and intentional misrepresentation, with respect to a transaction involving a yacht, upon which any person has relied.

2. Makes a false warranty, with respect to a transaction involving a yacht, of a character likely to influence, persuade, or induce any person with whom business is transacted.

3. Engages in continued misrepresentation or makes false warranties with respect to transactions involving a yacht, whether or not relied upon by another person.

4. Acts for both the buyer and seller in a transaction involving a yacht without the knowledge and written consent of both parties.

5. Commingles the money or other property of his or her principal with his or her own.

6. Commits fraud or dishonest acts in the conduct of any transaction involving a yacht.

7. Allows an unlicensed person to use his or her name to evade the provisions of the Yacht and Ship Brokers' Act.

8. Violates any law governing the transactions involving a yacht, including any provision relating to the collection or payment of sales or use taxes.

9. Engages in acts that are evidence of a lack of good moral character.

10. Is convicted of a felony.

(f) The *department* ~~division~~ may suspend or revoke the license of a broker or salesperson who has:

1. Procured a license for himself or herself or another by fraud, misrepresentation, falsification, or deceit.

2. Been found guilty of a felony or a crime of moral turpitude.

3. Had a license or registration revoked, suspended, or sanctioned in another state.

(3) All fees must be deposited in the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund as provided by law.

Section 6. *The regulation of yacht and ship brokers and salespersons is reassigned within the Department of Business and Professional Regulation from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions. All funds collected by the department pursuant to the regulation of yacht and ship brokers and salespersons and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for such regulation shall be deposited in an account created within the Professional Regulation Trust Fund for the same purpose.*

Section 7. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators *or other conveyances* subject to this chapter must be *annually* inspected *by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division* pursuant to s. 399.13. *If the elevator or other conveyance is* ~~by a third-party inspection service certified as a qualified elevator inspector or~~ maintained pursuant to a service maintenance contract continuously in force, *it shall be inspected at least once every two years by a certified elevator inspector not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.* A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation *or when a third-party inspection service is not available for routine inspection*.

(2) The division *may* ~~shall~~ employ state elevator inspectors to conduct the inspections *as* required by subsection (1) *and may charge an inspection fee for each inspection sufficient to cover the costs of that inspection, as provided by rule.* Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 8. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is responsible for the printed or electronic content of all initial licensure and licensure renewal documents. Such documents must require information including as appropriate demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) Any submission required to be in writing may be made by electronic means.

(12) The department may not issue or renew a license to any person who is not in compliance with all provisions of a final order of a board or the department until that person is in compliance with all terms and conditions of the final order. The department may not issue or renew a license to any person who is not in compliance with all legal obligations under this chapter or the relevant practice act, including, but not limited to, the obligation to pay all fees and assessments that are owed and to complete all continuing education requirements. This subsection applies to all divisions within the department.

Section 9. Section 455.224, Florida Statutes, is amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives

the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

(7) Notwithstanding s. 455.017, any division within the department may establish a citation program pursuant to the provisions of this section in the enforcement of its regulatory provisions. Any citation issued by a division pursuant to this section must clearly state that the subject may choose, in lieu of accepting the citation, to follow the existing procedures established by law. If the subject does not dispute the matter in the citation with the division within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule of the appropriate division.

Section 10. Subsection (5) is added to section 718.1255, Florida Statutes, to read:

718.1255 Alternative dispute resolution; voluntary mediation; mandatory nonbinding arbitration; *disputes involving election irregularities;* legislative findings.—

(1) DEFINITIONS.—As used in this section, the term "dispute" means any disagreement between two or more parties that involves:

(a) The authority of the board of directors, under this chapter or association document to:

1. Require any owner to take any action, or not to take any action, involving that owner's unit or the appurtenances thereto.

2. Alter or add to a common area or element.

(b) The failure of a governing body, when required by this chapter or an association document, to:

1. Properly conduct elections.

2. Give adequate notice of meetings or other actions.

3. Properly conduct meetings.

4. Allow inspection of books and records.

"Dispute" does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.

(2) VOLUNTARY MEDIATION.—Voluntary mediation through Citizen Dispute Settlement Centers as provided for in s. 44.201 is encouraged.

(3) LEGISLATIVE FINDINGS.—

(a) The Legislature finds that unit owners are frequently at a disadvantage when litigating against an association. Specifically, a condominium association, with its statutory assessment authority, is often more able to bear the costs and expenses of litigation than the unit owner who must rely on his or her own financial resources to satisfy the costs of litigation against the association.

(b) The Legislature finds that the courts are becoming overcrowded with condominium and other disputes, and further finds that alternative dispute resolution has been making progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to court litigation. However, the Legislature also finds that alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.

(c) There exists a need to develop a flexible means of alternative dispute resolution that directs disputes to the most efficient means of resolution.

(d) The high cost and significant delay of circuit court litigation faced by unit owners in the state can be alleviated by requiring nonbinding arbitration and mediation in appropriate cases, thereby reducing delay and attorney's fees while preserving the right of either party to have its case heard by a jury, if applicable, in a court of law.

(4) MANDATORY NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall employ full-time attorneys to act as arbitrators to conduct the arbitration hearings provided by this chapter. The division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this section. No person may be employed by the department as a full-time arbitrator unless he or she is a member in good standing of The Florida Bar. The department shall promulgate rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator shall be final; however, such a decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence in the trial de novo.

(a) Prior to the institution of court litigation, a party to a dispute shall petition the division for nonbinding arbitration. The petition must be accompanied by a filing fee in the amount of $50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(b) The petition must recite, and have attached thereto, supporting proof that the petitioner gave the respondents:

1. Advance written notice of the specific nature of the dispute;

2. A demand for relief, and a reasonable opportunity to comply or to provide the relief; and

3. Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute.

Failure to include the allegations or proof of compliance with these prerequisites requires dismissal of the petition without prejudice.

(c) Upon receipt, the petition shall be promptly reviewed by the division to determine the existence of a dispute and compliance with the requirements of paragraphs (a) and (b). If emergency relief is required and is not available through arbitration, a motion to stay the arbitration may be filed. The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.

(d) Upon determination by the division that a dispute exists and that the petition substantially meets the requirements of paragraphs (a) and (b) and any other applicable rules, a copy of the petition shall forthwith be served by the division upon all respondents.

(e) Either before or after the filing of the respondents' answer to the petition, any party may request that the arbitrator refer the case to mediation under this section and any rules adopted by the division. Upon receipt of a request for mediation, the division shall promptly contact the parties to determine if there is agreement that mediation would be appropriate. If all parties agree, the dispute must be referred to mediation. Notwithstanding a lack of an agreement by all parties, the arbitrator may refer a dispute to mediation at any time.

(f) Upon referral of a case to mediation, the parties must select a mutually acceptable mediator. To assist in the selection, the arbitrator shall provide the parties with a list of both volunteer and paid mediators that have been certified by the division under s. 718.501. If the parties are unable to agree on a mediator within the time allowed by the arbitrator, the arbitrator shall appoint a mediator from the list of certified mediators. If a case is referred to mediation, the parties shall attend a mediation conference, as scheduled by the parties and the mediator. If any party fails to attend a duly noticed mediation conference, without the permission or approval of the arbitrator or mediator, the arbitrator must impose sanctions against the party, including the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorneys' fees incurred by the other

parties. Unless otherwise agreed to by the parties or as provided by order of the arbitrator, a party is deemed to have appeared at a mediation conference by the physical presence of the party or its representative having full authority to settle without further consultation, provided that an association may comply by having one or more representatives present with full authority to negotiate a settlement and recommend that the board of administration ratify and approve such a settlement within 5 days from the date of the mediation conference. The parties shall share equally the expense of mediation, unless they agree otherwise.

(g) The purpose of mediation as provided for by this section is to present the parties with an opportunity to resolve the underlying dispute in good faith, and with a minimum expenditure of time and resources.

(h) Mediation proceedings must generally be conducted in accordance with the Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Persons who are not parties to the dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. If the mediator declares an impasse after a mediation conference has been held, the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be either binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a court of competent jurisdiction. The parties may seek to recover any costs and attorneys' fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.

(i) Arbitration shall be conducted according to rules promulgated by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.

(j) At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, in the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure. Rules adopted by the division may authorize any reasonable sanctions except contempt for a violation of the arbitration procedural rules of the division or for the failure of a party to comply with a reasonable nonfinal order issued by an arbitrator which is not under judicial review.

(k) The arbitration decision shall be presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney's fees in an amount determined by the arbitrator. Such an award shall include the costs and reasonable attorney's fees incurred in the arbitration proceeding as well as the costs and reasonable attorney's fees incurred in preparing for and attending any scheduled mediation.

(l) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney's fees.

(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney's fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, and any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.

(5) DISPUTES INVOLVING ELECTION IRREGULARITIES.—Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration shall be handled on an expedited basis in the manner provided by division rules for recall arbitration disputes.

Section 11. Section 702.09, Florida Statutes, is amended to read:

702.09 Definitions.—For the purposes of ss. 702.07 and 702.08 the words "decree of foreclosure" shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word "mortgage" shall mean any written instrument securing the payment of money or advances *and shall include liens to secure payment of assessments arising under chapters 718, 719, and 720*; the word "debt" shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words "foreclosure proceedings" shall embrace every action in the circuit *or county* courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word "property" shall mean and include both real and personal property.

Section 12. Paragraph (h) of subsection (4) and subsection (5) of section 718.104, Florida Statutes, are amended to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(h) If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. If *a* ~~the~~ declaration *recorded on or after July 1, 2000, for a condominium operated by a multicondominium association,* as originally recorded, fails to so provide, the share of liability for the common expenses of the association and of ownership of the common surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number "one" and the denominator of which is the total number of units in all condominiums operated by the association.

(5) The declaration *as originally recorded, or as amended pursuant to the procedures provided therein,* may include covenants and restrictions concerning the use, occupancy, and transfer of the units permitted by law with reference to real property. *With the exception of amendments that materially modify unit appurtenances as provided in s. 718.110(4), amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* However, the rule against perpetuities shall not defeat a right given any person or entity by the declaration for the purpose of allowing unit owners to retain reasonable control over the use, occupancy, and transfer of units.

Section 13. Paragraph (b) of subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted *pursuant to the provisions contained therein* ~~under s. 718.110(2)~~. *Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments which materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended. Further, such transfers must be evidenced by a written instrument which must be executed with the formalities of a deed and recorded in the land records of the county in which the condominium is located in order to be effective. Such instrument of transfer must also specify the legal description of the unit which is transferring use rights, as well as the legal description of the unit obtaining the transfer of such rights. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 14. Subsection (4) of section 718.110, Florida Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, *amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b), and amendments restricting or modifying the right to lease condominium units* shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. *With the exception of amendments that materially modify unit appurtenances as provided in this section, amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* A declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

Section 15. Subsection (4), paragraph (a) of subsection (7), and subsection (13) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements *or association property*; however, the association may not charge a use fee against a unit owner for the use of common elements or association property unless otherwise provided for in the declaration of condominium or by a majority vote of the association or unless the charges relate to ~~expenses incurred by~~ an owner having exclusive use of the common elements or association property.

(7) TITLE TO PROPERTY.—

(a) The association has the power to acquire title to property or otherwise hold, convey, lease, and mortgage association property for the use and benefit of its members. The power to acquire personal property shall be exercised by the board of administration. Except as otherwise permitted in subsections (8) and (9) and in s. 718.114, no association may acquire, convey, ~~lease,~~ or mortgage association real property except in the manner provided in the declaration, and if the declaration does not specify the procedure, then approval of 75 percent of the total voting interests shall be required.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or *contract for the preparation and completion of* ~~cause to be prepared and completed by a third party~~, a financial report for the preceding fiscal year. Within 21 days after the *final* financial report is completed *by the association* or received ~~by the association~~ from the third party, *but in no event later than 120 days after the end of the fiscal year, or such other date as is provided in the bylaws,* the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $100,000 or more, but less than $200,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $200,000, but less than $400,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $100,000 shall prepare a report of cash receipts and expenditures.

2. An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).

3. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer.

Section 16. Subsection (3) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(3) OPTIONAL PROVISIONS.—The bylaws *as originally recorded, or as amended pursuant to the procedure provided therein,* may provide for the following:

(a) A method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common elements.

(b) Restrictions on and requirements for the use, maintenance, and appearance of the units and the use of the common elements.

(c) Other provisions which are not inconsistent with this chapter or with the declaration, as may be desired. *This subsection is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 17. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration *as originally recorded or as amended pursuant to the procedures provided therein*. If the declaration *as originally recorded or amended* does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums *as originally recorded, or as amended pursuant to the procedures provided therein*. If a declaration *as originally recorded or amended* does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws *as originally recorded or amended* requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws *as said documents are originally recorded or amended pursuant to the procedures provided therein*. If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 18. Paragraphs (b) and (c) of subsection (1) of section 718.115, Florida Statutes, are amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) The common expenses of a condominium within a multicondominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multicondominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multicondominium. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) The common expenses of a multicondominium association may include categories of expenses related to the property or common elements within a specific condominium in the multicondominium if such property or common elements are areas in which all members of the multicondominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multicondominium association. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 19. Subsections (1) and (4) of section 718.405, Florida Statutes, are amended to read:

718.405 Multicondominiums; multicondominium associations.—

(1) An association may operate more than one condominium. *For multicondominiums created on or after July 1, 2000,* ~~if~~ the declaration for each condominium ~~to be~~ operated by that association *shall provide* ~~provides~~ for participation in a multicondominium, in conformity with this section, and *disclose* ~~discloses~~ or *describe* ~~describes~~:

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

(d) The voting rights of the unit owners in the election of directors and in other multicondominium association affairs when a vote of the owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. *This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 20. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his

or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, ~~as well as a copy of the question and answer sheet provided for by s. 718.504~~ and a copy of the financial information required by s. 718.111.

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, *AND* A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND THE QUESTION AND ANSWER SHEET~~ MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, ~~AND~~ RULES OF THE ASSOCIATION, *AND* A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND QUESTION AND ANSWER SHEET~~ IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, *AND* RULES, ~~AND QUESTION AND ANSWER SHEET~~ IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 21. Subsection (15) of section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If *a* ~~the~~ condominium *created on or after July 1, 2000,* is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 22. Except as otherwise provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s.

718.504, F.S.; revising language with respect to the prospectus or offering circular; providing effective dates.

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

Amendment 1A (451410)—On page 13, lines 3-5 delete those lines and insert: *the sole authority for determining the content of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate*

Senator King offered the following amendment to **Amendment 1** which was moved by Senator Geller and adopted:

Amendment 1B (571668)(with title amendment)—On page 39, between lines 24 and 25, insert:

Section 22. Subsection (2) of section 468.452, Florida Statutes, is amended to read:

468.452 Definitions.—For purposes of this part, the term:

(2) "Athlete agent" means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation. *This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.*

Section 23. Section 468.453, Florida Statutes, is amended to read:

468.453 Licensure required; qualifications; examination; bond; exception; license nontransferable.—

(1) Any person who practices as an athlete agent in this state must be licensed pursuant to this part.

(2) A person shall be licensed as an athlete agent if the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

~~(c) Passes an examination provided by the department which tests the applicant's proficiency to practice as an athlete agent, including, but not limited to, knowledge of the laws and rules of this state relating to athlete agents, this part, and chapter 455.~~

(c)~~(d)~~ Has completed the application form and remitted an application fee not to exceed $500, ~~an examination fee not to exceed the actual cost for the examination plus $500,~~ an active licensure fee not to exceed $2,000, and all other applicable fees provided for in this part or in chapter 455.

(d)~~(e)~~ Has submitted to the department a fingerprint card for a criminal history records check. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

(e)~~(f)~~ Has not in any jurisdiction, within the preceding 5 years, been convicted or found guilty of or entered a plea of nolo contendere for, regardless of adjudication, a crime which relates to the applicant's practice or ability to practice as an athlete agent.

~~(g) Has posted with the department a $15,000 surety bond issued by an insurance company authorized to do business in this state. The bond shall be in favor of the State of Florida, Department of Business and Professional Regulation, for the use and benefit of any student athlete or college or university within Florida who or which is injured or damaged, including reasonable costs and attorney's fees, as a result of acts or omissions by the athlete agent pursuant to a license issued under this part. The bond shall be written in the form determined by the department. The bond shall provide that the athlete agent is responsible for the acts or omissions of any representatives acting under the athlete agent's supervision or authority. The bond shall be in effect for and cover all times that the athlete agent has an active license and conducts business pursuant to that license in this or any other state.~~

(3) *An unlicensed individual may act as an athlete agent if:*

(a) A student-athlete or person acting on the athlete's behalf initiates communication with the individual; and

(b) Within 7 days after an initial act as an athlete agent, the individual submits an application for licensure. ~~Members of The Florida Bar are exempt from the state laws and rules component, and the fee for such, of the examination required by this section.~~

(4) A license issued to an athlete agent is not transferable.

(5) By acting as an athlete agent in this state, a nonresident individual appoints the department as the individual's agent for service of process in any civil action related to the individual's acting as an athlete agent.

(6) The department may issue a temporary license while an application for licensure is pending. If the department issues a notice of intent to deny the license application, the initial temporary license expires and may not be extended during any proceeding or administrative or judicial review.

(7)(a) An individual who has submitted an application and holds a certificate, registration, or license as an athlete agent in another state may submit a copy of the application and certificate, registration, or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

1. Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;

2. Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and

3. Was signed by the applicant under penalty of perjury.

(b) An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.

Section 24. Section 468.454, Florida Statutes, is amended to read:

468.454 Contracts.—

(1) An agent contract must be in a record, signed, or otherwise authenticated by the parties.

(2) An agent contract must state:

(a) The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent and any other consideration the agent has received or will receive from any other source under the contract;

(b) The name of any person not listed in the licensure application who will be compensated because the student-athlete signed the agent contract;

(c) A description of any expenses that the student-athlete agrees to reimburse;

(d) A description of the services to be provided to the student-athlete;

(e) The duration of the contract; and

(f) The date of execution.

(3) An agent contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THE CONTRACT:

1. YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;

2. IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THE CONTRACT, YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

3. YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. HOWEVER, CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

(4) An agent contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

(5) The athlete agent shall give a record of the signed or authenticated agent contract to the student-athlete at the time of execution.

(6) Within 72 hours after entering into an agent contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent must give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.

(7) Within 72 hours after entering into an agent contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete must inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agent contract.

(8) A student-athlete may cancel an agent contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.

(9) A student-athlete may not waive the right to cancel an agent contract.

(10) If a student-athlete cancels an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

~~(1) An athlete agent and a student athlete who enter into an agent contract must provide written notice of the contract to the athletic director or the president of the college or university in which the student athlete is enrolled. The athlete agent and the student must give the notice before the contracting student athlete practices or participates in any intercollegiate athletic event or within 72 hours after entering into said contract, whichever comes first. Failure of the athlete agent to provide this notification is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, 775.084, 775.089, and 775.091.~~

~~(2) A written contract between a student athlete and an athlete agent must state the fees and percentages to be paid by the student athlete to the agent and must have a notice printed near the student athlete's signature containing the following statement in 10-point boldfaced type:~~

~~"WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID CRIMINAL PROSECUTION YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE. DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER THAN THE 15TH DAY AFTER THE DATE YOU SIGN THIS CONTRACT. HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR CONFERENCE TO WHICH YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS."~~

~~(3) An agent contract which does not meet the requirements of this section is void and unenforceable.~~

~~(4) Within 15 days after the date the athletic director or president of the college or university of the student athlete receives the notice required by this section that a student athlete has entered into an athlete agent contract, the student athlete shall have the right to rescind the contract with the athlete agent by giving written notice to the athlete agent of the student athlete's rescission of the contract. The student athlete may not under any circumstances waive the student athlete's right to rescind the agent contract.~~

~~(5) A postdated agent contract is void and unenforceable.~~

(11)~~(6)~~ An athlete agent shall not enter into an agent contract that purports to or takes effect at a future time after the student athlete no longer has remaining eligibility to participate in intercollegiate athletics. Such a contract is void and unenforceable.

(12)~~(7)~~ An agent contract between a student athlete and a person not licensed under this part is void and unenforceable.

Section 25. Subsection (3) of section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

(3) When the department finds any person guilty of any of the prohibited acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided for in s. 455.227, *and an administrative fine not to exceed $25,000 for each separate offense.* In addition to any other penalties or disciplinary actions provided for in this part, the department shall suspend or revoke the license of any athlete agent licensed under this part who violates paragraph (1)(f) or paragraph (1)(o) or s. 468.45615.

Section 26. Subsection (4) is added to section 468.45615, Florida Statutes, to read:

468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—

(4)(a) An athlete agent, with the intent to induce a student-athlete to enter into an agent contract, may not:

1. Give any materially false or misleading information or make a materially false promise or representation;

2. Furnish anything of value to a student-athlete before the student-athlete enters into the agent contract; or

3. Furnish anything of value to any individual other than the student-athlete or another athlete agent.

(b) An athlete agent may not intentionally:

1. Initiate contact with a student-athlete unless licensed under this part;

2. Refuse or fail to retain or permit inspection of the records required to be retained by s. 468.4565;

3. Provide materially false or misleading information in an application for licensure;

4. Predate or postdate an agent contract;

5. Fail to give notice of the existence of an agent contract as required by s. 468.454(6); or

6. Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agent contract for a sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.

(c) An athlete agent who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 27. Section 468.4562, Florida Statutes, is amended to read:

468.4562 Civil action by institution.—

(1) A college or university may sue for damages, as provided by this section, any person who violates this part. A college or university may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(2) For purposes of this section, a college or university is damaged if, because of activities of the person, the college or university is penalized, ~~or is~~ disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, ~~or~~ by an intercollegiate athletic conference *or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such organization* and, because of that penalty, disqualification, ~~or~~ suspension, *or action* the institution:

(a) Loses revenue from media coverage of a sports contest;

(b) Loses the right to grant an athletic scholarship;

(c) Loses the right to recruit an athlete;

(d) Is prohibited from participating in postseason athletic competition;

(e) Forfeits an athletic contest; or

(f) Otherwise suffers an adverse financial impact.

(3) An institution that prevails in a suit brought under this section may recover:

(a) Actual damages;

(b) Punitive damages;

(c) Treble damages;

(d) Court costs; and

(e) Reasonable attorney's fees.

(4) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.

(5) Any liability of the athlete agent or the former student-athlete under this section is several and not joint.

(6) This part does not restrict rights, remedies, or defenses of any person under law or equity.

Section 28. Subsection (1) of section 468.4565, Florida Statutes, is amended to read:

468.4565 Business records requirement.—

(1) An athlete agent ~~who holds an active license and engages in business as an athlete agent~~ shall establish and maintain complete financial and business records. The athlete agent shall save each entry into a financial or business record for at least *5* **4** years from the date of entry. *These records must include, but shall not be limited to:*

(a) The name and address of each individual represented by the athlete agent;

(b) Any agent contract entered into by the athlete agent; and

(c) Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agent contract.

Section 29. *Sections 468.4563 and 468.4564, Florida Statutes, are repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 41, line 30, after the semicolon (;) insert: amending s. 468.452, F.S.; revising a definition; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 348** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 2—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the term "average final compensation" with respect to the Florida Retirement System; revising contribution rates as part of the funding process; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (982212)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(1) NORMAL RETIREMENT BENEFIT.—Upon attaining his or her normal retirement date, the member, upon application to the administrator, shall receive a monthly benefit which shall begin to accrue on the first day of the month of retirement and be payable on the last day of that month and each month thereafter during his or her lifetime. The normal retirement benefit, including any past or additional retirement credit, may not exceed 100 percent of the average final compensation. The amount of monthly benefit shall be calculated as the product of A and B, subject to the adjustment of C, if applicable, as set forth below:

(a)1. For creditable years of Regular Class service, A is 1.60 percent of the member's average final compensation, up to the member's normal retirement date. Upon completion of the first year after the normal retirement date, A is 1.63 percent of the member's average final compensation. Following the second year after the normal retirement date, A is

1.65 percent of the member's average final compensation. Following the third year after the normal retirement date, and for subsequent years, A is 1.68 percent of the member's average final compensation.

2. For creditable years of special risk service, A is:

a. Two percent of the member's average final compensation for all creditable years prior to October 1, 1974;

b. Three percent of the member's average final compensation for all creditable years after September 30, 1974, and before October 1, 1978;

c. Two percent of the member's average final compensation for all creditable years after September 30, 1978, and before January 1, 1989;

d. Two and two-tenths percent of the member's final monthly compensation for all creditable years after December 31, 1988, and before January 1, 1990;

e. Two and four-tenths percent of the member's average final compensation for all creditable years after December 31, 1989, and before January 1, 1991;

f. Two and six-tenths percent of the member's average final compensation for all creditable years after December 31, 1990, and before January 1, 1992;

g. Two and eight-tenths percent of the member's average final compensation for all creditable years after December 31, 1991, and before January 1, 1993;

h. Three percent of the member's average final compensation for all creditable years after December 31, 1992; and

i. Three percent of the member's average final compensation for all creditable years of service after September 30, 1978, and before January 1, 1993, for any special risk member who retires after July 1, 2000, or any member of the Special Risk Administrative Support Class entitled to retain the special risk normal retirement date who was a member of the Special Risk Class during the time period and who retires after July 1, 2000. *Those members with creditable service in these classes who have served between these dates and who have retired, are participants in the deferred retirement option program, or have terminated employment with vested rights before July 1, 2000, shall receive a 12 percent increase in their benefits effective January 1, 2002.*

3. For creditable years of Senior Management Service Class service after January 31, 1987, A is 2 percent;

4. For creditable years of Elected Officers' Class service as a Supreme Court Justice, district court of appeal judge, circuit judge, or county court judge, A is 3⅓ percent of the member's average final compensation, and for all other creditable service in such class, A is 3 percent of average final compensation;

(b) B is the number of the member's years and any fractional part of a year of creditable service earned subsequent to November 30, 1970; and

(c) C is the normal retirement benefit credit brought forward as of November 30, 1970, by a former member of an existing system. Such normal retirement benefit credit shall be determined as the product of X and Y when X is the percentage of average final compensation which the member would have been eligible to receive if the member had attained his or her normal retirement date as of November 30, 1970, all in accordance with the existing system under which the member is covered on November 30, 1970, and Y is average final compensation as defined in s. 121.021(25). However, any member of an existing retirement system who is eligible to retire and who does retire, become disabled, or die prior to April 15, 1971, may have his or her retirement benefits calculated on the basis of the best 5 of the last 10 years of service.

(d) A member's average final compensation shall be determined by formula to obtain the coverage for the 5 highest fiscal years' salaries, calculated as provided by rule.

Section 2. *It is the intent of the Legislature that the costs attributable to increases in the repurchase of retirement accrual rates for retired and inactive members of the Special Risk Class from October 1978 through December 1992 shall be funded by recognition of a level lump sum of $370.6 million, amortized over 30 years in equal annual payments, from the excess actuarial assets of the Florida Retirement System Trust Fund. Such benefits shall increase with prior cost-of-living adjustments beginning on the date of benefit commencement, as provided in this act, excluding any missed or retroactive payments. If, after recognition of the excess actuarial assets, there remains an unfunded actuarial liability attributable to the increase in the retirement accrual rates, the payroll contribution rate for the Special Risk Class shall be increased by up to 0.10 percentage points, effective July 1, 2002, unless the Legislature provides an alternative funding mechanism.*

Section 3. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions and the dependents, survivors, and beneficiaries of such employees and retirees are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner, as required by Section 14, Article X, of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 4. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing an effective date.

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

Amendment 1A (903260)(with title amendment)—On page 4, line 28 through page 5, line 13, delete those lines and insert:

Section 2. *For those members with creditable service in the Florida Retirement System Special Risk Class who have retirement service credit in the Special Risk Class after September 30, 1978, and before January 1, 1993, and who retired or entered the Deferred Retirement Option Program of the Florida Retirement System prior to July 1, 2000, such members, or their beneficiaries if the member is deceased, shall receive a one-time special cost-of-living increase on January 1, 2002, equal to 12 percent of their gross retirement benefit. Such increase shall be in addition to the normal cost-of-living increase provided to such members on July 1, 2001.*

Section 3. *It is the intent of the Legislature that the costs attributable to the additional cost-of-living increase for special risk retirees and Deferred Retirement Option Program participants as provided under section 2 shall be funded by recognition of excess actuarial assets, amortized over 30 years with the payments assumed to remain relatively stable when expressed as a percentage of payroll. For fiscal year 2001-2002, the payment shall be $9.3 million. For fiscal year 2002-2003, the payment shall be $19 million, and, thereafter, payments shall increase by 5 percent per year. If insufficient funds are available to fund this additional cost through recognition of excess actuarial assets in fiscal year 2002-2003 and any year thereafter, and there remains an unfunded actuarial liability attributable to the one-time cost-of-living increase provided under section 2, the payroll contribution rate for the Special Risk Class of the Florida Retirement System shall be increased by .93 percent effective July 1 of that year, unless the Legislature provides an alternative funding mechanism before that date.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 11, after the semicolon (;) insert: providing for a one-time cost-of-living increase for certain retired members of the Florida Retirement System who have service credit earned between September 30, 1978, and January 1, 1993, in the Special Risk Class of the Florida Retirement System;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 2** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

HB 1821—A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing subsection (2) of s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; providing a finding of important state interest; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Horne and adopted:

Amendment 1 (022416)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (7) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(7) CONTRIBUTIONS.—

(a) The following table states the required retirement contribution rates for members of the Elected Officers' Class and their employers in terms of a percentage of the member's gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
~~July 1, 1972, through September 30, 1977~~		
~~Legislators~~	~~8%~~	~~8%~~
~~All Other Members~~	~~8%~~	~~8%~~
~~October 1, 1977, through September 30, 1978~~		
~~Legislators~~	~~8%~~	~~8%~~
~~All Other Members~~	~~4%~~	~~12%~~
~~October 1, 1978, through September 30, 1979~~		
~~Legislators~~	~~8%~~	~~10.57%~~
~~All Other Members~~	~~4%~~	~~16.78%~~
~~October 1, 1979, through September 30, 1981~~		
~~Legislators~~	~~8%~~	~~10.57%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~4%~~	~~16.78%~~
~~All Other Members~~	~~0%~~	~~20.78%~~
~~July 1, 1981, through June 30, 1984~~		
~~County Elected Officers~~	~~0%~~	~~19.30%~~
~~July 1, 1984, through September 30, 1984~~		
~~County Elected Officers~~	~~0%~~	~~20.25%~~
~~October 1, 1981, through September 30, 1984~~		
~~Legislators~~	~~0%~~	~~19.30%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~21.03%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~20.95%~~
~~Justices, Judges~~	~~0%~~	~~22.55%~~
~~October 1, 1984, through September 30, 1986~~		
~~Legislators~~	~~0%~~	~~10.98%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~10.98%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~10.98%~~
~~Justices, Judges~~	~~0%~~	~~21.79%~~
~~County Elected Officers~~	~~0%~~	~~16.97%~~
~~October 1, 1986, through December 31, 1988~~		
~~Legislators~~	~~0%~~	~~11.50%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~11.50%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~11.50%~~
~~Justices, Judges~~	~~0%~~	~~20.94%~~
~~County Elected Officers~~	~~0%~~	~~17.19%~~
~~January 1, 1989, through December 31, 1989~~		
~~Legislators~~	~~0%~~	~~13.70%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~13.70%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~13.70%~~
~~Justices, Judges~~	~~0%~~	~~22.58%~~
~~County Elected Officers~~	~~0%~~	~~18.44%~~
~~January 1, 1990, through December 31, 1990~~		
~~Legislators~~	~~0%~~	~~15.91%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~15.91%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~15.91%~~
~~Justices, Judges~~	~~0%~~	~~24.22%~~
~~County Elected Officers~~	~~0%~~	~~19.71%~~
~~January 1, 1991, through December 31, 1991~~		
~~Legislators~~	~~0%~~	~~17.73%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~17.73%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~17.73%~~
~~Justices, Judges~~	~~0%~~	~~26.63%~~
~~County Elected Officers~~	~~0%~~	~~23.32%~~
~~January 1, 1992, through December 31, 1992~~		
~~Legislators~~	~~0%~~	~~19.94%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~19.94%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~19.94%~~
~~Justices, Judges~~	~~0%~~	~~28.27%~~
~~County Elected Officers~~	~~0%~~	~~24.59%~~
~~January 1, 1993, through December 31, 1993~~		
~~Legislators~~	~~0%~~	~~22.14%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~22.14%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~22.14%~~
~~Justices, Judges~~	~~0%~~	~~29.91%~~
~~County Elected Officers~~	~~0%~~	~~25.84%~~
~~January 1, 1994, through December 31, 1994~~		
~~Legislators~~	~~0%~~	~~22.65%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~22.65%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~22.65%~~

Dates of Contribution Rate Changes	Members	Employers
~~Justices, Judges~~	~~0%~~	~~30.52%~~
~~County Elected Officers~~	~~0%~~	~~26.07%~~
~~January 1, 1995, through December 31, 1995~~		
~~Legislators~~	~~0%~~	~~22.80%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~22.80%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~22.80%~~
~~Justices, Judges~~	~~0%~~	~~30.21%~~
~~County Elected Officers~~	~~0%~~	~~27.48%~~
~~January 1, 1996, through June 30, 1996~~		
~~Legislators~~	~~0%~~	~~22.90%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~22.90%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~22.90%~~
~~Justices, Judges~~	~~0%~~	~~30.15%~~
~~County Elected Officers~~	~~0%~~	~~27.54%~~
~~July 1, 1996, through June 30, 1998~~		
~~Legislators~~	~~0%~~	~~23.07%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~23.07%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~23.07%~~
~~Justices, Judges~~	~~0%~~	~~29.55%~~
~~County Elected Officers~~	~~0%~~	~~27.33%~~
~~July 1, 1998, through June 30, 1999~~		
~~Legislators~~	~~0%~~	~~22.33%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~22.33%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~22.33%~~
~~Justices, Judges~~	~~0%~~	~~27.21%~~
~~County Elected Officers~~	~~0%~~	~~26.99%~~
~~Effective July 1, 1999~~		
~~Legislators~~	~~0%~~	~~14.31%~~
~~Governor, Lt. Governor, Cabinet Officers~~	~~0%~~	~~14.31%~~
~~State Attorneys, Public Defenders~~	~~0%~~	~~14.31%~~
~~Justices, Judges~~	~~0%~~	~~20.48%~~
~~County Elected Officers~~	~~0%~~	~~17.05%~~
Effective July 1, 2001		
Legislators	*0%*	*15.14%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*15.14%*
State Attorneys, Public Defenders	*0%*	*15.14%*
Justices, Judges	*0%*	*20.61%*
County Elected Officers	*0%*	*17.61%*

Section 2. Paragraph (a) of subsection (3) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(3)(a) The following table states the required retirement contribution rates for members of the Senior Management Service Class and their employers in terms of a percentage of the member's gross compensation. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
~~February 1, 1987, through December 31, 1988~~	~~0%~~	~~13.88%~~
~~January 1, 1989, through December 31, 1989~~	~~0%~~	~~14.95%~~
~~January 1, 1990, through December 31, 1990~~	~~0%~~	~~16.04%~~
~~January 1, 1991, through December 31, 1991~~	~~0%~~	~~18.39%~~
~~January 1, 1992, through December 31, 1992~~	~~0%~~	~~19.48%~~
~~January 1, 1993, through December 31, 1993~~	~~0%~~	~~20.55%~~
~~January 1, 1994, through December 31, 1994~~	~~0%~~	~~23.07%~~
~~January 1, 1995, through December 31, 1995~~	~~0%~~	~~23.88%~~
~~January 1, 1996, through June 30, 1996~~	~~0%~~	~~24.14%~~
~~July 1, 1996, through June 30, 1998~~	~~0%~~	~~21.58%~~
~~July 1, 1998, through June 30, 1999~~	~~0%~~	~~23.10%~~
~~Effective July 1, 1999~~	~~0%~~	~~11.19%~~
Effective July 1, 2001	*0%*	*11.73%*

Section 3. Subsection (1) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(1) The following tables state the required retirement contribution rates for members of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class and their employers in terms of a percentage of the member's gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

(a) Retirement contributions for regular members are as follows:

Dates of Contribution Rate Changes	Members	Employers
~~December 1, 1970, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards~~	~~4%~~	~~4%~~
~~December 1, 1970, through September 30, 1975, for all other local government agencies~~	~~4%~~	~~4%~~
~~January 1, 1975, through September 30, 1978, for state agencies and state universities~~	~~0%~~	~~9%~~
~~January 1, 1975, through July 31, 1978, for community colleges and district school boards~~	~~0%~~	~~9%~~
~~October 1, 1975, through September 30, 1978, for all other local government agencies~~	~~0%~~	~~9%~~
~~August 1, 1978, through September 30, 1981, for community colleges and district school boards~~	~~0%~~	~~9.1%~~
~~October 1, 1978, through September 30, 1981, for all other agencies~~	~~0%~~	~~9.1%~~
~~October 1, 1981, through September 30, 1984~~	~~0%~~	~~10.93%~~
~~October 1, 1984, through~~		

Dates of Contribution Rate Changes	Members	Employers
~~September 30, 1986~~	~~0%~~	~~12.24%~~
~~October 1, 1986, through December 31, 1988~~	~~0%~~	~~13.14%~~
~~January 1, 1989, through December 31, 1989~~	~~0%~~	~~13.90%~~
~~January 1, 1990, through December 31, 1990~~	~~0%~~	~~14.66%~~
~~January 1, 1991, through December 31, 1991~~	~~0%~~	~~15.72%~~
~~January 1, 1992, through December 31, 1992~~	~~0%~~	~~16.51%~~
~~January 1, 1993, through December 31, 1993~~	~~0%~~	~~17.27%~~
~~January 1, 1994, through December 31, 1994~~	~~0%~~	~~17.10%~~
~~January 1, 1995, through December 31, 1995~~	~~0%~~	~~16.91%~~
~~January 1, 1996, through June 30, 1996~~	~~0%~~	~~17.00%~~
~~July 1, 1996, through June 30, 1998~~	~~0%~~	~~16.77%~~
~~July 1, 1998, through June 30, 1999~~	~~0%~~	~~15.51%~~
~~Effective July 1, 1999~~	~~0%~~	~~9.21%~~
Effective July 1, 2001	*0%*	*9.91%*

(b) Retirement contributions for special risk members are as follows:

Dates of Contribution Rate Changes	Members	Employers
~~December 1, 1970, through September 30, 1974~~	~~6%~~	~~6%~~
~~October 1, 1974, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards~~	~~8%~~	~~8%~~
~~October 1, 1974, through September 30, 1975, for all other local government agencies~~	~~8%~~	~~8%~~
~~January 1, 1975, through September 30, 1978, for state agencies, state universities, community colleges, and district school boards~~	~~0%~~	~~13%~~
~~October 1, 1975, through September 30, 1978, for other local government agencies~~	~~0%~~	~~13%~~
~~October 1, 1978, through September 30, 1981~~	~~0%~~	~~13.95%~~
~~October 1, 1981, through September 30, 1984~~	~~0%~~	~~13.91%~~
~~October 1, 1984, through September 30, 1986~~	~~0%~~	~~14.67%~~
~~October 1, 1986, through December 31, 1988~~	~~0%~~	~~15.11%~~
~~January 1, 1989, through December 31, 1989~~	~~0%~~	~~17.50%~~
~~January 1, 1990, through December 31, 1990~~	~~0%~~	~~19.90%~~
~~January 1, 1991, through December 31, 1991~~	~~0%~~	~~25.52%~~
~~January 1, 1992, through December 31, 1992~~	~~0%~~	~~26.35%~~
~~January 1, 1993, through December 31, 1993~~	~~0%~~	~~27.14%~~
~~January 1, 1994, through December 31, 1994~~	~~0%~~	~~27.03%~~
~~January 1, 1995, through December 31, 1995~~	~~0%~~	~~26.83%~~
~~January 1, 1996, through June 30, 1996~~	~~0%~~	~~26.84%~~
~~July 1, 1996, through June 30, 1998~~	~~0%~~	~~26.44%~~
~~July 1, 1998, through June 30, 1999~~	~~0%~~	~~24.38%~~
~~July 1, 1999, through June 30, 2000~~	~~0%~~	~~20.22%~~
~~Effective July 1, 2000~~	~~0%~~	~~20.35%~~
Effective July 1, 2001	*0%*	*22.07%*

(c) Retirement contributions for special risk administrative support members are as follows:

Dates of Contribution Rate Changes	Members	Employers
~~July 1, 1982, through September 30, 1984~~	~~0%~~	~~11.14%~~
~~October 1, 1984, through September 30, 1986~~	~~0%~~	~~13.09%~~
~~October 1, 1986, through December 31, 1988~~	~~0%~~	~~15.44%~~
~~January 1, 1989, through December 31, 1989~~	~~0%~~	~~14.76%~~
~~January 1, 1990, through December 31, 1990~~	~~0%~~	~~14.09%~~
~~January 1, 1991, through December 31, 1991~~	~~0%~~	~~20.16%~~
~~January 1, 1992, through December 31, 1992~~	~~0%~~	~~19.51%~~
~~January 1, 1993, through December 31, 1993~~	~~0%~~	~~18.83%~~
~~January 1, 1994, through December 31, 1994~~	~~0%~~	~~18.59%~~
~~January 1, 1995, through~~		

Dates of Contribution Rate Changes	Members	Employers
~~December 31, 1995~~	~~0%~~	~~17.81%~~
~~January 1, 1996, through June 30, 1996~~	~~0%~~	~~17.80%~~
~~July 1, 1996, through June 30, 1998~~	~~0%~~	~~17.20%~~
~~July 1, 1998, through June 30, 1999~~	~~0%~~	~~14.64%~~
~~July 1, 1999, through June 30, 2000~~	~~0%~~	~~11.53%~~
~~Effective July 1, 2000~~	~~0%~~	~~11.74%~~
Effective July 1, 2001	*0%*	*12.55%*

Section 4. Paragraph (b) of subsection (12) of section 121.40, Florida Statutes, is amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(12) CONTRIBUTIONS.—

(b) The monthly contributions required to be paid pursuant to paragraph (a) on the gross monthly salaries, from all sources with respect to such employment, paid to those employees of the institute who hold both state and federal appointments and who participate in the federal Civil Service Retirement System shall be as follows:

Dates of Contribution Rate Changes	Percentage Due
July 1, 1985, through December 31, 1988	6.68%
January 1, 1989, through December 31, 1993	6.35%
January 1, 1994, through December 31, 1994	6.69%
January 1, 1995, through June 30, 1996	6.82%
July 1, 1996, through June 30, 1998	5.64%
~~Effective~~ July 1, 1998, *through June 30, 2001*	7.17%
Effective July 1, 2001	*6.96%*

Section 5. Paragraph (a) of subsection (4) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(4) CONTRIBUTIONS.—

(a) *Through June 30, 2001,* each employer shall contribute on behalf of each participant in the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a regular member of the Florida Retirement System *defined benefit program*, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The department shall deduct*~~,~~ ~~less~~ an amount approved by the Legislature ~~which shall be deducted by the department~~ to provide for the administration of this program. The payment of the contributions to the optional program which is required by this paragraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program. However, such contributions paid on behalf of an employee described in paragraph (3)(c) shall not be forwarded to a company and shall not begin to accrue interest until the employee has executed an annuity contract and notified the department.

Section 6. Paragraph (c) of subsection (2) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(c) Employees of members of the Florida Community College System or charter technical career centers sponsored by members of the Florida Community College System, as designated in s. 240.3031, who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and in s. 240.3195 may elect, in lieu of participating in the Florida Retirement System, to withdraw from the Florida Retirement System altogether and participate in a lifetime monthly annuity program, to be known as the State Community College System Optional Retirement Program, which may be provided by the employing agency under s. 240.3195. Pursuant thereto:

1. *Through June 30, 2001,* the cost to the employer for such annuity shall equal the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the Regular Class *defined benefit program*, plus the portion of the contribution rate required by s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The employer shall deduct*~~, and less~~ an amount ~~approved by the employer~~ to provide for the administration of the optional retirement program. The employer providing such annuity shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in such an optional retirement program shall be irrevocable for as long as the employee holds a position eligible for participation. Any service creditable under the Florida Retirement System shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Florida Retirement System shall not be earned while a member of the optional retirement program.

3. Participation in an optional annuity program shall be limited to those employees who satisfy the following eligibility criteria:

a. The employee must be otherwise eligible for membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12).

b. The employee must be employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management, if a community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and:

(A) The duties and responsibilities of the position include either the formulation, interpretation, or implementation of policies; or

(B) The duties and responsibilities of the position include the performance of functions that are unique or specialized within higher education and that frequently involve the support of the mission of the community college.

c. The employee must be employed in a position not included in the Senior Management Service Class of the Florida Retirement System, as described in s. 121.055.

4. Participants in the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions as are applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively.

5. Eligible community college employees shall be compulsory members of the Florida Retirement System until, pursuant to the procedures set forth in s. 240.3195, the first day of the next full calendar month following the filing of both a written election to withdraw and a completed application for an individual contract or certificate with the program administrator and receipt of such election by the division.

Section 7. Paragraph (d) of subsection (6) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(6)

(d) Contributions.—

1. *Through June 30, 2001,* each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a Senior Management Service Class member of the Florida Retirement System *defined benefit program*, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 12.49 percent of the participant's gross monthly compensation. The department shall deduct*~~, less~~ an amount approved by the Legislature ~~which shall be deducted by the department~~ to provide for the administration of this program. The payment of the contributions to the optional program which is required by this subparagraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

2. Each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

3. An Optional Annuity Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to provider companies on behalf of the optional annuity program participants, and to transfer the unfunded liability portion of the state optional annuity program contributions to the Florida Retirement System Trust Fund.

4. Contributions required for social security by each employer and each participant, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each participant in the Senior Management Service retirement program and shall be in addition to the retirement contributions specified in this paragraph.

5. Each participant in the Senior Management Service Optional Annuity Program may contribute by way of salary reduction or deduction a percentage amount of the participant's gross compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the participant's contributions shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

Section 8. Paragraph (a) of subsection (4) of section 240.3195, Florida Statutes, is amended to read:

240.3195 State Community College System Optional Retirement Program.—Each community college may implement an optional retirement program, if such program is established therefor pursuant to s. 240.319(4)(r), under which annuity contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual community college or by a consortium of community colleges.

(4)(a) *Through June 30, 2001,* each college must contribute on behalf of each program participant an amount equal to the normal cost portion of the employer retirement contribution which would be required if the program participant were a member of the Regular Class of the Florida Retirement System as provided in s. 121.071, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each college must contribute on behalf of each program participant an amount equal to 10.43 percent of the participant's gross monthly compensation. The college shall deduct*~~, and less~~ an amount approved by the community college to provide for the administration of the optional retirement program. Payment of this contribution must be made either directly by the community college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(b) Each community college must contribute on behalf of each program participant an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required if the program participant were a member of the Regular Class of the Florida Retirement System. Payment of this contribution must be made directly by the college to the department for deposit in the Florida Retirement System Trust Fund.

(c) Each program participant who has executed an annuity contract may contribute by way of salary reduction or deduction a percentage of the program participant's gross compensation, but this percentage may not exceed the corresponding percentage contributed by the community college to the optional retirement program. Payment of this contribution may be made either directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(d) Contributions to an optional retirement program by a college or a program participant are in addition to, and have no effect upon, contributions required now or in future by the federal Social Security Act.

Section 9. *(1) It is the intent of the Legislature that the normal costs attributable to the actuarial experience study and six-year vesting as determined by Milliman & Robertson, Inc., consulting actuaries for the system, shall be funded by recognition of a lump sum from the excess actuarial assets of the Florida Retirement System Trust Fund. For fiscal year 2001-2002, the lump sum to be recognized shall be the annual cost attributable to the actuarial experience study and six-year vesting.*

(2) Effective July 1, 2001, for fiscal year 2001-2002 only, the contribution rates set forth in sections 1 through 3 of this act shall be reduced as follows:

(a) The contribution rate that applies to the Regular Class of the Florida Retirement System defined benefit program shall be reduced by 0.70 percentage points.

(b) The contribution rate that applies to the Special Risk Class of the Florida Retirement System defined benefit program shall be reduced by 1.72 percentage points.

(c) The contribution rate that applies to the Special Risk Administrative Support Class of the Florida Retirement System defined benefit program shall be reduced by 0.81 percentage points.

(d) The contribution rate that applies to the Judicial subclass of the Elected Officers' Class of the Florida Retirement System defined benefit program shall be reduced by 0.14 percentage points.

(e) The contribution rate that applies to the legislative-attorney-Cabinet subclass of the Elected Officers' Class of the Florida Retirement System defined benefit program shall be reduced by 0.83 percentage points.

(f) The contribution rate that applies to the County Officers' subclass of the Elected Officers' Class of the Florida Retirement System defined benefit program shall be reduced by 0.56 percentage points.

(g) The contribution rate that applies to the Senior Management Service Class of the Florida Retirement System defined benefit program shall be reduced by 0.54 percentage points.

Section 10. *(1) Effective July 1, 2001, for fiscal year 2001-2002 only, the contribution rates for the defined benefit program for the Regular Class, Special Risk Class, Special Risk Administrative Support Class, each subclass of the Elected Officers' Class, and the Senior Management*

Service Class each shall be reduced by 3.02 percentage points. These reductions shall be in addition to all other changes to such contribution rates which may be enacted into law after July 1, 2001.

(2) It is the intent of the Legislature that the costs attributable to the reduction of contribution rates pursuant to subsection (1) shall be funded by recognition of a lump sum equal to the annual cost attributable to this reduction of the contribution rates from the excess actuarial assets of the Florida Retirement System Trust Fund.

Section 11. *Section 20 of chapter 2000-169, Laws of Florida, is repealed.*

Section 12. *The Legislature finds that a proper and legitimate state purpose is served when employees, officers, and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees, officers, and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14 of Art. X of the State Constitution and part VII of chapter 112 of the Florida Statutes. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.*

Section 13. Paragraph (f) is added to subsection (8) of section 112.363, Florida Statutes, to read:

112.363 Retiree health insurance subsidy.—

(8) CONTRIBUTIONS.—For purposes of funding the insurance subsidy provided by this section:

(f) Beginning July 1, 2001, the employer of each member of a state-administered plan shall contribute 1.11 percent of gross compensation each pay period.

Such contributions shall be submitted to the Department of Management Services and deposited in the Retiree Health Insurance Subsidy Trust Fund.

Section 14. Paragraph (c) of subsection (7) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(7) CONTRIBUTIONS.—

(c) The following table states the required employer contribution on behalf of each member of the Elected Officers' Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
~~Effective~~ July 1, 1998, *through June 30, 2001*	0.94%
Effective July 1, 2001	*1.11%*

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 15. Paragraph (c) of subsection (3) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(3)

(c) The following table states the required employer contribution on behalf of each member of the Senior Management Service Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
~~Effective~~ July 1, 1998, *through June 30, 2001*	0.94%
Effective July 1, 2001	*1.11%*

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 16. Subsection (4) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(4) The following table states the required employer contribution on behalf of each member of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class in terms of a percentage of the member's gross compensation. Such contribution constitutes the entire health insurance subsidy contribution with respect to the member. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. The retiree health insurance subsidy contribution rate is as follows:

Dates of Contribution Rate Changes	Contribution Rate
October 1, 1987, through December 31, 1988	0.24%
January 1, 1989, through December 31, 1993	0.48%
January 1, 1994, through December 31, 1994	0.56%
January 1, 1995, through June 30, 1998	0.66%
~~Effective~~ July 1, 1998, *through June 30, 2001*	0.94%
Effective July 1, 2001	*1.11%*

Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 17. Subsection (4) of section 121.571, Florida Statutes, is amended to read:

121.571 Contributions.—Contributions to the Public Employee Optional Retirement Program shall be made as follows:

(4) CONTRIBUTIONS FOR SOCIAL SECURITY COVERAGE AND FOR RETIREE HEALTH INSURANCE SUBSIDY.—Contributions required under this section shall be in addition to employer and member contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund as provided in *ss. 112.363, 121.052, 121.055, and* ~~s.~~ 121.071, *as appropriate.*

Section 18. *The Legislature finds that a proper and legitimate state purpose is served when employees, officers, and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees, officers, and retirees, are extended the basic protections afforded governmental retirement systems that provide fair and adequate benefits, including health insurance subsidies, and that are managed, administered, and funded in a reasonable manner. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.*

Section 19. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for

participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; amending s. 112.363, 121.052, 121.055, and 121.071, F.S.; changing the employer contribution for the retiree health insurance subsidy; amending s. 121.571, F.S.; adding cross references; providing a finding of important state interest; providing an effective date.

Pursuant to Rule 4.19, **HB 1821** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **SB 432** was deferred.

CS for CS for SB 460—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms "eligible business" and "new employee"; defining the terms "jobs" and "new job has been created"; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term "eligible business"; defining the term "qualified area"; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms "new employee" and "project"; defining the terms "new job has been created" and "jobs"; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term "rural enterprise zone"; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net–ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms "elderly" and "housing for the elderly" under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; providing effective dates.

—was read the second time by title.

Senator Clary moved the following amendments which were adopted:

Amendment 1 (915380)—On page 61, line 2, delete "*using*" and insert: *marketing*

Amendment 2 (660596)(with title amendment)—On page 86, between lines 8 and 9, insert:

Section 35. *The Florida Department of Citrus or its successor may collect dues, contributions, or any other financial payment upon request by, and on behalf of, any not-for-profit corporation and its related not-for-profit corporations. Such not-for-profit corporation must be engaged, to the exclusion of agricultural commodities other than citrus, in market news and grower education solely for citrus growers, and must have at least 5,000 members who are engaged in growing citrus in this state for commercial sale.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 2, after the semicolon (;) insert: authorizing the Department of Citrus or its successor to collect dues or other payments on behalf of certain not-for-profit corporations and their related not-for-profit corporations;

Amendment 3 (760952)(with title amendment)—On page 86, between lines 8 and 9, insert:

Section 35. Section 446.609, Florida Statutes, is amended to read:

446.609 Jobs for Florida's Graduates Act.—

(1) SHORT TITLE.—This section may be cited as the "Jobs for Florida's Graduates Act."

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

(a) "Board" means the board of directors of the Florida Endowment Foundation for Florida's Graduates.

(b) "Department" means the Department of Education.

(c) "Endowment fund" means an account established within the Florida Endowment Foundation for Florida's Graduates to provide a continuing and growing source of revenue for school-to-work transition efforts.

(d) "Foundation" means the Florida Endowment Foundation for Florida's Graduates.

(e) "Operating account" means an account established under paragraph *(7)*~~(8)~~(h) to carry out the purposes of this section.

(3) LEGISLATIVE INTENT.—The Legislature recognizes that it is in the best interest of the citizens of this state that the state have a well-educated and skilled workforce to be competitive in a changing economy.

It is the intent of the Legislature to meet the challenge of ensuring a skilled workforce by creating a formal program to facilitate the important school-to-work transition and to provide additional funding to achieve this goal. Accordingly, the Legislature finds and declares that:

(a) The purpose of this section is to broaden the participation and funding potential for further significant support for Florida students who are approaching the transition from school to work.

(b) It is appropriate to encourage individual and corporate support and involvement, as well as state support and involvement, to promote employment opportunities for Florida's students.

(4) PROGRAM.—There is hereby created~~, for an initial 5-year period,~~ a school-to-work program to be known as Jobs for Florida's Graduates which shall, ~~during the initial 5-year phase set forth in this section and~~ except as otherwise provided by law or by rule of the Department of Education, be operated in accordance with the process and outcome standards of Jobs for America's Graduates, Inc. To that end, the board shall enter into a sponsoring agreement with Jobs for America's Graduates, Inc., to carry out the Jobs for America's Graduates model within the state.

(a) ~~During the first year of operation, the Jobs for Florida's Graduates Program shall be operated in not less than 25 nor more than 50 high schools in the state to be chosen by the board.~~ The goal *of the program* shall be to have a minimum of 300 high schools participating in the program ~~by the end of the 2001-2002 school year~~.

(b) The schools chosen by the board to participate in the program must represent a demographically balanced sample population, include both urban and rural schools, and be comprised of schools, *including charter schools,* in all geographic areas of the state. Each school selected to participate shall enter into a formal written agreement with the board which, at a minimum, details the responsibilities of each party and the process and outcome goals of the ~~initial 5-year~~ Jobs for Florida's Graduates Program.

(c) Students shall be selected and approved for participation in the program by the educational institutions in which they are enrolled, and such selection and approval shall be based on their being classified as ~~12th grade~~ at-risk students *pursuant to the Jobs for America's Graduates model.*

~~(5) REVENUE FOR THE ENDOWMENT FUND.—~~

~~(a) An endowment fund is created as a long-term, stable, growing source of revenue to be administered by the foundation in accordance with rules promulgated by the department.~~

~~(b) The principal of the endowment fund shall consist of legislative appropriations that are made to the endowment fund and bequests, gifts, grants, and donations as may be solicited from public or private sources by the foundation.~~

~~(c) The State Board of Administration shall invest and reinvest moneys of the endowment fund principal in accordance with the provisions of ss. 215.44-215.53. Interest and investment income earned on the endowment fund principal shall be annually transmitted to the foundation, based upon a fiscal year which runs from July 1 through June 30, and shall be deposited in the foundation's operating account for distribution as provided in this section.~~

(5)~~(6)~~ THE FLORIDA ENDOWMENT FOUNDATION FOR FLORIDA'S GRADUATES.—

(a) The Florida Endowment Foundation for Florida's Graduates is created ~~as a direct-support organization of the Department of Education~~ to encourage public and private support to enhance school-to-work transition~~. As a direct-support organization, the foundation shall operate under contract with the department~~ and shall be:

1. A Florida corporation not for profit which is incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Organized and operated exclusively to do the following: raise funds; submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; receive, hold, and administer property; and make expenditures to or for the benefit of school-to-work transition programs approved by the board of directors of the foundation.

(b) ~~As a direct-support organization,~~ The foundation shall:

1. Develop articles of incorporation.

2. Create a board of directors appointed by the Commissioner of Education.

3. Perform an annual financial and performance review to determine if the foundation is operating in a manner consistent with the goals of the Legislature in providing assistance for school-to-work transitions.

4. Provide a mechanism for the reversion to the state of moneys in the foundation and in any other funds and accounts held in trust by the foundation if the foundation is dissolved.

(6)~~(7)~~ BOARD OF DIRECTORS.—The foundation shall be administered by a board of directors, as follows:

(a) The board shall consist of *at least* 15 members *a majority of which shall*~~. At least 9 of the 15 members must~~ be from the private sector~~, and the remaining members may be from the public sector~~. ~~Among the public sector members, representation shall come from secondary education, vocational education, and job-training programs such as Job Education Partnership.~~ The chair *shall* ~~may~~ be from ~~either~~ the private sector ~~or the public sector~~.

(b) All members shall have an interest in school-to-work transition and, insofar as is practicable, shall:

1. Have skills in foundation work or other fundraising activities, financial consulting, or investment banking or other related experience; or

2. Have experience in policymaking or senior management level positions or have distinguished themselves in the fields of education, business, or industry.

(c) *Initially,* the chair and all board members shall be appointed by the Commissioner of Education. *Effective July 1, 2001, all reappointments shall be made by a membership committee comprised of current board members.*

1. The chair shall be appointed for a term of 2 years and may be reappointed. However, no chair may serve more than 6 consecutive years.

2. Board members shall serve for 3-year terms or until resignation or removal for cause, except that members appointed to serve initial terms shall be appointed for staggered terms of 1, 2, and 3 years, respectively.

(d) In the event of a vacancy on the board caused by an occurrence other than the expiration of a term, a new member shall be appointed.

(e) Each member is accountable to the Commissioner of Education for the proper performance of the duties of office. The commissioner may remove any member from office for malfeasance, misfeasance, neglect of duty, incompetence, or permanent inability to perform official duties or for pleading nolo contendere to, or being found guilty of, a crime.

(7)~~(8)~~ ORGANIZATION, POWERS, AND DUTIES.—Within the limits prescribed in this section or by rule of the department:

(a) Upon appointment, the board shall meet and organize. Thereafter, the board shall hold such meetings as are necessary to implement the provisions of this section and shall conduct its business in accordance with rules promulgated by the department.

(b) The board may solicit and receive bequests, gifts, grants, donations, goods, and services. When gifts are restricted as to purpose, they may be used only for the purpose or purposes stated by the donor.

(c) The board may enter into contracts with the Federal Government, state or local agencies, private entities, or individuals to carry out the purposes of this section.

(d) The board may identify, initiate, and fund Jobs for Florida's Graduates programs to carry out the purposes of this section.

(e) The board may make gifts or grants:

1. To the state, or any political subdivision thereof, or any public agency of state or local government.

2. To a corporation, trust, association, or foundation organized and operated exclusively for charitable, educational, or scientific purposes.

3. To the department for purposes of program recognition and marketing, public relations and education, professional development, and technical assistance and workshops for grant applicants and recipients and the business community.

(f) The board may advertise and solicit applications for funding and shall evaluate applications and program proposals submitted thereto.

(g) The board shall monitor, review, and annually evaluate funded programs to determine whether funding should be continued, terminated, reduced, or increased.

(h) The board shall establish an operating account for the deposit of funds to be used in carrying out the purposes of this section.

(i) The board shall operate the Jobs for Florida's Graduates Program in such a way, and shall recommend to the Department of Education the adoption of such rules as may be necessary, to ensure that the following outcome goals are met:

1. In year 1:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 82 percent by *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 70 to 75 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

2. In year 2:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 85 percent by *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 75 to 78 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

3. In years 3 through 5:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 90 percent by *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 80 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

(j) The board may take such additional actions, including independently organizing and conducting hiring practices, as are deemed necessary and appropriate to administer the provisions of this section. To the maximum extent possible, the board shall hire Jobs for Florida's Graduates Program staff who operate in selected schools to fill necessary staff positions and shall provide for salary, benefits, discipline, evaluation, or discharge according to a contractual agreement. These positions shall not be state employee positions.

~~(9) DISTRIBUTION OF EARNINGS ON ENDOWMENT FUND PRINCIPAL.—The board shall use the moneys in the operating account, by whatever means, to provide for:~~

~~(a) Planning, research, and policy development for issues related to school-to-work transition and publications and dissemination of such information as may serve the objectives of this section.~~

~~(b) Promotion of initiatives for school-to-work transition.~~

~~(c) Funding of programs which engage in, contract for, foster, finance, or aid in job training and counseling for school-to-work transition research, education, or demonstration, or other related activities.~~

~~(d) Funding of programs which engage in, contract for, foster, finance, or aid in activities designed to advance better public understanding and appreciation of the school-to-work transition.~~

~~(10) STARTUP FUNDING.—Notwithstanding any provision of this section to the contrary, in order to provide for first year startup funds, 50 percent of the money allocated during the 12-month period beginning July 1, 1998, shall not be available for investment by the State Board of Administration, but shall be transmitted quarterly to the foundation board and shall be available to the foundation for the purposes set forth in this section.~~

(8)~~(11)~~ ACCREDITATION.—~~During the initial 5-year period,~~ The board shall request and contract with the national accreditation process of Jobs for America's Graduates, Inc., to ensure the viability and efficacy of the individual school-based Jobs for Florida's Graduates programs in the state.

(9)~~(12)~~ ANNUAL AUDIT.—The board shall cause an annual audit of the foundation's financial accounts to be conducted by an independent certified public accountant in accordance with rules adopted by the department. The annual audit report shall be submitted to the Auditor General and the department for review. The Auditor General and the department may require and receive from the foundation, or from its independent auditor, any relevant detail or supplemental data.

(10)~~(13)~~ ASSESSMENT OF PROGRAM RESULTS.—The success of the Jobs for Florida's Graduates Program shall be assessed as follows:

(a) No later than November 1 of each year of the Jobs for Florida's Graduates Program, Jobs for America's Graduates, Inc., shall conduct and deliver to the Office of Program Policy Analysis and Government Accountability a full review and report of the program's activities. The Office of Program Policy Analysis and Government Accountability shall audit and review the report and deliver the report, along with its analysis and any recommendations for expansion, curtailment, modification,

or continuation, to the board not later than December 31 of the same year.

(b) Beginning in the first year of the Jobs for Florida's Graduates Program, the Division of Economic and Demographic Research of the Joint Legislative Management Committee shall undertake, during the initial phase, an ongoing longitudinal study of participants to determine the overall efficacy of the program. The division shall transmit its findings each year to the Office of Program Policy Analysis and Government Accountability for inclusion in the report provided for in paragraph (a).

(11)~~(14)~~ ANNUAL REPORT.—The board shall issue a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education by March 1, 2000, and each year thereafter, summarizing ~~the performance of the endowment fund for the previous fiscal year and~~ the foundation's fundraising activities and performance and detailing those activities and programs supported ~~by the earnings on the endowment principal or~~ by bequests, gifts, grants, donations, and other valued goods and services received.

(12)~~(15)~~ RULES.—The department shall *adopt* ~~promulgate~~ rules *to implement* ~~for the implementation of~~ this section.

Section 36. *The State Board of Administration shall transfer all principal and interest in the endowment fund, as defined in section 446.609, Florida Statutes, to the Board of Directors of the Florida Endowment Foundation for Florida's Graduates to be used for the Jobs for Florida's Graduates Program as provided by law.*

Section 37. *Section 3 of chapter 98-218, Laws of Florida, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 2, after the semicolon (;) insert: amending s. 446.609, F.S.; deleting a time-period limitation for the "Jobs for Florida's Graduates" school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation's board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program;

On motion by Senator Clary, further consideration of **CS for CS for SB 460** as amended was deferred.

On motion by Senator Sanderson—

SB 768—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified identifying information relating to local government or water management district human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers and their spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Sanderson, the rules were waived to allow the following amendment to be considered:

Senators Sanderson and Crist offered the following amendment which was moved by Senator Sanderson and adopted:

Amendment 1 (620124)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (i) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(i)1. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from the provisions of subsection (1). The home addresses, telephone numbers, and photographs of firefighters certified in compliance with s. 633.35; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from subsection (1). The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1). The home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. ~~The home addresses and home telephone numbers of county and municipal code inspectors and code enforcement officers are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.~~

2. The home addresses, telephone numbers, social security numbers, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

3. The home addresses, telephone numbers, social security numbers, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

4.~~2.~~ An agency that is the custodian of the personal information specified in subparagraph 1., *subparagraph 2., or subparagraph 3.* and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 1., *subparagraph 2., or subparagraph 3.* shall maintain the confidentiality of the personal information only if the officer, employee, justice, judge, other person, or employing agency

of the designated employee submits a written request for confidentiality to the custodial agency.

Section 2. *The Legislature finds that the exemption from public records requirements provided by this act for identifying information relating to current and former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of local government agencies or water management districts and their families is justified because, if such information were not confidential, a human resource, labor relations, or employee relations director, assistant director, manager, or assistant manager or such person's family could be harmed or threatened with harm by a current or former employee or a friend or family member of a current or former employee.*

Section 3. *The Legislature finds that the exemption from public records requirements provided for by this act for identifying information relating to current and former code enforcement officers and their families is a public necessity. The current exemption of names and addresses has not completely shielded the identities of county and municipal code enforcement officers. The responsibilities of these employees regularly take them into areas of neglect, abuse, and personal danger. Citations issued in response to violations that they encounter often lead to retribution by the offenders. Their personnel files are reviewed on numerous occasions by code violators seeking information relating to the code enforcement officers and their families. The disclosure of this personal information has led to threats, acts of violence, and unwarranted risk to the officers and their families.*

Section 4. This act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified identifying information relating to local government or water management district human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers and their spouses and children; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity; providing an effective date.

Pursuant to Rule 4.19, **SB 768** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 874** was deferred.

On motion by Senator Cowin—

SB 1022—A bill to be entitled An act relating to public procuring and contracting; providing a short title; providing a purpose; prohibiting the state, and any political subdivision, agency, or instrumentality of the state, from engaging in specified activities under certain procurement or contracting circumstances; authorizing challenge of certain procurement or contracting documents or agreements; providing for award of costs and attorney's fees under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Cowin and adopted:

Amendment 1 (452092)—On page 2, lines 16-22, delete those lines and insert: *employment, to become members of or become affiliated with a labor organization.*

Pursuant to Rule 4.19, **SB 1022** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 876**, **SJR 1176** and **CS for SB 1812** was deferred.

On motion by Senator Constantine—

CS for SB 1896—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term "principal representative"; creating s. 494.00295, F.S.; providing license renewal educational requirements for licensees and principal representatives; amending s. 494.00311, F.S.; expanding the scope of mortgage business schools to include training for certain other persons; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative; requiring the testing of such persons; amending s. 494.0064, F.S.; requiring licensees to submit certification of completion of certain educational requirements by certain persons; amending s. 494.0067, F.S.; requiring licensees to require loan originators and associates to complete certain continuing education programs; requiring licensees to maintain certain records; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1896** to **CS for HB 455**.

Pending further consideration of **CS for SB 1896** as amended, on motion by Senator Constantine, by two-thirds vote **CS for HB 455** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Constantine, by two-thirds vote—

CS for HB 455—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term "principal representative"; creating s. 494.00295, F.S.; providing license renewal educational requirements for licensees and principal representatives; amending s. 494.00311, F.S.; expanding the scope of mortgage business schools to include training for certain other persons; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative; requiring the testing of such persons; amending s. 494.0064, F.S.; requiring licensees to submit certification of completion of certain educational requirements by certain persons; amending s. 494.0067, F.S.; requiring licensees to require loan originators and associates to complete certain continuing education programs; requiring licensees to maintain certain records; providing effective dates.

—a companion measure, was substituted for **CS for SB 1896** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 455** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1914** was deferred.

CS for CS for SB 2056—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; creating the turnpike enterprise; providing organization changes for the Department of Transportation; amending s. 163.3180, F.S.; providing a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; increasing the debt-service cap on the transfer of 7 percent of state transportation revenue to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 255.20, F.S.; adding an exception to requirements relating to local bids and contracts for public construction works; amending s. 287.055, F.S.; increasing the amount constituting a continuing

contract; amending s. 311.09, F.S.; referencing s. 287.055, F.S., relating to competition negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; updating references to safety regulations for commercial vehicles; amending s. 316.3025, F.S.; conforming that section to the repeal of s. 316.3027, F.S.; repealing s. 316.3027, F.S., relating to commercial motor vehicle identification requirements; amending s. 316.515, F.S.; deleting the permit requirement for an automobile transporter; amending s. 316.535, F.S.; providing maximum weights for certain trucks; amending s. 316.545, F.S.; conforming provisions to amendments made by this act; repealing s. 316.610(3), F.S., relating to an irrelevant vehicle inspection service; amending ss. 330.27, 330.29, 330.30, 330.35, 330.36, F.S.; providing for the registration and licensing of airports; amending s. 332.004, F.S.; including an off-airport noise mitigation project within the meaning of the term "airport or aviation development project"; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan, and providing for notice to affected local governments with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions that specify that certain changes in airport facilities and increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact review; amending ss. 380.06, 380.0651, F.S.; revising provisions governing application with respect to airports and petroleum storage facilities that have received a development-of-regional-impact development order or that have an application for development approval or notification of proposed change pending on the effective date of the act; amending s. 334.044, F.S.; authorizing the department to purchase certain promotional items for the Florida Scenic Highways Program; authorizing the department to enter into permit-delegation agreements in certain circumstances; creating s. 335.066, F.S.; establishing the Safe Paths to School program; amending s. 334.30, F.S.; providing for public-private transportation facilities; amending ss. 335.141, 341.302, F.S.; removing the department's authority to regulate the operating speed of trains; amending s. 336.41, F.S.; providing prequalification requirements for contractors who bid on certain government projects; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria; amending s. 336.44, F.S.; substituting the criterion "lowest responsible bidder" for "lowest competent bidder"; amending s. 337.025, F.S.; exempting the turnpike enterprise from an annual contract cap; amending s. 337.107, F.S.; authorizing right-of-way services to be included in design-build contracts; amending s. 337.11, F.S.; authorizing the advertisement and award of certain design-build contracts; increasing the cap on fast-response contracts; authorizing the use of design-build contracts for enhancement projects; providing an exemption for a turnpike enterprise project; amending s. 337.14, F.S.; increasing the length of time for which a certificate of qualification may remain valid; providing prequalification requirements for contractors who bid on certain projects of specified expressway and bridge authorities or of the Jacksonville Transportation Authority; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria in specified circumstances; providing applicability; amending s. 337.401, F.S.; authorizing the department to accept a utility-relocation schedule and relocation agreement in lieu of a written permit in certain circumstances; amending s. 337.408, F.S.; revising provisions regulating benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 338.165, F.S.; revising provisions relating to toll revenues; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings policy, purpose, and intent for the Florida turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending s. 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 339.08, F.S.; repealing a rulemaking requirement relating to the department's expending moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; authorizing compensation to local governments by the department; increasing the amount of a project agreement for a local contribution; providing funds for certain counties that dedicate a portion of a sales tax to certain transportation projects; amending s. 339.135, F.S.; increasing the threshold amount for an amendment to the adopted work program; revising the time period for a transportation project commitment in the work program; amending s. 339.137, F.S.; providing membership changes to the Transportation Outreach Program Council; providing restrictions on project consideration; providing for the development of a scoring system; repealing 341.051(5)(b), F.S.; eliminating certain unnecessary public transit studies; amending s. 341.302, F.S.; eliminating the requirement for the department to develop and administer certain rail-system standards; amending s. 348.0003, F.S.; requiring the governing body of the county to determine the qualifications, terms of office, and obligations and rights of members of the expressway authority for the county; amending s. 373.4137, F.S.; providing requirements for environmental mitigation for transportation projects proposed by a transportation authority; requiring the authority to establish an escrow account; providing for mitigation plans; amending s. 348.0012, F.S.; providing an exemption to the Florida Expressway Authority Act; amending s. 348.754, F.S.; revising the authority of the Orlando-Orange County Expressway Authority; amending s. 348.7543, F.S.; expanding the use of bond financing; amending ss. 348.7544, 348.7545, F.S.; authorizing refinancing with bonds; amending s. 348.755, F.S.; authorizing the issuance of bonds; amending s. 348.765, F.S.; providing that the section does not repeal, rescind, or modify s. 215.821, F.S.; amending s. 475.011, F.S.; providing an exemption for certain employees from specified licensing requirements; amending s. 479.15, F.S.; defining the term "federal-aid primary highway system"; creating s. 479.25, F.S.; allowing an increase in the height of a sign to restore its visibility under specified conditions; creating s. 70.20, F.S.; creating a process by which governmental entities and sign owners may enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S., and creating s. 496.4256, F.S.; revising the permit requirement for solicitation at rest areas; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; amending s. 331.308, F.S.; revising the membership of the board of supervisors of the Spaceport Florida Authority; designating the Lieutenant Governor as the chair and as the state's space policy leader; allowing the Lieutenant Governor to assign proxy voting power; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; providing effective dates.

—was read the second time by title.

On motion by Senator Sebesta, further consideration of **CS for CS for SB 2056** was deferred.

On motion by Senator Burt—

CS for SB 2044—A bill to be entitled An act relating to motor vehicles, vessels, and mobile homes; amending s. 320.03, F.S.; prohibiting the issuance of license plates or revalidation stickers to persons against whom a wrecker operator's lien has been filed; amending s. 713.78, F.S.; revising requirements for the sale of an unclaimed vehicle or vessel; providing procedures for wrecker operators to notify the department of the existence of a wrecker operator's lien and providing procedures for the discharge of such liens; providing for fees and service charges; requiring the department to maintain a list of persons against whom such liens are filed and prohibiting the issuance of license plates or revalidation stickers to such persons; providing guidelines and providing for the adoption of rules; providing an effective date.

—was read the second time by title.

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

Amendment 1 (872888)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), ~~or~~ s. 316.1967(6), *or s. 713.78(13)* a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. *As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13).* If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 2. Paragraph (b) of subsection (4) and subsection (6) are amended, and subsection (13) is added to section 713.78, Florida Statutes, to read:

713.78 Liens for recovering, towing, or storing vehicles and documented vessels.—

(4)

(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner and to all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold ~~after 35 days~~ free of all prior liens *after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less*.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days *following* ~~from~~ the time the vehicle or vessel is stored therein *if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less*. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(13)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of a vehicle, vessel, or mobile home, upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle, vessel, or mobile home on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle, vessel, or mobile home is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the wrecker operator.

2. The name of the registered owner of the vehicle, vessel, or mobile home and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).

3. A general description of the vehicle, vessel, or mobile home, including its color, make, model, body style, and year.

4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; mobile home sticker number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle, vessel, or mobile home be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle, vessel, or mobile home for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c)1. The registered owner of a vehicle, vessel, or mobile home may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the vehicle, vessel, or mobile home was sold in a private or casual sale before the vehicle, vessel, or mobile home was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the vehicle, vessel, or mobile home was sold to a licensed dealer as defined in s. 319.001 before the vehicle, vessel, or mobile home was recovered, towed, or stored.

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the regis-

tered owner's name from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle, vessel, or mobile home is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than $500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle, vessel, or mobile home was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint challenging the validity of the lien or the amount thereof in the county court of the county in which the vehicle, vessel, or mobile home was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle, vessel, or mobile home was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle, vessel, or mobile home attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(e) When a wrecker operator files a notice of wrecker operator's lien under this subsection, the department shall charge the wrecker operator a fee of $2, which shall be deposited into the Florida Motor Vehicle Theft Prevention Trust Fund established under s. 860.158. A service charge of $2.50 shall be collected and retained by the tax collector who processes a notice of wrecker operator's lien.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

(g) The Department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross-reference; providing that the term "civil penalties and fines" does not include reference to a wrecker operator's lien; amending s. 713.78, F.S.; revising requirements for the sale of an unclaimed vehicle or vessel; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator's lien has been issued; providing procedures with respect to such liens; providing an effective date.

RECONSIDERATION OF AMENDMENT

On motion by Senator Burt, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** failed.

SENATOR SILVER PRESIDING

Senator Burt moved the following amendment:

Amendment 2 (260936)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), ~~or~~ s. 316.1967(6), *or s. 713.78(13)* a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. *As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13).* If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 2. Paragraph (b) of subsection (4) and subsection (6) are amended, and subsection (13) is added to section 713.78, Florida Statutes, to read:

713.78 Liens for recovering, towing, or storing vehicles and documented vessels.—

(4)

(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner and to all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold ~~after 35 days~~ free of all prior liens *after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less*.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein *if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less*. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(13)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of a vehicle, vessel, or mobile home, upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle, vessel, or mobile home on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle, vessel, or mobile home is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the wrecker operator.

2. The name of the registered owner of the vehicle, vessel, or mobile home and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).

3. A general description of the vehicle, vessel, or mobile home, including its color, make, model, body style, and year.

4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; mobile home sticker number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle, vessel, or mobile home be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle, vessel, or mobile home for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c)1. The registered owner of a vehicle, vessel, or mobile home may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the vehicle, vessel, or mobile home was sold in a private or casual sale before the vehicle, vessel, or mobile home was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the vehicle, vessel, or mobile home was sold to a licensed dealer as defined in s. 319.001 before the vehicle, vessel, or mobile home was recovered, towed, or stored.

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle, vessel, or mobile home is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than $500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle, vessel, or mobile home was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle, vessel, or mobile home was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a licensed plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license

plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle, vessel, or mobile home was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle, vessel, or mobile home attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(e) When a wrecker operator files a notice of wrecker operator's lien under this subsection, the department shall charge the wrecker operator a fee of $2, which shall be deposited into the Florida Motor Vehicle Theft Prevention Trust Fund established under s. 860.158. A service charge of $2.50 shall be collected and retained by the tax collector who processes a notice of wrecker operator's lien.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

(g) The Department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross-reference; providing that the term "civil penalties and fines" does not include reference to a wrecker operator's lien; amending s. 713.78, F.S.; revising requirements for the sale of an unclaimed vehicle or vessel; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator's lien has been issued; providing procedures with respect to such liens; providing an effective date.

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

Amendment 2A (050818)—On page 4, line 25, after "*home*" insert: *abandoned under s. 705.103*

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 2044** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 2074—A bill to be entitled An act relating to environmental control; amending s. 403.813, F.S.; providing an exemption from permitting requirements for the removal of organic detrital material from certain freshwater rivers or lakes; providing exemption from permits for certain floating vessel platforms; requiring the Department of Environmental Protection to adopt a general permit by rule for floating vessel platforms after January 1, 2002, which meet certain conditions; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 1 (940990)—On page 9, lines 13-16, delete those lines and insert:

4. No activities under this exemption are conducted in wetland areas, as defined by s. 373.019(22), which are supported by a natural soil as shown in applicable United States Department of Agriculture county soil surveys, except when a governmental entity is permitted pursuant to s. 369.20 to conduct such activities as a part of a restoration or enhancement project.

Amendment 2 (264448)—On page 12, lines 17-21, delete those lines and insert: *defined in s. 253.141.*

3. Such structures shall be constructed and used so as to minimize adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities, including locating such structures in areas where no seagrasses exist if such areas are present adjacent to the dock.

4. Such structures shall not be constructed in areas specifically prohibited for boat mooring under conditions of a permit issued in accordance with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or Part IV of Chapter 373, or other form of authorization issued by a local government.

Pursuant to Rule 4.19, **CS for SB 2074** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

SB 2004—A bill to be entitled An act relating to education; providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Horne and adopted:

Amendment 1 (313224)—On page 3, line 8; on page 13, line 27; and on page 14, line 4, delete "*1.5*" and insert: *1.15*

Senator Garcia offered the following amendment which was moved by Senator Horne and adopted:

Amendment 2 (830362)(with title amendment)—On page 17, between lines 9 and 10, insert:

Section 11. Section 446.609, Florida Statutes, is amended to read:

446.609 Jobs for Florida's Graduates Act.—

(1) SHORT TITLE.—This section may be cited as the "Jobs for Florida's Graduates Act."

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

(a) "Board" means the board of directors of the Florida Endowment Foundation for Florida's Graduates.

(b) "Department" means the Department of Education.

(c) "Endowment fund" means an account established within the Florida Endowment Foundation for Florida's Graduates to provide a continuing and growing source of revenue for school-to-work transition efforts.

(d) "Foundation" means the Florida Endowment Foundation for Florida's Graduates.

(e) "Operating account" means an account established under paragraph *(7)*~~(8)~~(h) to carry out the purposes of this section.

(3) LEGISLATIVE INTENT.—The Legislature recognizes that it is in the best interest of the citizens of this state that the state have a well-educated and skilled workforce to be competitive in a changing economy. It is the intent of the Legislature to meet the challenge of ensuring a skilled workforce by creating a formal program to facilitate the important school-to-work transition and to provide additional funding to achieve this goal. Accordingly, the Legislature finds and declares that:

(a) The purpose of this section is to broaden the participation and funding potential for further significant support for Florida students who are approaching the transition from school to work.

(b) It is appropriate to encourage individual and corporate support and involvement, as well as state support and involvement, to promote employment opportunities for Florida's students.

(4) PROGRAM.—There is hereby created~~, for an initial 5-year period,~~ a school-to-work program to be known as Jobs for Florida's Graduates which shall, ~~during the initial 5-year phase set forth in this section and~~ except as otherwise provided by law or by rule of the Department of Education, be operated in accordance with the process and outcome standards of Jobs for America's Graduates, Inc. To that end, the board shall enter into a sponsoring agreement with Jobs for America's Graduates, Inc., to carry out the Jobs for America's Graduates model within the state.

(a) ~~During the first year of operation, the Jobs for Florida's Graduates Program shall be operated in not less than 25 nor more than 50 high schools in the state to be chosen by the board.~~ The goal *of the program* shall be to have a minimum of 300 high schools participating in the program ~~by the end of the 2001-2002 school year~~.

(b) The schools chosen by the board to participate in the program must represent a demographically balanced sample population, include both urban and rural schools, and be comprised of schools, *including charter schools,* in all geographic areas of the state. Each school selected to participate shall enter into a formal written agreement with the board which, at a minimum, details the responsibilities of each party and the process and outcome goals of the ~~initial 5-year~~ Jobs for Florida's Graduates Program.

(c) Students shall be selected and approved for participation in the program by the educational institutions in which they are enrolled, and such selection and approval shall be based on their being classified as ~~12th grade~~ at-risk students *pursuant to the Jobs for America's Graduates model.*

~~(5) REVENUE FOR THE ENDOWMENT FUND.—~~

~~(a) An endowment fund is created as a long-term, stable, growing source of revenue to be administered by the foundation in accordance with rules promulgated by the department.~~

~~(b) The principal of the endowment fund shall consist of legislative appropriations that are made to the endowment fund and bequests, gifts, grants, and donations as may be solicited from public or private sources by the foundation.~~

~~(c) The State Board of Administration shall invest and reinvest moneys of the endowment fund principal in accordance with the provisions of ss. 215.44-215.53. Interest and investment income earned on the endowment fund principal shall be annually transmitted to the foundation, based upon a fiscal year which runs from July 1 through June 30, and shall be deposited in the foundation's operating account for distribution as provided in this section.~~

(5)~~(6)~~ THE FLORIDA ENDOWMENT FOUNDATION FOR FLORIDA'S GRADUATES.—

(a) The Florida Endowment Foundation for Florida's Graduates is created ~~as a direct-support organization of the Department of Education~~ to encourage public and private support to enhance school-to-work transition~~. As a direct-support organization, the foundation shall operate under contract with the department~~ and shall be:

1. A Florida corporation not for profit which is incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Organized and operated exclusively to do the following: raise funds; submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; receive, hold, and administer property; and make expenditures to or for the benefit of school-to-work transition programs approved by the board of directors of the foundation.

(b) ~~As a direct-support organization,~~ The foundation shall:

1. Develop articles of incorporation.

2. Create a board of directors appointed by the Commissioner of Education.

3. Perform an annual financial and performance review to determine if the foundation is operating in a manner consistent with the goals of the Legislature in providing assistance for school-to-work transitions.

4. Provide a mechanism for the reversion to the state of moneys in the foundation and in any other funds and accounts held in trust by the foundation if the foundation is dissolved.

(6)~~(7)~~ BOARD OF DIRECTORS.—The foundation shall be administered by a board of directors, as follows:

(a) The board shall consist of *at least* 15 members *a majority of which shall*~~. At least 9 of the 15 members must~~ be from the private sector~~, and the remaining members may be from the public sector~~. ~~Among the public sector members, representation shall come from secondary education, vocational education, and job-training programs such as Job Education Partnership.~~ The chair *shall* ~~may~~ be from ~~either~~ the private sector ~~or the public sector~~.

(b) All members shall have an interest in school-to-work transition and, insofar as is practicable, shall:

1. Have skills in foundation work or other fundraising activities, financial consulting, or investment banking or other related experience; or

2. Have experience in policymaking or senior management level positions or have distinguished themselves in the fields of education, business, or industry.

(c) *Initially,* the chair and all board members shall be appointed by the Commissioner of Education. *Effective July 1, 2001, all reappointments shall be made by a membership committee comprised of current board members.*

1. The chair shall be appointed for a term of 2 years and may be reappointed. However, no chair may serve more than 6 consecutive years.

2. Board members shall serve for 3-year terms or until resignation or removal for cause, except that members appointed to serve initial terms shall be appointed for staggered terms of 1, 2, and 3 years, respectively.

(d) In the event of a vacancy on the board caused by an occurrence other than the expiration of a term, a new member shall be appointed.

(e) Each member is accountable to the Commissioner of Education for the proper performance of the duties of office. The commissioner may remove any member from office for malfeasance, misfeasance, neglect of duty, incompetence, or permanent inability to perform official duties or for pleading nolo contendere to, or being found guilty of, a crime.

(7)~~(8)~~ ORGANIZATION, POWERS, AND DUTIES.—Within the limits prescribed in this section or by rule of the department:

(a) Upon appointment, the board shall meet and organize. Thereafter, the board shall hold such meetings as are necessary to implement the provisions of this section and shall conduct its business in accordance with rules promulgated by the department.

(b) The board may solicit and receive bequests, gifts, grants, donations, goods, and services. When gifts are restricted as to purpose, they may be used only for the purpose or purposes stated by the donor.

(c) The board may enter into contracts with the Federal Government, state or local agencies, private entities, or individuals to carry out the purposes of this section.

(d) The board may identify, initiate, and fund Jobs for Florida's Graduates programs to carry out the purposes of this section.

(e) The board may make gifts or grants:

1. To the state, or any political subdivision thereof, or any public agency of state or local government.

2. To a corporation, trust, association, or foundation organized and operated exclusively for charitable, educational, or scientific purposes.

3. To the department for purposes of program recognition and marketing, public relations and education, professional development, and technical assistance and workshops for grant applicants and recipients and the business community.

(f) The board may advertise and solicit applications for funding and shall evaluate applications and program proposals submitted thereto.

(g) The board shall monitor, review, and annually evaluate funded programs to determine whether funding should be continued, terminated, reduced, or increased.

(h) The board shall establish an operating account for the deposit of funds to be used in carrying out the purposes of this section.

(i) The board shall operate the Jobs for Florida's Graduates Program in such a way, and shall recommend to the Department of Education the adoption of such rules as may be necessary, to ensure that the following outcome goals are met:

1. In year 1:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 82 percent by *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 70 to 75 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

2. In year 2:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 85 percent by *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 75 to 78 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

3. In years 3 through 5:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 90 percent by *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 80 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By *June 30* ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

(j) The board may take such additional actions, including independently organizing and conducting hiring practices, as are deemed necessary and appropriate to administer the provisions of this section. To the maximum extent possible, the board shall hire Jobs for Florida's Graduates Program staff who operate in selected schools to fill necessary staff positions and shall provide for salary, benefits, discipline, evaluation, or discharge according to a contractual agreement. These positions shall not be state employee positions.

~~(9) DISTRIBUTION OF EARNINGS ON ENDOWMENT FUND PRINCIPAL.—The board shall use the moneys in the operating account, by whatever means, to provide for:~~

~~(a) Planning, research, and policy development for issues related to school-to-work transition and publications and dissemination of such information as may serve the objectives of this section.~~

~~(b) Promotion of initiatives for school-to-work transition.~~

~~(c) Funding of programs which engage in, contract for, foster, finance, or aid in job training and counseling for school-to-work transition research, education, or demonstration, or other related activities.~~

~~(d) Funding of programs which engage in, contract for, foster, finance, or aid in activities designed to advance better public understanding and appreciation of the school-to-work transition.~~

~~(10) STARTUP FUNDING.—Notwithstanding any provision of this section to the contrary, in order to provide for first year startup funds, 50 percent of the money allocated during the 12-month period beginning July 1, 1998, shall not be available for investment by the State Board of Administration, but shall be transmitted quarterly to the foundation board and shall be available to the foundation for the purposes set forth in this section.~~

(8)~~(11)~~ ACCREDITATION.~~—During the initial 5-year period,~~ The board shall request and contract with the national accreditation process

of Jobs for America's Graduates, Inc., to ensure the viability and efficacy of the individual school-based Jobs for Florida's Graduates programs in the state.

(9)~~(12)~~ ANNUAL AUDIT.—The board shall cause an annual audit of the foundation's financial accounts to be conducted by an independent certified public accountant in accordance with rules adopted by the department. The annual audit report shall be submitted to the Auditor General and the department for review. The Auditor General and the department may require and receive from the foundation, or from its independent auditor, any relevant detail or supplemental data.

(10)~~(13)~~ ASSESSMENT OF PROGRAM RESULTS.—The success of the Jobs for Florida's Graduates Program shall be assessed as follows:

(a) No later than November 1 of each year of the Jobs for Florida's Graduates Program, Jobs for America's Graduates, Inc., shall conduct and deliver to the Office of Program Policy Analysis and Government Accountability a full review and report of the program's activities. The Office of Program Policy Analysis and Government Accountability shall audit and review the report and deliver the report, along with its analysis and any recommendations for expansion, curtailment, modification, or continuation, to the board not later than December 31 of the same year.

(b) Beginning in the first year of the Jobs for Florida's Graduates Program, the Division of Economic and Demographic Research of the Joint Legislative Management Committee shall undertake, during the initial phase, an ongoing longitudinal study of participants to determine the overall efficacy of the program. The division shall transmit its findings each year to the Office of Program Policy Analysis and Government Accountability for inclusion in the report provided for in paragraph (a).

(11)~~(14)~~ ANNUAL REPORT.—The board shall issue a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education by March 1, 2000, and each year thereafter, summarizing ~~the performance of the endowment fund for the previous fiscal year and~~ the foundation's fundraising activities and performance and detailing those activities and programs supported ~~by the earnings on the endowment principal or~~ by bequests, gifts, grants, donations, and other valued goods and services received.

(12)~~(15)~~ RULES.—The department shall *adopt* ~~promulgate~~ rules *to implement* ~~for the implementation of~~ this section.

Section 12. *The State Board of Administration shall transfer all principal and interest in the endowment fund, as defined in s. 446.609, Florida Statutes, to the Board of Directors of the Florida Endowment Foundation for Florida's Graduates to be used for the Jobs for Florida's Graduates Program as provided by law.*

Section 13. *Section 3 of chapter 98-218, Laws of Florida, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 446.609, F.S.; deleting a time-period limitation for the "Jobs for Florida's Graduates" school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation's board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program;

Senator Horne moved the following amendment which was adopted:

Amendment 3 (333290)(with title amendment)—On page 1, line 26, insert:

Section 1. *Florida Bright Futures Scholarship Testing Program.—*

(1) By January 1, 2002, the Articulation Coordinating Committee shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, and International Baccalaureate examination. In addition, the Articulation Coordinating Committee shall identify such courses in the general education core curriculum of each state university and community college.

(2) Each community college and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these examinations unless the award of credit duplicates credit already awarded. Community colleges and universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.

(3) Beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, students eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than registration for their second term, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The Articulation Coordinating Committee shall identify the examinations that satisfy each component of this requirement.

(4) Initial award recipients for the 2001-2002 academic year who are eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award and who are admitted to and enroll in a community college or state university may choose, prior to registering for courses that may be earned through CLEP examination, to complete up to five CLEP examinations, one in each of the following areas: English; humanities; mathematics; natural sciences; and social sciences.

(5) Each community college and state university shall pay for the CLEP examinations required pursuant to this section from the funds appropriated from the Educational Enhancement Trust Fund. Institutions shall pay no more than $46 per examination for the program, which shall include access to a student guide to prepare for the test. The Department of Education shall negotiate with the College Board for a reduced rate for the examinations. The institution shall not charge the student for preparation and administration of the test, access to a student guide to prepare for the test, or recordkeeping and reporting of each student's test results to the department.

(6) The credit awarded pursuant to this section shall apply toward the 120 hours of college credit required pursuant to Section 240.115(6), Florida Statutes.

(7) The maximum number of credit hours for which a student is eligible to receive a Florida Bright Futures Scholarship Program award shall be reduced by the number of hours for which credit is awarded pursuant to this section.

(8) Beginning with the 2002-2003 award recipients, the Department of Education shall track and annually report on the effectiveness of the program, and include information on the number of students participating in the program; the CLEP examinations taken and the passage rate of Florida Academic Scholars and Florida Medallion Scholars award recipients; the use of Advanced Placement and International Baccalaureate examinations and dual enrollment courses to satisfy the requirements of the program; and the course credit provided.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program;

Pursuant to Rule 4.19, **SB 2004** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2124** was deferred.

On motion by Senator Constantine—

CS for SB 892—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for identifying information relating to a database for deferred presentment providers which is created and maintained by the Department of Banking and Finance under s. 560.404, F.S.; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 892** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 934—A bill to be entitled An act relating to Florida Academic Improvement Trust Fund matching grants; creating s. 236.1226, F.S.; creating the Florida Academic Improvement Trust Fund matching grant program; providing legislative intent; requiring the Commissioner of Education to specify certain procedures; specifying uses of funds; providing for disbursement of funds; providing for administration of funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 934** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 930—A bill to be entitled An act relating to trust funds; creating s. 236.12265, F.S.; creating the Florida Academic Improvement Trust Fund within the Department of Education; providing sources of funds; specifying uses of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 930** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 978—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum security standards for seaports; requiring seaports to implement seaport security plans; requiring the Department of Law Enforcement to adopt rules for specific security standards; providing requirements for such rules; providing requirements for criminal-history checks on applicants for employment or current employees of a seaport; providing for a seaport to request a waiver or variance from a particular standard; requiring that security plans and other information be made available to the Department of Law Enforcement for review; providing for inspections of seaports; providing requirements for compliance by seaports; providing for additional security measures at specified seaports; providing for the Department of Law Enforcement to impose civil penalties if a seaport fails to initiate or take corrective action; providing rulemaking authority; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (140968)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 311.12, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 311.12, F.S., for present text.)

311.12 Seaport security standards.—

(1) The statewide minimum standards for seaport security for each seaport identified in s. 311.09, shall be those based upon the Florida Seaport Security Assessment 2000 and set forth in the "Port Security Standards - Compliance Plan" delivered to the Speaker of the House of Representatives and the President of the Senate on December 11, 2000, pursuant to s. 311.12. The statewide minimum standards are hereby adopted. The Office of Drug Control within the Executive Office of the Governor shall maintain a sufficient number of copies of the standards for use of the public, at its offices, and shall provide copies to each affected seaport upon request.

(2) Each seaport identified in s. 311.09 shall maintain a security plan relating to the specific and identifiable needs of the seaport which assures that the seaport is in substantial compliance with the statewide minimum standards established pursuant to subsection (1). Each plan adopted or revised pursuant to this subsection must be reviewed and approved by the Office of Drug Control and the Department of Law Enforcement. All such seaports shall allow unimpeded access by the Department of Law Enforcement to the affected facilities for purposes of inspections or other operations authorized by this section. Each seaport security plan may establish restricted access areas within the seaport consistent with the requirements of the statewide minimum standards. In such cases, a Restricted Access Area Permit shall be required for any individual working within or authorized to regularly enter a restricted access area and the requirements in subsection (3) relating to criminal history checks and employment restrictions shall be applicable only to employees or other persons working within or authorized to regularly enter a restricted access area. Every seaport security plan shall set forth the conditions and restrictions to be imposed upon others visiting the port or any restricted access area sufficient to provide substantial compliance with the statewide minimum standards.

(3)(a) A fingerprint-based criminal history check shall be performed on any applicant for employment, every current employee, and other persons as designated pursuant to the seaport security plan for each seaport. The criminal history check shall be performed in connection with employment within or other authorized regular access to a restricted access area or the entire seaport if the seaport security plan does not designate one or more restricted access areas. With respect to employees or others with regular access, such checks shall be performed at least once every 5 years or at other more frequent intervals as provided by the seaport security plan. Each individual subject to the background criminal history check shall file a complete set of fingerprints taken in a manner required by the Department of Law Enforcement and the seaport security plan. Fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. The results of each fingerprint-based check shall be reported to the requesting seaport. The costs of the checks, consistent with s. 943.053(3), shall be paid by the seaport or other employing entity or by the person checked.

(b) By January 1, 2002, each seaport security plan shall identify criminal convictions or other criminal history factors consistent with paragraph (c) which shall disqualify a person from either initial seaport employment or new authorization for regular access to seaport property or to a restricted access area. Such factors shall be used to disqualify all applicants for employment or others seeking regular access to the seaport or restricted access area on or after January 1, 2002, and may be used to disqualify all those employed or authorized for regular access on that date. Each seaport security plan may establish a procedure to appeal a denial of employment or access based upon criminal history factors established pursuant to this paragraph. The appeal procedure may allow the granting of waivers or conditional employment or access. In addition, a seaport may allow waivers on a temporary basis to meet special or emergency needs of the seaport or its users. Policies, procedures, and criteria for implementation of this subsection shall be included in the seaport security plan.

(c) In addition to other requirements for employment or access established by each seaport pursuant to its seaport security plan, each seaport security plan shall provide that:

1. Any person who has within the past 5 years been convicted, regardless of whether adjudication was withheld, for dealing in stolen property;

any violation of s. 893.135; any violation involving the sale, manufacturing, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance; burglary; robbery; any violation of s. 790.07; any crime an element of which includes use or possession of a firearm; any conviction for any similar offenses under the laws of another jurisdiction; or conviction for conspiracy to commit any of the listed offenses shall not be qualified for initial employment within or regular access to a seaport or restricted access area; and

2. Any person who has at any time been convicted for any of the listed offenses shall not be qualified for initial employment within or authorized regular access to a seaport or restricted access area unless, after release from incarceration and any supervision imposed as a sentence, the person remained free from a subsequent conviction, regardless of whether adjudication was withheld, for any of the listed offenses for a period of at least 5 years prior to the employment or access date under consideration.

(d) By October 1 of each year, each seaport shall report to the Department of Law Enforcement each determination of denial of employment or access, and any determination to authorize employment or access after an appeal of a denial made during the previous 12 months. The report shall include the identity of the individual affected, the factors supporting the determination, any special condition imposed, and any other material factors used in making the determination.

(4)(a) Subject to the provisions of subsection (6), each affected seaport shall begin to implement its security plan developed under this section by July 1, 2001, shall implement restrictions on employment and access including the enforcement of any restricted access area by January 1, 2002, and shall be in substantial compliance with all security standards and physical facility requirements imposed by this section no later than June 30, 2004.

(b) The Office of Drug Control and the Department of Law Enforcement may modify or waive any physical facility or other requirement contained in the statewide minimum standards for seaport security upon a finding or other determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the modification or waiver. Such modifications or waivers shall be noted in the annual report submitted by the Department of Law Enforcement pursuant to this subsection.

(c) Beginning with the 2001-2002 fiscal year, the Department of Law Enforcement, or any entity designated by the department, shall conduct no less than one annual unannounced inspection of each seaport listed in s. 311.09 to determine whether the seaport is meeting the minimum standards established pursuant to this section, and to identify seaport security changes or improvements necessary or otherwise recommended. The Department of Law Enforcement, or any entity designated by the department, may conduct additional announced or unannounced inspections or operations within or affecting any affected seaport to test compliance with, or the effectiveness of, security plans and operations at each seaport, to determine compliance with physical facility requirements and standards, or to assist the department in identifying changes or improvements necessary to bring a seaport into compliance with the statewide minimum security standards.

(d) By December 31, 2001, and annually thereafter, the Department of Law Enforcement, in consultation with the Office of Drug Control, shall complete a report indicating the observations and findings of all inspections or operations conducted during the year and any recommendations developed by reason of such inspections. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chief administrator of each seaport inspected. The report shall include responses from the chief administrator of any seaport indicating what actions, if any, have been taken or are planned to be taken in response to the recommendations, observations, and findings reported by the department.

(e) In making security project or other funding decisions applicable to each seaport listed in s. 311.09, the Legislature may consider as authoritative the annual report of the Department of Law Enforcement required by this section, especially regarding each seaport's degree of substantial compliance with the statewide minimum security standards established by this section.

(5) Nothing in this section shall be construed as preventing any seaport from implementing security measures that are more stringent, greater than, or supplemental to the statewide minimum standards established by this section.

(6) When funds are appropriated for seaport security, the Office of Drug Control and the Florida Seaport Transportation and Economic Development Council shall mutually determine the allocation of such funds for security project needs identified in the approved seaport security plans required by this section. Any seaport that receives state funds for security projects must enter into a joint-participation agreement with the appropriate state entity and must use the seaport security plan developed pursuant to this section as the basis for the agreement. If funds are made available over more than one fiscal year, such agreement must reflect the entire scope of the project approved in the security plan and, as practicable, allow for reimbursement for authorized projects over more than 1 year. The joint-participation agreement may include specific timeframes for completion of a security project and the applicable funding reimbursement dates. The joint-participation agreement may also require a contractual penalty, not to exceed $1,000 per day, to be imposed for failure to meet project completion dates provided state funding is available. Any such penalty shall be deposited into the State Transportation Trust Fund to be used for seaport security operations and capital improvements.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum security standards for seaports; requiring seaports to implement seaport security plans; requiring the approval of seaport security plans by the Office of Drug Control and the Department of Law Enforcement; providing requirements for criminal history checks on applicants for employment or current employees of a seaport; providing an appeal procedure; providing for modification or variance from a particular standard; providing for inspections of seaports; providing requirements for compliance by seaports; providing for the Department of Law Enforcement to impose penalties if a seaport fails to meet certain project timelines; requiring certain reports; providing funding criteria; providing an effective date.

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

Amendment 1A (955332)—On page 5, lines 10-15, delete those lines and insert: *plan developed under this section by July 1, 2001.*

Senator Miller moved the following amendment to **Amendment 1** which failed:

Amendment 1B (462614)—On page 7, lines 20-26, delete those lines and insert: *applicable funding reimbursement dates.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 978** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, consideration of **CS for CS for CS for SB 1068** was deferred.

On motion by Senator Laurent—

SB 1382—A bill to be entitled An act relating to real estate brokers; amending s. 475.01, F.S.; expanding the definition of the term "broker"; amending s. 475.25, F.S.; specifying additional actions for which the Florida Real Estate Commission may institute disciplinary action; amending s. 475.42, F.S.; prohibiting specified breach of fiduciary duties and providing penalties therefor; reenacting ss. 468.383(7), 475.25(1)(h), and 475.274, F.S., to incorporate the amendment to s. 475.01(1)(a), F.S., in references thereto; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (291908)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 475.015, Florida Statutes, is created to read:

475.015 Applicability.—A broker acting as a trustee or in a fiduciary capacity is subject to the provisions of this chapter.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to real estate brokers; creating s. 475.015, F.S.; clarifying applicability of ch. 475, F.S., to a broker acting as a trustee or in a fiduciary capacity; providing an effective date.

Pursuant to Rule 4.19, **SB 1382** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1234—A bill to be entitled An act relating to the Florida State Boxing Commission; amending s. 548.002, F.S.; providing definitions; creating s. 548.015, F.S.; authorizing the commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the commission; amending s. 548.008, F.S.; increasing the penalty for participating in or promoting a toughman or badman competition; providing for certification of violations; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the commission to adopt rules providing for background investigations of applicants for licensure; authorizing the commission to require submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the commission may not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; providing an effective date.

—was read the second time by title.

Senator Sebesta moved the following amendments which were adopted:

Amendment 1 (081718)(with title amendment)—On page 7, line 15 through page 8, line 3, delete those lines and insert:

Section 4. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned, and shall provide recommendations to the department and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

And the title is amended as follows:

On page 1, lines 11-15, delete those lines and insert: responsibilities of the commission; requiring the commission to make recommendations with respect to unregulated and unsanctioned boxing competitions; amending s. 548.017, F.S.;

Amendment 2 (391282)(with title amendment)—On page 9, line 29, delete "*may*" and insert: *shall*

And the title is amended as follows:

On page 1, delete line 24 and insert: providing for the

Amendment 3 (382366)(with title amendment)—On page 14, lines 20-30, delete those lines and insert:

(2)*(a)* In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission ~~based on the advice of the medical advisory council~~. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If required by the commission and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.

And the title is amended as follows:

On page 2, line 9, after the semicolon (;) insert: authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the commission to adopt rules relating to blood tests;

Pursuant to Rule 4.19, **CS for SB 1234** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 1408—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for a report to the Legislature; providing for an advisory group to the council; requiring the Southwest Florida Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Citrus/Hernando Waterways restoration program; providing for demonstration restoration projects; providing appropriations; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and an amendment was considered and adopted to conform **SB 1408** to **CS for HB 161**.

Pending further consideration of **SB 1408** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB 161** was withdrawn from the Committee on Natural Resources.

On motion by Senator Brown-Waite—

CS for HB 161—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for an advisory group to the council; providing for a report to the Legislature; requiring the Southwest Florida Water Management District to provide staff for the council; providing for a Citrus/Hernando Waterways restoration program; providing program tasks; providing for award of contracts subject to an appropriation of funds; providing for demonstration restoration projects; providing effective dates.

—a companion measure, was substituted for **SB 1408** as amended and read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (603048)—Delete everything after the enacting clause and insert:

Section 1. *(1) The Citrus/Hernando Waterways Restoration Council.—There is created within the Withlacoochee and Coastal Rivers Basins of the Southwest Florida Water Management District a council to be known as the Citrus/Hernando Waterways Restoration Council. The council shall be coordinated by representatives of the following agencies: the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection, and the Southwest Florida Water Management District. The council is subject to the provisions of chapters 119 and 120, Florida Statutes. The lead agency shall be the Fish and Wildlife Conservation Commission.*

(2) Members of the council shall consist of twelve voting members with six appointed by the President of the Senate and six appointed by the Speaker of the House of Representatives. The council shall consist of representatives as follows:

a. Waterfront property owners from each county,

b. An attorney from each county,

c. A member of the Board of Directors of the Chamber of Commerce from each county,

d. An environmental engineer from each county,

e. An engineer from each county, and

f. A person from each county with training in biology or another scientific discipline.

(3) The council members from each county are to form two separate county task forces from the council to review and make recommendations on specific waterways. The Hernando County Task Force shall develop plans for the restoration of the Weeki Wachee River and Springs. The Citrus County Task Force shall develop plans for the restoration of the Tsala-Apopka Chain of Lakes.

(4) There shall be a technical advisory group to the council and the two county task forces which shall consist of one representative each from the Southwest Florida Water Management District, the Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Coastal Rivers Basin Board, the Withlacoochee River Basin Board, and the United States Army Corps of Engineers, each of whom shall be appointed by his or her respective agency, and each of whom, with the exception of the representatives from the Withlacoochee River Basin Board and Coastal Rivers Basin Board, shall have had training in biology or another scientific discipline.

(5) Immediately after appointment, the council shall meet and organize by electing a chair, a vice chair, and a secretary, whose terms shall be for 2 years each. Council officers shall not serve consecutive terms. Each council member shall be a voting member. Additionally, the two county task forces shall elect a chair and a secretary whose terms shall be for 2 years each.

(6) The council or the county task forces shall meet at the call of its chair, at the request of six of its members, or at the request of the chair of the governing board of the Southwest Florida Water Management District.

(7) The council shall have the powers and duties to:

(a) Review audits and all data specifically related to lake and river restoration techniques and sport fish population recovery strategies, including data and strategies for shoreline restoration, sand and other sediment control and removal, exotic species management, floating tussock management or removal, navigation, water quality, and fish and wildlife habitat improvement, particularly as they may apply to the Citrus/Hernando waterways.

(b) Evaluate whether additional studies are needed.

(c) Explore all possible sources of funding to conduct the restoration activities.

(d) Report to the Speaker of the House of Representatives and the President of the Senate before November 25 of each year on the progress of the Citrus/Hernando Waterways restoration program and any recommendations for the next fiscal year.

(8) The Southwest Florida Water Management District shall provide staff to assist the council in carrying out the provisions of this act.

(9) Members of the council shall receive no compensation for their services, but are entitled to be reimbursed for per diem and travel expenses incurred during execution of their official duties, as provided in s. 112.061, Florida Statutes. State and federal agencies shall be responsible for the per diem and travel expenses of their respective appointees to the council, and the Southwest Florida Water Management District shall be responsible for per diem and travel expenses of other appointees to the council.

Section 2. *The Citrus/Hernando Waterways restoration program.—*

(1) The Fish and Wildlife Conservation Commission and the Southwest Florida Water Management District, in conjunction with the Department of Environmental Protection, pertinent local governments, and the Citrus/Hernando Waterways Restoration Council, shall review existing restoration proposals to determine which ones are the most environmentally sound and economically feasible methods of improving the fish and wildlife habitat and natural systems of the Citrus/Hernando waterways.

(2) To initiate the Citrus/Hernando Waterways restoration program recommended by the Citrus/Hernando Waterways Restoration Council, the Fish and Wildlife Conservation Commission, with assistance from the Southwest Florida Water Management District and in consultation and by agreement with the Department of Environmental Protection and pertinent local governments, shall develop tasks to be considered by those entities for the enhancement of fish and wildlife habitat. These agencies shall:

(a) Evaluate different methodologies for removing the extensive tussocks and buildup of organic matter along the shoreline and of the aquatic vegetation in the lake.

(b) Conduct any additional studies as recommended by the Citrus/Hernando Waterways Restoration Council.

(3) Contingent on the Legislature's appropriating funds for the Citrus/Hernando Waterways restoration program and in conjunction with financial participation by federal, other state, and local governments, the appropriate agencies shall, through competitive bid, award contracts to implement the activities of the Citrus/Hernando Waterways restoration program.

Section 3. *The sum of $45,000 is appropriated from the General Revenue Fund to the Southwest Florida Water Management District for the purpose of paying administrative, per diem, and travel expenses of the Citrus/Hernando Waterways Restoration Council.*

Section 4. *The Fish and Wildlife Conservation Commission is authorized to conduct a demonstration restoration project on the Tsala-Apopka Chain of Lakes for the purpose of removing, with proper permits, overlying undesirable vegetation and associated organic material down to mineralized soils, thus allowing for the establishment of a more desirable aquatic plant community on hard, sandy substrate and creating better habitat for fish and wildlife.*

Section 5. *The Southwest Florida Water Management District is authorized to conduct a demonstration restoration project on the Weeki Wachee River, with proper permits, to improve the water flow by a sand containment and erosion control project, including other restoration activities related to this problem.*

Section 6. This act shall take effect upon becoming a law.

Pursuant to Rule 4.19, **CS for HB 161** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1410** was deferred.

On motion by Senator Smith—

CS for SB 1914—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the juvenile justice continuum to include community-based residential commitment programs; deleting a requirement that information systems of the Department of Juvenile Justice support the Juvenile Justice Advisory Board; amending s. 228.041, F.S.; authorizing additional teacher planning days for nonresidential programs of the Department of Juvenile Justice; amending s. 230.23161, F.S.; providing legislative goals with respect to educational services within department programs; amending s. 435.04, F.S.; revising requirements for level-2 screening standards for persons in positions of trust or responsibility; providing requirements for background investigations for employees of the Department of Juvenile Justice; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction in certain circumstances; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of records; amending s. 943.325, F.S.; requiring DNA analysis of persons who have committed certain offenses and who are transferred to the state under the Interstate Compact on Juveniles; amending ss. 984.01, 985.01, F.S., relating to personnel standards and screening; requiring the Department of Juvenile Justice and the Department of Children and Family Services to ensure that certain contractors are of good moral character; prohibiting the Department of Juvenile Justice from exempting certain persons from a disqualification from employment; amending s. 985.03, F.S.; revising definitions; defining the term "respite" for purposes of ch. 985, F.S.; amending ss. 985.207, 985.213, F.S.; clarifying circumstances under which a juvenile is taken into custody and assessed for placement; requiring the parent or guardian to provide certain information; amending s. 985.21, F.S.; requiring the parent or guardian of a juvenile to provide certain information to the juvenile probation officer; amending s. 985.215, F.S.; providing for the clerk of the court to collect and maintain certain fees; authorizing placing a juvenile into secure detention under certain circumstances for a specified period; requiring the parent or guardian to provide certain information; amending s. 985.227, F.S.; revising requirements for state attorneys with respect to reporting direct-file guidelines; amending ss. 985.231, 985.233, F.S.; revising certain requirements for testing a juvenile for the use of alcohol or controlled substances; providing for the clerk of the court to collect and maintain certain fees; requiring the parent or guardian to provide certain information; amending s. 985.305, F.S.; revising services provided under the early delinquency intervention program; amending s. 985.31, F.S., relating to serious or habitual juvenile offenders; conforming provisions to changes made by the act; amending s. 985.3155, F.S.; revising requirements for the multiagency plan for vocational education; amending s. 985.316, F.S.; revising conditions under which a juvenile may be released on conditional release; amending s. 985.404, F.S.; clarifying conditions under which a juvenile may be transferred; creating s. 985.4043, F.S.; providing certain payments made under a provider service contract to be deposited into the Administrative Trust Fund; amending s. 985.417, F.S.; revising conditions for transferring a juvenile from the Department of Corrections to the supervision of the Department of Juvenile Justice; amending s. 14 of ch. 2000-134, Laws of Florida; revising requirements for monitoring and supervising juvenile offenders under a pilot program; creating s. 985.42, F.S.; authorizing the secretary to designate certain employees as law enforcement officers; creating s. 985.422, F.S.; authorizing the department to take necessary action to collect or settle unpaid fees or judgments; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1914** to **CS for CS for HB 267**.

Pending further consideration of **CS for SB 1914** as amended, on motion by Senator Smith, by two-thirds vote **CS for CS for HB 267** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Smith, the rules were waived and by two-thirds vote—

CS for CS for HB 267—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the juvenile justice continuum to include community-based residential commitment programs; deleting a requirement that information systems of the Department of Juvenile Justice support the Juvenile Justice Advisory Board; amending s. 228.041, F.S.; authorizing additional teacher planning days for nonresidential programs of the Department of Juvenile Justice upon the request of the provider; amending s. 230.23161, F.S.; providing legislative goals with respect to education within department programs; amending s. 230.235, F.S.; requiring schools to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 435.04, F.S.; revising requirements for level-2 screening standards for persons in positions of trust or responsibility; providing requirements for background investigations for employees of the Department of Juvenile Justice; limiting the department's authority to provide an exemption; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction in certain circumstances; providing for retroactive effect; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no contact order under certain circumstances; amending s. 943.325, F.S.; requiring DNA analysis of persons who have committed certain offenses and who are transferred to the state under the Interstate Compact on Juveniles; amending ss. 984.01 and 985.01, F.S., relating to personnel standards and screening; requiring the Department of Juvenile Justice and the Department of Children and Family Services to ensure that certain contractors are of good moral character; amending s. 985.02, F.S.; clarifying legislative intent concerning the responsibilities of parents, custodians, and guardians of children in the juvenile justice system; amending s. 985.03, F.S.; revising definitions; defining the term "respite" for purposes of ch. 985, F.S.; amending s. 985.04, F.S.; providing that certain records maintained by the Department of Juvenile Justice need only be retained for 25 years; expanding the circumstances under which certain juvenile records are not considered confidential and exempt solely because of age; amending ss. 985.207 and 985.213, F.S.; clarifying circumstances under which a juvenile is taken into custody and assessed for placement; requiring the parent or guardian to provide certain information; amending s. 985.21, F.S.; requiring the parent or guardian of a juvenile to provide certain information to the juvenile probation officer; amending s. 985.215, F.S.; revising provisions related to the collection of certain fees; authorizing placing a juvenile into secure detention under certain circumstances for a specified period; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.227, F.S.; revising requirements for state attorneys with respect to reporting direct-file guidelines; amending ss. 985.231 and 985.233, F.S.; requiring a court placement order or a commitment order to include certain findings; revising certain requirements for testing a juvenile for the use of alcohol or controlled substances; revising provisions related to the collection of certain fees; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.305, F.S.; revising services provided under the early delinquency intervention program; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of records; amending s. 985.31, F.S., relating to serious

or habitual juvenile offenders; conforming provisions to changes made by the act; amending s. 985.3155, F.S.; revising requirements for the multiagency plan for vocational education; amending s. 985.316, F.S.; revising conditions under which a juvenile may be released on conditional release; amending s. 985.404, F.S.; providing legislative intent with regard to contracting with faith-based organizations that provide services to juveniles; clarifying conditions under which a juvenile may be transferred; deleting language relating to the collection and reporting of cost data and program ranking; amending s. 985.412, F.S.; adding requirements relating to the collection and reporting of cost data and program ranking; requiring the Department of Juvenile Justice to submit proposals for funding incentives and disincentives based upon quality assurance performance and cost-effectiveness performance to the Legislature by a date certain; amending s. 985.417, F.S.; revising conditions for transferring a juvenile from the Department of Corrections to the supervision of the Department of Juvenile Justice; amending s. 14 of ch. 2000-134, Laws of Florida; revising requirements for monitoring and supervising juvenile offenders under a pilot program; creating s. 985.42, F.S.; authorizing the secretary to designate certain employees as law enforcement officers; creating s. 985.422, F.S.; authorizing the deposit of repair and maintenance funds into the Administrative Trust Fund; amending s. 985.401, F.S., to conform; requiring the Office of Program Policy Analysis and Government Accountability to annually review certain safety and security best practices; requiring school districts to use such practices to conduct certain assessments; requiring school district superintendents to make certain recommendations to school boards based on such assessments; requiring school boards to hold public meetings on the assessments and recommendations; repealing s. 985.404(10) and (11), F.S., relating to an annual cost data collection and reporting program of the Department of Juvenile Justice and cost-effectiveness model development and application to commitment programs of the department; providing effective dates.

—a companion measure, was substituted for **CS for SB 1914** as amended and by two-thirds vote read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (104772)—On page 68, line 5, after "*damages*" insert: *in non-hardware-secure facilities until January 1, 2002*

Amendment 2 (903206)(with title amendment)—On page 71, line 31, insert:

Section 42. Paragraph (e) is added to subsection (15) of section 121.021, Florida Statutes, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(15)

(e) Effective July 1, 2001, the term "special risk member" includes any member who is employed as a youth custody officer by the Department of Juvenile Justice and meets the special criteria set forth in s. 121.0515(2)(g).

Section 43. Paragraph (g) is added to subsection (2) of section 121.0515, Florida Statutes, to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(g) The member must be employed as a youth custody officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, apprehension, arrest, and counseling of assigned juveniles within the community.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 5, after the semicolon (;) insert: amending s. 121.021, F.S.; amending the definition of the term "special risk member"; amending s. 121.0515, F.S.; providing an additional criterion for designation as a special risk member;

Pursuant to Rule 4.19, **CS for CS for HB 267** as amended was placed on the calendar of Bills on Third Reading.

CS for SB 1410—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of "commission," to conform; amending ss. 24.105, 24.108, 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing ss. 121.22, 121.23, 121.231, 121.24, F.S., to abolish the State Retirement Commission and delete provisions relating to its duties; amending ss. 121.0515, 121.091, F.S.; transferring to the Department of Management Services duties of the State Retirement Commission and revising cross references, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121, 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners' permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26), 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 570.248, F.S., to abolish the Agricultural Economic Development Project Review Committee; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing

the Florida Business Partners for Prevention under the Department of Juvenile Justice; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Agriculture and Livestock Fair Council, Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Racing Quarter Horse Advisory Council, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1410** to **CS for HB 501**.

Pending further consideration of **CS for SB 1410** as amended, on motion by Senator Posey, by two-thirds vote **CS for HB 501** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

On motion by Senator Posey—

CS for HB 501—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of "commission," to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners' permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

—a companion measure, was substituted for **CS for SB 1410** as amended and read the second time by title.

Senator Posey moved the following amendment:

Amendment 1 (450098)(with title amendment)—On page 42, between lines 3 and 4, insert:

Section 44. Section 272.133, Florida Statutes, is created to read:

272.133 Vested rights of projects approved by Capitol Center Planning Commission.—Upon the abolishment of the Capitol Center Planning Commission or the restriction by law of its jurisdiction to state-owned lands, any private project that received design approval before the effective date of an act that provides for such abolishment or restriction shall be considered vested for the zoning, land use, and variances approved by the commission. A vested project is required to demonstrate only that it is in compliance with environmental and building-permitting requirements to be eligible for the issuance of a building permit.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: providing for the vesting of certain rights pertaining to private projects that have been approved by the Capitol Center Planning Commission, in specified circumstances;

On motion by Senator Posey, further consideration of **CS for HB 501** with pending **Amendment 1** was deferred.

On motion by Senator Klein—

CS for SB 1342—A bill to be entitled An act relating to postsecondary education; creating s. 240.401, F.S.; creating the Florida Public Student

Assistance Grant program for part-time students; providing for rulemaking by the State Board of Education; providing purpose; providing eligibility criteria; requiring participating institutions to report certain information to the Department of Education; requiring the department to allocate to public postsecondary institutions funds to be distributed under this program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1342** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1616** was deferred.

On motion by Senator King—

CS for CS for SB 2066—A bill to be entitled An act relating to athlete agents; amending s. 468.452, F.S.; revising a definition; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (692930)—On page 4, between lines 27 and 28 insert:

(7)(a) An individual who has submitted an application and holds a certificate, registration, or license as an athlete agent in another state may submit a copy of the application and certificate, registration, or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

1. Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;

2. Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and

3. Was signed by the applicant under penalty of perjury.

(b) An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.

Pursuant to Rule 4.19, **CS for CS for SB 2066** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

SB 1648—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing for regulation by the Department of Health of maintenance entities for performance-based treatment systems and aerobic treatment unit systems; requiring such systems to contract with a permitted maintenance entity; providing duties of such entities; providing for biennial operating permits for aerobic treatment units; revising duties of the department; amending s. 381.0066, F.S.; reducing the operating permit fee for aerobic treatment units and providing operating permit and maintenance entity permit fees for performance-based treatment systems; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1648** to **HB 1863**.

Pending further consideration of **SB 1648** as amended, on motion by Senator Mitchell, by two-thirds vote **HB 1863** was withdrawn from the Committees on Health, Aging and Long-Term Care; and Appropriations.

On motion by Senator Mitchell, by two-thirds vote—

HB 1863—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing for regulation by the Department of Health of maintenance entities for performance-based treatment systems and aerobic treatment unit systems; requiring such systems to contract with a permitted maintenance entity; providing duties of such entities; providing for biennial operating permits for aerobic treatment units; revising duties of the department; amending s. 381.0066, F.S.; reducing the operating permit fee for aerobic treatment units and providing operating permit and maintenance entity permit fees for performance-based treatment systems; providing for review of the need for licensing the portable restroom industry; requiring a report to the Legislature; providing an effective date.

—a companion measure, was substituted for **SB 1648** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1863** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Sanderson, by two-thirds vote **SB 1620** was removed from the Special Order Calendar and withdrawn from further consideration.

On motion by Senator Constantine—

CS for SB 1670—A bill to be entitled An act relating to security for public deposits; revising the Florida Security for Public Deposits Act; amending s. 280.02, F.S.; defining terms; amending s. 280.04, F.S.; revising general provisions relating to collateral for public deposits; amending s. 280.041, F.S.; prescribing requirements for collateral arrangements; prescribing requirements for Federal Reserve Bank agreements; allowing the use of letters of credit under certain conditions; revising the description of triggering events that result in the Treasurer's requiring certain deposits or transfers for the purpose of properly maintaining collateral; amending s. 280.05, F.S.; revising the powers and duties of the Treasurer; amending s. 280.051, F.S.; specifying the grounds for suspending or disqualifying a qualified public depository; amending s. 280.054, F.S.; describing acts for which a qualified public depository is subject to an administrative penalty; amending s. 280.055, F.S.; revising grounds for the issuance of cease and desist orders and corrective orders; amending s. 280.07, F.S.; providing for contingent liability of a qualified public depository; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing the purpose of the board; providing for identifying representative qualified public depositories; providing for member selection and responsibilities; providing for rulemaking by the Treasurer; amending s. 280.08, F.S.; prescribing the procedure for payment of losses after a default or insolvency has occurred; conforming a cross-reference; amending s. 280.09, F.S.; providing for deposit into the Public Deposits Trust Fund of the draw on letters of credit held as collateral; conforming a cross-reference; amending s. 280.10, F.S.; providing for the effect of consolidations of a qualified public depository with an institution that is not such a depository; providing for rulemaking; amending s. 280.11, F.S.; conforming a cross-reference; amending s. 280.13, F.S.; providing collateral requirements for letters of credit issued by a Federal Home Loan Bank; amending other collateral requirements; providing for rulemaking; amending s. 280.16, F.S.; eliminating a date that is no longer relevant; prescribing requirements of qualified public depositories; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and an amendment was considered and adopted to conform **CS for SB 1670** to **HB 625**.

Pending further consideration of **CS for SB 1670** as amended, on motion by Senator Constantine, by two-thirds vote **HB 625** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Constantine—

HB 625—A bill to be entitled An act relating to security for public deposits; amending ss. 280.02, 280.04, 280.041, 280.05, 280.051, 280.054, 280.055, 280.07, 280.08, 280.09, 280.10, 280.11, 280.13, and 280.16, F.S.; revising definitions; revising provisions requiring collateral for public deposits; providing for use of certain letters of credit; requiring additional collateral under certain circumstances; providing penalties; specifying certain agreements for use as collateral; prohibiting a qualified public depository from acting as its own custodian; authorizing a custodian to withdraw as custodian under certain circumstances; authorizing use of certain letters of credit; providing requirements; revising triggering events for certain actions by the Treasurer; revising powers and duties of the Treasurer; clarifying grounds for suspension or disqualification of a qualified public depository; revising conditions for imposition of an administrative penalty; clarifying criteria for the Treasurer to issue certain orders; providing for contingent liability; clarifying procedures for payment of losses; providing for deposit of draws on letters of credit into the Public Deposits Trust Fund; revising procedures and requirements relating to effect of mergers, acquisitions, or consolidations; providing conditions for eligibility of certain letters of credit as collateral; clarifying requirements of qualified public depositories; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing purposes; requiring the Treasurer to initiate selection of board members; providing for selection of board members by certain qualified public depositories; providing qualifications; providing powers and duties of the board; authorizing the Treasurer to adopt rules for certain purposes; providing effective dates.

—a companion measure, was substituted for **CS for SB 1670** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 625** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, the Senate resumed consideration of—

CS for HB 501—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of "commission," to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners' permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

—which was previously considered this day. Pending **Amendment 1 (450098)** by Senator Posey was adopted.

Senator Posey moved the following amendment which was adopted:

Amendment 2 (304148)(with title amendment)—On page 42, between lines 3 and 4, insert:

Section 44. Subsection (1) of section 121.22, Florida Statutes, is amended to read:

121.22 State Retirement Commission; creation; membership; compensation.—

(1) There is created within the Department of Management Services a State Retirement Commission composed of *three* ~~seven~~ members: One member who is retired under a state-supported retirement system administered by the department; *one member who is an* ~~two members from different occupational backgrounds who are~~ active *member of* ~~members in~~ a state-supported retirement system that is administered by the department; and *one member who is neither a retiree, beneficiary, or member* ~~four members who are not retirees, beneficiaries, or members~~ of a state-supported retirement system ~~that~~ is administered by the department. *Each member shall have a different occupational background from the other members. The presence of two members constitutes a quorum for the purpose of conducting official business.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: amending s. 121.22, F.S.; modifying the membership of the State Retirement Commission;

Pursuant to Rule 4.19, **CS for HB 501** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **SB 254** was deferred.

On motion by Senator Campbell—

CS for SB 2210—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances; amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross-references; amending s. 472.005, F.S.; revising and providing definitions; revising cross-references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, 472.037, F.S.; revising cross-references; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; revising requirements related to continuing education providers and courses; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; creating s. 489.1133, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors' Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending ss. 498.005, 498.019, 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 721.82, 721.84, 723.003, 723.006, 723.0065, 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; providing and limiting arbitration of disputes by the division to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions; requiring the continuation of arbitration of cases filed by a certain date; providing a contingent appropriation; providing division enforcement powers and duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending s. 721.82, F.S.; redefining the term "registered agent"; amending s. 721.84, F.S.; providing for appointment of a successor registered agent; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512, 559.935, F.S.; conforming terminology; amending s. 489.537, F.S.; providing that a municipality or county may require the presence of a licensed electrical journeyman on certain construction sites; requiring the Department of Business and Professional Regulation to adopt rules implementing a required statewide registration designation for electrical journeyman for industrial and commercial job sites; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; deleting a bond requirement; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing effective dates.

—was read the second time by title.

Senator Campbell moved the following amendment:

Amendment 1 (690828)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (7) is repealed and paragraph (d) of subsection (2), paragraph (a) of subsection (4), and subsection (6) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. ~~Barbers'~~ Board *of Barbering and Cosmetology,* created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

~~6. Board of Cosmetology, created under chapter 477.~~

6.~~7.~~ Electrical Contractors' Licensing Board, created under part II of chapter 489.

7.~~8.~~ Board of Employee Leasing Companies, created under part XI of chapter 468.

8.~~9.~~ Board of Funeral Directors and Embalmers, created under chapter 470.

9.~~10.~~ Board of Landscape Architecture, created under part II of chapter 481.

10.~~11.~~ Board of Pilot Commissioners, created under chapter 310.

11.~~12.~~ Board of Professional Engineers, created under chapter 471.

12.~~13.~~ Board of Professional Geologists, created under chapter 492.

13.~~14.~~ Board of Professional Surveyors and Mappers, created under chapter 472.

14.~~15.~~ Board of Veterinary Medicine, created under chapter 474.

(6) Each board with ~~five or~~ more *than seven* members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with *seven or* fewer ~~than five~~ members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

~~(7) No board, with the exception of joint coordinatorships, shall be transferred from its present location unless authorized by the Legislature in the General Appropriations Act.~~

Section 2. Section 326.001, Florida Statutes, is amended to read:

326.001 Short title.—*This chapter* ~~Sections 326.001-326.006~~ may be cited as the "Yacht and Ship Brokers' Act."

Section 3. Section 326.002, Florida Statutes, is amended to read:

326.002 Definitions.—As used in *this chapter* ~~ss. 326.001-326.006~~, the term:

(1) "Broker" means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.

(2) *"Department"* ~~"Division"~~ means the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes of the~~ Department of Business and Professional Regulation.

(3) "Salesperson" means a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.

(4) "Yacht" means any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

Section 4. Section 326.003, Florida Statutes, is amended to read:

326.003 Administration.—The *department* ~~division~~ shall:

(1) Administer ~~ss. 326.001-326.006~~ and collect fees sufficient to administer *this chapter* ~~ss. 326.001-326.006~~.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer this chapter* ~~implement ss. 326.001-326.006~~ and to classify brokers and salespersons and regulate their activities.

(3) Enforce the provisions of *this chapter* ~~ss. 326.001-326.006~~ against any person who operates as a broker or salesperson without a license.

Section 5. Section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(1) A person may not act as a broker or salesperson unless licensed under the Yacht and Ship Brokers' Act. The *department* ~~division~~ shall adopt rules establishing a procedure for the biennial renewal of licenses.

(2) A broker may not engage in business as a broker under a fictitious name unless his or her license is issued in such name.

(3) A license is not required for:

(a) A person who sells his or her own yacht.

(b) An attorney at law for services rendered in his or her professional capacity.

(c) A receiver, trustee, or other person acting under a court order.

(d) A transaction involving the sale of a new yacht.

(e) A transaction involving the foreclosure of a security interest in a yacht.

(4) Any person who purchases a used yacht for resale must transfer title to such yacht into his or her name and maintain the title or bill of sale in his or her possession to be exempt from licensure.

(5) The *department* ~~division~~ by rule shall establish fees for application, initial licensing, biennial renewal, and reinstatement of licenses in an amount not to exceed $500. The fees must be set in an amount that is adequate to proportionately fund the expenses of the *department* ~~division~~ in *this chapter* ~~ss. 326.001-326.006~~.

(6) The *department* ~~division~~ may deny a license *or license renewal* to any applicant who does not:

(a) Furnish proof satisfactory to the *department* ~~division~~ that he or she is of good moral character.

(b) Certify that he or she has never been convicted of a felony.

(c) Post the bond required by the Yacht and Ship Brokers' Act.

(d) Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.

(e) Furnish a full set of fingerprints taken within the 6 months immediately preceding the submission of the application.

(f) Have a current license and has operated as a broker or salesperson without a license.

(7)(a) Before any license may be issued to a yacht or ship broker, he or she must deliver to the *department* ~~division~~ a good and sufficient

surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of $25,000.

(b) Surety bonds and irrevocable letters of credit must be in a form to be approved by the *department* ~~division~~ and must be conditioned upon the broker complying with the terms of any written contract made by such broker in connection with the sale or exchange of any yacht or ship and not violating any of the provisions of the Yacht and Ship Brokers' Act in the conduct of the business for which he or she is licensed. The bonds and letters of credit must be delivered to the *department* ~~division~~ and in favor of any person in a transaction who suffers any loss as a result of any violation of the conditions in *this chapter* ~~ss. 326.001-326.006~~. When the *department* ~~division~~ determines that a person has incurred a loss as a result of a violation of the Yacht and Ship Brokers' Act, it shall notify the person in writing of the existence of the bond or letter of credit. The bonds and letters of credit must cover the license period, and a new bond or letter of credit or a proper continuation certificate must be delivered to the *department* ~~division~~ at the beginning of each license period. However, the aggregate liability of the surety in any one year may not exceed the sum of the bond or, in the case of a letter of credit, the aggregate liability of the issuing bank may not exceed the sum of the credit.

(c) Surety bonds must be executed by a surety company authorized to do business in the state as surety, and irrevocable letters of credit must be issued by a bank authorized to do business in the state as a bank.

(d) Irrevocable letters of credit must be engaged by a bank as an agreement to honor demands for payment as specified in this section.

The security for a broker must remain on deposit for a period of 1 year after he or she ceases to be a broker.

(8) A person may not be licensed as a broker unless he or she has been a salesperson for at least 2 consecutive years, and may not be licensed as a broker after October 1, 1990, unless he or she has been licensed as a salesperson for at least 2 consecutive years.

(9) An applicant for a salesperson's license or its renewal must deposit with the *department* ~~division~~ a bond or equivalent securities in the sum of $10,000 subject to the conditions in subsection (7).

(10) Upon a final judgment being rendered against a yacht broker or salesperson for a violation of *this chapter* ~~ss. 326.001-326.006~~ which results in any action being commenced on the bond or letter of credit, the *department* ~~division~~ may require the filing of a new bond or letter of credit and immediately on the recovery in any action on such bond or letter of credit, the broker or salesperson involved must file a new bond or letter of credit. His or her failure to do so within 10 days constitutes grounds for the suspension or revocation of his or her license.

(11) Any person injured by the fraud, deceit, or willful negligence of any broker or salesperson or by the failure of any broker or salesperson to comply with the Yacht and Ship Brokers' Act or other law may file an action for damages upon the respective bonds against the principals and the surety.

(12) If a surety notifies the *department* ~~division~~ that it is no longer the surety for a licensee, the *department* ~~division~~ shall notify the licensee of such withdrawal by certified mail, return receipt requested, addressed to the licensee's principal office. Upon the termination of such surety the licensee's license is automatically suspended until he or she files a new bond with the *department* ~~division~~.

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. A separate license must be maintained for each branch office. The *department* ~~division~~ shall establish by rule a fee not to exceed $100 for each branch office license.

(14)(a) Each license must be prominently displayed in the office of the broker.

(b) Each salesperson's license must remain in the possession of the employing broker until canceled or until the salesperson leaves such employment. Immediately upon a salesperson's withdrawal from the employment of a broker, the broker must return the salesperson's license to the *department* ~~division~~ for cancellation.

(15) The *department* ~~division~~ shall provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement *and the Federal Bureau of Investigation conduct* ~~conducts~~ a national criminal history analysis of the applicant by means of fingerprint identification.

Section 6. Section 326.006, Florida Statutes, is amended to read:

326.006 Powers and duties of *department* ~~division~~.—

(1) Proceedings under the Yacht and Ship Brokers' Act shall be conducted pursuant to chapter 120.

(2) The *department may* ~~division has the power to~~ enforce and ensure compliance with the provisions of this chapter and rules adopted under this chapter relating to the sale and ownership of yachts and ships. In performing its duties, the *department* ~~division~~ has the following powers and duties:

(a) The *department* ~~division~~ may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order issued under this chapter, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms under this chapter.

(b) The *department* ~~division~~ may require or permit any person to file a statement in writing, under oath or otherwise, as the *department* ~~division~~ determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the *secretary of the department* ~~division director~~ or any officer or employee designated by the *secretary* ~~division director~~ may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the *department* ~~investigating officer~~ and upon reasonable notice to all persons affected thereby, the *department* ~~division~~ may apply to the circuit court for an order compelling compliance*, may impose a civil penalty, and may suspend or revoke the licensee's license.*

(d) Notwithstanding any remedies available to a yacht or ship purchaser, if the *department* ~~division~~ has reasonable cause to believe that a violation of any provision of this chapter or rule adopted under this chapter has occurred, the *department* ~~division~~ may institute enforcement proceedings in its own name against any broker or salesperson or any of his or her assignees or agents, or against any unlicensed person or any of his or her assignees or agents, as follows:

1. The *department* ~~division~~ may permit a person whose conduct or actions are under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The *department* ~~division~~ may issue an order requiring the broker or salesperson or any of his or her assignees or agents, or requiring any unlicensed person or any of his or her assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the *department* ~~division~~ will carry out the purposes of this chapter.

3. The *department* ~~division~~ may bring an action in circuit court on behalf of a class of yacht or ship purchasers for declaratory relief, injunctive relief, or restitution.

4. The *department* ~~division~~ may impose a civil penalty against a broker or salesperson or any of his or her assignees or agents, or against an unlicensed person or any of his or her assignees or agents, for any violation of this chapter or a rule adopted under this chapter. A penalty may be imposed for each day of continuing violation, but in no event may the penalty for any offense exceed $10,000. All amounts collected must be deposited with the Treasurer to the credit of the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~

Trust Fund. If a broker, salesperson, or unlicensed person working for a broker, fails to pay the civil penalty, the *department* ~~division~~ shall thereupon issue an order suspending the broker's license until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. The order imposing the civil penalty or the order of suspension may not become effective until 20 days after the date of such order. Any action commenced by the *department* ~~division~~ must be brought in the county in which the *department* ~~division~~ has its executive offices or in the county where the violation occurred.

(e) The *department* ~~division~~ may suspend or revoke the license of a broker or salesperson who:

1. Makes a substantial and intentional misrepresentation, with respect to a transaction involving a yacht, upon which any person has relied.

2. Makes a false warranty, with respect to a transaction involving a yacht, of a character likely to influence, persuade, or induce any person with whom business is transacted.

3. Engages in continued misrepresentation or makes false warranties with respect to transactions involving a yacht, whether or not relied upon by another person.

4. Acts for both the buyer and seller in a transaction involving a yacht without the knowledge and written consent of both parties.

5. Commingles the money or other property of his or her principal with his or her own.

6. Commits fraud or dishonest acts in the conduct of any transaction involving a yacht.

7. Allows an unlicensed person to use his or her name to evade the provisions of the Yacht and Ship Brokers' Act.

8. Violates any law governing the transactions involving a yacht, including any provision relating to the collection or payment of sales or use taxes.

9. Engages in acts that are evidence of a lack of good moral character.

10. Is convicted of a felony.

(f) The *department* ~~division~~ may suspend or revoke the license of a broker or salesperson who has:

1. Procured a license for himself or herself or another by fraud, misrepresentation, falsification, or deceit.

2. Been found guilty of a felony or a crime of moral turpitude.

3. Had a license or registration revoked, suspended, or sanctioned in another state.

(3) All fees must be deposited in the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund as provided by law.

Section 7. *The regulation of yacht and ship brokers and salespersons is reassigned within the Department of Business and Professional Regulation from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions. All funds collected by the department pursuant to the regulation of yacht and ship brokers and salespersons and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for such regulation shall be deposited in an account created within the Professional Regulation Trust Fund for the same purpose.*

Section 8. Effective upon this act becoming a law, section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators *or other conveyances* subject to this chapter must be *annually* inspected *by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division* pursuant to s. 399.13. *If the elevator or other conveyance is* ~~by a third-party inspection service certified as a qualified elevator inspector or~~ maintained pursuant to a service maintenance contract continuously in force, *it shall be inspected at least once every two years by a certified elevator inspector not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.* A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate-of-competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation *or when a third-party inspection service is not available for routine inspection*.

(2) The division *may* ~~shall~~ employ state elevator inspectors to conduct the inspections *as* required by subsection (1) *and may charge an inspection fee for each inspection sufficient to cover the costs of that inspection, as provided by rule.* Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the content of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) Any submission required to be in writing may be made by electronic means.

(12) The department may not issue or renew a license to any person who is not in compliance with all provisions of a final order of a board or the department until that person is in compliance with all terms and

conditions of the final order. The department may not issue or renew a license to any person who is not in compliance with all legal obligations under this chapter or the relevant practice act, including, but not limited to, the obligation to pay all fees and assessments that are owed and to complete all continuing education requirements. This subsection applies to all divisions within the department.

Section 10. Section 455.224, Florida Statutes, is amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board or the department shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2) The board, or the department when there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

(3) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board or department rule, as part of the penalty levied pursuant to the citation.

(4) A citation must be issued within 6 months after the filing of the complaint that is the basis for the citation.

(5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(6) Within its jurisdiction, the department has exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

(7) Notwithstanding s. 455.017, any division within the department may establish a citation program pursuant to the provisions of this section in the enforcement of its regulatory provisions. Any citation issued by a division pursuant to this section must clearly state that the subject may choose, in lieu of accepting the citation, to follow the existing procedures established by law. If the subject does not dispute the matter in the citation with the division within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule of the appropriate division.

Section 11. Subsections (10) and (11) of section 468.401, Florida Statutes, are amended to read:

468.401 Regulation of talent agencies; definitions.—As used in this part or any rule adopted pursuant hereto:

(10) "*Registration*" ~~"License"~~ means a *registration* ~~license~~ issued by the department ~~of Business and Professional Regulation~~ to carry on the business of a talent agency under this part.

(11) "*Registrant*" ~~"Licensee"~~ means a talent agency *that* ~~which~~ holds a valid unrevoked and unforfeited *registration* ~~license~~ issued under this part.

Section 12. Section 468.402, Florida Statutes, is amended to read:

468.402 *Operation of a talent agency* ~~Duties of the department; authority to issue and revoke license~~; adoption of rules.—

(1) *It is unlawful to have* ~~The department may take any one or more of the actions specified in subsection (5) against any person who has~~:

(a) Obtained or attempted to obtain *a registration* ~~any license~~ by means of fraud, misrepresentation, or concealment.

(b) Violated any provision of this part, chapter 455, any lawful disciplinary order of the department, or any rule of the department.

(c) Been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime involving moral turpitude or dishonest dealings under the laws of this state or any other state or government.

(d) Made, printed, published, distributed, or caused, authorized, or knowingly permitted the making, printing, publication, or distribution of any false statement, description, or promise of such a character as to reasonably induce any person to act to his or her damage or injury, if such statement, description, or promises were purported to be performed by the talent agency and if the owner or operator then knew, or by the exercise of reasonable care and inquiry, could have known, of the falsity of the statement, description, or promise.

(e) Knowingly committed or been a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the work, representation, or conduct of the talent agency acts or has acted to his or her injury or damage.

(f) Failed or refused upon demand to disclose any information, as required by this part, within his or her knowledge, or failed or refused to produce any document, book, or record in his or her possession for inspection *as required by* ~~to the department or any authorized agent thereof acting within its jurisdiction or by authority of~~ law.

(g) Established the talent agency within any place where intoxicating liquors are sold, any place where gambling is permitted, or any house of prostitution.

(h) Charged, collected, or received compensation for any service performed by the talent agency greater than specified in its schedule of maximum fees, charges, and commissions ~~previously filed with the department~~.

(i) Had a license *or registration* to operate a talent agency revoked, suspended, or otherwise acted against, including, but not limited to, having been denied a license *or registration* for good cause by the licensing authority of another state, territory, or country.

(j) Willfully made or filed a report or record that the *registrant* ~~licensee~~ knew to be false, failed to file a report or record required by state or federal law, impeded or obstructed such filing, or induced another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the *registrant's* ~~licensee's~~ capacity as a *registered* ~~licensed~~ talent agency.

(k) Advertised goods or services in a manner that was fraudulent, false, deceptive, or misleading in form or content.

(l) Advertised, operated, or attempted to operate under a name other than the name appearing on the *registration* ~~license~~.

(m) Been found guilty of fraud or deceit in the operation of a talent agency.

(n) Operated with a revoked, suspended, inactive, or delinquent *registration* ~~license~~.

(o) Permitted, aided, assisted, procured, or advised any ~~unlicensed~~ person to operate a talent agency contrary to this part or *other law* ~~to a rule of the department~~.

(p) Failed to perform any statutory or legal obligation placed on a ~~licensed~~ talent agency.

(q) Practiced or offered to practice beyond the scope permitted by law or has accepted and performed professional responsibilities that the *registrant* ~~licensee~~ knows or has reason to know that he or she is not competent to perform.

(r) Conspired with ~~another licensee or with~~ any other person to commit an act, or has committed an act, that would tend to coerce, intimidate, or preclude another *registrant* ~~licensee~~ from advertising his or her services.

(s) Solicited business, either personally or through an agent or through any other person, through the use of fraud or deception or by other means; through the use of misleading statements; or through the exercise of intimidation or undue influence.

(t) Exercised undue influence on the artist in such a manner as to exploit the artist for financial gain of the *registrant* ~~licensee~~ or a third party, which includes, but is not limited to, the promoting or selling of services to the artist.

~~(2) The department may revoke any license that is issued as a result of the mistake or inadvertence of the department.~~

(2)~~(3)~~ The department *may* ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer* ~~implement the provisions of~~ this part.

(3)~~(4)~~ A revoked or suspended *registration* ~~license~~ must be returned to the department within 7 days after the time for appeal has elapsed.

(4)~~(5)~~ Upon a finding of a violation of any one or more of the grounds enumerated in subsection (1) or any other section of this part, the department may ~~take the following actions~~:

(a) Deny an application for *registration* ~~licensure~~ as a talent agency.

(b) ~~Permanently~~ Revoke or suspend the *registration* ~~license~~ of a talent agency.

~~(c) Impose an administrative fine, not to exceed $5,000, for each count or separate offense.~~

~~(d) Require restitution.~~

~~(e) Issue a public reprimand.~~

~~(f) Place the licensee on probation, subject to such conditions as the department may specify.~~

~~(6) A person shall be subject to the disciplinary actions specified in subsection (5) for violations of subsection (1) by that person's agents or employees in the course of their employment with that person.~~

(5)~~(7)~~ The department may deny a *registration* ~~license~~ if any owner or operator listed on the application has been associated with a talent agency whose *registration* ~~license~~ has been revoked or otherwise disciplined.

Section 13. Section 468.403, Florida Statutes, is amended to read:

468.403 *Registration* ~~License~~ requirements.—

(1) A person may not own, operate, solicit business, or otherwise engage in or carry on the occupation of a talent agency in this state unless such person first *registers with* ~~procures a license for the talent agency from~~ the department. However, a *registration* ~~license~~ is not required for a person who acts as an agent for herself or himself, a family member, or exclusively for one artist.

(2) Each application for a *registration* ~~license~~ must be accompanied by an application fee set by the department not to exceed $300~~, plus the actual cost for fingerprint analysis for each owner application, to cover the costs of investigating the applicant~~. Each application for a change of operator must be accompanied by an application fee of $150. These fees are not refundable.

~~(3)(a) Each owner of a talent agency if other than a corporation and each operator of a talent agency shall submit to the department with the application for licensure of the agency a full set of fingerprints and a photograph of herself or himself taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

~~(b) Each owner of a talent agency that is a corporation shall submit to the department, with the application for licensure of the agency, a full set of fingerprints of the principal officer signing the application form and the bond form, and a full set of fingerprints of each operator, and a photograph of each taken within the preceding 2 years. The department shall conduct an examination of fingerprint records and police records.~~

(3)~~(4)~~ Each application must include:

(a) The name and address of the owner of the talent agency.

~~(b) Proof of at least 1 year of direct experience or similar experience of the operator of such agency in the talent agency business or as a subagent, casting director, producer, director, advertising agency, talent coordinator, or musical booking agent.~~

(b)~~(c)~~ The street and number of the building or place where the talent agency is to be located.

~~(5) The department shall investigate the owner of an applicant talent agency only to determine her or his ability to comply with this part and shall investigate the operator of an applicant talent agency to determine her or his employment experience and qualifications.~~

(4)~~(6)~~ If the applicant is other than a corporation, the application shall also include the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the operation of the talent agency in question, together with the amount of their respective interest.

(5)~~(7)~~ If the applicant is a corporation, the application shall include the corporate name and the names, residential addresses, and telephone numbers of all persons actively participating in the business of the corporation and shall include the names of all persons exercising managing responsibility in the applicant's or *registrant's* ~~licensee's~~ office.

~~(8) The application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least 3 years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing.~~

(6)~~(9)~~ If any information in the application supplied to the department by the applicant or *registrant* ~~licensee~~ changes in any manner whatsoever, the applicant or *registrant* ~~licensee~~ shall submit such changes to the department within 30 days after the date of such change or after the date such change is known or should have been known to the applicant or *registrant* ~~licensee~~.

Section 14. Section 468.404, Florida Statutes, is amended to read:

468.404 *Registration* ~~License~~; fees; renewals.—

(1) The department by rule shall establish biennial fees for initial *registration* ~~licensing~~, renewal of *registration* ~~license~~, and reinstatement of *registration* ~~license~~, none of which fees shall exceed $400. The department may by rule establish a delinquency fee of no more than $50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the *registering* ~~regulation~~ of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

(2) If one or more individuals on the basis of whose qualifications a talent agency *registration* ~~license~~ has been obtained cease to be connected with the agency for any reason, the agency business may be carried on for a temporary period, not to exceed 90 days, under such terms and conditions as the department provides by rule for the orderly closing of the business or the replacement and qualifying of a new owner or operator. The *registrant's* ~~licensee's~~ good standing under this part shall be contingent upon the department's approval of any such new owner or operator.

(3) No *registration* ~~license~~ shall be valid to protect any business transacted under any name other than that designated *on* ~~in~~ the *registration* ~~license~~, unless consent is first obtained from the department~~, unless written consent of the surety or sureties on the original bond required by s. 468.408 is filed with the department,~~ and unless the *registration* ~~license~~ is returned to the department for the recording thereon of such changes. A charge of $25 shall be made by the department for the recording of authorization for each change of name or change of location.

(4) No *registration* ~~license~~ issued under this part shall be assignable.

Section 15. Section 468.406, Florida Statutes, is amended to read:

468.406 Fees to be charged by talent agencies; rates; display.—

(1) Each *talent agency* ~~applicant for a license~~ shall *maintain and provide to its artists or potential clients* ~~file with the application~~ an itemized schedule of maximum fees, charges, and commissions which it intends to charge and collect for its services. This schedule may thereafter be raised only by *notifying its artists* ~~filing with the department an amended or supplemental schedule~~ at least 30 days before the change is to become effective. The schedule shall be posted in a conspicuous place in each place of business of the agency and shall be printed in not less than a 30-point boldfaced type, except that an agency that uses written contracts containing maximum fee schedules need not post such schedules.

(2) All money collected by a talent agency from an employer for the benefit of an artist shall be paid to the artist, less the talent agency's fee, within 5 business days after the receipt of such money by the talent agency. No talent agency is required to pay money to an artist until the talent agency receives payment from the employer or buyer.

Section 16. Section 468.407, Florida Statutes, is amended to read:

468.407 *Registration* ~~License~~; content; posting.—

(1) The talent agency *registration* ~~license~~ shall be valid for the biennial period in which issued and shall be in such form as may be determined by the department, but shall at least specify the name under which the applicant is to operate, the address of the place of business, the expiration date of the *registration* ~~license~~, the full names and titles of the owner and the operator, and the number of the *registration* ~~license~~.

(2) The talent agency *registration* ~~license~~ shall at all times be displayed conspicuously in the place of business in such manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the state and county.

(3) If a *registrant* ~~licensee~~ desires to cancel his or her *registration* ~~license~~, he or she must notify the department and forthwith return to the department the *registration* ~~license~~ so canceled. No *registration* ~~license~~ fee may be refunded upon cancellation of the *registration* ~~license~~.

Section 17. Subsection (3) of section 468.410, Florida Statutes, is amended to read:

468.410 Prohibition against registration fees; referral.—

(3) A talent agency shall give each applicant a copy of a contract which lists the services to be provided and the fees to be charged. The contract shall state that the talent agency is *registered with* ~~regulated by~~ the department and shall list the address and telephone number of the department.

Section 18. Section 468.412, Florida Statutes, is amended to read:

468.412 Talent agency *requirements* ~~regulations~~.—

(1) A talent agency shall maintain a record sheet for each booking. This shall be the only required record of placement and shall be kept for a period of 1 year after the date of the last entry in the buyer's file.

(2) Each talent agency shall keep records in which shall be entered:

(a) The name and address of each artist employing such talent agency;

(b) The amount of fees received from each such artist; *and*

(c) The employment in which each such artist is engaged at the time of employing such talent agency and the amount of compensation of the artist in such employment, if any, and the employments subsequently secured by such artist during the term of the contract between the artist and the talent agency and the amount of compensation received by the artist pursuant thereto.~~; and~~

~~(d) Other information which the department may require from time to time.~~

~~(3) All books, records, and other papers kept pursuant to this act by any talent agency shall be open at all reasonable hours to the inspection of the department and its agents. Each talent agency shall furnish to the department, upon request, a true copy of such books, records, and papers, or any portion thereof, and shall make such reports as the department may prescribe from time to time.~~

(3)~~(4)~~ Each talent agency shall post in a conspicuous place in the office of such talent agency a printed copy of this part ~~and of the rules adopted under this part. Such copies shall also contain the name and address of the officer charged with enforcing this part~~. The department shall furnish to talent agencies printed copies of any statute ~~or rule~~ required to be posted under this subsection.

(4)~~(5)~~ No talent agency may knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.

(5)~~(6)~~ No talent agency may publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement. All advertisements of a talent agency by means of card, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the *registered* ~~licensed~~ name, department *registration* ~~license~~ number, and address of the talent agency and the words "talent agency." No talent agency may give any false information or make any false promises or representations concerning an engagement or employment to any applicant who applies for an engagement or employment.

(6)~~(7)~~ No talent agency may send or cause to be sent any person as an employee to any house of ill fame, to any house or place of amusement for immoral purposes, to any place resorted to for the purposes of prostitution, to any place for the modeling or photographing of a minor in the nude in the absence of written permission from the minor's parents or legal guardians, the character of which places the talent agency could have ascertained upon reasonable inquiry.

(7)~~(8)~~ No talent agency may divide fees with anyone, including, but not limited to, an agent or other employee of an employer, a buyer, a casting director, a producer, a director, or any venue that uses entertainment.

(8)~~(9)~~ If a talent agency collects from an artist a fee or expenses for obtaining employment for the artist, and the artist fails to procure such employment, or the artist fails to be paid for such employment if procured, such talent agency shall, upon demand therefor, repay to the artist the fee and expenses so collected. Unless repayment thereof is made within 48 hours after demand therefor, the talent agency shall pay to the artist an additional sum equal to the amount of the fee.

(9)~~(10)~~ Each talent agency must maintain a permanent office and must maintain regular operating hours at that office.

Section 19. Section 468.413, Florida Statutes, is amended to read:

468.413 *Unlawful acts* ~~Legal requirements~~; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Owning or operating, or soliciting business as, a talent agency in this state without first *registering with* ~~procuring a license from~~ the department.

(b) Obtaining or attempting to obtain a *registration* ~~license~~ by means of fraud, misrepresentation, or concealment.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Relocating a business as a talent agency, or operating under any name other than that designated on the *registration* ~~license~~, ~~unless written notification is given to the department and to the surety or sureties on the original bond, and~~ unless the *registration* ~~license~~ is returned to the department for the recording thereon of such changes.

(b) Assigning or attempting to assign a *registration* ~~license~~ issued under this part.

(c) Failing to show on a *registration* ~~license~~ application whether or not the agency or any owner of the agency is financially interested in any other business of like nature and, if so, failing to specify such interest or interests.

(d) Failing to maintain the records required by s. 468.409 or knowingly making false entries in such records.

(e) Requiring as a condition to registering or obtaining employment or placement for any applicant that the applicant subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop.

(f) Failing to give each applicant a copy of a contract which lists the services to be provided and the fees to be charged, which states that the talent agency is *registered with* ~~regulated by~~ the department~~, and which lists the address and telephone number of the department~~.

(g) Failing to maintain a record sheet as required by s. 468.412(1).

(h) Knowingly sending or causing to be sent any artist to a prospective employer or place of business, the character or operation of which employer or place of business the talent agency knows to be in violation of the laws of the United States or of this state.

(3) The court may, in addition to other punishment provided for in *subsection (1) or* subsection (2), suspend or revoke the *registration* ~~license~~ of any *person* ~~licensee~~ under this part who has been found guilty of any *violation of subsection (1) or* ~~misdemeanor listed in~~ subsection (2).

(4) *If a* ~~In the event the department or any~~ state attorney *finds* ~~shall have~~ probable cause to believe that a talent agency or other person has violated any provision of subsection (1) *or subsection (2)*, an action may be brought by the department or any state attorney to enjoin such talent agency or any person from continuing such violation, or engaging therein or doing any acts in furtherance thereof, and for such other relief as to the court seems appropriate. In addition to this remedy, the department may *permanently prohibit a person from operating or working for a talent agency* ~~assess a penalty against any talent agency or any person in an amount not to exceed $1,000~~.

(5) Any person injured by a prohibited act or practice in violation of this part may bring a civil action in circuit court for temporary or permanent injunctive relief and may seek appropriate civil relief, including, but not limited to, a civil penalty not to exceed $5,000 for each violation, restitution and treble damages for injured parties, and court costs and reasonable attorney's fees.

Section 20. Section 468.414, Florida Statutes, is amended to read:

468.414 Collection and deposit of moneys; appropriation.—Proceeds from the ~~fines,~~ fees~~, and penalties~~ imposed pursuant to this part shall be deposited in the Professional Regulation Trust Fund, created by s. 215.37.

Section 21. Section 468.415, Florida Statutes, is amended to read:

468.415 Sexual misconduct in the operation of a talent agency.—The talent agent-artist relationship is founded on mutual trust. Sexual misconduct in the operation of a talent agency means violation of the talent agent-artist relationship through which the talent agent uses the relationship to induce or attempt to induce the artist to engage or attempt to engage in sexual activity. Sexual misconduct is prohibited in the operation of a talent agency. If any agent, owner, or operator of a *registered* ~~licensed~~ talent agency is found to have committed sexual misconduct in the operation of a talent agency, the agency *registration* ~~license~~ shall be permanently revoked. Such agent, owner, or operator shall be permanently disqualified from present and future *registration* ~~licensure~~ as owner or operator of a Florida talent agency.

Section 22. *Sections 468.405 and 468.408, Florida Statutes, are repealed.*

Section 23. Subsection (7) of section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(7)(a) The board may provide for the issuance of provisional certificates valid for such period, not less than 3 years nor more than 5 years, as specified by board rule, to any newly employed or promoted building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3).

(b) No building code administrator, plans examiner, or building code inspector may have a provisional certificate extended beyond the specified period by renewal or otherwise.

(c) The board may provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters as the board may deem necessary to protect the public safety and health.

(d)*1.* A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 90 days if a provisional certificate application has been submitted, provided such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. ~~However,~~

2. Direct supervision and the determination of qualifications under this paragraph may be provided by a building code administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.

3. Direct supervision under this paragraph may be provided in any county with a population of less than 75,000 and in any municipality within such county by telecommunication devices if the supervision is appropriate for the facts surrounding the performance of the duties being supervised.

Section 24. Subsection (4) of section 468.627, Florida Statutes, is amended to read:

468.627 Application; examination; renewal; fees.—

(4) Employees of local government agencies having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes shall pay no application fees or examination fees. *However, the fee charged by the examination contract vendor to the department for scheduling an examination of an employee of a local government shall be recovered from any employee who does not report for the scheduled examination. The department shall have the final approval for excusing applicants from a scheduled examination and may waive recovery of the fee in case of hardship.*

Section 25. Subsection (1) of section 471.025, Florida Statutes, is amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, *the forms* ~~a form~~ of *seals* ~~seal~~ to be used by registrants holding valid certificates of registration. Each registrant shall obtain *at least one* ~~an impression-type metal~~ seal in the form *approved by board rule* ~~aforesaid~~ and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75. All final drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record and all final bid documents provided to the owner or the owner's representative shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final bid documents, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.

Section 26. Section 472.001, Florida Statutes, is amended to read:

472.001 Purpose.—The Legislature deems it necessary to regulate surveyors and mappers as provided in *this chapter* ~~ss. 472.001-472.041~~.

Section 27. Section 472.003, Florida Statutes, is amended to read:

472.003 *Exemptions* ~~Persons not affected by ss. 472.001-472.041.—~~ *This chapter does* ~~Sections 472.001-472.041 do~~ not apply to:

(1) Any surveyor and mapper working as a salaried employee of the United States Government when engaged in work solely for the United States Government.

(2) A registered professional engineer who takes or contracts for professional surveying and mapping services incidental to her or his practice of engineering and who delegates such surveying and mapping services to a registered professional surveyor and mapper qualified within her or his firm or contracts for such professional surveying and mapping services to be performed by others who are registered professional surveyors and mappers under *this chapter* ~~the provisions of ss. 472.001-472.041~~.

(3) The following persons when performing construction layout from boundary, horizontal, and vertical controls that have been established by a registered professional surveyor and mapper:

(a) Contractors performing work on bridges, roads, streets, highways, or railroads, or utilities and services incidental thereto, or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in such contracting except as an employee;

(b) Certified or registered contractors licensed pursuant to part I of chapter 489 or employees who are subordinates of such contractors provided that the employee does not hold herself or himself out for hire or engage in contracting except as an employee; and

(c) Registered professional engineers licensed pursuant to chapter 471 and employees of a firm, corporation, or partnership who are the subordinates of the registered professional engineer in responsible charge.

(4) Persons employed by county property appraisers, as defined at s. 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in s. 472.005(4)~~(a) and (b)~~.

(5)(a) Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.

(b) Persons who are employees of any employee leasing company licensed pursuant to part XI of chapter 468 and who work as subordinates of a person in responsible charge registered under this chapter.

(c) Persons who are employees of an individual registered or legal entity certified under this chapter and who are the subordinates of a person in responsible charge registered under this chapter, to the extent that the supervision meets standards adopted by rule of the board, if any.

Section 28. Section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in *this chapter* ~~ss. 472.001-472.041~~:

(1) "Board" means the Board of Professional Surveyors and Mappers.

(2) "Department" means the Department of Business and Professional Regulation.

(3) "Surveyor and mapper" includes the term "professional surveyor and mapper" and means a person who is registered to engage in the practice of surveying and mapping under *this chapter* ~~ss. 472.001-472.041~~. For the purposes of this *subsection* ~~statute~~, a surveyor and mapper means a person who determines and displays the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.

(4)(a) "Practice of surveying and mapping" means, among other things, any professional service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surface of bodies of water, for the purpose of determining, establishing, describing, displaying, or interpreting the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relocation, and orientation of improved or unimproved real property and appurtenances thereto, including acreage and condominiums.

(b) The practice of surveying and mapping also includes, but is not limited to, photogrammetric control; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements; the preparation of descriptions for use in legal instruments of conveyance of real property and property rights; the preparation of subdivision planning maps and record plats, as provided for in chapter 177; the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them.

(5) ~~The term~~ "Surveyor and mapper intern" includes ~~the term~~ "surveyor-mapper-in-training" and means a person who complies with the requirements *of this chapter* ~~provided by ss. 472.001-472.041~~ and who has passed an examination as provided by rules adopted by the board.

(6) ~~The term~~ "Responsible charge" means direct control and personal supervision of surveying and mapping work, but does not include experience as a chainperson, rodperson, instrumentperson, ordinary draftsperson, digitizer, scriber, photo lab technician, ordinary stereo plotter operator, aerial photo pilot, photo interpreter, and other positions of routine work.

(7) ~~The term~~ "License" means the registration of surveyors and mappers or the certification of businesses to practice surveying and mapping in this state.

(8) "Photogrammetric mapper" means any person who engages in the practice of surveying and mapping using aerial or terrestrial photography or other sources of images.

(9) "Employee" means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.

(10) "Subordinate" means an employee who performs work under the direction, supervision, and responsible charge of a person who is registered under this chapter.

(11) "Monument" means an artificial or natural object that is permanent or semipermanent and used or presumed to occupy any real property corner, any point on a boundary line, or any reference point or other point to be used for horizontal or vertical control.

(12) "Legal entity" means a corporation, partnership, association, or person practicing under a fictitious name who is certified under s. 472.021.

Section 29. Subsection (1) of section 472.011, Florida Statutes, is amended to read:

472.011 Fees.—

(1) The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, recordmaking and recordkeeping, and applications for providers of continuing education. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement *this chapter* ~~ss. 472.001-472.041~~ and the provisions of law with respect to the regulation of surveyors and mappers.

Section 30. Subsection (4) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of *this chapter* ~~ss. 472.001-472.041~~ or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 31. Subsection (1) of section 472.021, Florida Statutes, is amended to read:

472.021 Certification of partnerships and corporations.—

(1) The practice of or the offer to practice surveying and mapping by registrants through a corporation or partnership offering surveying and mapping services to the public, or by a corporation or partnership offering said services to the public through registrants under *this chapter* ~~ss. 472.001-472.041~~ as agents, employees, officers, or partners, is permitted subject to the provisions of *this chapter* ~~ss. 472.001-472.041~~, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as surveyors and mappers in this state are registered as provided by *this chapter* ~~ss. 472.001-472.041,~~ and~~,~~ further~~,~~ provided that the corporation or partnership has been issued a certificate of authorization by the board as provided in this section. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of surveying and mapping which are prepared or approved for the use of the corporation or partnership or for delivery to any person or for public record within the state must be dated and must bear the signature and seal of the registrant who prepared or approved them. Nothing in this section shall be construed to allow a corporation to hold a certificate of registration to practice surveying and mapping. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing surveying and mapping be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

Section 32. Section 472.027, Florida Statutes, is amended to read:

472.027 Minimum technical standards for surveying and mapping.—The board shall adopt rules relating to the practice of surveying and mapping which establish minimum technical standards to ensure the achievement of no less than minimum degrees of accuracy, completeness, and quality in order to assure adequate and defensible real property boundary locations and other pertinent information provided by surveyors and mappers under the authority of *this chapter* ~~ss. 472.001-472.041~~.

Section 33. Section 472.029, Florida Statutes, is amended to read:

472.029 *Authorization* ~~Surveyors and mappers authorized~~ to enter lands of third parties*;* ~~under certain~~ conditions.—Surveyors and mappers *and their subordinates* may go on, over, and upon the lands of others when necessary to make surveys and maps *or to search for, uncover, locate, or set monuments,* and, in so doing, may carry with them their agents and employees necessary for that purpose. Entry under the right hereby granted does not constitute trespass, and surveyors and mappers and their *subordinates and* duly authorized agents or employees so entering are not liable to arrest or to a civil action by reason of such entry *as long as the entering is in compliance with all federal, state, and local regulations pertaining to premises security, agricultural protections, and other health and safety requirements.*~~;~~ However, this section does not give authority to registrants, *subordinates,* agents, or employees to destroy, injure, damage, or *otherwise* move *any physical improvements* ~~anything~~ on lands of another without the written permission of the landowner. *No landowner shall be liable to any third party for any civil or criminal act, or any damages, which result in whole or in part through the negligent or intentional conduct of any person regulated by this section. If written notice is delivered to a landowner or the landowner's registered agent three business days prior to entry on a parcel containing more than 160 acres classified as agricultural land, the duty of care owed to those regulated by this section shall be that due to a licensee under this chapter; however, if no such notice is given, the landowner's duty of care shall be that due to an unforeseen trespasser.*

Section 34. Subsection (5) of section 810.12, Florida Statutes, is amended to read:

810.12 Unauthorized entry on land; prima facie evidence of trespass.—

(5) However, this section shall not apply to any official or employee of the state or a county, municipality, or other governmental agency now authorized by law to enter upon lands or to registered engineers, ~~and~~ surveyors and mappers, *and other persons* authorized to enter lands pursuant to ss. 471.027 and 472.029. The provisions of this section shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities, or their employees, contractors, or subcontractors, when such trimming is required for the establishment or maintenance of the service furnished by any such utility.

Section 35. Subsection (1) of section 472.031, Florida Statutes, is amended to read:

472.031 Prohibitions; penalties.—

(1) No person shall:

(a) Practice surveying and mapping unless such person is registered *under this chapter* ~~pursuant to ss. 472.001-472.041~~;

(b) Use the name or title "registered surveyor and mapper" when such person has not registered *under this chapter* ~~pursuant to ss. 472.001-472.041~~;

(c) Present as his or her own the registration of another;

(d) Knowingly give false or forged evidence to the board or a member thereof; or

(e) Use or attempt to use a registration that has been suspended or revoked.

Section 36. Section 472.037, Florida Statutes, is amended to read:

472.037 Application of *chapter* ~~ss. 472.001-472.041~~.—

(1) Nothing contained in *this chapter* ~~ss. 472.001-472.041~~ shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of registered surveyors and mappers than the provisions of *this chapter* ~~ss. 472.001-472.041~~.

(2) In counties or municipalities that issue building permits, such permits shall not be issued in any case where it is apparent from the application for such building permit that the provisions of *this chapter* ~~ss. 472.001-472.041~~ have been violated. However, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth in *this chapter* ~~ss. 472.001-472.041~~.

Section 37. A new subsection (4) is added to section 475.01, Florida Statutes, to read:

475.01 Definitions.—

(4) A broker acting as a trustee or in a fiduciary capacity is subject to the provisions of this chapter.

Section 38. Section 476.014, Florida Statutes, is amended to read:

476.014 Short title.—This *chapter* ~~act~~ may be cited as the "Barbers' Act."

Section 39. Section 476.034, Florida Statutes, is amended to read:

476.034 Definitions.—As used in this *chapter* ~~act~~:

(1) "Barber" means a person who is licensed to engage in the practice of barbering in this state under the authority of this chapter.

(2) "Barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.

(3) "Barbershop" means any place of business wherein the practice of barbering is carried on.

(4) "Board" means the ~~Barbers'~~ Board *of Barbering and Cosmetology*.

(5) "Department" means the Department of Business and Professional Regulation.

Section 40. Section 476.054, Florida Statutes, is amended to read:

476.054 ~~Barbers'~~ Board *of Barbering and Cosmetology*.—

(1) There is created within the department the ~~Barbers'~~ Board *of Barbering and Cosmetology*, consisting of seven members who shall be appointed by the Governor, subject to confirmation by the Senate.

(2) *Two* ~~Five~~ members of the board *must* ~~shall~~ be *licensed* barbers who have practiced ~~the occupation of~~ barbering in this state for at least 5 years. *Three members must be licensed cosmetologists who have practiced cosmetology in this state for at least 5 years, and one member must be a registered cosmetology specialist who has practiced his or her specialty in this state for a least 5 years.* The remaining *member must* ~~two members of the board shall~~ be *a resident* ~~citizens~~ of the state who *is* ~~are~~ not presently *a* licensed *barber or cosmetologist* ~~barbers~~. No person *may* ~~shall~~ be appointed to the board who is ~~in any way~~ connected with the manufacture, rental, or wholesale distribution of barber *or cosmetology* equipment and supplies.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years; and such members shall serve until their successors are appointed and qualified. The Governor may remove any member for cause.

(4) No person *may* ~~shall~~ be appointed to serve more than two consecutive terms. Any vacancy shall be filled by appointment by the Governor for the unexpired portion of the term.

(5) Each board member shall receive *$50 per day, up to a maximum of $2,000 per year, for time spent on board business, plus* per diem and mileage allowances as provided in s. 112.061 from the place of her or his residence to the place of meeting and the return therefrom.

(6) Before beginning duties as a board member, each appointee must take the constitutional oath of office and file it with the Department of State, which shall issue to such member a certificate of appointment.

(7) The board shall, each January, elect from among its members a chair and a vice chair.

(8) The board shall hold such meetings during the year as necessary, one of which shall be the annual meeting. The chair may call other meetings. A quorum shall consist of not fewer than four members.

(9)~~(6)~~ Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, drunkenness, incompetency, or permanent inability to perform her or his official duties.

Section 41. Section 476.064, Florida Statutes, is amended to read:

476.064 Organization; headquarters; personnel; meetings.—

(1) ~~The board shall annually elect a chair and a vice chair from its number.~~ The board shall maintain its headquarters in Tallahassee.

(2) The department shall appoint or employ such personnel as ~~may be~~ necessary to assist the board in exercising the powers and performing the duties and obligations set forth in this *chapter* ~~act~~. Such personnel need not be licensed barbers *or cosmetologists* and shall not be members of the board. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the board.

~~(3) The board shall hold an annual meeting and such other meetings during the year as it may determine to be necessary. The chair of the board may call other meetings at her or his discretion. A quorum of the board shall consist of not less than four members.~~

(3)~~(4)~~ The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 *necessary* to *administer* ~~implement the provisions of~~ this chapter.

Section 42. Subsections (1) and (2) of section 476.074, Florida Statutes, are amended to read:

476.074 Legal, investigative, and inspection services.—

(1) The department shall provide all legal services needed to carry out the provisions of this *chapter* ~~act~~.

(2) The department shall provide all investigative services required by the board or the department in carrying out the provisions of this *chapter* ~~act~~.

Section 43. Subsection (2) of section 476.154, Florida Statutes, is amended to read:

476.154 Biennial renewal of licenses.—

(2) Any license or certificate of registration issued pursuant to this *chapter* ~~act~~ for a period less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The board shall adopt rules providing for such partial period fee adjustments.

Section 44. Paragraphs (a) and (b) of subsection (1) of section 476.194, Florida Statutes, are amended to read:

476.194 Prohibited acts.—

(1) It is unlawful for any person to:

(a) Engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this *chapter* ~~act~~ by the department.

(b) Engage in willful or repeated violations of this *chapter* ~~act~~ or of any of the rules adopted by the board.

Section 45. Subsections (1) and (3) of section 476.214, Florida Statutes, are amended to read:

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.—

(1) The board shall have the power to revoke or suspend any license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this *chapter* ~~act~~, for any of the following causes:

(a) Gross malpractice or gross incompetency in the practice of barbering;

(b) Practice by a person knowingly having an infectious or contagious disease; or

(c) Commission of any of the offenses described in s. 476.194.

(3) The board shall keep a record of its disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this *chapter* ~~act~~.

Section 46. Section 476.234, Florida Statutes, is amended to read:

476.234 Civil proceedings.—In addition to any other remedy, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this *chapter* ~~act~~ or the lawful rules or orders of the board, commission, or department.

Section 47. Subsection (1) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(1) "Board" means the Board of *Barbering and* Cosmetology.

Section 48. *Section 477.015, Florida Statutes, is repealed.*

Section 49. *The Barbers' Board created pursuant to section 476.054, Florida Statutes, and the Board of Cosmetology created pursuant to section 477.015, Florida Statutes, are abolished. All rules of the Barbers' Board and the Board of Cosmetology in effect on the effective date of this act shall remain in full force and shall become rules of the Board of Barbering and Cosmetology.*

Section 50. *The Board of Barbering and Cosmetology is created by this act by the amendment of section 476.054, Florida Statutes, and the repeal of section 477.015, Florida Statutes. Appointments to this board are new and shall be made by the Governor, subject to confirmation by the Senate, for initial terms of 4 years or less so that no more than two terms expire in any one year. The board shall assume responsibilities for the regulation of barbering pursuant to chapter 476, Florida Statutes, and the regulation of cosmetology pursuant to chapter 477, Florida Statutes, as provided in those chapters.*

Section 51. *The Board of Barbering and Cosmetology shall be replaced as the party of interest for any legal actions naming the Barbers' Board or the Board of Cosmetology as a party.*

Section 52. Subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. ~~Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.~~

(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.

(c) *The board shall by rule establish criteria for the approval of continuing education courses and providers.* ~~The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.~~

(d) The department shall approve all continuing education courses and providers as set forth in this subsection. The board may not approve any course which does not substantially and exclusively relate to the practice of cosmetology and serve to ensure the protection of the public. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the department.

(e) Correspondence courses may be approved if offered by a provider approved by the board under paragraph (d) and meet all relevant course criteria established by the board. Correspondence courses must include a written post course examination developed and graded by the course provider which demonstrates the licensee's understanding of the subject matter taught by the course. The board may, by rule, set the minimum allowed passing score for such examinations.

Section 53. Subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) For cosmetologists, fees for original licensing, license renewal, and delinquent renewal shall not exceed $25.

(b) For cosmetologists, fees for endorsement application, examination, and reexamination shall not exceed $50.

(c) For cosmetology and specialty salons, fees for license application, original licensing, license renewal, and delinquent renewal shall not exceed $50.

(d) For specialists, fees for application and endorsement registration shall not exceed $30.

(e) For specialists, fees for initial registration, registration renewal, and delinquent renewal shall not exceed $50.

(f) For hair braiders, hair wrappers, and body wrappers, fees for *initial* registration*, registration renewal, and delinquent renewal* shall not exceed $25.

Section 54. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(b)1. ~~Has successfully completed all architectural curriculum courses required by and~~ Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States~~, including those schools and colleges accredited by the National Architectural Accreditation Board~~; and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

Section 55. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties*; injunctive relief*.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein;

(c) Use the name or title "architect" or "registered architect," or "interior designer" or "registered interior designer," or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part;

(d) Present as his or her own the license of another;

(e) Give false or forged evidence to the board or a member thereof;

(f) Use or attempt to use an architect or interior designer license that has been suspended, revoked, or placed on inactive or delinquent status;

(g) Employ unlicensed persons to practice architecture or interior design; or

(h) Conceal information relative to violations of this part.

(2) Any person who violates any provision of *subsection (1)* ~~this section~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Notwithstanding chapter 455 or any other provision of law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c). The prevailing party shall be entitled to actual costs and attorney's fees.

(b) For purposes of this subsection, "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

Section 56. Effective July 1, 2001, subsections (2) and (4) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

(2) The board shall consist of *16* ~~18~~ members, of whom:

(a) Four are primarily engaged in business as general contractors;

(b) Three are primarily engaged in business as building contractors or residential contractors, however, at least one building contractor and one residential contractor shall be appointed;

(c) One is primarily engaged in business as a roofing contractor;

(d) One is primarily engaged in business as a sheet metal contractor;

(e) One is primarily engaged in business as an air-conditioning contractor;

(f) One is primarily engaged in business as a mechanical contractor;

(g) One is primarily engaged in business as a pool contractor;

(h) One is primarily engaged in business as a plumbing contractor;

(i) One is primarily engaged in business as an underground utility and excavation contractor;

(j) *Notwithstanding the provisions of s. 20.165(6), one is a* ~~Two are~~ consumer *member* ~~members~~ who *is* ~~are~~ not, and *has* ~~have~~ never been, *a member* ~~members~~ or *practitioner* ~~practitioners~~ of a profession regulated by the board or *a member* ~~members~~ of any closely related profession; and

(k) *One is a* ~~Two are~~ building *official* ~~officials~~ of a municipality or county.

(l) On the date the reduction of the number of members on the board made by this act becomes effective, the affected appointments shall be those in the reduced membership class whose terms next expire.

(4) The board shall be divided into two divisions, Division I and Division II.

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; ~~one of the members appointed pursuant to paragraph (2)(j);~~ and ~~one of~~ the *member* ~~members~~ appointed pursuant to paragraph (2)(k). Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; *and* ~~one of~~ the *member* ~~members~~ appointed pursuant to paragraph (2)(j)~~; and one of the members appointed pursuant to paragraph (2)(k)~~. Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(p).

(c) Jurisdiction for the regulation of specialty contractors defined in s. 489.105(3)(q) shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule.

Section 57. Section 489.1133, Florida Statutes, is created to read:

489.1133 Temporary certificate or registration.—The department may issue a temporary certificate or registration to any applicant who has submitted a completed application and who appears to meet all qualifications for certification or registration, pending final approval of the application and the granting of a permanent certificate or registration by the board. If the board determines that the applicant does not meet all of the requirements for certification or registration under this part, the board shall, upon notifying the applicant of his or her failure to qualify, revoke the applicant's temporary certificate or registration.

Section 58. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, as amended by chapters 98-287 and 2000-141, Laws of Florida, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. *Contractors defined in s. 489.105(3)(a)-(c)* ~~Division I certificateholders or registrants~~ who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificates or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

4. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the contractor's respective discipline.

Section 59. Subsection (1) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p) *or holds a valid registered local specialty license which substantially corresponds to a type of*

specialty contractor recognized for state certification pursuant to board rule under s. 489.113(6).

Section 60. *Subsection (6) of section 489.507, Florida Statutes, is repealed.*

Section 61. *The Electrical Contractors' Licensing Board shall review its operations and its regular board meeting lengths and locations and develop a plan to reduce its annual operating budget by $25,000, and shall submit the plan to the Department of Business and Professional Regulation by January 1, 2002.*

Section 62. Subsection (6) of section 489.511, Florida Statutes, is amended to read:

489.511 Certification; application; examinations; endorsement.—

(6) The board shall certify as qualified for certification by endorsement any individual *who applies from a state that has a mutual reciprocity endorsement agreement with the board and* ~~applying for certification~~ who~~:~~

~~(a)~~ meets the requirements for certification ~~as set forth~~ in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521.~~; or~~

~~(b) Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued.~~

Section 63. Paragraph (f) is added to subsection (3) of section 489.537, Florida Statutes, to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(f) To require that one electrical journeyman, who is a graduate of the Institute of Applied Technology in Construction Excellence or licensed pursuant to s. 489.5335, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in s. 489.503.

Section 64. Subsection (5) of section 498.005, Florida Statutes, is amended to read:

498.005 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(5) "Division" means the Division of *Real Estate* ~~Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation.

Section 65. Section 498.019, Florida Statutes, is amended to read:

498.019 *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund.—

~~(1) There is created within the State Treasury the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund to be used for the administration and operation of this chapter and chapters 718, 719, 721, and 723 by the division.~~

~~(2)~~ All moneys collected by the division from fees, fines, or penalties or from costs awarded to the division by a court shall be paid into the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund *to be used to administer and enforce this chapter and rules adopted thereunder. The department shall maintain a separate account in the trust fund and shall administer the account pursuant to s. 455.219.* The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter ~~and the provisions of law with respect to each category of business covered by this trust fund. The division shall maintain separate revenue accounts in the trust fund for each of the businesses regulated by the division. The division shall provide for the proportionate allocation among the accounts of expenses incurred by the division in the performance of its duties with respect to each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses which may be used to determine fees charged by the division. This subsection shall operate pursuant to the provisions of s. 215.20~~.

Section 66. Subsection (5) of section 498.049, Florida Statutes, is amended to read:

498.049 Suspension; revocation; civil penalties.—

(5) Each person who materially participates in any offer or disposition of any interest in subdivided lands in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disposition, concealment, or diversion of any funds or assets of any person which adversely affects the interests of a purchaser of any interest in subdivided lands, and who directly or indirectly controls a subdivider or is a general partner, officer, director, agent, or employee of a subdivider shall also be liable under this subsection jointly and severally with and to the same extent as the subdivider, unless that person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts creating the alleged liability. Among these persons a right of contribution shall exist, except that a creditor of a subdivider shall not be jointly and severally liable unless the creditor has assumed managerial or fiduciary responsibility in a manner related to the basis for the liability of the subdivider under this subsection. Civil penalties shall be limited to $10,000 for each offense, and all amounts collected shall be deposited with the Treasurer to the credit of the *Professional Regulation* ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~ Trust Fund. No order requiring the payment of a civil penalty shall become effective until 20 days after the date of the order, unless otherwise agreed in writing by the person on whom the penalty is imposed.

Section 67. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) The Division of *Real Estate* ~~Florida Land Sales, Condominiums, and Mobile Homes~~ of the Department of Business and Professional Regulation shall ensure that disclosures made by developers pursuant to chapter 498 meet the requirements of subsection (1).

Section 68. *The regulation of land sales pursuant to chapter 498, Florida Statutes, shall remain under the Department of Business and Professional Regulation but is reassigned from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate. All funds collected by the department pursuant to this regulation and all funds in the account created within the Florida Land Sales, Condominiums, and Mobile Homes Trust Fund for the purpose of this regulation shall be deposited in an account created within the Professional Regulation Trust Fund for this same purpose.*

Section 69. Subsection (17) of section 718.103, Florida Statutes, is amended to read:

718.103 Definitions.—As used in this chapter, the term:

(17) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 70. Paragraph (c) of subsection (4) of section 718.105, Florida Statutes, is amended to read:

718.105 Recording of declaration.—

(4)

(c) If the sum of money held by the clerk has not been paid to the developer or association as provided in paragraph (b) by 3 years after the date the declaration was originally recorded, the clerk in his or her discretion may notify, in writing, the registered agent of the association that the sum is still available and the purpose for which it was deposited. If the association does not record the certificate within 90 days after the clerk has given the notice, the clerk may disburse the money to the

developer. If the developer cannot be located, the clerk shall disburse the money to the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ for deposit in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

Section 71. Section 718.1255, Florida Statutes, is amended to read:

718.1255 Alternative dispute resolution; ~~voluntary mediation;~~ mandatory nonbinding arbitration *and mediation; local resolution; exemptions*; legislative findings.—

(1) *APPLICABILITY* ~~DEFINITIONS~~.—

(a) The provisions of subsection (3) apply to ~~As used in this section, the term "dispute" means~~ any disagreement between two or more parties that involves~~:~~

~~(a) The authority of the board of directors, under this chapter or association document to:~~

~~1. Require any owner to take any action, or not to take any action, involving that owner's unit or the appurtenances thereto.~~

~~2. Alter or add to a common area or element.~~

~~(b)~~ the failure of a governing body, when required by this chapter or an association document, to~~:~~

~~1.~~ properly conduct elections *or to recall a board member*.

(b) The provisions of paragraph (3)(f)-(n) apply to any disagreement between two or more parties that involves:

1. The authority of the board of directors, under this chapter or an association document, to:

a. Require any owner to take any action, or not to take any action, involving that owner's unit or the appurtenances thereto; or

b. Alter or add to a common area or element.

2. The failure of a governing body, when required by this chapter or an association document, to:

a.~~2.~~ Give adequate notice of meetings or other actions*;*~~.~~

b.~~3.~~ Properly conduct meetings*; or*~~.~~

c.~~4.~~ Allow inspection of books and records.

~~"Dispute" does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.~~

~~(2) VOLUNTARY MEDIATION.—Voluntary mediation through Citizen Dispute Settlement Centers as provided for in s. 44.201 is encouraged.~~

(2)~~(3)~~ LEGISLATIVE FINDINGS.—

(a) The Legislature finds that unit owners are frequently at a disadvantage when litigating against an association. Specifically, a condominium association, with its statutory assessment authority, is often more able to bear the costs and expenses of litigation than the unit owner who must rely on his or her own financial resources to satisfy the costs of litigation against the association.

(b) The Legislature finds that the courts are becoming overcrowded with condominium and other disputes, and further finds that alternative dispute resolution has been making progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to court litigation. However, the Legislature also finds that alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.

(c) There exists a need to develop a flexible means of alternative dispute resolution that directs disputes to the most efficient means of resolution.

(d) The high cost and significant delay of circuit court litigation faced by unit owners in the state can be alleviated by requiring nonbinding arbitration and mediation in appropriate cases, thereby reducing delay and attorney's fees while preserving the right of either party to have its case heard by a jury, if applicable, in a court of law.

(3)~~(4)~~ MANDATORY NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The division ~~of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation~~ shall *provide* ~~employ full-time attorneys to act as~~ arbitrators to conduct the arbitration hearings *as required* ~~provided~~ by this chapter. The *department may employ attorneys to act as arbitrators, and the* division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this *chapter* ~~section~~. No person may be employed by the department as *an* ~~a full-time~~ arbitrator unless he or she is a member in good standing of The Florida Bar. The department shall promulgate rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator shall be final; however, such a decision shall not be deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If such judicial proceedings are initiated, the final decision of the arbitrator shall be admissible in evidence in the trial de novo.

(a) Prior to the institution of court litigation, a party to a dispute shall petition the division for nonbinding arbitration. The petition must be accompanied by a filing fee in the amount of $50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(b) The petition must recite, and have attached thereto, supporting proof that the petitioner gave the respondents:

1. Advance written notice of the specific nature of the dispute;

2. A demand for relief, and a reasonable opportunity to comply or to provide the relief; and

3. Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute.

Failure to include the allegations or proof of compliance with these prerequisites requires dismissal of the petition without prejudice.

(c) Upon receipt, the petition shall be promptly reviewed by the division to determine the existence of a dispute and compliance with the requirements of paragraphs (a) and (b). If emergency relief is required and is not available through arbitration, a motion to stay the arbitration may be filed. The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.

(d) Upon determination by the division that a dispute exists and that the petition substantially meets the requirements of paragraphs (a) and (b) and any other applicable rules, a copy of the petition shall forthwith be served by the division upon all respondents.

(e) Either before or after the filing of the respondents' answer to the petition, any party may request that the arbitrator refer the case to mediation under this section and any rules adopted by the division. Upon receipt of a request for mediation, the division shall promptly contact the parties to determine if there is agreement that mediation would be appropriate. If all parties agree, the dispute must be referred to mediation. Notwithstanding a lack of an agreement by all parties, the arbitrator may refer a dispute to mediation at any time.

(f) *The arbitrator or the division may refer the parties to a Citizens Dispute Settlement Center under s. 44.201 in the county in which the dispute arose* ~~Upon referral of a case to mediation~~*, or* the parties *may agree on* ~~must select~~ a mutually acceptable mediator. To assist in the selection, the arbitrator shall provide the parties with a list of both volunteer and paid mediators that have been certified by the division

under s. 718.501. If the parties are unable to agree on a mediator within the time allowed by the arbitrator *or the division*, the arbitrator *or the division* shall appoint a mediator from the list of certified mediators. If a case is referred to mediation, the parties shall attend a mediation conference, as scheduled by the parties and the mediator. If any party fails to attend a duly noticed mediation conference, without the permission or approval of the arbitrator or mediator, the arbitrator *or the division may* ~~must~~ impose sanctions against the party, including the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorneys' fees incurred by the other parties. Unless otherwise agreed to by the parties or as provided by order of the arbitrator, a party is deemed to have appeared at a mediation conference by the physical presence of the party or its representative having full authority to settle without further consultation, provided that an association may comply by having one or more representatives present with full authority to negotiate a settlement and recommend that the board of administration ratify and approve such a settlement within 5 days from the date of the mediation conference. *The mediator or Citizens Dispute Settlement Center may charge fees for handling these cases.* The parties shall share equally the expense of mediation, unless they agree otherwise.

(g) The purpose of mediation as provided for by this section is to present the parties with an opportunity to resolve the underlying dispute ~~in good faith, and~~ with a minimum expenditure of time and resources.

(h) Mediation proceedings must generally be conducted in accordance with the Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Persons who are not parties to the dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. If the *case was referred to mediation by an arbitrator and the* ~~mediator declares an impasse after a~~ mediation conference *ends in an impasse* ~~has been held~~, the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be either binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a court of competent jurisdiction. *If the case was referred to mediation by the division and ends in an impasse, either party may institute a suit in a court of competent jurisdiction.* The parties may seek to recover any costs and attorneys' fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.

(i) Arbitration shall be conducted according to rules promulgated by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.

(j) At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, in the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure. Rules adopted by the division may authorize any reasonable sanctions except contempt for a violation of the arbitration procedural rules of the division or for the failure of a party to comply with a reasonable nonfinal order issued by an arbitrator which is not under judicial review.

(k) The arbitration decision shall be presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney's fees in an amount determined by the arbitrator. Such an award shall include the costs and reasonable attorney's fees incurred in the arbitration proceeding as well as the costs and reasonable attorney's fees incurred in preparing for and attending any scheduled mediation.

(l) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney's fees.

(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney's fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, *by the filing of a court case.* ~~and~~ Any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.

(n) In the resolution of these cases on the local level, past precedent of prior division arbitration decisions shall be considered and followed where appropriate.

(4) EXEMPTIONS.—A dispute is not subject to resolution under this section if it includes any disagreement that primarily involves:

(a) Title to any unit or common element;

(b) The interpretation or enforcement of any warranty;

(c) The levy of a fee or assessment or the collection of an assessment levied against a party;

(d) The eviction or other removal of a tenant from a unit;

(e) Alleged breaches of fiduciary duty by one or more directors; or

(f) Claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.

(5) DISPUTES INVOLVING ELECTION IRREGULARITIES.—Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration shall be handled on an expedited basis in the manner provided by division rules for recall arbitration disputes.

Section 72. *The Division of Condominiums, Timeshare, and Mobile Homes of the Department of Business and Professional Regulation shall continue the arbitration of any cases which qualified for arbitration on the date the case was filed with the division and which were filed with the division prior to the date on which this act becomes law.*

Section 73. *There is appropriated 1 FTE and $440,626 from the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund to the Department of Business and Professional Regulation for the purpose of investigating and resolving disputes and dealing with compliance issues relating to condominiums and cooperatives. This appropriation shall not take effect if a similar amount of funding is included in the various appropriations for compliance and enforcement in the Florida Condominiums, Timeshare, and Mobile Homes program in the fiscal year 2001-2002 General Appropriations Act.*

Section 74. Section 718.501, Florida Statutes, is amended to read:

718.501 Powers and duties of Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.—

(1) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce

and ensure compliance with the provisions of this chapter and rules *adopted* ~~promulgated~~ pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against any developer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board of administration, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignee or agent, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant hereto, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order will not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing in such condominium community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(j) The division shall provide training programs for condominium association board members and unit owners.

(k) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(l) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(m) When a complaint is made, the division shall conduct its inquiry with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the

original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(2)(a) Effective January 1, 1992, each condominium association which operates more than two units shall pay to the division an annual fee in the amount of $4 for each residential unit in condominiums operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund as provided by law.

Section 75. Paragraph (a) of subsection (2) of section 718.502, Florida Statutes, is amended to read:

718.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed, a developer shall not offer a contract for purchase of a unit or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of $250. Reservations shall not be taken on a proposed condominium unless the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 76. Section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the condominium.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the condominium property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the condominium is not a phase condominium, or the maximum number of buildings that may be contained within the condominium, the minimum and maximum numbers of units in each building, the minimum and maximum numbers of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium, if the condominium is a phase condominium.

2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, the description shall include a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the condominium. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the condominium is created and being sold as fee simple interests or as leasehold interests. If the condominium is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the condominium, a statement in conspicuous type stating that timeshare estates are created and being sold in units in the condominium.

(6) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above; their general locations and types; improvements or changes that may be made; the approximate dollar amount to be expended; and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase. Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other facilities offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or the manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the condominium whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR

ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the condominium property and of other property that will serve the unit owners of the condominium property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the condominium documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the condominium property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the condominium property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that condominium to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the condominium is part of a phase project, the following information shall be stated:

(a) A statement in conspicuous type in substantially the following form: THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration which provide for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from the residential buildings and units originally in the condominium. If the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum numbers of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the condominium.

(15) If the condominium is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

(16) If the condominium is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 718.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(17) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the condominium property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the condominium documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(18) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the condominium. If any part of such land will serve the condominium, the statement shall describe the land and the nature and term of service, and the declaration or other instrument creating such servitude shall be included as an exhibit.

(19) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(20) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(22) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(23) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium and a statement of its and his or her experience in this field.

(24) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The declaration of condominium, or the proposed declaration if the declaration has not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the condominium.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the condominium and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to condominium ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the condominium is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(25) Any prospectus or offering circular complying, prior to the effective date of this act, with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment or may be amended to comply with the provisions of this chapter.

(26) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the condominium property other than those described in the declaration.

(27) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1) or a statement that such acceptance or approval has not been acquired or received.

(28) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

Section 77. Section 718.508, Florida Statutes, is amended to read:

718.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to this act with respect to condominiums, buildings included in a condominium property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapter 399.

Section 78. Section 718.509, Florida Statutes, is amended to read:

718.509 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—

(1) There is created within the State Treasury the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund, to be used for the

administration and operation of this chapter and chapters 719, 721, and 723 by the division.

(2) All funds collected by the division and any amount paid for a fee or penalty under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~. *The division shall maintain separate revenue accounts in the trust fund for each business regulated by the division, and shall provide for the proportionate allocation among the accounts of expenses incurred in the performance of its duties for each of these businesses. As part of its normal budgetary process, the division shall prepare an annual report of revenue and allocated expenses related to the operation of each of these businesses, which may be used to determine fees charged by the division. The provisions of s. 215.20 apply to the trust fund.*

Section 79. Paragraph (a) of subsection (2) of section 718.608, Florida Statutes, is amended to read:

718.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to condominium by (name of developer), the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer).

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Condominium Act, you may contact the developer or the state agency which regulates condominiums: The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes, (Tallahassee address and telephone number of division).

Section 80. Subsection (17) of section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(17) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 81. Section 719.1255, Florida Statutes, is amended to read:

719.1255 Alternative resolution of disputes.—The division ~~of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation~~ shall provide for alternative dispute resolution in accordance with s. 718.1255.

Section 82. Section 719.501, Florida Statutes, is amended to read:

719.501 Powers and duties of Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.—

(1) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules *adopted* ~~promulgated~~ pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation

of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division is authorized to prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules promulgated pursuant thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training programs for cooperative association board members and unit owners.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in either county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)(a) Each cooperative association shall pay to the division, on or before January 1 of each year, an annual fee in the amount of $4 for each residential unit in cooperatives operated by the association. If the fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association shall not have the standing to maintain or defend any action in the courts of this state until the amount due is paid.

(b) All fees shall be deposited in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund as provided by law.

Section 83. Paragraph (a) of subsection (2) of section 719.502, Florida Statutes, is amended to read:

719.502 Filing prior to sale or lease.—

(2)(a) Prior to filing as required by subsection (1), and prior to acquiring an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed, a developer shall not offer a contract for purchase or lease of a unit for more than 5 years. However, the developer may accept deposits for reservations upon the approval of a fully executed escrow agreement and reservation agreement form properly filed with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~. Each filing of a proposed reservation program shall be accompanied by a filing fee of $250. Reservations shall not be taken on a proposed cooperative unless the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed. The division shall notify the developer within 20 days of receipt of the reservation filing of any deficiencies contained therein. Such notification shall not preclude the determination of reservation filing deficiencies at a later date, nor shall it relieve the developer of any responsibility under the law. The escrow agreement and the reservation agreement form shall include a statement of the right of the prospective purchaser to an immediate unqualified refund of the reservation deposit moneys upon written request to the escrow agent by the prospective purchaser or the developer.

Section 84. Section 719.504, Florida Statutes, is amended to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the cooperative.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A COOPERATIVE UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the cooperative, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the cooperative property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the cooperative is not a phase cooperative; or, if the cooperative is a phase cooperative, the maximum number of buildings that may be contained within the cooperative, the minimum and maximum number of units in each building, the minimum and maximum number of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the cooperative.

2. The page in the cooperative documents where a copy of the survey and plot plan of the cooperative is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, a statement that the estimated date of completion of the cooperative is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the cooperative. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the cooperative is created and being sold as fee simple interests or as leasehold interests. If the cooperative is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the cooperative, a statement in conspicuous type stating that timeshare estates are created and being sold in such specified units in the cooperative.

(6) A description of the recreational and other common areas that will be used only by unit owners of the cooperative, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a

description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above, their general locations and types, improvements or changes that may be made, the approximate dollar amount to be expended, and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other common areas offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS COOPERATIVE; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS COOPERATIVE. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMON AREAS. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED AREAS. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the cooperative whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the cooperative property and of other property that will serve the unit owners of the cooperative property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the cooperative documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the cooperative property, then a statement in conspicuous type in substantially the following form shall

appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE COOPERATIVE PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the cooperative property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that cooperative to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the cooperative is part of a phase project, the following shall be stated:

(a) A statement in conspicuous type in substantially the following form shall be included: THIS IS A PHASE COOPERATIVE. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration providing for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the cooperative may be substantially different from the residential buildings and units originally in the cooperative, and, if the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE COOPERATIVE MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE COOPERATIVE. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum number of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the cooperative.

(15) If the cooperative is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 719.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(16) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the cooperative property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the cooperative documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(17) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the cooperative. If any part of such land will serve the cooperative, the statement shall describe the land and the nature and term of service, and the cooperative documents or other instrument creating such servitude shall be included as an exhibit.

(18) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(19) An explanation of the manner in which the apportionment of common expenses and ownership of the common areas have been determined.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the cooperative and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than assessments payable to the association, payable by the unit owner to persons or entities other than the association, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses that are personal to unit owners, which are not uniformly incurred by all unit owners, or which are not provided for or contemplated by the cooperative documents, including, but not limited to, the costs of private telephone; maintenance of the interior of cooperative units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the cooperative; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used areas.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fee payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit

owners other than the developer elect a majority of the board of administration and the period after that date.

(21) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(22) The identity of the developer and the chief operating officer or principal directing the creation and sale of the cooperative and a statement of its and his or her experience in this field.

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The cooperative documents, or the proposed cooperative documents if the documents have not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the cooperative.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the cooperative and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the cooperative and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject cooperative.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the cooperative but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to cooperative ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the cooperative is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(24) Any prospectus or offering circular complying with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment, or may be amended to comply with the provisions of this chapter.

(25) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the cooperative property other than those in the declaration.

(26) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facility intended to serve the cooperative, a copy of such acceptance or approval acquired by the time of filing with the division pursuant to s. 719.502 or a statement that such acceptance has not been acquired or received.

(27) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed.

Section 85. Section 719.508, Florida Statutes, is amended to read:

719.508 Regulation by Division of Hotels and Restaurants.—In addition to the authority, regulation, or control exercised by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to this act with respect to cooperatives, buildings included in a cooperative property shall be subject to the authority, regulation, or control of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, to the extent provided for in chapters 399 and 509.

Section 86. Paragraph (a) of subsection (2) of section 719.608, Florida Statutes, is amended to read:

719.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to cooperative by (name of developer), the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after May 1, 1980, and your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after May 1, 1980, you may not cancel the rental agreement without the consent of the developer. If your rental agreement, including extensions and renewals, has an unexpired term of 180 days or less, you may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: (name and address of developer).

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any

extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Cooperative Act, you may contact the developer or the state agency which regulates cooperatives: The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes, (Tallahassee address and telephone number of division).

Section 87. Subsection (10) of section 721.05, Florida Statutes, is amended to read:

721.05 Definitions.—As used in this chapter, the term:

(10) "Division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 88. Paragraph (d) of subsection (2) of section 721.07, Florida Statutes, is amended to read:

721.07 Public offering statement.—Prior to offering any timeshare plan, the developer must submit a registered public offering statement to the division for approval as prescribed by s. 721.03, s. 721.55, or this section. Until the division approves such filing, any contract regarding the sale of that timeshare plan is voidable by the purchaser.

(2)

(d) A developer shall have the authority to deliver to purchasers any purchaser public offering statement that is not yet approved by the division, provided that the following shall apply:

1. At the time the developer delivers an unapproved purchaser public offering statement to a purchaser pursuant to this paragraph, the developer shall deliver a fully completed and executed copy of the purchase contract required by s. 721.06 that contains the following statement in conspicuous type in substantially the following form which shall replace the statements required by s. 721.06(1)(g):

The developer is delivering to you a public offering statement that has been filed with but not yet approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Any revisions to the unapproved public offering statement you have received must be delivered to you, but only if the revisions materially alter or modify the offering in a manner adverse to you. After the division approves the public offering statement, you will receive notice of the approval from the developer and the required revisions, if any.

Your statutory right to cancel this transaction without any penalty or obligation expires 10 calendar days after the date you signed your purchase contract or 10 calendar days after you receive revisions required to be delivered to you, if any, whichever is later.

2. After receipt of approval from the division and prior to closing, if any revisions made to the documents contained in the purchaser public offering statement materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser such revisions together with a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you, together with the enclosed revisions, has been approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Accordingly, your cancellation right expires 10 calendar days after you sign your purchase contract or 10 calendar days after you receive these revisions, whichever is later. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

3. After receipt of approval from the division and prior to closing, if no revisions have been made to the documents contained in the unapproved purchaser public offering statement, or if such revisions do not materially alter or modify the offering in a manner adverse to a purchaser, the developer shall send the purchaser a notice containing a statement in conspicuous type in substantially the following form:

The unapproved public offering statement previously delivered to you has been approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes. Revisions made to the unapproved public offering statement, if any, are either not required to be delivered to you or are not deemed by the developer, in its opinion, to materially alter or modify the offering in a manner that is adverse to you. Accordingly, your cancellation right expired 10 days after you signed your purchase contract. A complete copy of the approved public offering statement is available through the managing entity for inspection as part of the books and records of the plan. If you have any questions regarding your cancellation rights, you may contact the division at [insert division's current address].

Section 89. Subsection (8) of section 721.08, Florida Statutes, is amended to read:

721.08 Escrow accounts; nondisturbance instruments; alternate security arrangements; transfer of legal title.—

(8) An escrow agent holding escrowed funds pursuant to this chapter that have not been claimed for a period of 5 years after the date of deposit shall make at least one reasonable attempt to deliver such unclaimed funds to the purchaser who submitted such funds to escrow. In making such attempt, an escrow agent is entitled to rely on a purchaser's last known address as set forth in the books and records of the escrow agent and is not required to conduct any further search for the purchaser. If an escrow agent's attempt to deliver unclaimed funds to any purchaser is unsuccessful, the escrow agent may deliver such unclaimed funds to the division and the division shall deposit such unclaimed funds in the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund, 30 days after giving notice in a publication of general circulation in the county in which the timeshare property containing the purchaser's timeshare interest is located. The purchaser may claim the same at any time prior to the delivery of such funds to the division. After delivery of such funds to the division, the purchaser shall have no more rights to the unclaimed funds. The escrow agent shall not be liable for any claims from any party arising out of the escrow agent's delivery of the unclaimed funds to the division pursuant to this section.

Section 90. Section 721.26, Florida Statutes, is amended to read:

721.26 Regulation by division.—The division has the power to enforce and ensure compliance with the provisions of this chapter, except for parts III and IV, using the powers provided in this chapter, as well as the powers prescribed in chapters 498, 718, and 719. In performing its duties, the division shall have the following powers and duties:

(1) To aid in the enforcement of this chapter, or any division rule or order promulgated or issued pursuant to this chapter, the division may make necessary public or private investigations within or outside this state to determine whether any person has violated or is about to violate this chapter, or any division rule or order promulgated or issued pursuant to this chapter.

(2) The division may require or permit any person to file a written statement under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter under investigation.

(3) For the purpose of any investigation under this chapter, the director of the division or any officer or employee designated by the director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the identity, existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby shall be a violation of this chapter. In addition to the other enforcement powers authorized in this subsection, the division may, at its discretion, apply to the circuit court for an order compelling compliance.

(4) The division may prepare and disseminate a prospectus and other information to assist prospective purchasers, sellers, and manag-

ing entities of timeshare plans in assessing the rights, privileges, and duties pertaining thereto.

(5) Notwithstanding any remedies available to purchasers, if the division has reasonable cause to believe that a violation of this chapter, or of any division rule or order promulgated or issued pursuant to this chapter, has occurred, the division may institute enforcement proceedings in its own name against any regulated party, as such term is defined in this subsection:

(a)1. "Regulated party," for purposes of this section, means any developer, exchange company, seller, managing entity, association, association director, association officer, manager, management firm, escrow agent, trustee, any respective assignees or agents, or any other person having duties or obligations pursuant to this chapter.

2. Any person who materially participates in any offer or disposition of any interest in, or the management or operation of, a timeshare plan in violation of this chapter or relevant rules involving fraud, deception, false pretenses, misrepresentation, or false advertising or the disbursement, concealment, or diversion of any funds or assets, which conduct adversely affects the interests of a purchaser, and which person directly or indirectly controls a regulated party or is a general partner, officer, director, agent, or employee of such regulated party, shall be jointly and severally liable under this subsection with such regulated party, unless such person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts giving rise to the violation of this chapter. A right of contribution shall exist among jointly and severally liable persons pursuant to this paragraph.

(b) The division may permit any person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby an order, rule, or letter of censure or warning, whether formal or informal, may be entered against that person.

(c) The division may issue an order requiring a regulated party to cease and desist from an unlawful practice under this chapter and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter.

(d)1. The division may bring an action in circuit court for declaratory or injunctive relief or for other appropriate relief, including restitution.

2. The division shall have broad authority and discretion to petition the circuit court to appoint a receiver with respect to any managing entity which fails to perform its duties and obligations under this chapter with respect to the operation of a timeshare plan. The circumstances giving rise to an appropriate petition for receivership under this subparagraph include, but are not limited to:

a. Damage to or destruction of any of the accommodations or facilities of a timeshare plan, where the managing entity has failed to repair or reconstruct same.

b. A breach of fiduciary duty by the managing entity, including, but not limited to, undisclosed self-dealing or failure to timely assess, collect, or disburse the common expenses of the timeshare plan.

c. Failure of the managing entity to operate the timeshare plan in accordance with the timeshare instrument and this chapter.

If, under the circumstances, it appears that the events giving rise to the petition for receivership cannot be reasonably and timely corrected in a cost-effective manner consistent with the timeshare instrument, the receiver may petition the circuit court to implement such amendments or revisions to the timeshare instrument as may be necessary to enable the managing entity to resume effective operation of the timeshare plan, or to enter an order terminating the timeshare plan, or to enter such further orders regarding the disposition of the timeshare property as the court deems appropriate, including the disposition and sale of the timeshare property held by the association or the purchasers. In the event of a receiver's sale, all rights, title, and interest held by the association or any purchaser shall be extinguished and title shall vest in the buyer. This provision applies to timeshare estates and timeshare licenses. All reasonable costs and fees of the receiver relating to the receivership shall become common expenses of the timeshare plan upon order of the court.

3. The division may revoke its approval of any filing for any timeshare plan for which a petition for receivership has been filed pursuant to this paragraph.

(e)1. The division may impose a penalty against any regulated party for a violation of this chapter or any rule adopted thereunder. A penalty may be imposed on the basis of each day of continuing violation, but in no event may the penalty for any offense exceed $10,000. All accounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

2.a. If a regulated party fails to pay a penalty, the division shall thereupon issue an order directing that such regulated party cease and desist from further operation until such time as the penalty is paid; or the division may pursue enforcement of the penalty in a court of competent jurisdiction.

b. If an association or managing entity fails to pay a civil penalty, the division may pursue enforcement in a court of competent jurisdiction.

(f) In order to permit the regulated party an opportunity either to appeal such decision administratively or to seek relief in a court of competent jurisdiction, the order imposing the penalty or the cease and desist order shall not become effective until 20 days after the date of such order.

(g) Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(h) Notice to any regulated party shall be complete when delivered by United States mail, return receipt requested, to the party's address currently on file with the division or to such other address at which the division is able to locate the party. Every regulated party has an affirmative duty to notify the division of any change of address at least 5 business days prior to such change.

(6) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(7)(a) The use of any unfair or deceptive act or practice by any person in connection with the sales or other operations of an exchange program or timeshare plan is a violation of this chapter.

(b) Any violation of the Florida Deceptive and Unfair Trade Practices Act, ss. 501.201 et seq., relating to the creation, promotion, sale, operation, or management of any timeshare plan shall also be a violation of this chapter.

(c) The division is authorized to institute proceedings against any such person and take any appropriate action authorized in this section in connection therewith, notwithstanding any remedies available to purchasers.

(8) The failure of any person to comply with any order of the division is a violation of this chapter.

Section 91. Section 721.28, Florida Statutes, is amended to read:

721.28 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—All funds collected by the division and any amounts paid as fees or penalties under this chapter shall be deposited in the State Treasury to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~.

Section 92. Paragraph (c) of subsection (1) of section 721.301, Florida Statutes, is amended to read:

721.301 Florida Timesharing, Vacation Club, and Hospitality Program.—

(1)

(c) The director may designate funds from the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund, not to exceed $50,000 annually, to support the projects and proposals

undertaken pursuant to paragraph (b). All state trust funds to be expended pursuant to this section must be matched equally with private moneys and shall comprise no more than half of the total moneys expended annually.

Section 93. Section 721.50, Florida Statutes, is amended to read:

721.50 Short title.—This part may be cited as the "McAllister Act" in recognition and appreciation for the years of extraordinary and insightful contributions by Mr. Bryan C. McAllister, Examinations Supervisor, *former* Division of Florida Land Sales, Condominiums, and Mobile Homes.

Section 94. Subsection (10) of section 721.82, Florida Statutes, is amended to read:

721.82 Definitions.—As used in this part, the term:

(10) "Registered agent" means an agent duly appointed ~~by the obligor~~ under s. 721.84 for the purpose of accepting all notices and service of process under this part *for the obligor*. A registered agent may be an individual resident in this state whose business office qualifies as a registered office, or a domestic or foreign corporation or a not-for-profit corporation as defined in chapter 617 authorized to transact business or to conduct its affairs in this state, whose business office qualifies as a registered office. A registered agent for any obligor may not be the lienholder or the attorney for the lienholder.

Section 95. Subsection (5) of section 721.84, Florida Statutes, is amended, present subsections (6) and (7) are renumbered as subsections (9) and (10), respectively, and new subsections (6), (7), and (8) are added to that section, to read:

721.84 Appointment of a registered agent; duties.—

(5) A registered agent may resign his or her agency appointment for any obligor for which he or she serves as registered agent, provided that:

(a) The resigning registered agent executes a written statement of resignation that identifies himself or herself and the street address of his or her registered office, and identifies the obligors affected by his or her resignation;

(b)*1.* A successor registered agent is appointed *by the resigning registered agent* and such successor registered agent executes an acceptance of appointment as successor registered agent and satisfies all of the requirements of subsection (1)*; or*~~.~~

2. The registered agent provides 120 days' prior written notice to the mortgagee as to the mortgage lien and to the owners' association of the timeshare plan as to the assessment lien of its intent to deliver the statement of resignation. Prior to the effective date of termination of the resigning registered agent's agency and registered office, a ~~The resigning registered agent may designate the successor registered agent; however, if the resigning registered agent fails to designate a successor registered agent or the designated successor registered agent fails to accept, the~~ successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association *of the timeshare plan* as to the assessment lien; and

(c)*1. If a successor registered agent is appointed under subparagraph (b)1.*, copies of the statement of resignation and acceptance of appointment as successor registered agent are promptly mailed to the affected obligors at the obligors' last designated address shown on the records of the resigning registered agent and to the affected lienholders*; or*~~.~~

2. If a resigning registered agent has previously provided notice under subparagraph (b)2., a copy of the statement of resignation is promptly mailed to the affected obligors at the obligor's last designated address shown on the records of the resigning registered agent and a copy of the statement of resignation and a list of the obligors' last designated addresses shown on the records of the resigning registered agent are promptly mailed to the affected lienholders.

(6) If a successor registered agent is appointed under subparagraph (5)(b)1., the agency and registered office of the resigning registered agent are terminated and the agency and registered office of the successor registered agent are effective as of the 10th day after the date on which the statement of resignation and acceptance of appointment as successor registered agent are received by the lienholder, unless a longer period is provided in the statement of resignation and acceptance of appointment as successor registered agent.

(7) If a resigning registered agent has previously provided notice under subparagraph (5)(b)2. and a successor registered agent is not designated or the designated successor registered agent fails to accept the appointment as registered agent, the agency and registered office of the resigning registered agent are terminated effective as of the 10th day after the date on which the statement of resignation and list of obligors required by subparagraph (5)(c)2. are received by the lienholder, unless a longer period is provided in the statement of resignation. After the effective date of the termination of the agency and registered office of the resigning registered agent, if no successor registered agent exists, the affected lienholders must mail any notice or document required to be delivered by a lienholder to the obligor by first class mail if the obligor's address is within the United States, and by international air mail if the obligor's address is outside the United States, with postage fees prepaid to the obligor at the obligor's last designated address as shown on the records of the resigning registered agent. If such notice or document requires service of process on persons outside the United States, such service of process shall be accomplished by any internationally agreed means reasonably calculated to give notice. Whenever no successor registered agent exists, a successor registered agent for the affected obligors may be designated by the mortgagee as to the mortgage lien and by the owners' association of the timeshare plan as to the assessment lien.

(8) If a successor registered agent is appointed under subparagraph (5)(b)2. or under subsection (7), copies of the acceptance of appointment as successor registered agent must be promptly mailed, by the mortgagee as to a registered agent appointed by the mortgagee as to the mortgage lien, and by the owners' association of the timeshare plan as to the assessment lien, to the affected obligors at the obligor's last address shown on the records of the resigning registered agent. The agency and registered office of the successor registered agent are effective as of the date provided in the acceptance of appointment.

Section 96. Subsection (1) of section 723.003, Florida Statutes, is amended to read:

723.003 Definitions.—As used in this chapter, the following words and terms have the following meanings unless clearly indicated otherwise:

(1) The term "division" means the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation.

Section 97. Paragraph (e) of subsection (5) of section 723.006, Florida Statutes, is amended to read:

723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(5) Notwithstanding any remedies available to mobile home owners, mobile home park owners, and homeowners' associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or any rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, mobile home park owner, or homeowners' association, or its assignee or agent, as follows:

(e)1. The division may impose a civil penalty against a mobile home park owner or homeowners' association, or its assignee or agent, for any violation of this chapter, a properly promulgated park rule or regulation, or a rule or regulation promulgated pursuant hereto. A penalty may be imposed on the basis of each separate violation and, if the violation is a continuing one, for each day of continuing violation, but in no event may the penalty for each separate violation or for each day of continuing violation exceed $5,000. All amounts collected shall be deposited with the Treasurer to the credit of the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

2. If a violator fails to pay the civil penalty, the division shall thereupon issue an order directing that such violator cease and desist from further violation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If a homeowners' association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction,

and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in which the violation occurred.

Section 98. Section 723.0065, Florida Statutes, is amended to read:

723.0065 Public records exemption; findings.—The Legislature, in narrowing the existing public records exemption pursuant to s. 1, chapter 94-78, Laws of Florida, finds that a public necessity exists to keep confidential and retain the public records exemption for financial records of mobile home park owners acquired by the division ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ when performing its duties under the Florida Mobile Home Act unless the mobile home park owner has violated the provisions of this chapter. In that case, only those financial records that are specifically relevant to the finding of violation should be released. If it were otherwise, the division would encounter difficulties in procuring such proprietary information which would impede the effective and efficient performance of the division's public duties. Additionally, release of such proprietary information would harm the business interests of innocent mobile home park owners to the advantage of competitors and potential purchasers. Effective monitoring of the division's performance of its duties can be conducted without access to these records, and these records are otherwise available pursuant to a civil complaint as envisioned by the act. Accordingly, the public good served by access to financial records of a mobile home park owner who has not violated the provisions of this chapter is outweighed by the interference with division investigations and the private harm that could be caused by allowing such access.

Section 99. Section 723.009, Florida Statutes, is amended to read:

723.009 Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.—All proceeds from the fees, penalties, and fines imposed pursuant to this chapter shall be deposited into the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund created by s. *718.509* ~~498.019~~. Moneys in this fund, as appropriated by the Legislature pursuant to chapter 216, may be used to defray the expenses incurred by the division in administering the provisions of this chapter.

Section 100. Subsection (2) of section 73.073, Florida Statutes, is amended to read:

73.073 Eminent domain procedure with respect to condominium common elements.—

(2) With respect to the exercise of eminent domain or a negotiated sale for the purchase or taking of a portion of the common elements of a condominium, the condemning authority shall have the responsibility of contacting the condominium association and acquiring the most recent rolls indicating the names of the unit owners or contacting the appropriate taxing authority to obtain the names of the owners of record on the tax rolls. Notification shall thereupon be sent by certified mail, return receipt requested, to the unit owners of record of the condominium units by the condemning authority indicating the intent to purchase or take the required property and requesting a response from the unit owner. The condemning authority shall be responsible for the expense of sending notification pursuant to this section. Such notice shall, at a minimum, include:

(a) The name and address of the condemning authority.

(b) A written or visual description of the property.

(c) The public purpose for which the property is needed.

(d) The appraisal value of the property.

(e) A clear, concise statement relating to the unit owner's right to object to the taking or appraisal value and the procedures and effects of exercising that right.

(f) A clear, concise statement relating to the power of the association to convey the property on behalf of the unit owners if no objection to the taking or appraisal value is raised, and the effects of this alternative on the unit owner.

The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation may adopt, by rule, a standard form for such notice and may require the notice to include any additional relevant information.

Section 101. Paragraph (e) of subsection (6) of section 192.037, Florida Statutes, is amended to read:

192.037 Fee timeshare real property; taxes and assessments; escrow.—

(6)

(e) On or before May 1 of each year, a statement of receipts and disbursements of the escrow account must be filed with the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation, which may enforce this paragraph pursuant to s. 721.26. This statement must appropriately show the amount of principal and interest in such account.

Section 102. Paragraph (i) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(i) Information relative to chapters 212 and 326 to the ~~Division of Florida Land Sales, Condominiums, and Mobile Homes of the~~ Department of Business and Professional Regulation in the conduct of its official duties.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 103. Paragraph (w) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(w) The Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund established pursuant to s. *718.509* ~~498.019~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 104. Paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(a) The criteria of two of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general-purpose government; water management district; the Department of Environmental Protection; the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes; or the Public Service Commission.

5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 105. Subsection (5) of section 455.116, Florida Statutes, is amended to read:

455.116 Regulation trust funds.—The following trust funds shall be placed in the department:

(5) Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes Trust Fund.

Section 106. Section 475.455, Florida Statutes, is amended to read:

475.455 Exchange of disciplinary information.—The commission shall inform the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes of the Department of Business and Professional Regulation of any disciplinary action the commission has taken against any of its licensees. The division shall inform the commission of any disciplinary action the division has taken against any broker or salesperson registered with the division.

Section 107. Section 509.512, Florida Statutes, is amended to read:

509.512 Timeshare plan developer and exchange company exemption.—Sections 509.501-509.511 do not apply to a developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721.

Section 108. Subsection (1) of section 559.935, Florida Statutes, is amended to read:

559.935 Exemptions.—

(1) This part does not apply to:

(a) A bona fide employee of a seller of travel who is engaged solely in the business of her or his employer;

(b) Any direct common carrier of passengers or property regulated by an agency of the Federal Government or employees of such carrier when engaged solely in the transportation business of the carrier as identified in the carrier's certificate;

(c) An intrastate common carrier of passengers or property selling only transportation as defined in the applicable state or local registration or certification, or employees of such carrier when engaged solely in the transportation business of the carrier;

(d) Hotels, motels, or other places of public accommodation selling public accommodations, or employees of such hotels, motels, or other places of public accommodation, when engaged solely in making arrangements for lodging, accommodations, or sightseeing tours within the state, or taking reservations for the traveler with times, dates, locations, and accommodations certain at the time the reservations are made, provided that hotels and motels registered with the Department of Business and Professional Regulation pursuant to chapter 509 are excluded from the provisions of this chapter;

(e) Persons involved solely in the rental, leasing, or sale of residential property;

(f) Persons involved solely in the rental, leasing, or sale of transportation vehicles;

(g) Persons who make travel arrangements for themselves; for their employees or agents; for distributors, franchisees, or dealers of the persons' products or services; for entities which are financially related to the persons; or for the employees or agents of the distributor, franchisee, or dealer or financially related entity;

(h) A developer of a timeshare plan or an exchange company approved by the Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes pursuant to chapter 721, but only to the extent that the developer or exchange company engages in conduct regulated under chapter 721; or

(i) Persons or entities engaged solely in offering diving services, including classes and sales or rentals of equipment, when engaged in making any prearranged travel-related or tourist-related services in conjunction with a primarily dive-related event.

Section 109. Effective July 1, 2001, subsection (2) of section 468.452, Florida Statutes, is amended to read:

468.452 Definitions.—For purposes of this part, the term:

(2) "Athlete agent" means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation. *This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.*

Section 110. Effective July 1, 2001, section 468.453, Florida Statutes, is amended to read:

468.453 Licensure required; qualifications; examination; bond; exception; license nontransferable.—

(1) Any person who practices as an athlete agent in this state must be licensed pursuant to this part.

(2) A person shall be licensed as an athlete agent if the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

~~(c) Passes an examination provided by the department which tests the applicant's proficiency to practice as an athlete agent, including, but not limited to, knowledge of the laws and rules of this state relating to athlete agents, this part, and chapter 455.~~

(c)~~(d)~~ Has completed the application form and remitted an application fee not to exceed $500, ~~an examination fee not to exceed the actual cost for the examination plus $500,~~ an active licensure fee not to exceed $2,000, and all other applicable fees provided for in this part or in chapter 455.

(d)~~(e)~~ Has submitted to the department a fingerprint card for a criminal history records check. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card

to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

(e)~~(f)~~ Has not in any jurisdiction, within the preceding 5 years, been convicted or found guilty of or entered a plea of nolo contendere for, regardless of adjudication, a crime which relates to the applicant's practice or ability to practice as an athlete agent.

~~(g) Has posted with the department a $15,000 surety bond issued by an insurance company authorized to do business in this state. The bond shall be in favor of the State of Florida, Department of Business and Professional Regulation, for the use and benefit of any student athlete or college or university within Florida who or which is injured or damaged, including reasonable costs and attorney's fees, as a result of acts or omissions by the athlete agent pursuant to a license issued under this part. The bond shall be written in the form determined by the department. The bond shall provide that the athlete agent is responsible for the acts or omissions of any representatives acting under the athlete agent's supervision or authority. The bond shall be in effect for and cover all times that the athlete agent has an active license and conducts business pursuant to that license in this or any other state.~~

(3) *An unlicensed individual may act as an athlete agent if:*

(a) A student-athlete or person acting on the athlete's behalf initiates communication with the individual; and

(b) Within 7 days after an initial act as an athlete agent, the individual submits an application for licensure. ~~Members of The Florida Bar are exempt from the state laws and rules component, and the fee for such, of the examination required by this section.~~

(4) A license issued to an athlete agent is not transferable.

(5) By acting as an athlete agent in this state, a nonresident individual appoints the department as the individual's agent for service of process in any civil action related to the individual's acting as an athlete agent.

(6) The department may issue a temporary license while an application for licensure is pending. If the department issues a notice of intent to deny the license application, the initial temporary license expires and may not be extended during any proceeding or administrative or judicial review.

(7)(a) An individual who has submitted an application and holds a certificate, registration or license as an athlete agent in another state may submit a copy of the application and certificate, registration or license from the other state in lieu of submitting an application in the form prescribed pursuant to this section. The department shall accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

1. Was submitted in the other state within 6 months next preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current;

2. Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and

3. Was signed by the applicant under penalty of perjury.

(b) An applicant applying under this subsection must meet all other requirements for licensure as provided by this part.

Section 111. Effective July 1, 2001, section 468.454, Florida Statutes, is amended to read:

468.454 Contracts.—

(1) An agent contract must be in a record, signed, or otherwise authenticated by the parties.

(2) An agent contract must state:

(a) The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent and any other consideration the agent has received or will receive from any other source under the contract;

(b) The name of any person not listed in the licensure application who will be compensated because the student-athlete signed the agent contract;

(c) A description of any expenses that the student-athlete agrees to reimburse;

(d) A description of the services to be provided to the student-athlete;

(e) The duration of the contract; and

(f) The date of execution.

(3) An agent contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THE CONTRACT:

1. YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;

2. IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THE CONTRACT, YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

3. YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. HOWEVER, CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

(4) An agent contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

(5) The athlete agent shall give a record of the signed or authenticated agent contract to the student-athlete at the time of execution.

(6) Within 72 hours after entering into an agent contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent must give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.

(7) Within 72 hours after entering into an agent contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete must inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agent contract.

(8) A student-athlete may cancel an agent contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.

(9) A student-athlete may not waive the right to cancel an agent contract.

(10) If a student-athlete cancels an agent contract, the student-athlete is not required to pay any consideration or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

~~(1) An athlete agent and a student athlete who enter into an agent contract must provide written notice of the contract to the athletic director or the president of the college or university in which the student athlete is enrolled. The athlete agent and the student must give the notice before the contracting student athlete practices or participates in any intercollegiate athletic event or within 72 hours after entering into said contract, whichever comes first. Failure of the athlete agent to~~

~~provide this notification is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, 775.084, 775.089, and 775.091.~~

~~(2) A written contract between a student athlete and an athlete agent must state the fees and percentages to be paid by the student athlete to the agent and must have a notice printed near the student athlete's signature containing the following statement in 10-point bold-faced type:~~

~~"WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID CRIMINAL PROSECUTION YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE. DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER THAN THE 15TH DAY AFTER THE DATE YOU SIGN THIS CONTRACT. HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR CONFERENCE TO WHICH YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS."~~

~~(3) An agent contract which does not meet the requirements of this section is void and unenforceable.~~

~~(4) Within 15 days after the date the athletic director or president of the college or university of the student athlete receives the notice required by this section that a student athlete has entered into an athlete agent contract, the student athlete shall have the right to rescind the contract with the athlete agent by giving written notice to the athlete agent of the student athlete's rescission of the contract. The student athlete may not under any circumstances waive the student athlete's right to rescind the agent contract.~~

~~(5) A postdated agent contract is void and unenforceable.~~

(11)~~(6)~~ An athlete agent shall not enter into an agent contract that purports to or takes effect at a future time after the student athlete no longer has remaining eligibility to participate in intercollegiate athletics. Such a contract is void and unenforceable.

(12)~~(7)~~ An agent contract between a student athlete and a person not licensed under this part is void and unenforceable.

Section 112. Effective July 1, 2001, subsection (3) of section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

(3) When the department finds any person guilty of any of the prohibited acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided for in s. 455.227, *and an administrative fine not to exceed $25,000 for each separate offense.* In addition to any other penalties or disciplinary actions provided for in this part, the department shall suspend or revoke the license of any athlete agent licensed under this part who violates paragraph (1)(f) or paragraph (1)(o) or s. 468.45615.

Section 113. Effective July 1, 2001, subsection (4) is added to section 468.45615, Florida Statutes, to read:

468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—

(4)(a) An athlete agent, with the intent to induce a student-athlete to enter into an agent contract, may not:

1. Give any materially false or misleading information or make a materially false promise or representation;

2. Furnish anything of value to a student-athlete before the student-athlete enters into the agent contract; or

3. Furnish anything of value to any individual other than the student-athlete or another athlete agent.

(b) An athlete agent may not intentionally:

1. Initiate contact with a student-athlete unless licensed under this part;

2. Refuse or fail to retain or permit inspection of the records required to be retained by s. 468.4565;

3. Provide materially false or misleading information in an application for licensure;

4. Predate or postdate an agent contract;

5. Fail to give notice of the existence of an agent contract as required by s. 468.454(6); or

6. Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agent contract for a sport that the signing or authentication may make the student-athlete ineligible to participate as a student-athlete in that sport.

(c) An athlete agent who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 114. Effective July 1, 2001, section 468.4562, Florida Statutes, is amended to read:

468.4562 Civil action by institution.—

(1) A college or university may sue for damages, as provided by this section, any person who violates this part. A college or university may seek equitable relief to prevent or minimize harm arising from acts or omissions which are or would be a violation of this part.

(2) For purposes of this section, a college or university is damaged if, because of activities of the person, the college or university is penalized, ~~or is~~ disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, ~~or~~ by an intercollegiate athletic conference *or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such organization* and, because of that penalty, disqualification, ~~or~~ suspension, *or action* the institution:

(a) Loses revenue from media coverage of a sports contest;

(b) Loses the right to grant an athletic scholarship;

(c) Loses the right to recruit an athlete;

(d) Is prohibited from participating in postseason athletic competition;

(e) Forfeits an athletic contest; or

(f) Otherwise suffers an adverse financial impact.

(3) An institution that prevails in a suit brought under this section may recover:

(a) Actual damages;

(b) Punitive damages;

(c) Treble damages;

(d) Court costs; and

(e) Reasonable attorney's fees.

(4) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.

(5) Any liability of the athlete agent or the former student-athlete under this section is several and not joint.

(6) This part does not restrict rights, remedies, or defenses of any person under law or equity.

Section 115. Effective July 1, 2001, subsection (1) of section 468.4565, Florida Statutes, is amended to read:

468.4565 Business records requirement.—

(1) An athlete agent ~~who holds an active license and engages in business as an athlete agent~~ shall establish and maintain complete financial and business records. The athlete agent shall save each entry into a financial or business record for at least *5* **4** years from the date of entry. *These records must include, but shall not be limited to:*

(a) The name and address of each individual represented by the athlete agent;

(b) Any agent contract entered into by the athlete agent; and

(c) Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete to enter into an agent contract.

Section 116. *Effective July 1, 2001, sections 468.4563 and 468.4564, Florida Statutes, are repealed.*

Section 117. Section 702.09, Florida Statutes, is amended to read:

702.09 Definitions.—For the purposes of ss. 702.07 and 702.08 the words "decree of foreclosure" shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word "mortgage" shall mean any written instrument securing the payment of money or advances *and shall include liens to secure payment of assessments arising under chapters 718, 719, and 720*; the word "debt" shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words "foreclosure proceedings" shall embrace every action in the circuit *or county* courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word "property" shall mean and include both real and personal property.

Section 118. Paragraph (h) of subsection (4) and subsection (5) of section 718.104, Florida Statutes, are amended to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(h) If a developer reserves the right, in a declaration recorded on or after July 1, 2000, to create a multicondominium, the declaration must state, or provide a specific formula for determining, the fractional or percentage shares of liability for the common expenses of the association and of ownership of the common surplus of the association to be allocated to the units in each condominium to be operated by the association. If *a* ~~the~~ declaration *recorded on or after July 1, 2000, for a condominium operated by a multicondominium association,* as originally recorded, fails to so provide, the share of liability for the common expenses of the association and of ownership of the common surplus of the association allocated to each unit in each condominium operated by the association shall be a fraction of the whole, the numerator of which is the number "one" and the denominator of which is the total number of units in all condominiums operated by the association.

(5) The declaration *as originally recorded, or as amended pursuant to the procedures provided therein,* may include covenants and restrictions concerning the use, occupancy, and transfer of the units permitted by law with reference to real property. *With the exception of amendments that materially modify unit appurtenances as provided in s. 718.110(4), amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* However, the rule against perpetuities shall not defeat a right given any person or entity by the declaration for the purpose of allowing unit owners to retain reasonable control over the use, occupancy, and transfer of units.

Section 119. Paragraph (b) of subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration, including the right to transfer such right to other units or unit owners to the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted *pursuant to the provisions contained therein* ~~under s. 718.110(2)~~. *Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments which materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended. Further, such transfers must be evidenced by a written instrument which must be executed with the formalities of a deed and recorded in the land records of the county in which the condominium is located in order to be effective. Such instrument of transfer must also specify the legal description of the unit which is transferring use rights, as well as the legal description of the unit obtaining the transfer of such rights. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 120. Subsection (4) of section 718.110, Florida Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4) Unless otherwise provided in the declaration as originally recorded, no amendment may change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association, and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, *amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b), and amendments restricting or modifying the right to lease condominium units* shall not be deemed to constitute a material alteration or modification of the appurtenances to the units. *With the exception of amendments that materially modify unit appurtenances as provided in this section, amendments may be applied to owners of units existing as of the effective date of the amendment. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.* A declaration recorded after April 1, 1992, may not require the approval of less than a majority of total voting interests of the condominium for amendments under this subsection, unless otherwise required by a governmental entity.

Section 121. Subsection (4), paragraph (a) of subsection (7), and subsection (13) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements *or association property*; however, the association may not charge a use fee against a unit owner for the use of common elements or association property unless otherwise provided for in the declaration of condominium or by a majority vote of the association or unless the charges relate to ~~expenses incurred by~~ an owner having exclusive use of the common elements or association property.

(7) TITLE TO PROPERTY.—

(a) The association has the power to acquire title to property or otherwise hold, convey, lease, and mortgage association property for the use and benefit of its members. The power to acquire personal property

shall be exercised by the board of administration. Except as otherwise permitted in subsections (8) and (9) and in s. 718.114, no association may acquire, convey, ~~lease,~~ or mortgage association real property except in the manner provided in the declaration, and if the declaration does not specify the procedure, then approval of 75 percent of the total voting interests shall be required.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or *contract for the preparation and completion of* ~~cause to be prepared and completed by a third party~~, a financial report for the preceding fiscal year. Within 21 days after the *final* financial report is completed *by the association* or received ~~by the association~~ from the third party, *but in no event later than 120 days after the end of the fiscal year, or such other date as is provided in the bylaws,* the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and shall adopt rules addressing financial reporting requirements for multicondominium associations. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $100,000 or more, but less than $200,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $200,000, but less than $400,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $100,000 shall prepare a report of cash receipts and expenditures.

2. An association which operates less than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).

3. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare or cause to be prepared, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur prior to the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. With respect to an association to which the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of financial reports for the first 2 fiscal years of the association's operation, beginning with the fiscal year in which the declaration is recorded. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer.

Section 122. Subsection (3) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(3) OPTIONAL PROVISIONS.—The bylaws *as originally recorded, or as amended pursuant to the procedure provided therein,* may provide for the following:

(a) A method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common elements.

(b) Restrictions on and requirements for the use, maintenance, and appearance of the units and the use of the common elements.

(c) Other provisions which are not inconsistent with this chapter or with the declaration, as may be desired. *This subsection is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 123. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters.—

(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration *as originally recorded or as amended pursuant to the procedures provided therein.* If the declaration *as originally recorded or amended* does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums *as originally recorded, or as amended pursuant to the procedures provided therein.* If a declaration *as originally recorded or amended* does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws *as originally recorded or amended* requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws *as said documents are originally recorded or amended pursuant to the procedures provided therein.* If the declaration, articles of incorporation, or bylaws do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required. *This*

paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.

Section 124. Paragraphs (b) and (c) of subsection (1) of section 718.115, Florida Statutes, are amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) The common expenses of a condominium within a multicondominium are the common expenses directly attributable to the operation of that condominium. The common expenses of a multicondominium association do not include the common expenses directly attributable to the operation of any specific condominium or condominiums within the multicondominium. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

(c) The common expenses of a multicondominium association may include categories of expenses related to the property or common elements within a specific condominium in the multicondominium if such property or common elements are areas in which all members of the multicondominium association have use rights or from which all members receive tangible economic benefits. Such common expenses of the association shall be identified in the declaration or bylaws of each condominium within the multicondominium association. *This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 125. Subsections (1) and (4) of section 718.405, Florida Statutes, are amended to read:

718.405 Multicondominiums; multicondominium associations.—

(1) An association may operate more than one condominium. *For multicondominiums created on or after July 1, 2000,* ~~if~~ the declaration for each condominium ~~to be~~ operated by that association *shall provide* ~~provides~~ for participation in a multicondominium, in conformity with this section, and *disclose* ~~discloses~~ or *describe* ~~describes~~:

(a) The manner or formula by which the assets, liabilities, common surplus, and common expenses of the association will be apportioned among the units within the condominiums operated by the association, in accordance with s. 718.104(4)(g) or (h), as applicable.

(b) Whether unit owners in any other condominium, or any other persons, will or may have the right to use recreational areas or any other facilities or amenities that are common elements of the condominium, and, if so, the specific formula by which the other users will share the common expenses related to those facilities or amenities.

(c) Recreational and other commonly used facilities or amenities which the developer has committed to provide that will be owned, leased by, or dedicated by a recorded plat to the association but which are not included within any condominium operated by the association. The developer may reserve the right to add additional facilities or amenities if the declaration and prospectus for each condominium to be operated by the association contains the following statement in conspicuous type and in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

(d) The voting rights of the unit owners in the election of directors and in other multicondominium association affairs when a vote of the owners is taken, including, but not limited to, a statement as to whether each unit owner will have a right to personally cast his or her own vote in all matters voted upon.

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. *This section is intended to clarify existing law and applies to associations existing on the effective date of this act.*

Section 126. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, ~~as well as a copy of the question and answer sheet provided for by s. 718.504~~ and a copy of the financial information required by s. 718.111.

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, *AND* A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND THE QUESTION AND ANSWER SHEET~~ MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, ~~AND~~ RULES OF THE ASSOCIATION, *AND* A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND QUESTION AND ANSWER SHEET~~ IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, *AND* RULES, ~~AND QUESTION AND ANSWER SHEET~~ IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 127. Subsection (15) of section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall

state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If *a* ~~the~~ condominium *created on or after July 1, 2000,* is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

Section 128. Subsections (4) through (17) of section 548.002, Florida Statutes, are renumbered as subsections (5) through (17), respectively, present subsection (18) is renumbered as subsection (19), and new subsections (4) and (18) are added to said section to read:

548.002 Definitions.—As used in this act, the term:

(4) "Concessionaire" means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match.

(18) "Second" or "cornerman" means a person who assists the fight participant between rounds and maintains the corner of the participant during the match.

Section 129. Section 548.015, Florida Statutes, is created to read:

548.015 Concessionaires; security.—The commission may require that before any license is issued or renewed to a concessionaire, or before the holding of a match, the concessionaire must file a surety bond, a cash deposit, or some other form of security with the commission in such reasonable amount as the commission determines.

Section 130. Subsections (1) and (2) of section 548.003, Florida Statutes, are amended to read:

548.003 Florida State Boxing Commission; *powers;* organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.—

(1) The Florida State Boxing Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate. *One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years.* Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

(a) Development of an ethical code of conduct for commissioners, commission staff, and commission officials;

(b) Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services necessary for the conduct of a program of matches;

(c) Requirements regarding a participant's apparel, bandages, handwraps, gloves, mouthpiece, and appearance during a match;

(d) Requirements relating to a manager's participation, presence, and conduct during a match;

(e) Duties and responsibilities of all licensees under this chapter;

(f) Procedures for hearings and resolution of disputes;

(g) Qualifications for appointment of referees and judges;

(h) Qualifications for and appointment of chief inspectors and inspectors, and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter;

(i) Designation and duties of a knockdown timekeeper; and

(j) Setting fee and reimbursement schedules for *referees and other* officials appointed by the commission *or the representative of the commission*.

Section 131. *The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned and shall provide recommendations to the Department of Business and Professional Regulation and the Legislature regarding any rules or legislation necessary to achieve effective regulation.*

Section 132. Section 548.017, Florida Statutes, is amended to read:

548.017 Boxers, managers, and other persons required to have licenses.—

(1) A professional participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, *concessionaire,* or booking agent or representative of a booking agent shall be licensed before directly or indirectly acting in such capacity in connection with any match involving a professional. *A physician must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director prior to working as the ringside physician.*

(2) A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 133. Section 548.021, Florida Statutes, is amended to read:

548.021 Applications for licenses and permits.—

(1) An application for a license or a permit must:

(a)~~(1)~~ Be in writing on a form supplied by the commission which shall contain the applicant's social security number.

(b)~~(2)~~ Be verified by the applicant.

(c)~~(3)~~ Be complete and have attached to the application any photographs and other exhibits required.

(2)~~(4)~~ Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3) Any person who seeks to obtain a license by means of a knowingly false or fraudulent representation made in any application or who otherwise knowingly makes false statements concerning her or his medical history, boxing record, or other personal information commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 134. Section 548.024, Florida Statutes, is created to read:

548.024 Background investigation of applicants for licensure.—

(1) The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 which provide for background investigations of applicants for licensure under this chapter for the purpose of ensuring the accuracy of the information provided in the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of this chapter. The background investigation may include, but is not limited to, the criminal and financial history of the applicant.

(2) If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

Section 135. Section 548.028, Florida Statutes, is amended to read:

548.028 Refusal to issue license.—The commission shall not issue a license to:

(1) Any person *or business entity that* ~~who in any jurisdiction~~ has been convicted of any act, *or who has a trustee, partner, officer, director, or owner that has been convicted of any act,* which would constitute a violation of this chapter or which would constitute any of the grounds set forth in this chapter for suspension or revocation of a license or against whom such charges are pending before any regulatory body; or

(2) Any person *or business entity that* ~~who~~ has been named in *any* ~~an~~ information or indictment, *or who has a trustee, partner, officer, director, or owner that has been named in an information or indictment,* for any act which would constitute a violation of this chapter or a ground for suspension or revocation of a license.

Section 136. Section 548.041, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 548.041, F.S., for present text.)

548.041 Age, condition, and suspension of boxers.—

(1) A person shall not be licensed as a participant, and the license of any participant shall be suspended or revoked, if such person:

(a) Is under the age of 18;

(b) Has participated in a match in this state which was not sanctioned by the commission or sanctioned by a Native American commission properly constituted under federal law; or

(c) Does not meet certain health and medical examination conditions as required by rule of the commission.

(2)(a) A participant losing by knockout as a result of being counted out in any jurisdiction shall be automatically suspended for a period of time as determined by the attending physician or commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant.

(b) A participant losing by technical knockout, technical draw, or disqualification shall be automatically suspended for a period of time to be determined by the physician or commission representative, or 30 calendar days from the date of the technical knockout, technical draw, or disqualification, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period without the approval of the physician. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant. In the case of a disqualification, the commission representative shall determine whether a medical clearance shall be required following suspension.

(c) Any participant who has been suspended by any state as a result of a recent knockout or series of consecutive losses, an injury, requirement for a medical procedure, physician denial of certification, failure of a drug test, the use of false aliases, or the falsifying or attempting to falsify official identification cards or documents shall not be permitted to participate in this state until such time as the state in which the participant is suspended removes his or her name from the suspension list or until the requirements of such suspension have been fulfilled and proof of such has been provided to this state. If a participant has been suspended in another state for any reason other than those stated in this paragraph, the participant may be permitted to participate if the state in which the participant is suspended is notified and consulted with by this state prior to the granting of approval to participate or the participant appeals to the Association of Boxing Commissions and the association determines that the suspension of such participant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the participant.

(d) Any participant who fails to appear at a match or fails to appear at a match at the designated time for which the participant or the participant's manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.

(e) The license of any participant shall be revoked and shall not be reinstated if such participant intentionally strikes, strikes at, or touches in any way or threatens to touch in any way, any official.

Section 137. Subsection (4) is added to section 548.043, Florida Statutes, to read:

548.043 Weights and classes, limitations; gloves.—

(4) Participants in a match shall be weighed on the same scale at a time and place to be determined by the commission or a commission representative. The weigh-in shall be conducted in the presence of the opponent of the participant and a commission representative. If a participant fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late-arriving participant will be permitted to be weighed without the late-arriving participant present. The participant who arrived at the weigh-in on time shall not lose his right of observing the weighing in of his opponent. The weigh-in shall occur no sooner than

4:00 p.m. on the day preceding the date of the program of matches or at such other time as designated by the commission or commission representative.

Section 138. Section 548.046, Florida Statutes, is amended to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(1) The commission, *or the commission representative,* shall assign to each match *at least one* ~~a~~ physician who shall observe the physical condition of the participants and advise the commissioner or *commission representative* ~~deputy~~ in charge and the referee of the participants' conditions before, ~~and~~ during, *and after* the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. *The physician shall be considered an agent of the commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.*

(2)*(a)* In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative who shall immediately cancel the match. The examination shall conform to rules adopted by the commission ~~based on the advice of the medical advisory council~~. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

(b) The commission may require, by rule, each participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If the rules of the commission require the presentation of such results and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.

(3)(a) In a match which is a sanctioned championship title fight, or whenever the commission representative has reason to believe that a participant has ingested or used a prohibited drug or foreign substance, the commission representative shall request and the participant shall provide, under the supervision of the attending physician, commission representative, or inspector, a sample or samples of his or her urine taken not less than 1 hour before the commencement of the match nor more than 1 hour after the conclusion of the match. No participant shall use substances or methods which could alter the integrity of the urine sample. Urine samples shall be taken in accordance with the protocol as agreed upon in writing between the commission and the laboratory used for processing the urine samples.

(b) The commission may require urine samples, as provided in paragraph (a), to be conducted randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.

(c) Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the participant's license. Any participant who has been adjudged the loser of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit his or her share of the purse to the commission. Any participant who is adjudged the winner of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in Florida. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is completed, the participant found to be in violation of this subsection shall forfeit his or her share of the purse to the commission.

(4) The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the purpose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.

Section 139. Section 548.049, Florida Statutes, is amended to read:

548.049 Medical, surgical, and hospital insurance; life insurance.—

(1) The commission shall, by rule, require participants to be covered by not less than *$20,000* ~~$2,500~~ of insurance for medical, surgical, and hospital care required as a result of injuries sustained while engaged in matches. The insured shall be the beneficiary of such policies. *Any deductible associated with the insurance policy shall be paid by the promoter and shall not be paid by or charged to the participant.*

(2) The commission may also require participants to be covered by not less than *$20,000* ~~$5,000~~ of life insurance covering deaths caused by injuries received while engaged in matches.

Section 140. Subsection (1) of section 548.05, Florida Statutes, is amended to read:

548.05 Control of contracts.—

(1) The commission shall adopt rules governing the form and content of contracts *executed in this state between managers* ~~between promoters, foreign copromoters,~~ and professionals. All such contracts shall be in writing *and shall contain all provisions specifically worded as required by rules of the commission. Contracts which do not contain all provisions specifically worded as required by rules of the commission shall be deemed to contain such provisions. A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.*

Section 141. Subsections (6) through (11) are added to section 548.057, Florida Statutes, to read:

548.057 ~~Attendance of~~ Referee and judges*; attendance* at match; scoring; seconds.—

(6) No judge licensed in this state shall act as a judge at any match in a state, territory, commonwealth, or Native American Reservation that is not regulated by a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law.

(7) No judge shall also serve as a supervisor or on the ratings committee or recommend boxers to the ratings committee for a sanctioning body.

(8) Any person whose application for a judge's license has been denied shall not be permitted to reapply for a judge's license for a period of 6 months. Any person whose application for a judge's license has been denied on three occasions shall not be permitted to reapply.

(9) The number of judges shall be assigned in accordance with rules of the commission. The number of unofficial judges at each event shall be limited to three by the commission.

(10) The judges shall be located in seats designated for them by the commission representative.

(11) In the event that sufficient judges are not available, a referee shall be selected to act as a judge for that specific program of matches.

Section 142. Present subsections (2) and (3) of section 548.06, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (2), (3), and (4) are added to said section to read:

548.06 Payments to state; exemptions.—

(2) Where the rights to telecast a match or matches held in Florida to be viewed in Florida or outside of Florida are in whole owned by, sold to, acquired by, or held by any person who intends to sell, subsequently sells, or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this

state. Such person shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(3) A concessionaire shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

(4) Any written report required to be filed with the commission under this section shall be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

Section 143. Section 548.074, Florida Statutes, is amended to read:

548.074 *Power to administer oaths, take depositions, and issue* subpoenas.—*For the purpose of any investigation or proceeding conducted pursuant to this chapter, the department shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by the commission. Challenges to, and enforcement of, subpoenas and orders shall be handled as provided in s. 120.569.* ~~In addition to the powers of subpoena in chapter 120, each member of the commission may issue subpoenas requiring the attendance and testimony of, or the production of books and papers by, any person whom the commission believes to have information or documents of importance to any commission investigation.~~

Section 144. Section 548.075, Florida Statutes, is amended to read:

548.075 Administrative fines*; citations*.—

(1) The commission may impose a fine of not more than $5,000 for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

(2) The commission may adopt rules pursuant to ss. 120.54 and 120.536(1) to permit the issuance of citations for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

Section 145. *Section 548.045, Florida Statutes, is repealed.*

Section 146. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; repealing provisions relating to the transfer of board locations; amending ss. 326.001, 326.002, 326.003, 326.004, 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 399.061, F.S.; revising provisions relating to the inspection of elevators; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances; amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross-references; amending s. 472.005, F.S.; revising and providing definitions; revising cross-references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, 472.037, F.S.; revising cross-references; amending s. 475.01, F.S.; clarifying that chapter 475 is applicable to brokers acting as trustees or fiduciaries; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; revising requirements related to continuing education providers and courses; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; creating s. 489.1133, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors' Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 498.005, 498.019, 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.112, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 721.82, 721.84, 723.003, 723.006, 723.0065, 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; revising language with respect to condominium association bylaws; revising language with respect to the annual budget; providing for reserves under certain circumstances; providing and limiting arbitration of disputes by the division to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions; providing for expedited handling of election disputes; requiring the continuation of arbitration of cases filed by a certain date; providing a contingent appropriation; providing division enforcement powers and

duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending s. 721.82, F.S.; redefining the term "registered agent"; amending s. 721.84, F.S.; providing for appointment of a successor registered agent; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512, 559.935, F.S.; conforming terminology; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; deleting a bond requirement; providing for reciprocity; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; amending s. 702.09, F.S.; revising the definitions of the terms "mortgage" and "foreclosure proceedings"; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 548.002, F.S.; providing definitions; authorizing the Florida State Boxing Commission to require the posting of a bond or other form of security by concessionaires; amending s. 548.015, F.S.; authorizing the Florida State Boxing Commission to require surety bonds or other forms of security; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the Florida State Boxing Commission; requiring the Florida State Boxing Commission to make recommendations with respect to unregulated and unsanctioned boxing competition; amending s. 548.017, F.S.; providing requirements for ringside physicians; requiring concessionaires to be licensed; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the Florida State Boxing Commission to adopt rules which provide for background investigations of applicants for licensure; providing for the submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the Florida State Boxing Commission shall not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; authorizing blood tests of participants prior to a match; providing for cancellation of the match for a test showing the presence of a communicable disease or for failure to present blood test results, if required; authorizing the Florida State Boxing Commission to adopt rules relating to blood tests; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; revising provisions relating to promoters and payments to the state; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the Florida State Boxing Commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; providing effective dates.

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

Amendment 1A (371766)(with title amendment)—On page 193, between lines 30 and 31, insert:

Section 146. *Notwithstanding any other provision of law, Workforce Florida, Inc., shall develop strategies and policies for incorporating the use of private-sector staffing services firms into the operation of the state's workforce system, in order to reduce duplication in the delivery of workforce services to individuals and employers. Workforce Florida, Inc., shall incorporate provisions relating to the use of such staffing services firms into the strategic plan required under section 445.006, Florida Statutes. In addition, Workforce Florida, Inc., shall develop policies and guidelines for use by the regional workforce boards in fulfilling the ability of the boards to use private-sector staffing services firms to the maximum extent feasible in the one-stop delivery system, pursuant to section 445.009(9), Florida Statutes. In developing the strategies, policies, and guidelines under this section, Workforce Florida, Inc., shall consider the extent to which the use of private-sector staffing services firms could result in more efficient delivery of workforce services, including, but not limited to, the extent to which portions of the one-stop delivery system or specific activities of the one-stop delivery system could be reduced or replaced by activities conducted by such staffing services firms. By January 1, 2002, Workforce Florida, Inc., shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on its progress in fulfilling the requirements and on additional options for the state to increase the use of private-sector staffing services firms in the workforce system. The report shall also include recommendations on whether the membership of the board of Workforce Florida, Inc., and the regional workforce boards should be amended to include representatives from staffing services firms.*

[Redesignate subsequent sections.]

And the title is amended as follows:

On page 204, line 10, after the semicolon (;) insert: providing for the use of private sector staffing services firms in the delivery of workforce services; requires the development of policies and guidelines by Workforce Florida, Inc., related to the use of staffing services in the operation of the workforce system; requires a report by Workforce Florida, Inc.;

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

Amendment 1B (531594)(with title amendment)—On page 193, between lines 30 and 31, insert:

Section 146. Section 399.001, Florida Statutes, is created to read:

399.001 Short title and purpose.—This chapter may be cited as the "Elevator Safety Act." The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury and exposes employees and the public to unsafe conditions. The prevention of these injuries and the protection of employees and the public from unsafe conditions is in the best interest of the public. Elevator personnel performing work covered by the Florida Building Code must possess documented training or experience or both and be familiar with the operation and safety functions of the components and equipment. Training and experience includes, but is not limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Florida

Building Code. This chapter establishes the minimum standards for elevator personnel.

Section 147. Section 399.01, Florida Statutes, is amended to read:

399.01 Definitions.—As used in this chapter, the term:

(1) "Alteration" means any change or addition to the *vertical conveyance* ~~equipment~~ other than maintenance, repair, or replacement.

(2) "Certificate of competency" means a document issued by the division which evidences the competency of a person to construct, install, inspect, maintain, or repair any *vertical conveyance* ~~elevator~~.

(3) "Certificate of operation" means a document *issued by the department which indicates that the conveyance has had the required safety inspection and tests and that fees have been paid as provided in this chapter.*

(4) "Conveyance" means an elevator, dumbwaiter, escalator, moving sidewalk, platform lift, and stairway chairlift.

(5) "Department" means the Department of Business and Professional Regulation. ~~that authorizes an elevator owner to operate the elevator and that is issued to the elevator owner when the division finds that the elevator complies with the requirements of this chapter.~~

(6) ~~(4)~~ "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(7) ~~(5)~~ "Elevator" means one of the following mechanical devices:

(a) A hoisting and lowering mechanism, equipped with a car and platform that moves in guide rails and serves two or more landings to transport material or passengers or both.

(b) An escalator, which is a power-driven, inclined continuous stairway used for raising or lowering passengers.

(c) A dumbwaiter, which is a hoisting and lowering mechanism equipped with a car of limited size which moves in guide rails and serves two or more landings.

(d) A moving walk, which is a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(e) An inclined stairway chairlift, which is a device used to transport physically handicapped persons over architectural barriers.

(f) An inclined or vertical wheelchair lift, which is a device used to transport wheelchair handicapped persons over architectural barriers.

(8) "Escalator" means an installation defined as an escalator in the Florida Building Code.

(9) "Existing installation" means an installation defined as an "installation, existing" in the Florida Building Code.

(10) "Elevator Safety Technical Advisory Committee" means the committee appointed by the Secretary of the Department of Business and Professional Regulation.

(11) "Private residence" means a separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

~~(6) "Elevator company" means any person that constructs, installs, inspects, maintains, or repairs any elevator.~~

(12)~~(7)~~ "Service maintenance contract" means a contract that provides for routine examination, lubrication, cleaning, adjustment, replacement of parts, and performance of applicable code-required safety tests *such as* on a traction elevator and annual relief pressure test on a hydraulic elevator and any other service, repair, and maintenance sufficient to ensure the safe operation of the elevator.

(13) "Temporarily dormant conveyance" means a conveyance whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal is installed on the mainline disconnect switch by a certificate of competency elevator inspector. This installation may not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a certificate of competency elevator inspector. The temporarily dormant status is renewable on an annual basis and may not exceed a 5-year period. The inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock may not be removed for any purpose without permission from the elevator inspector.

(14) "Temporary operation permit" means a document issued by the department which permits the temporary use of a noncompliant vertical conveyance as provided by rule.

(15) "Registered elevator company" means an entity registered with and authorized by the division employing persons to construct, install, inspect, maintain, or repair any vertical conveyance. Each registered elevator company must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(16) "Certified elevator inspector" is a natural person registered with and authorized by the division to construct, install, inspect, maintain, or repair any vertical conveyance, after having properly acquired the qualified elevator inspector credential from the National Association of Elevator Safety Authorities. Such person shall remain so authorized by the division only upon providing annual proof of completion of 8 hours of continuing education and the qualified elevator inspector credential remains in good standing with the National Association of Elevator Safety Authorities. A licensed mechanical engineer whose license is in good standing may be authorized as a certified elevator inspector by the division. Each certified elevator inspector must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(17) "Certified elevator technician" means a natural person authorized by the division to construct, install, maintain, or repair any vertical conveyance, after having been issued an elevator certificate of competency by the division. Each certified elevator technician must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

(18) "Elevator helper" means a natural person performing work under the direct supervision of a certified elevator inspector or an elevator technician to construct, install, maintain, or repair any vertical conveyance.

(19) "Elevator certificate of competency" means a credential issued by the division to any individual natural person successfully completing an examination as prescribed by rule and paying a fee of $50. Such credential shall be valid for and expire at the end of 1 year, and may be renewed by the division when the division receives proof of the elevator certificate of competency holder's completion of 8 hours of continuing education and a renewal fee of $50.

All other building transportation terms are defined in the current Florida Building Code.

Section 148. Section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

(1) The *Elevator Safety Technical Advisory Committee* ~~division~~ shall develop and submit to the *Division of Hotels and Restaurants recommendations regarding revisions to the elevator safety code so that it is the same as or similar to the latest versions of ASME A17.1, ASME A17.3, and ASME A18.1.* Florida Building Commission for consideration an elevator safety code, which, when adopted within the Florida Building Code, applies to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990, and which must be the same as or similar to the latest revision of "The Safety Code for Elevators and Escalators ASME A17.1."

(2) This chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment and its associated parts and hoistways:

(a) Hoisting and lowering mechanisms equipped with a car or platform which move between two or more landings. This equipment includes, but is not limited to, elevators, platform lifts, and stairway chairlifts.

(b) Power-driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walks.

(c) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, dumbwaiters, material lifts, and dumbwaiters with automatic-transfer devices.

(3) Equipment not covered by this chapter includes, but is not limited to:

(a) Personnel hoists and material hoists within the scope of ASME A10, as adopted by the Florida Building Code.

(b) Man lifts within the scope of ASME A90.1, as adopted by the Florida Building Code.

(c) Mobile scaffolds, towers, and platforms within the scope of ANSI A92, as adopted by the Florida Building Code.

(d) Powered platforms and equipment for exterior and interior maintenance within the scope of ASME A120.1, as adopted by the Florida Building Code.

(e) Conveyors and related equipment within the scope of ASME B20.1, as adopted by the Florida Building Code.

(f) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30, as adopted by the Florida Building Code.

(g) Industrial trucks within the scope of ASME B56, as adopted by the Florida Building Code.

(h) Portable equipment, except for portable escalators that are covered by the Florida Building Code.

(i) Tiered or piling machines used to move materials to and from storage located and operating entirely within one story.

(j) Equipment for feeding or positioning materials at machine tools and printing presses.

(k) Skip or furnace hoists.

(l) Wharf ramps.

(m) Railroad car lifts or dumpers.

(n) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.

(o) Automated people movers at airports.

(p) Elevators in television and radio towers.

(q) Hand-operated dumbwaiters.

(r) Sewage pump station lifts.

(s) Automobile parking lifts.

(t) Equipment covered in s. 1.2 of the Elevator Safety Code.

(u) Elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences.

~~(2)(a) The requirements of this chapter apply to equipment covered by s. 1.1 of the Elevator Safety Code.~~

~~(b) The equipment not covered by this chapter includes, but is not limited to, the following: elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences; elevators in television and radio towers; hand-operated dumbwaiters; sewage pump station lifts; automobile parking lifts; and equipment covered in s. 1.2 of the Elevator Safety Code.~~

(4)~~(3)~~ Each elevator shall have a serial number assigned by the *department* ~~division~~ painted on or attached to the elevator car in plain view and also to the driving mechanism. This serial number shall be shown on all required certificates and permits.

(5)~~(4)~~(a) The construction permitholder is responsible for the correction of violations and deficiencies until the elevator has been inspected and a certificate of operation has been issued by the *department* ~~division~~. The construction permitholder is responsible for all tests of new and altered equipment until the elevator has been inspected and a certificate of operation has been issued by the *department* ~~division~~.

(b) The elevator owner is responsible for the safe operation and proper maintenance of the elevator after it has been inspected and a certificate of operation has been issued by the *department* ~~division~~. The responsibilities of the elevator owner may be assigned by lease.

(c) The elevator owner shall report to the *department* ~~division~~ 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the *department* ~~division~~ requires. The *department* ~~division~~ shall keep the names of companies with whom the contract exists confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3. This annual contract report must be made on forms supplied by the *department* ~~division~~. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The *department* ~~division~~ shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.

~~(d) Each elevator company must register and have on file with the division a certificate of comprehensive general liability insurance evidencing coverage limits in the minimum amounts of $100,000 per person and $300,000 per occurrence and the name of at least one employee who holds a current certificate of competency issued under s. 399.045.~~

(6)~~(5)~~ The *department* ~~division~~ is empowered to carry out all of the provisions of this chapter relating to the inspection and regulation of elevators and to enforce the provisions of the Florida Building Code ~~which govern elevators and conveying systems in conducting the inspections authorized under this part to provide for the protection of the public health, welfare, and safety~~.

(7)~~(6)~~ The *Elevator Safety Technical Advisory Committee* ~~division~~ shall annually review the provisions of the Safety Code for Elevators and Escalators ASME A17.1, *ASME A18.1,* or other related model codes and amendments thereto, *concurrent with the update of the Florida Building Code* and recommend to the Florida Building Commission revisions to the Florida Building Code to maintain the protection of the public health, safety, and welfare.

Section 149. Section 399.03, Florida Statutes, is amended to read:

399.03 Design, installation, and alteration of *conveyances* ~~elevators.—~~

(1) A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures unless a permit has been obtained from the department before the work is commenced. When any material alteration is made, the device must conform to applicable requirements of the Florida Building Code for the alteration. A permit required hereunder may not be issued except to a person, firm, or corporation holding a current elevator contractor's license issued under this chapter. A copy of the permit must be kept at the construction site at all times while the work is in progress.

(2) The department shall provide by rule for permit application requirements and permit fees.

(3) Permits may be revoked for the following reasons:

(a) There are any false statements or misrepresentations as to the material facts in the application, plans, or specifications on which the permit was based.

(b) The permit was issued in error and not in accordance with the code or rules.

(c) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(d) The construction permitholder to whom the permit was issued fails or refuses to comply with a stop work order.

(4) A permit expires if:

(a) The work authorized by the permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the department may specify at the time the permit is issued.

(b) The work is suspended or abandoned for a period of 60 days, or such shorter period of time as the department may specify at the time the permit is issued, after the work has been started. For good cause, the department may allow a discretionary extension for the foregoing period.

(5) All new conveyance installations must be performed by a person to whom a license to install or service a conveyance has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable sections of this chapter and the Florida Building Code. Before any vertical conveyance is used, except those in a private residence it must be inspected by a licensed inspector not employed or associated with the elevator construction permitholder and certified as meeting the safety provisions of the Florida Building Code. Upon successful inspection, the owner or lessee must apply to the department for a certificate of operation from the department. A fee as prescribed in this chapter must be paid for the certificate of operation. It is the responsibility of the licensed elevator construction permitholder to complete and submit a first-time registration for a new installation. Vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences are not required to obtain a certificate of operation under this chapter.

(6) A certificate of operation expires July 31 of each year and must be renewed prior to continued use of the conveyance. A certificate of operation must be clearly displayed on or in each conveyance or in the machine room for use by and for the benefit of inspectors and code enforcement personnel. Certificates of operation may only be renewed for vertical conveyances having a current satisfactory inspection.

(7) The permitholder shall notify the department, in writing, at least 7 days before completion of the work and shall, in the presence of a licensed elevator inspector not associated with or employed by the installing company or contractor, subject the newly installed, relocated, or altered portions of the elevator to tests required to show that the elevator meets the applicable provisions of the Florida Building Code.

(8) ~~(1)~~ Each elevator shall comply with the edition of the Florida Building Code *or Elevator Safety Code* that was in effect at the time of receipt of application for the construction permit for the elevator.

(9) ~~(2)~~ Each alteration to, or relocation of, an elevator shall comply with the edition of the Florida Building Code *or Elevator Safety Code* that was in effect at the time of receipt of the application for the construction permit for the alteration or relocation.

(10) ~~(3)~~ When any change is made in the classification of an elevator, the elevator shall comply with all of the requirements of the version of the Florida Building Code *or Elevator Safety Code* that were in effect at the time of receipt of the application for the construction permit for the change in classification.

Section 150. Section 399.049, Florida Statutes, is created to read:

399.049 Certificate of competency.—

(1) SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE OF COMPETENCY.—The department may suspend or revoke a license or certificate of competency issued under this chapter or impose an administrative penalty of up to $1,000 per violation upon any licensee or certificateholder who commits any one or more of the following violations:

(a) Any false statement as to a material matter in the application.

(b) Fraud, misrepresentation, or bribery in securing a license or certificate of competency.

(c) Failure to notify the department and the certificate-of-operation holder of a conveyance covered by this chapter that is not in compliance with the provisions of the elevator safety code incorporated into the Florida Building Code.

(d) Violation of any provision of this chapter.

(2) DISCIPLINARY ACTION.—Any disciplinary action taken under this chapter must comply with chapter 120 and any rules adopted thereunder.

Section 151. Section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators *or other conveyances* subject to this chapter must be *annually* inspected *by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division,* pursuant to s. 399.13. *If the elevator or other conveyance is* ~~by a third-party inspection service certified as a qualified elevator inspector or~~ maintained pursuant to a service maintenance contract continuously in force, *it shall be inspected at least once every 2 years by a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect.* A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate-of-competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation *or when a third-party inspection service is not available for a routine inspection.*

(2) The division *may* ~~shall~~ employ state elevator inspectors to conduct the inspections *as* required by subsection (1) *and may charge an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule.* Each state elevator inspector shall hold a certificate of competency issued by the division.

(3) Whenever the division determines from the results of any inspection that, in the interest of the public safety, an elevator is in an unsafe condition, the division may seal the elevator or order the discontinuance of the use of the elevator until the division determines by inspection that such elevator has been satisfactorily repaired or replaced so that the elevator may be operated in a safe manner.

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

Section 152. Section 399.07, Florida Statutes, is amended to read:

399.07 Certificates of operation; temporary operation permits; fees.—

(1)(a) A certificate of operation may not be issued until the elevator company supervisor signs an affidavit stating that the elevator company supervisor directly supervised construction or installation of the elevator.

(b) The certificate of operation is valid for a period of 1 year unless sooner suspended or revoked. The *department* ~~division~~ shall by rule adopt a fee schedule for the renewal of certificates of operation. The renewal period commences on August 1 of each year.

(c) The certificate of operation must be posted in a conspicuous location on the elevator and must be framed with a transparent cover.

(d) The *department* ~~division~~ shall charge an annual fee for issuance of a certificate of operation *in amount to be set by rule.* ~~The fee must be~~

~~set by rule in an amount not to exceed $100 for an elevator not covered by a service maintenance contract or $50 for an elevator covered by a service maintenance contract~~. However, a renewal application for a certificate of operation filed with the department after expiration date of the certificate must be accompanied by a delinquency fee of $50 in addition to the annual renewal fee and any other fees required by law. The fees must be deposited into the Hotel and Restaurant Trust Fund.

(2)(a) The *department* ~~division~~ may issue a temporary operation permit authorizing the temporary use of an elevator during installation or alteration to an elevator company or general contractor acting as a general agent of an elevator company. A temporary operation permit may not be issued until the elevator has been inspected by a state elevator inspector and tested under contract load; the hoistway is fully enclosed; the hoistway doors and interlocks are installed; the car is completely enclosed, including door or gate and top; all electrical safety devices are installed and properly functioning; and terminal stopping equipment is in place for a safe runby and proper clearance. When a car is provided with a temporary enclosure, the operating means must be by constant pressure push-button or lever-type switch. The car may not exceed the minimum safe operating speed of the elevator, and the governor tripping speed must be set in accordance with the operating speed of the elevator.

(b) A temporary operation permit must be issued for a period not to exceed 30 days. The permit may be renewed at the discretion of the *department* ~~division~~.

(c) When a temporary operation permit is issued, the permit, together with a notice bearing a statement that the elevator has not been finally approved by a state elevator inspector, must be conspicuously posted in the elevator.

(d) The *department* ~~division~~ shall charge a fee, set by rule in an amount not greater than $100, for each temporary operation permit. The fee must be deposited in the Hotel and Restaurant Trust Fund.

(3) The certificate of operation shall contain the text of s. 823.12, relating to the prohibition against smoking in elevators.

(4) In addition to subsection (3), the designation "NO SMOKING" along with the international symbol for no smoking shall be conspicuously displayed within the interior of the elevator in the plain view of the public.

(5) Except as authorized by a temporary operation permit, the operation or use of any newly installed, relocated, or altered elevator is prohibited until the elevator has passed the tests and inspections required by this chapter and a certificate of operation has been issued.

(6) The *department* ~~division~~ may suspend any certificate of operation if it finds that the elevator is not in compliance with this chapter or of rules adopted under this chapter. The suspension remains in effect until the *department* ~~division~~ determines, by inspection, that the elevator has been brought into compliance.

Section 153. Section 399.10, Florida Statutes, is amended to read:

399.10 Enforcement of law.—It shall be the duty of the *department* ~~division~~ to enforce the provisions of this chapter. The *department* ~~division~~ shall have rulemaking authority to carry out the provisions of this chapter.

Section 154. Section 399.105, Florida Statutes, is amended to read:

399.105 Administrative fines.—

(1) Any person who fails to comply with the reporting requirements of s. 399.02 or with the reasonable requests of the *department* ~~division~~ to determine whether the provisions of a service maintenance contract and its implementation assure safe elevator operation is subject to an administrative fine not greater than *$1,000* ~~$500~~ in addition to any other penalty provided by law.

(2) Any person who commences the operation, installation, relocation, or alteration of any elevator for which a permit or certificate is required by this chapter without having obtained from the *department* ~~division~~ the permit or certificate is subject to an administrative fine not greater than *$1,000* ~~$500~~ in addition to any other penalty provided by law. No fine may be imposed under this subsection for commencing installation without a construction permit if such permit is issued within 60 days after the actual commencement of installation.

(3) An elevator owner who continues to operate an elevator after notice to discontinue its use is subject to an administrative fine not greater than *$1,000* ~~$500~~ for each day the elevator has been operated after the service of the notice, in addition to any other penalty provided by law.

(4) An elevator owner who fails to comply with an order issued under s. 399.061(4) within 60 days after its issuance is subject, in addition to any other penalty provided by law, to an administrative fine set by the *department* ~~division~~ in an amount not to exceed *$1,000* ~~$500~~.

(5) All administrative fines collected shall be deposited into the Hotel and Restaurant Trust Fund.

Section 155. Section 399.106, Florida Statutes, is created to read:

399.106 Elevator Safety Technical Advisory Committee.—

(1) The Elevator Safety Technical Advisory Committee is created within the Department of Business and Professional Regulation, Division of Hotels and Restaurants, consisting of seven members to be appointed by the Secretary of the Department of Business and Professional Regulation as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative from a building design profession; one representative of the general public; one representative of a local government in this state; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators. The purpose of the Committee is to provide technical assistance to the division in support of protecting the health, safety, and welfare of the public; to give the division the benefit of the committee members' knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division.

(2) The committee members shall serve staggered terms of 4 years to be set by rule without salary, but may receive from the state expenses for per diem and travel. The commission shall appoint one of the members to serve as chair.

(3) The committee shall meet and organize not later than 45 days prior to the convening of the 2002 Legislature. This committee terminates December 31, 2003.

(4) The committee may consult with engineering authorities and organizations concerned with standard safety codes for recommendations to the department regarding rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, or inspection of vertical conveyances subject to this chapter.

Section 156. Section 399.11, Florida Statutes, is amended to read:

399.11 Penalties.—

(1) Any person who violates any of the provisions of this chapter or the rules of the *department* ~~division~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who falsely represents himself or herself as *credentialed under this chapter* ~~a holder of a certificate of competency issued pursuant to s. 399.045~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 157. Section 399.125, Florida Statutes, is amended to read:

399.125 Reporting of elevator accidents *or incidents*; penalties.—Within 5 working days after any accident *or incident* occurring in or upon any elevator, *the certificate of operation holder shall report the accident or incident to the division on a forum prescribed by the division. Failure to timely file this report is a violation of this chapter and will subject the certificate of operation holder* ~~which accident results in bodily injury or death to any person and which is presumptively caused by the malfunction of the equipment or misuse by a passenger of the equipment, the elevator owner shall report to the division the date and time of the accident, the location of the elevator involved in the accident,~~

~~whether there exists a service maintenance contract, and, if so, with whom. Any elevator owner who fails to file such report within 5 working days after an accident is subject~~ to an administrative fine, to be imposed by the division, in an amount not to exceed *$1,000* ~~$500~~.

Section 158. Section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The *department* ~~division~~ may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the applicable provisions of the Florida Building Code, as required by this chapter. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the *department* ~~division~~ copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the *department* ~~division~~; and may include such other provisions as the *department* ~~division~~ deems necessary.

(2) The *department* ~~division~~ may make inspections of elevators in such municipality or county for the purpose of determining that the provisions of this chapter are being met and may cancel the contract with any municipality or county which the *department* ~~division~~ finds has failed to comply with such contract or the provisions of this chapter. The amendments to chapter 399 by this act shall apply only to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990.

Section 159. *Sections 399.045 and 399.05, Florida Statutes, are repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 204, line 10, after the semicolon (;) insert: creating s. 399.001, F.S.; creating the "Elevator Safety Act"; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances; providing for permits for construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency; providing for disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Technical Advisory Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits;

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

Amendment 1C (222190)(with title amendment)—On page 1, line 17 through page 3, line 8, delete those lines and insert:

Section 1. Paragraph (d) of subsection (2), paragraph (a) of subsection (4), and subsection (6) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) Division of ~~Florida Land Sales,~~ Condominiums, *Timeshare,* and Mobile Homes.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. ~~Barbers'~~ Board *of Barbering and Cosmetology,* created under chapter 476.

4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

5. Construction Industry Licensing Board, created under part I of chapter 489.

~~6. Board of Cosmetology, created under chapter 477.~~

6.~~7.~~ Electrical Contractors' Licensing Board, created under part II of chapter 489.

7.~~8.~~ Board of Employee Leasing Companies, created under part XI of chapter 468.

8.~~9.~~ Board of Funeral Directors and Embalmers, created under chapter 470.

9.~~10.~~ Board of Landscape Architecture, created under part II of chapter 481.

10.~~11.~~ Board of Pilot Commissioners, created under chapter 310.

11.~~12.~~ Board of Professional Engineers, created under chapter 471.

12.~~13.~~ Board of Professional Geologists, created under chapter 492.

13.~~14.~~ Board of Professional Surveyors and Mappers, created under chapter 472.

14.~~15.~~ Board of Veterinary Medicine, created under chapter 474.

(6) Each board with ~~five or~~ more *than seven* members shall have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with *seven or* fewer ~~than five~~ members shall have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

And the title is amended as follows:

On page 1, lines 18-20, delete those lines and insert: on professional licensing boards; amending ss. 326.001, 326.002,

On motion by Senator Campbell, further consideration of **CS for SB 2210** with pending **Amendment 1** as amended was deferred.

Consideration of **CS for CS for SB 1612** was deferred.

On motion by Senator Klein—

CS for SB 1310—A bill to be entitled An act relating to animal fighting or baiting; amending s. 828.122, F.S.; prohibiting additional acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (150442)—On page 2, lines 7 and 8, delete all of said lines and insert: *(d) Refereeing or advertising animal*

Pursuant to Rule 4.19, **CS for SB 1310** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **HB 1471** was withdrawn from the Committees on Appropriations; and Regulated Industries.

On motion by Senator Constantine, by two-thirds vote—

HB 1471—A bill to be entitled An act relating to public food service establishments and alcoholic beverage licenses; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; repealing s. 561.32(6), F.S., relating to special transfer restrictions and transfer fees pertaining to alcoholic beverage licenses issued after a specified date; providing an effective date.

—a companion measure, was substituted for **CS for SB 1902** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1471** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 22** was deferred.

On motion by Senator Villalobos—

SB 20—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jessica Ann Calderon, Sean Ryan Calderon, and Lily Ann Calderon; authorizing and directing Miami-Dade County to compensate them for the death of Roberto Luis Calderon which was caused by the negligence of a Miami-Dade County employee; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Villalobos and adopted:

Amendment 1 (720922)—On page 2, lines 13-17, delete those lines and insert: *appropriated and to draw a warrant in the sum of $2,100,000 payable to Jessica Ann Calderon, as personal representative of the estate of Roberto Luis Calderon, which funds shall not be spent until allocated between Jessica Ann Calderon and her minor children, Sean Ryan Calderon, and Lily Ann Calderon pursuant to an order of the probate court In Re: Estate of Roberto Luis Calderon, 11th Circuit for Miami-Dade County, Case 00-1510CP(02).*

Pursuant to Rule 4.19, **SB 20** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

SB 50—A bill to be entitled An act relating to the City of Miami; providing for the relief of Oscar Ortiz for injuries and damages sustained as a result of the negligence of the City of Miami; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Diaz de la Portilla and adopted:

Amendment 1 (741478)—On page 3, lines 1-6, delete all of said lines and insert: *appropriated and to draw warrants payable as follows: upon passage of this bill, the City of Miami shall pay Oscar Ortiz $2,566,667. One year from the first payment, the City of Miami shall pay Oscar Ortiz $1,166,667; and one year from the second payment, the City of Miami shall pay Oscar Ortiz $1,166,666, for a total of $4,900,000. After payment of attorney's fees and costs, medical bills and other immediate needs, the remaining proceeds shall be placed into a special needs trust created for the exclusive use and benefit of Oscar Ortiz. After the reimbursement of any outstanding Medicaid liens, any funds remaining in the special needs trust at the time of Oscar Ortiz' death will revert to the City of Miami.*

Pursuant to Rule 4.19, **SB 50** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

SENATOR SILVER PRESIDING

On motion by Senator Latvala—

CS for SB 1614—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1614** to **CS for HB 589**.

Pending further consideration of **CS for SB 1614** as amended, on motion by Senator Latvala, by two-thirds vote **CS for HB 589** was withdrawn from the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Latvala—

CS for HB 589—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 1614** as amended and read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (984190)(with title amendment)—On page 3, line 25 through page 4, line 5, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 10-16, delete those lines and insert: water-wastewater utilities; requiring the Department of

Pursuant to Rule 4.19, **CS for HB 589** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, by two-thirds vote **HJR 571** was withdrawn from the Committee on Ethics and Elections.

On motion by Senator Horne, by two-thirds vote—

HJR 571—A joint resolution proposing a revision of Article XI, Section 5 of the State Constitution requiring the Legislature to provide by general law for the provision of an economic impact statement of each amendment proposed by initiative to the State Constitution prior to its adoption by the voters of the state.

—a companion measure, was substituted for **SJR 1176** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HJR 571** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for SB 1784—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; modifying the definition of the term "operating capital outlay"; amending s. 216.013, F.S.; removing the requirement for the Executive Office of the Governor to consider certain findings relating to information technology in its review of long-range program plans of executive agencies; requiring long-range program plans to be consistent with legislation implementing the General Appropriations Act; amending s. 216.023, F.S.; revising requirements of legislative budget requests; requiring legislative budget requests to include an inventory of litigation requiring additional appropriations or changes in the law; providing for update of such inventory; revising requirements of legislative budget requests relating to the total number of positions and to unit-cost data; providing for reducing funding of agencies that do not comply; amending s. 216.0446, F.S.; correcting terminology; amending s. 216.136, F.S.; revising provisions relating to estimating conferences; amending s. 216.177, F.S.; revising the manner in which requests regarding legislative intent on the General Appropriations Act are to be made; revising requirements relating to notice of action on appropriations to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court; amending s. 216.181, F.S.; authorizing the Chief Justice to amend, without approval of the Legislative Budget Commission, judicial branch entity budgets to reflect transferred funds based on the approved plans for lump-sum appropriations; requiring approval of the Legislative Budget Commission for certain adjustments to approved salary rate; providing circumstances under which lump-sum bonuses may be provided; requiring quarterly reporting of positions filled, positions vacant, and the salary rate associated with each category; granting the Legislative Budget Commission authority to approve specified state trust fund appropriations; creating s. 216.1815, F.S.; providing for an agency and judicial branch incentive and savings program; providing requirements; creating s. 216.1826, F.S.; providing for activity-based planning and budgeting; amending s. 216.192, F.S.; conforming provisions; amending s. 216.216, F.S.; providing restrictions on the expenditure of funds for court settlements negotiated by the state; amending s. 216.221, F.S.; providing requirements for the elimination of a deficit in a trust fund; amending s. 216.262, F.S.; specifying authority of the Executive Office of the Governor to increase the number of positions; amending s. 216.292, F.S.; conforming provisions; adding food products as an allowable fund transfer category; authorizing transfer of positions under certain circumstances; authorizing transfers of appropriations for operations from trust funds in excess of certain amounts under certain conditions; amending s. 11.90, F.S.; establishing the chair and vice chair of the Legislative Budget Commission each year; eliminating the election of such officers; amending ss. 27.345, 27.3451, F.S.; correcting cross-references; creating s. 27.385, F.S.; reenacting provisions related to expenditures of appropriated funds by state attorneys; requiring a report; creating s. 27.605, F.S.; reenacting provisions related to expenditures of appropriated funds by public defenders; requiring a report; amending s. 45.062, F.S.; requiring certain notification and reporting with respect to executive branch settlements; saving s. 215.20(3), F.S., relating to an additional trust fund service charge, from scheduled repeal; amending s. 284.385, F.S.; requiring assigned counsel to report to the covered department on the status of casualty claims or litigation; prohibiting compromise or settlement of a casualty claim without prior notification to the covered department; amending s. 376.15, F.S.; correcting a cross-reference; providing an effective date.

—was read the second time by title.

On motion by Senator Horne, further consideration of **CS for SB 1784** was deferred.

THE PRESIDENT PRESIDING

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable John M. McKay
President, The Florida Senate

May 3, 2001

Dear President McKay:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointee:	Puissegur, Frank D.	10/31/2004
Board of Acupuncture		
Appointee:	Ni, Hai-Sha	10/31/2004
Board of Architecture and Interior Design		
Appointees:	Del Bianco, Sharon M.	10/31/2003
	Hall, Daniel-Christopher	10/31/2003
	Planas, Ivette	10/31/2002
Greater Orlando Aviation Authority		
Appointees:	Bradley, Jacqueline L.	04/16/2002
	Rey, Jose A.	04/16/2004
	Theisen, Robert W., Jr.	04/16/2004
	Van Meter, Jeanne L.	04/16/2004
Florida State Boxing Commission		
Appointee:	Entin, Alvin E.	09/30/2004
Florida Building Code Administrators and Inspectors Board		
Appointee:	Nagin, Robert D.	10/31/2003
Secretary of Business and Professional Regulation		
Appointee:	Binkley-Seyer, Kim	Pleasure of Governor
Capital Collateral Regional Counsel - Southern Region		
Appointee:	Dupree, Neal A.	09/30/2003
Capitol Center Planning Commission		
Appointee:	Block, Charles E.	09/30/2004
Board of Chiropractic Medicine		
Appointees:	LaRusso, Salvatore D.	10/31/2004
	Wolfson, Wayne C.	10/31/2004
Florida Citrus Commission		
Appointees:	Falk, Harry Heller	05/31/2003
	Jackson, Raymond A.	05/31/2003
	Kemper, William E.	05/31/2004
	Raley, W. Lindsay, Jr.	05/31/2004
	Richey, Daniel R.	05/31/2004
	Schafer, Nancy Jackson	05/31/2003
Escambia County Civil Service Board		
Appointees:	Gilliam, Thomas J., Jr.	02/09/2005
	Phillips, Sandra M.	02/13/2005
	Rittenhouse, Diana A.	02/13/2005
Hillsborough County Civil Service Board		
Appointees:	Cyrise, Margaret D.	07/02/2003
	Diaz, Andrew G.	07/02/2003
Board of Clinical Laboratory Personnel		
Appointee:	Gereg, Andrea	10/31/2004
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointee:	Gray, Susan W.	10/31/2004
Regulatory Council of Community Association Managers		
Appointees:	Battista, Marilyn M.	10/31/2003
	Czonstka, Steven J.	10/31/2002
	Glass, Debra B.	10/31/2003
	Yates, Edith L.	10/31/2002
Florida Communities Trust		
Appointees:	Alfonso, Carlos J.	01/31/2005
	Streetman, Fred W., Jr.	01/31/2003
State Board of Community Colleges		
Appointees:	Berridge, Randy	09/30/2005
	Hanna, Randall W.	09/30/2005
	Thomas, George	09/30/2005
	Velazquez, Silvia M.	09/30/2001
Florida Commission on Community Service		

Office and Appointment		For Term Ending
Appointees:	Asia, Cynthia O.	09/14/2002
	Barrett, Alix U.	09/14/2003
	Bell, Honor M., Sr.	09/14/2002
	Bielinski, Julie Prevatt	09/14/2003
	Brooks, Deborah H.	09/14/2002
	Buckner, Michael L.	09/14/2003
	Donley, Jeffrey R.W.	09/14/2003
	Enfield, Lisa	09/14/2003
	Evans, Gloria E.	09/14/2002
	King, Daniel S.	09/14/2001
	Morris, Patrick G.	09/14/2003
	Oliva, Maria Cristina	09/14/2002
	Rivas, Eduardo R.	09/14/2001
	Ruano, Robert	09/14/2003
	Sanjuan, Maria T.	09/14/2001
	Scarborough, Ryan Paul	09/14/2001
	Wallace, Joan S.	09/14/2002
	Weinrich, Carl L.	09/14/2001
	Worthington, Terry	09/14/2001
	Zipperer, Roberta C.	09/14/2002
Board of Trustees of Central Florida Community College		
Appointee:	Strifler, Betty	05/31/2003
Board of Trustees of Daytona Beach Community College		
Appointee:	Desai, Pramila	05/31/2003
Board of Trustees of Edison Community College		
Appointees:	Carr, Darol Howell Melvin	05/31/2002
	Downing, Kenneth	05/31/2004
	Gorvine, Enid S.	05/31/2002
	Warr, Gregory D.	05/31/2004
Board of Trustees of Gulf Coast Community College		
Appointee:	Bloodworth, Leon R.	05/31/2004
Board of Trustees of Manatee Community College		
Appointees:	Fogarty, Julia B.	05/31/2004
	Watts, Mary M.	05/31/2004
Board of Trustees of North Florida Community College		
Appointee:	Gibson, Linda F.	05/31/2002
Board of Trustees of Okaloosa-Walton Community College		
Appointee:	Wells, Esteena K.	05/31/2002
Board of Trustees of Pasco-Hernando Community College		
Appointee:	Church, John	05/31/2001
Board of Trustees of St. Johns River Community College		
Appointee:	Wilson, Dale S.	05/31/2001
Board of Trustees of Valencia Community College		
Appointees:	Hoyas, Jose M.	05/31/2001
	Slocum, Lawrence D.	05/31/2004
Construction Industry Licensing Board		
Appointees:	Brown, Joan M.	10/31/2003
	Hageman, Gregory A.	10/31/2002
Florida Corrections Commission		
Appointees:	Griffis, John D.	06/30/2004
	Lancaster, Leon Scott	06/30/2004
	Martinez, Edward, Jr.	06/30/2004
	Urette, Tara R.	06/30/2004
State of Florida Correctional Medical Authority		
Appointees:	Baker, Jeannie B.	09/30/2003
	Etheredge, H. Rex	09/30/2004
	Griffin, E. Rawson III	07/01/2003
	Mahaney, Patricia LaHaie	09/30/2002
	Rainey, Russell B.	07/01/2004
	Russell, Barbara	07/01/2004
Board of Cosmetology		
Appointees:	Caetano, Joseph P.	10/31/2004
	Osborne, Donna J.	10/31/2004
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointees:	Dillon, Mary Jane	11/20/2001
	Fuller, Barbara	02/07/2003
	Parrish, Herschel H., Jr.	11/07/2003
	Ponchak, Kurt D.	12/10/2004
	Turner, Edgar Malone	11/19/2004
Board of Dentistry		
Appointees:	Haering, Harold J., Jr.	10/31/2004
	Poitevent, Benjamin E.	10/31/2004
	Stavros, Irene J.	10/31/2004
Education Practices Commission		
Appointees:	Ansley, Clarence Wayne	09/30/2001
	Demetriades, Lynn F.	09/30/2003
	Pinsky, Kimberly	09/30/2004
	Rayburn, Patsy	09/30/2004
	Whitson, Kathryn L.	09/30/2004
Education Standards Commission		
Appointees:	Bouzianis, Stephen	09/30/2003
	Bullard, Michelle M.	09/30/2001
	Ciliento, John	09/30/2002
	Holmes, Pamela R.	09/30/2002
	Horton, J. Wiley	09/30/2003
	Little, Wesley	09/30/2003
	Lynch, Thomas E.	09/30/2001
	Magee, Molly	09/30/2003
	Roberts, Charles L.	09/30/2001
	Vasquez, Anete	09/30/2003
Florida Elections Commission		
Appointees:	Cunningham, J. Courtney	12/31/2003
	Rancourt, David A.	12/31/2003
	Tokley, Joanna N.	12/31/2003
Electrical Contractors' Licensing Board		
Appointees:	DeBerry, Kimberly A.	10/31/2001
	Kiner, Jeffrey M.	10/31/2003
	Langer, Roger E.	10/31/2002
	Poole, Michele M.	10/31/2002
	Tibbs, Clarence Kelley	10/31/2003
Board of Employee Leasing Companies		
Appointees:	Crum, Frank W., Jr.	10/31/2002
	Dockery, Celeste D.	10/31/2003
	Stroyan, David B.	10/31/2003
Board of Directors, Enterprise Florida, Inc.		
Appointee:	Bowden, Travis J.	07/01/2004
Commission on Ethics		
Appointees:	Colson, Dean C.	06/30/2002
	Wright, Joseph T.	06/30/2001
Tampa-Hillsborough County Expressway Authority		
Appointee:	Gagalis-Brasier, Rebecca	07/01/2004
Board of Funeral Directors and Embalmers		
Appointees:	Deakins, John P.	10/31/2004
	Hall, Alfonza L.	10/31/2002
Board of Professional Geologists		
Appointees:	Blackledge, K. Dawn	10/31/2002
	Francisco, Valerie R.	10/31/2003
Board of Hearing Aid Specialists		
Appointee:	Smith, Wayne Lee	10/31/2004
Citrus County Hospital Board		
Appointees:	Chadwick, Sandra Lee	07/03/2003
	Fredrick, Debra S.	07/07/2004
	Jenkins, Randall	07/08/2002
Board of Trustees of South Lake County Hospital District		
Appointees:	Bailey, Donald B.	07/05/2003

Office and Appointment			*For Term Ending*
		Berens, Robert E., Jr.	07/05/2003
		McLean, Susan	07/05/2003
		Smoak, Claude E.	07/05/2001
		Wade, Robert J.	07/05/2003
		Wilburn, Ruby J.	07/05/2003
		Zahn, Paula J.	07/05/2004
Florida Housing Finance Corporation			
	Appointees:	Cabrera, Orlando J.	11/13/2004
		Calvet, Cesar E.	11/13/2004
		Meyer-Webb, Cindy	11/13/2004
		Terry, Sandra	11/13/2004
Florida Commission on Human Relations			
	Appointees:	Cannon, Gayle B.	09/30/2004
		Elam, Donna	09/30/2004
		Roberts, Keith A.	09/30/2003
		Stall, Billy Whitefox	09/30/2004
State Board of Independent Colleges and Universities			
	Appointees:	Baker, Gregory E.	09/30/2003
		Beard, Timothy L.	09/30/2002
		Matos, Ilia Y.	09/30/2002
		Mullenix, Joel H.	09/30/2003
		Ploessl, Jodie M.	09/30/2003
Florida Inland Navigation District			
	Appointees:	Barck, Grayce K.	01/09/2005
		Byrd, Gail A.	01/09/2005
		Engle, Susan M.	01/09/2005
		Hoffman, Kenneth F.	01/09/2005
		Padera, Charles A.	01/09/2005
Southeast Interstate Low-Level Radioactive Waste Management Commission			
	Appointees:	Hodes, Richard S.	06/30/2001
		Hunter, Richard G.	06/30/2002
Escambia County Interstate 110 Extension Authority			
	Appointee:	Windham, Patricia S.	05/02/2004
Investment Advisory Council			
	Appointees:	Dahl, James H.	12/12/2004
		Nast, Donald A.	12/12/2004
Pinellas County Board of Juvenile Welfare			
	Appointees:	Burke, Cecilia M.	08/11/2004
		Faulkner, Sandra M.	07/18/2004
		Milford, John A.	08/07/2004
Board of Landscape Architecture			
	Appointees:	Davis, Paul M.	10/31/2003
		Gillick, Elizabeth A.	10/31/2002
		Walter, Collene W.	10/31/2004
Secretary of Management Services			
	Appointee:	Henderson, Cynthia A.	Pleasure of Governor
Atlantic States Marine Fisheries Commission			
	Appointee:	Lane, Kathy Barco	09/04/2001
Gulf States Marine Fisheries Commission			
	Appointee:	Ward, William M.	01/05/2004
Board of Massage Therapy			
	Appointee:	Quiring, David C.	10/31/2004
Board of Medicine			
	Appointees:	Davies, Laurie K.	10/31/2004
		Kent, Kriston J.	10/31/2004
		Lamelas, Peter	10/31/2004
		Long, Monique W.	10/31/2004
		Rodriguez, Gilbert M.	10/31/2004
State Board of Nonpublic Career Education			
	Appointees:	Bradley, Nancy M.	07/01/2001
		Crocitto, Peter F., Jr.	07/01/2001
		Hill, Suzanne Barto	07/01/2002
Board of Nursing			
	Appointees:	Chally, Pamela S.	10/31/2004
		Dittman, Patricia W.	10/31/2004
		Hockett, Keri A.	10/31/2004
		Perry, Mignon Marie	10/31/2004
		Powers, Patsey J.	10/31/2002
Board of Nursing Home Administrators			
	Appointees:	Barnett, Brett	10/31/2004
		Reynolds, Suyrea	10/31/2004
Board of Optometry			
	Appointee:	Schlofman, Arthur Leonard	10/31/2004
Board of Orthotists and Prosthetists			
	Appointees:	Fredrick, Jeffrey Ryan	10/31/2004
		Gallo, Morris G.	10/31/2003
		Gillis, Arlene	10/31/2002
		Goris, David S.	10/31/2002
		Morris, George R.	10/31/2004
		Renish, Keith J.	10/31/2003
Board of Osteopathic Medicine			
	Appointees:	Andriole, James M.	10/31/2002
		Fedor, Robert P.	10/31/2004
Parole Commission			
	Appointee:	David, Monica	06/30/2006
Board of Pharmacy			
	Appointees:	Parrado, Robert Mario	10/31/2004
		Poston, Rebecca R.	10/31/2004
Board of Physical Therapy Practice			
	Appointees:	Bumgarner, David	10/31/2004
		Watson, Nancy Lou	10/31/2004
Board of Pilot Commissioners			
	Appointee:	Frudaker, Richard N.	10/31/2004
Board of Podiatric Medicine			
	Appointee:	Hodson, Larry L.	10/31/2004
Jacksonville Port Authority			
	Appointee:	Townsend, Ronald	09/30/2004
Postsecondary Education Planning Commission			
	Appointees:	Carlton, Michelle Chira	02/04/2004
		James, Cornelia Sha'Ron	08/31/2001
		Leone, Diane P.	02/04/2004
Historic Pensacola Preservation Board of Trustees			
	Appointee:	Langhorne, Patricia A.	06/30/2003
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.			
	Appointees:	Hamilton, Lawrence W.	09/30/2002
		Wallace, Derrick D.	09/30/2003
Board of Psychology			
	Appointees:	Hoffman, Richard A.	10/31/2004
		Martin-Lavielle, Ana	10/31/2002
		Swan, Amy C.	10/31/2004
Public Employees Relations Commission			
	Appointee:	Kossuth, Charles H., Jr.	01/01/2005
Chair, Public Employees Relations Commission			
	Appointee:	Poole, Donna Maggert	01/01/2004
Florida Public Service Commission			
	Appointees:	Baez, Braulio L.	01/01/2002
		Jaber, Lila A.	01/01/2005
Commission for Purchase from the Blind or Other Severely Handicapped			
	Appointees:	Fassett, Donna	10/01/2004
		Thompson, William S.	10/01/2003
Florida Real Estate Appraisal Board			

Office and Appointment		*For Term Ending*
Appointee:	Wright, Cynthia H.	10/31/2002
Florida Real Estate Commission		
Appointee:	Valdes, Carlos L.	10/31/2004
West Florida Regional Planning Council, Region 1		
Appointees:	Bellamy, Gary D.	Pleasure of Governor
	Bruce, Ira Mae	Pleasure of Governor
	Carlan, Charles H.	Pleasure of Governor
	Darnell, Jesse C.	Pleasure of Governor
	Little, Bennie J.	Pleasure of Governor
	Pate, S. Joel	Pleasure of Governor
	Sims, John C. III	Pleasure of Governor
	Smith, Joseph D.	Pleasure of Governor
	Thornber, Patricia M.	Pleasure of Governor
Apalachee Regional Planning Council, Region 2		
Appointees:	Barry, Betty Harley	10/01/2003
	Collins, Fred H.	10/01/2003
	Frisby, David	10/01/2002
	Ranie, Benjamin F.	10/01/2001
	Sanson, Tom	10/01/2001
	Shuler, Merel York	10/01/2003
	Stanfield, Kevin L.	10/01/2001
	Stephens, Donald R.	10/01/2003
	Taylor, Jack, Jr.	10/01/2003
North Central Florida Regional Planning Council, Region 3		
Appointees:	Donovan, Dixie	10/01/2001
	Haas, Sandra K.	10/01/2001
	Maultsby, Charles T.	10/01/2003
	Naulls, William D.	10/01/2001
	Robinson, Thomas A.	10/01/2002
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Benton, Jesse L.	10/01/2001
	Berry, Clare G.	10/01/2001
	Carroll, Jennifer S.	10/01/2001
	Dungey, Mary Louise	10/01/2001
	Fleckenstein, Rea T.	10/01/2001
	Laibl, George W. “Chip”, Jr.	10/01/2003
	Maxwell, Harry L.	10/01/2001
	Prachar, Charles J.	10/01/2003
	Sgroi, Robert E.	10/01/2003
	Spaeth, Robert W.	10/01/2003
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Beard, Terrell E.	10/01/2003
	Bertoch, Carl A.	10/01/2003
	Carlson, Carey J.	10/01/2003
	Caruthers, Reginald P.	10/01/2003
	Gabriel, Patricia R.	10/01/2001
	Moore, Mark L., Jr.	10/01/2003
	Poole, Eugene A.	10/01/2001
	Powers, Linda B.	10/01/2003
	Sawyer, Joseph Wayne	10/01/2003
	Schraut, Gary E.	10/01/2003
East Central Florida Regional Planning Council, Region 6		
Appointees:	Acevedo, Nancy C.	10/01/2003
	DiLavore, Peter V.	10/01/2003
	Greene, Ronald C.	10/01/2003
	Kuenkele, Barbara Jean	10/01/2002
	Rawlson, Jon B.	10/01/2002
	Smith, Evelyn H.	10/01/2001
Central Florida Regional Planning Council, Region 7		
Appointees:	Ratliff, Michael R.	10/01/2001
	Richardson, Charles R.	10/01/2003
	Tucker, Jacqueline W.	10/01/2001
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Amor, Jack	10/01/2001
	Castriota, Anita	10/01/2003
	Collins, Jill M.	10/01/2003
	Curtis, Wilhelmina B.	10/01/2001
	Ghovaee, Housh	10/01/2003
	Hoyt, Kenneth S.	10/01/2003
	O'Reilly, Lona Ann	10/01/2003
	Russell, Donald	10/01/2003
	Shikarpuri, Roshan	10/01/2003
Southwest Florida Regional Planning Council, Region 9		
Appointees:	Adams, Kathy A.	10/01/2003
	Crumbie, James H.	10/01/2001
	Emblidge, Margaret	10/01/2001
	Groves, Janice E.	10/01/2003
	Leonard, F. Richard	10/01/2003
	Maio, Alan	10/01/2003
	Parsons, Adria D.	10/01/2002
	Paulmann, James A.	10/01/2002
	Volpe, Michael J.	10/01/2002
	Watts, John R.	10/01/2001
Treasure Coast Regional Planning Council, Region 10		
Appointees:	Bonan, W. Martin	10/01/2003
	Foley, Kevin J.	10/01/2003
	Gray, Harry D.	10/01/2003
	Haynie, Susan	10/01/2003
South Florida Regional Planning Council, Region 11		
Appointees:	Asseff, Patricia	10/01/2001
	Cates, Cheryl	10/01/2003
	Cochran, Lynea E.	10/01/2001
	Kerdyk, William H., Sr.	10/01/2003
	Nixon, Christine P.	10/01/2003
	Riesco, Jose A.	10/01/2001
State Retirement Commission		
Appointees:	Cole, Alice S.	12/31/2001
	Maxwell, Janet Sue	12/31/2002
	Myers, Alice C.	12/31/2003
	Peacock, Julian Wayne	12/31/2003
	Rivas, Lourdes T.	12/31/2003
	Walker, Hunter	12/31/2002
Partnership For School Safety and Security		
Appointees:	Adams, Valerie S.	10/12/2004
	Anderson, Barbara Jean	10/12/2002
	Coughlin, Timothy S.	10/12/2004
	Gallucci, E. Jane	10/12/2003
	Gonzalez, Elisha	10/12/2003
	Gray-Williams, Juliet	10/12/2003
	Halbig, Wolfgang W.	10/12/2002
	Hernandez, Anna M.	10/12/2002
	Jones, Lois	10/12/2002
	Norcum, Beverly A.	10/12/2004
Board of Supervisors, Spaceport Florida Authority		
Appointees:	Haiko, Kenneth J.	06/30/2004
	Harris, Marcelite J.	06/30/2001
	Scott, Winston E.	06/30/2004
	Tolley, James	06/30/2004
Board of Speech-Language Pathology and Audiology		
Appointees:	Goldsmith, Carole B.	10/31/2004
	Ramirez, Dania Lopez	10/31/2002
Board of Professional Surveyors and Mappers		
Appointees:	Armenteros, Omar	10/31/2002
	Blankenship, Dennis E.	10/31/2004
	Bush, Louie G.	10/31/2004
Florida Commission on Tourism		

Office and Appointment		*For Term Ending*
Appointees:	Banks, Walter L.	06/30/2004
	Barnette, Thomas E.	06/30/2002
	Craven, Mary B.	06/30/2004
	Fowler, R. Dean	06/30/2002
	Freed, Vicki L.	06/30/2004
	Gill, Linda L.	06/30/2002
	Halford, Nancy Stanton	06/30/2002
	Healan, Jack B., Jr.	06/30/2004
	Lounsberry, Fred J.	06/30/2002
	Parsons, Webster Craig	06/30/2004
	Smith, Roxanna L.	06/30/2004
	Stork, Thomas F.	06/30/2004
	Winn, Sherman S.	06/30/2001
Florida Commission on Veterans' Affairs		
Appointees:	Dozier, James L.	11/16/2004
	Ebitz, Curtis V.	11/16/2004
	Kelly, Everett A.	11/16/2004
	Whibbs, Vince	11/16/2004
Board of Veterinary Medicine		
Appointees:	Horky, Katherine G.	10/31/2003
	Lewis, Cynthia N.	10/31/2004
	O'Neil, Robert E.	10/31/2004
Governing Board of the Northwest Florida Water Management District		
Appointees:	Carter, Hulan	03/01/2002
	Hughes, Stephanie C.	03/01/2002
	Petermann, Richard P.	03/01/2005
	Stuparich, Nancy	03/01/2005
Governing Board of the St. Johns River Water Management District		
Appointees:	Branch, W. Michael	03/01/2002
	Graham, David G.	03/01/2005
	Moore, Ann Taylor	03/01/2005
	Walker, Catherine A.	03/01/2002
Governing Board of the South Florida Water Management District		
Appointees:	Brooks-Thomas, Pamela D.	03/01/2002
	English, Hugh M.	03/01/2005
	Lindahl, Lennart E.	03/01/2005
Governing Board of the Southwest Florida Water Management District		
Appointees:	Chance, Edward W.	03/01/2005
	Dabney, Thomas G.	03/01/2004
	Dominguez, Margarita N.	03/01/2005
	Fentress, Pamela L.	03/01/2004
	Johnson, Ronald C.	03/01/2005
	Kovach, Janet D.	03/01/2002
	McCree, Heidi B.	03/01/2004
Alafia River Basin Board of the Southwest Florida Water Management District		
Appointees:	Hinton, Carol M.	03/01/2004
	Kixmiller Shamblin, Brenda Lee	03/01/2003
	Minthorn, Robert Edward	03/01/2004
Coastal Rivers Basin Board of the Southwest Florida Water Management District		
Appointees:	Howland, George A. III	03/01/2004
	Whitehead, Judith C.	03/01/2003
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointees:	Baldwin, Martha Jane	03/01/2004
	Johnson, Fred O.	03/01/2003
	Mai, Hung T.	03/01/2004
Manasota Basin Board of the Southwest Florida Water Management District		
Appointees:	Almy, Marion M.	03/01/2004
	Benac, Elizabeth O.	03/01/2004
	Rathke, Edwin T.	03/01/2004
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District		
Appointees:	Adams, Frank Lester III	03/01/2004
	Francois, Sharlene	03/01/2004
	Jordon-Robinson, Joseph W., Jr.	03/01/2003
Peace River Basin Board of the Southwest Florida Water Management District		
Appointees:	Dunlap, Ann W.	03/01/2004
	Harrison, Ken	03/01/2004
	McClellan, Larry H., Jr.	03/01/2002
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointees:	Fischer, Rodney S.	03/01/2003
	Harris, Tina C.	03/01/2004
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointees:	Alexander, JoAnn R.	03/01/2004
	Lyons, Samuel H.	03/01/2004
	Trimpert, Seeth K.	03/01/2002
Governing Board of the Suwannee River Water Management District		
Appointees:	Jones, Georgia Cochran	03/01/2002
	Lake, Oliver J.	03/01/2002
	Maultsby, John Paul	03/01/2005
	Shiver, Louis C.	03/01/2005
Workers' Compensation Panel		
Appointee:	Dickinson, Anne W.	Pleasure of Governor

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience and general suitability of the appointees.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearing, the Committee on Ethics and Elections respectfully advises and recommends that:

1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

2) Senate action on said appointments be taken prior to the adjournment of the 2001 Regular Session; and

3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Bill Posey, Chairman

On motion by Senator Posey, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Geller	Meek	Silver
Campbell	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

VOTES RECORDED

Senator Holzendorf was recorded as voting "nay" on the appointment of Jennifer S. Carroll, for a term ending October 1, 2001, as a member of the **Northeast Florida Regional Planning Council, Region 4**.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Latvala, by two-thirds vote **HB 1927** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Latvala, the rules were waived and—

CS for HB 1927—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions; amending s. 440.06, F.S.; requiring employers to secure compensation; amending s. 440.09, F.S.; limiting compensation for certain impairments; requiring certain entities actively engaged in the construction industry to secure payment of compensation under chapter 440, F.S., after a certain date; amending s. 440.10, F.S.; specifying liability for compensation; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.11, F.S; providing for exclusiveness of liability; amending s. 440.13, F.S.; providing an additional criterion for determining certain value of nonprofessional attendant care provided by a family member; requiring carriers to allow employees to change physicians under certain circumstances; specifying payments for independent medical examinations; deleting selection of independent medical examiner criteria; specifying the number of medical opinions admissible into evidence; providing an exception to certain recourse for payment for services rendered; amending s. 440.134, F.S.; revising a definition; revising certain grievance procedures for workers' compensation managed care arrangements; amending s. 440.14, F.S.; providing for determination of pay; amending s. 440.15, F.S.; revising criteria for payment of compensation for permanent total disability; revising criteria for payment of permanent impairment and wage-loss benefits; amending s. 440.151, F.S.; providing for compensation for occupational diseases; amending s. 440.185, F.S.; requiring additional information in a report of injury; amending s. 440.191, F.S.; including managed care arrangements under provisions relating to the Employee Assistance and Ombudsman Office; revising procedures for petitions for benefits under the office; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; transferring duties and responsibilities of the Division of Workers' Compensation to the Office of the Judges of Compensation Claims; amending s. 440.20, F.S.; specifying time for payment of compensation; prohibiting approval of settlement proposals providing for attorney's fees in excess of certain amounts; amending s. 440.25, F.S.; limiting continuances under procedures for mediation and hearings; providing for selections of mediators by the Chief Judge; providing for holding mediation conferences instead of mediation hearings under certain circumstances; providing for completion of pretrial stipulations; authorizing a judge of compensation claims to sanction certain parties under certain circumstances; requiring a judge of compensation claims to order a pretrial hearing for certain purposes under certain circumstances; revising final hearing time limitations and procedures; deleting a requirement that judges of compensation claims adopt and enforce certain uniform local rules; specifying resolution of determination of pay claims; requiring resolution of certain claims through an expedited dispute resolution process; providing for dismissal of certain petitions for lack of prosecution under certain circumstances; amending s. 440.29, F.S.; providing for receipt into evidence of medical reports from independent medical examiners; amending s. 440.34, F.S.; providing for limited additional attorney's fees in medical-only cases; prohibiting approval of attorney's fees in excess of certain amounts; deleting criteria for determining certain attorney's fees; amending s. 440.345, F.S.; requiring a summary report of attorney's fees to the Governor and the Legislature; amending s. 440.39, F.S.; specifying duties of carriers with respect to certain evidence; amending s. 440.4416, F.S.; revising membership, member criteria, terms, and meetings requirements of the Workers' Compensation Oversight Board; deleting an obsolete provision; providing additional reporting requirements for the board; amending s. 627.0915, F.S.; deleting obsolete provisions; providing that determinations under ss. 112.18, 112.181, 112.19, F.S., are not affected; repealing s. 440.45(3), F.S., relating to rotating docketing judges of compensation claims; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1188** and read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (025544)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (7), (14), (15), (16), and (37) of section 440.02, Florida Statutes, are amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(7) "Construction industry" means *any business that carries out* for-profit activities involving ~~the carrying out of~~ any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land. ~~When appropriate to the context, "construction" refers to the act of construction or the result of construction.~~ However, *the term* "construction" *does* ~~shall~~ not mean a *homeowner's* ~~landowner's~~ act of construction or the result of a construction upon his or her own premises, provided such premises are not intended to be sold or resold *or leased by the owner within 1 year after the commencement of the construction. The division may by rule establish those standard industrial classification codes and their definitions which meet the criteria of the definition of the term "construction industry" as set forth in this section.*

(14)(a) "Employee" means any person *who receives remuneration from an employer for the performance of any work or service or for the provision of any goods or supplies, whether by* ~~engaged in any employment under any~~ appointment or contract *for* ~~of~~ hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes, but is not limited to, aliens and minors.

(b) "Employee" includes any person who is an officer of a corporation and who performs services *within this state* for remuneration for such corporation ~~within this state~~, whether or not such services are continuous.

~~1. Any officer of a corporation may elect to be exempt from this chapter by filing written notice of the election with the division as provided in s. 440.05.~~

~~2. As to officers of a corporation who are actively engaged in the construction industry, no more than three officers may elect to be exempt from this chapter by filing written notice of the election with the division as provided in s. 440.05.~~

~~3. An officer of a corporation who elects to be exempt from this chapter by filing a written notice of the election with the division as provided in s. 440.05 is not an employee.~~

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

(c) "Employee" includes *all persons who are being paid by a general contractor for work performed by or as a subcontractor or employee of a subcontractor are employees of the general contractor, except any person who:* ~~a sole proprietor or a partner who devotes full time to the proprietorship or partnership and, except as provided in this paragraph, elects to be included in the definition of employee by filing notice thereof as provided in s. 440.05. Partners or sole proprietors actively engaged in the construction industry are considered employees unless they elect to be excluded from the definition of employee by filing written notice of the election with the division as provided in s. 440.05. However, no more than three partners in a partnership that is actively engaged in the construction industry may elect to be excluded. A sole proprietor or partner who is actively engaged in the construction industry and who elects to be exempt from this chapter by filing a written notice of the election with the division as provided in s. 440.05 is not an employee. For purposes of this chapter, an independent contractor is an employee unless he or she meets all of the conditions set forth in subparagraph (d)1.~~

~~(d) "Employee" does not include:~~

~~1. An independent contractor, if:~~

~~a. The independent contractor~~

1. Maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

2.~~b.~~ *Has a social security number; or* ~~The independent contractor~~ holds ~~or has applied for~~ a federal employer identification number, *if required to do so by any federal, state, or local statute, rule, or regulation* ~~unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal requirements~~;

3.~~c. The independent contractor performs or agrees to perform specific services or work for specific amounts of money and~~ Controls the means of performing the services or work *that he or she was hired to perform or supply*;

4.~~d. The independent contractor~~ Incurs the principal expenses related to the service or work that he or she performs or agrees to perform;

5.~~e. The independent contractor~~ Is responsible for the satisfactory completion of work or services that he or she performs or agrees to perform and is or could be held liable for a failure to complete the work or services;

6.~~f. The independent contractor~~ Receives compensation for work or services performed for a commission or on a per-job or competitive-bid basis and not on any other basis, *such as salary or wages*;

7.~~g. The independent contractor~~ May realize a profit or suffer a loss in connection with performing work or services; *and*

8.~~h. The independent contractor~~ Has continuing or recurring business liabilities or obligations.~~; and~~

~~i. The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.~~

~~However, the determination as to whether an individual included in the Standard Industrial Classification Manual of 1987, Industry Numbers 0711, 0721, 0722, 0751, 0761, 0762, 0781, 0782, 0783, 0811, 0831, 0851, 2411, 2421, 2435, 2436, 2448, or 2449, or a newspaper delivery person, is an independent contractor is governed not by the criteria in this paragraph but by common-law principles, giving due consideration to the business activity of the individual.~~

(d) The term "employee" does not include:

1.~~2.~~ A real estate salesperson or agent, if that person agrees, in writing, to perform for remuneration solely by way of commission.

2.~~3.~~ Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

3.~~4.~~ An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

4.~~5.~~ A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

5.~~6.~~ A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the division; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

6. Domestic servants in private houses.

7. Agricultural laborers on a farm in the employ of a bona fide farmer or association of farmers who employ 5 or fewer regular employees and who employ fewer than 12 other employees at one time for seasonal agricultural labor that is completed in less than 30 days, if such seasonal employment does not exceed 45 days in the same calendar year. The term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, fish, and truck farms, ranches, nurseries, and orchards. The term "agricultural labor" includes field foremen, timekeepers, checkers, and other farm labor supervisory personnel.

8. Professional athletes, such as professional boxers, wrestlers, baseball, football, basketball, hockey, polo, tennis, jai alai, and similar players, and motor sports teams competing in a motor racing event as defined in s. 549.08.

9. Persons performing labor under a sentence of a court to perform community services as provided in s. 316.193.

~~7. Any officer of a corporation who elects to be exempt from this chapter.~~

~~8. A sole proprietor or officer of a corporation who actively engages in the construction industry, and a partner in a partnership that is actively engaged in the construction industry, who elects to be exempt from the provisions of this chapter. Such sole proprietor, officer, or partner is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.~~

10.~~9.~~ An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

11.~~10.~~ A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

(15)*(a)* "Employer" means the state and all political subdivisions thereof, all public and quasi-public corporations therein, every person carrying on any employment, and the legal representative of a deceased person or the receiver or trustees of any person. If the employer is a corporation, parties in actual control of the corporation, including, but not limited to, the president, officers who exercise broad corporate powers, directors, and all shareholders who directly or indirectly own a controlling interest in the corporation, are considered the employer for the purposes of ss. 440.105 and 440.106.

(b) However, a landowner shall not be considered the employer of any person hired by the landowner to carry out construction upon his or her own premises, if those premises are not intended for immediate sale or resale within 1 year.

(16)~~(a)~~ "Employment~~;~~" *means, not including subsection (4), the payment of any remuneration for work or services rendered or promised, or the provision of goods or services and,* subject to the other provisions of this chapter, means any service performed by an employee for the person employing him or her*; and.*

~~(b) "Employment"~~ includes:

(a)~~1.~~ Employment by the state and all political subdivisions thereof and all public and quasi-public corporations therein, including officers elected at the polls.

(b)~~2.~~ All private employments in which four or more employees are employed by the same employer or, with respect to the construction

industry, all private employment in which one or more employees are employed by the same employer.

(c)~~3.~~ Volunteer firefighters responding to or assisting with fire or medical emergencies whether or not the firefighters are on duty.

~~(c) "Employment" does not include service performed by or as:~~

~~1. Domestic servants in private homes.~~

~~2. Agricultural labor performed on a farm in the employ of a bona fide farmer, or association of farmers, who employs 5 or fewer regular employees and who employs fewer than 12 other employees at one time for seasonal agricultural labor that is completed in less than 30 days, provided such seasonal employment does not exceed 45 days in the same calendar year. The term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, fish, and truck farms, ranches, nurseries, and orchards. The term "agricultural labor" includes field foremen, timekeepers, checkers, and other farm labor supervisory personnel.~~

~~3. Professional athletes, such as professional boxers, wrestlers, baseball, football, basketball, hockey, polo, tennis, jai alai, and similar players, and motorsports teams competing in a motor racing event as defined in s. 549.08.~~

~~4. Labor under a sentence of a court to perform community services as provided in s. 316.193.~~

(37) "Catastrophic injury" means a permanent impairment constituted by:

(a) Spinal cord injury involving severe paralysis of an arm, a leg, or the trunk;

(b) Amputation of an arm, a hand, a foot, or a leg involving the effective loss of use of that appendage;

(c) Severe brain or closed-head injury as evidenced by:

1. Severe sensory or motor disturbances;

2. Severe communication disturbances;

3. Severe complex integrated disturbances of cerebral function;

4. Severe episodic neurological disorders; or

5. Other severe brain and closed-head injury conditions at least as severe in nature as any condition provided in subparagraphs 1.-4.;

(d) Second-degree or third-degree burns of 25 percent or more of the total body surface or third-degree burns of 5 percent or more to the face and hands; *or*

(e) Total or industrial blindness.~~; or~~

~~(f) Any other injury that would otherwise qualify under this chapter of a nature and severity that would qualify an employee to receive disability income benefits under Title II or supplemental security income benefits under Title XVI of the federal Social Security Act as the Social Security Act existed on July 1, 1992, without regard to any time limitations provided under that act.~~

Section 2. Section 440.05, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 440.05, F.S., for present text.)

440.05 Election of exemption; revocation of election.—

(1) The following classes of persons, as defined by s. 440.02, who are not primarily engaged in the construction industry, as that term is defined in s. 440.02, are exempt from this chapter unless they elect otherwise in accordance with subsection (2):

(a) Sole proprietors;

(b) Partners as defined in this section; and

(c) Corporate officers as defined in this section.

(2) Any person who is exempted from this chapter under this section who secures, or whose employer secures for him or her, workers' compensation insurance coverage is considered to have waived the right to such an exemption and is subject to the provisions of this chapter.

(3) Every enterprise conducting business in this state shall maintain business records as specified by the division by rule, which rules must include the provision that any corporation with exempt officers and any partnership with exempt partners must maintain written statements of those exempted persons affirmatively acknowledging each such individual's exempt status.

(4) Any sole proprietor or partner claiming an exemption under this section shall maintain a copy of his or her federal income tax records for each of the immediately previous 3 years in which he or she claims an exemption. Such federal income tax records must include a complete copy of the following for each year in which an exemption is claimed:

(a) For sole proprietors, a copy of Federal Income Tax Form 1040 and its accompanying Schedule C;

(b) For partners, a copy of the partner's Federal Income Tax Schedule K-1 (Form 1065) and Federal Income Tax Form 1040 and its accompanying Schedule E. The sole proprietor or partner in question shall produce, upon request by the division, a copy of those documents together with a statement by the sole proprietor that the tax records provided are true and accurate copies of what the sole proprietor or partner has filed with the federal Internal Revenue Service. The statement must be signed under oath by the sole proprietor or partner in question and must be notarized. The division shall issue a stop-work order under s. 440.107(5) to any sole proprietor or partner who fails or refuses to produce a copy of the tax records and affidavit required under this paragraph to the division within 3 business days after that request and who has failed to otherwise secure insurance for the provision of workers' compensation benefits for himself or herself if required under this chapter to do so.

(5) Any corporate officer claiming an exemption under this section must be listed on the records of this state's Secretary of State, Division of Corporations, as a corporate officer. If the person who claims exemption as a corporate officer is not so listed on the records of the Secretary of State, the individual must provide to the division, upon request by the division, a notarized affidavit stating that the individual is a bona fide officer of the corporation and stating the date his or her appointment or election as a corporate officer became or will become effective. The statement must be signed under oath by both the officer in question and the president or chief operating officer of the corporation and must be notarized. The division shall issue a stop-work order under s. 440.107(1) to any person who claims to be exempt as a corporate officer but who fails or refuses to produce the documents required under this subsection to the division within 3 business days after the request is made and who has failed to otherwise secure the insurance of workers' compensation benefits for himself or herself if required under this chapter to do so.

(6) A sole proprietor, partner, or corporate officer of a business entity that has not been in operation long enough to have filed with the Internal Revenue Service, or to have been required by the Internal Revenue Service to file, its first annual federal income tax return is not eligible for exemption from this chapter.

(7) Exemptions pertain only to the person claiming exemption and only for the entity that is the subject of the federal income tax reports filed by the person claiming the exemption. A separate exemption is required for every proprietorship, partnership, or corporation from which an individual receives any remuneration for labor, services, or products provided.

(8) Sole proprietors, partners, and corporate officers, as those terms are defined in s. 440.02, of sole proprietorships, partnerships, and corporations that are primarily engaged in the construction industry as that term is defined in s. 440.02 are not eligible for exemption from this chapter.

Section 3. Section 440.06, Florida Statutes, is amended to read:

440.06 Failure to secure compensation; effect.—Every employer who fails to secure the payment of compensation *as provided in s. 440.10 by failing to meet the requirements of* ~~under this chapter as provided in~~ s. 440.38 may not, in any suit brought against him or her by an employee subject to this chapter to recover damages for injury or death, defend

such a suit on the grounds that the injury was caused by the negligence of a fellow servant, that the employee assumed the risk of his or her employment, or that the injury was due to the comparative negligence of the employee.

Section 4. Subsection (1) of section 440.09, Florida Statutes, is amended to read:

440.09 Coverage.—

(1) The employer shall pay compensation or furnish benefits required by this chapter if the employee suffers an accidental *compensable* injury or death arising out of work performed in the course and the scope of employment. The injury, its occupational cause, and any resulting manifestations or disability shall be established to a reasonable degree of medical certainty and by objective medical findings. Mental or nervous injuries occurring as a manifestation of an injury compensable under this section shall be demonstrated by clear and convincing evidence.

(a) This chapter does not require any compensation or benefits for any subsequent injury the employee suffers as a result of an original injury arising out of and in the course of employment unless the original injury is the major contributing cause of the subsequent injury.

(b) If an injury arising out of and in the course of employment combines with a preexisting disease or condition to cause or prolong disability or need for treatment, the employer must pay compensation or benefits required by this chapter only to the extent that the injury arising out of and in the course of employment is and remains the major contributing cause of the disability or need for treatment.

(c) Death resulting from an operation by a surgeon furnished by the employer for the cure of hernia as required in s. 440.15(6) shall for the purpose of this chapter be considered to be a death resulting from the accident causing the hernia.

(d) If an accident happens while the employee is employed elsewhere than in this state, which would entitle the employee or his or her dependents to compensation if it had happened in this state, the employee or his or her dependents are entitled to compensation if the contract of employment was made in this state, or the employment was principally localized in this state. However, if an employee receives compensation or damages under the laws of any other state, the total compensation for the injury may not be greater than is provided in this chapter.

Section 5. Section 440.10, Florida Statutes, is amended to read:

440.10 Liability for compensation.—

(1)(a) Every employer coming within the provisions of this chapter, including any brought within the chapter by ~~waiver of exclusion or of~~ exemption, shall be liable for, and shall secure, the payment to his or her employees, or any physician, surgeon, or pharmacist providing services under the provisions of s. 440.13, of the compensation payable under ss. 440.13, 440.15, and 440.16. Any contractor or subcontractor who engages in any public or private construction in the state shall secure and maintain compensation for his or her employees under this chapter as provided in s. 440.38.

(b) In case a contractor sublets any part or parts of his or her contract work to a subcontractor or subcontractors, all of the employees of such contractor and subcontractor or subcontractors engaged on such contract work shall be deemed to be employed in one and the same business or establishment; and the contractor shall be liable for, and shall secure, the payment of compensation to all such employees, except to employees of a subcontractor who has secured such payment.

(c) A contractor *shall* ~~may~~ require a subcontractor to provide evidence of workers' compensation insurance ~~or a copy of his or her certificate of election. A subcontractor electing to be exempt as a sole proprietor, partner, or officer of a corporation shall provide a copy of his or her certificate of election to the contractor.~~

(d)~~1.~~ If a contractor becomes liable for the payment of compensation to the employees of a subcontractor who has failed to secure such payment in violation of s. 440.38, the contractor or other third-party payor shall be entitled to recover from the subcontractor all benefits paid or payable plus interest unless the contractor and subcontractor have agreed in writing that the contractor will provide coverage.

~~2. If a contractor or third-party payor becomes liable for the payment of compensation to the employee of a subcontractor who is actively engaged in the construction industry and has elected to be exempt from the provisions of this chapter, but whose election is invalid, the contractor or third-party payor may recover from the claimant, partnership, or corporation all benefits paid or payable plus interest, unless the contractor and the subcontractor have agreed in writing that the contractor will provide coverage.~~

(e) A subcontractor is not liable for the payment of compensation to the employees of another subcontractor on such contract work and is not protected by the exclusiveness-of-liability provisions of s. 440.11 from action at law or in admiralty on account of injury of such employee of another subcontractor.

(f) If an employer willfully fails to secure compensation as required by this chapter, the division may assess against the employer a penalty not to exceed $5,000 for each employee of that employer who is classified by the employer as an independent contractor but who is found by the division to not meet the criteria for an independent contractor that are set forth in s. 440.02.

(g) For purposes of this section, a person is conclusively presumed to be an independent contractor if~~:~~

~~1.~~ the independent contractor provides the general contractor with an affidavit stating that he or she meets all the requirements of s. 440.02(14)(d). *An*~~; and~~

~~2. The independent contractor provides the general contractor with a valid certificate of workers' compensation insurance or a valid certificate of exemption issued by the division.~~

~~A sole proprietor, partner, or~~ officer of a corporation who elects exemption from this chapter by filing a certificate of election under s. 440.05 may not recover benefits or compensation under this chapter. An independent contractor who provides the general contractor with ~~both~~ an affidavit stating that he or she meets the requirements of s. 440.02(14)(d) ~~and a certificate of exemption~~ is not an employee under s. 440.02(14)(c) and may not recover benefits under this chapter. For purposes of determining the appropriate premium for workers' compensation coverage, carriers may not consider any person who meets the requirements of this paragraph to be an employee.

(2) Compensation shall be payable irrespective of fault as a cause for the injury, except as provided in s. 440.09(3).

Section 6. Section 440.1025, Florida Statutes, is created to read:

440.1025 Consideration of public employer workplace safety program in rate-setting; program requirements; rulemaking.—For a public employer to be eligible for receipt of specific identifiable consideration under s. 627.0915 for a workplace safety program in the setting of rates, the public employer must have a workplace safety program. At a minimum, the program must include a written safety policy and safety rules, and make provision for safety inspections, preventative maintenance, safety training, first-aid, accident investigation, and necessary record keeping. For purposes of this section, "public employer" means "any agency within state, county, or municipal government employing individuals for salary, wages, or other remuneration." The Division may promulgate rules for insurers to utilize in determining public employer compliance with the requirements of this section.

Section 7. Subsection (5) of section 440.107, Florida Statutes, is amended to read:

440.107 Division powers to enforce employer compliance with coverage requirements.—

(5) Whenever the division determines that an employer who is required to secure the payment to his or her employees of the compensation provided for by this chapter has failed to do so *or the division determines that an employer has misrepresented to a carrier the size or classification of the employer's payroll*, such failure *or misrepresentation* shall be deemed an immediate serious danger to public health, safety, or welfare sufficient to justify service by the division of a stop-work order on the employer, requiring the cessation of all business operations *within the state* at the place of employment or job site. The order shall take effect upon the date of service upon the employer, unless the employer provides evidence satisfactory to the division of having secured

any necessary insurance or self-insurance and pays a civil penalty to the division, to be deposited by the division into the Workers' Compensation Administration Trust Fund, in the amount of $100 per day for each day the employer was not in compliance with this chapter.

Section 8. Subsections (2), (5), (12), and (14) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(a) Subject to the limitations specified elsewhere in this chapter, the employer shall furnish to the employee such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery may require, including medicines, medical supplies, durable medical equipment, orthoses, prostheses, and other medically necessary apparatus. Remedial treatment, care, and attendance, including work-hardening programs or pain-management programs accredited by the Commission on Accreditation of Rehabilitation Facilities or Joint Commission on the Accreditation of Health Organizations or pain-management programs affiliated with medical schools, shall be considered as covered treatment only when such care is given based on a referral by a physician as defined in this chapter. Each facility shall maintain outcome data, including work status at discharges, total program charges, total number of visits, and length of stay. The department shall utilize such data and report to the President of the Senate and the Speaker of the House of Representatives regarding the efficacy and cost-effectiveness of such program, no later than October 1, 1994. Medically necessary treatment, care, and attendance does not include chiropractic services in excess of 18 treatments or rendered 8 weeks beyond the date of the initial chiropractic treatment, whichever comes first, unless the carrier authorizes additional treatment or the employee is catastrophically injured.

(b) The employer shall provide appropriate professional or nonprofessional attendant care performed only at the direction and control of a physician when such care is medically necessary. The value of nonprofessional attendant care provided by a family member must be determined as follows:

1. If the family member is not employed, the per-hour value equals the federal minimum hourly wage.

2. If the family member is employed and elects to leave that employment to provide attendant or custodial care, the per-hour value of that care equals the per-hour value of the family member's former employment, not to exceed the per-hour value of such care available in the community at large.

3. If the family member remains employed while providing attendant or custodial care, the per-hour value of that care equals the per-hour value of the family member's employment, not to exceed the per-hour value of such care available in the community at large.

4. A family member or a combination of family members providing nonprofessional attendant care under this paragraph may not be compensated for more than a total of 12 hours per day.

(c) If the employer fails to provide treatment or care required by this section after request by the injured employee, the employee may obtain such treatment at the expense of the employer, if the treatment is compensable and medically necessary. There must be a specific request for the treatment, and the employer or carrier must be given a reasonable time period within which to provide the treatment or care. However, the employee is not entitled to recover any amount personally expended for the treatment or service unless he or she has requested the employer to furnish that treatment or service and the employer has failed, refused, or neglected to do so within a reasonable time or unless the nature of the injury requires such treatment, nursing, and services and the employer or his or her superintendent or foreman, having knowledge of the injury, has neglected to provide the treatment or service.

(d) The carrier has the right to transfer the care of an injured employee from the attending health care provider if an independent medical examination determines that the employee is not making appropriate progress in recuperation.

(e) Except in emergency situations and for treatment rendered by a managed care arrangement, after any initial examination and diagnosis by a physician providing remedial treatment, care, and attendance, and before a proposed course of medical treatment begins, each insurer shall review, in accordance with the requirements of this chapter, the proposed course of treatment, to determine whether such treatment would be recognized as reasonably prudent. The review must be in accordance with all applicable workers' compensation practice parameters. The insurer must accept any such proposed course of treatment unless the insurer notifies the physician of its specific objections to the proposed course of treatment by the close of the tenth business day after notification by the physician, or a supervised designee of the physician, of the proposed course of treatment.

(f) Upon the written request of the employee, the carrier shall give the employee the opportunity for one change of physician during the course of treatment for any one accident. In the event such a physician ceases to practice in Florida or relocates his or her office at a location that is greater than a 50-mile radius from the employee's residence, the employee is entitled to select another physician from among not fewer than three carrier-authorized physicians who are not professionally affiliated. The employee shall be entitled to select another physician from among not fewer than three carrier-authorized physicians not professionally affiliated.

(5) INDEPENDENT MEDICAL EXAMINATIONS.—

(a) In any dispute concerning overutilization, medical benefits, compensability, or disability under this chapter, the carrier or the employee may select an independent medical examiner. The examiner may be a health care provider treating or providing other care to the employee. An independent medical examiner may not render an opinion outside his or her area of expertise, as demonstrated by licensure and applicable practice parameters. *Upon the written request of the employee, the carrier shall pay the cost of one independent medical examination per accident. The cost of any additional independent medical examination must be borne by the party requesting the additional independent medical examination. The costs of independent medical examinations expressly relied upon by the judge of compensation claims to award benefits in the final compensation order are taxable costs under s. 440.34(3).*

(b) ~~Each party is bound by his or her selection of an independent medical examiner and is entitled to an alternate examiner only if:~~

~~1. The examiner is not qualified to render an opinion upon an aspect of the employee's illness or injury which is material to the claim or petition for benefits;~~

~~2. The examiner ceases to practice in the specialty relevant to the employee's condition;~~

~~3. The examiner is unavailable due to injury, death, or relocation outside a reasonably accessible geographic area; or~~

~~4. The parties agree to an alternate examiner.~~

Any party may request, or a judge of compensation claims may require, designation of a division medical advisor as an independent medical examiner. The opinion of the advisors acting as examiners shall not be afforded the presumption set forth in paragraph (9)(c).

(c) The carrier may, at its election, contact the claimant directly to schedule a reasonable time for an independent medical examination. The carrier must confirm the scheduling agreement in writing within 5 days and notify claimant's counsel, if any, at least 7 days before the date upon which the independent medical examination is scheduled to occur. An attorney representing a claimant is not authorized to schedule independent medical evaluations under this subsection.

(d) If the employee fails to appear for the independent medical examination without good cause and fails to advise the physician at least 24 hours before the scheduled date for the examination that he or she cannot appear, the employee is barred from recovering compensation for any period during which he or she has refused to submit to such examination. Further, the employee shall reimburse the carrier 50 percent of the physician's cancellation or no-show fee unless the carrier that schedules the examination fails to timely provide to the employee a written confirmation of the date of the examination pursuant to paragraph (c) which includes an explanation of why he or she failed to appear. The

employee may appeal to a judge of compensation claims for reimbursement when the carrier withholds payment in excess of the authority granted by this section.

(e) No medical opinion other than the opinion of a medical advisor appointed by the judge of compensation claims or division, an independent medical examiner, or an authorized treating provider is admissible in proceedings before the judges of compensation claims. *The employee or the carrier may each submit into evidence, and the judge of compensation claims shall admit, the medical opinion of no more than one independent medical examiner per specialty.*

(f) Attorney's fees incurred by an injured employee in connection with ~~delay of or opposition to~~ an independent medical examination, including, but not limited to, motions for protective orders, are not recoverable under this chapter.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(a) A three-member panel is created, consisting of the Insurance Commissioner, or the Insurance Commissioner's designee, and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of present or previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel shall determine statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, hospitals, ambulatory surgical centers, work-hardening programs, pain programs, and durable medical equipment. The maximum reimbursement allowances for inpatient hospital care shall be based on a schedule of per diem rates, to be approved by the three-member panel no later than March 1, 1994, to be used in conjunction with a precertification manual as determined by the division. All compensable charges for hospital outpatient care shall be reimbursed at 75 percent of usual and customary charges. Until the three-member panel approves a schedule of per diem rates for inpatient hospital care and it becomes effective, all compensable charges for hospital inpatient care must be reimbursed at 75 percent of their usual and customary charges. Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. However, the maximum percentage of increase in the individual reimbursement allowance may not exceed the percentage of increase in the Consumer Price Index for the previous year*, except when the three-member panel adopts a nationally recognized reimbursement methodology*. An individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program shall be reimbursed either the usual and customary charge for treatment, care, and attendance, the agreed-upon contract price, or the maximum reimbursement allowance in the appropriate schedule, whichever is less.

(b) As to reimbursement for a prescription medication, the reimbursement amount for a prescription shall be the average wholesale price times 1.2 plus $4.18 for the dispensing fee, except where the carrier has contracted for a lower amount. Fees for pharmaceuticals and pharmaceutical services shall be reimbursable at the applicable fee schedule amount. Where the employer or carrier has contracted for such services and the employee elects to obtain them through a provider not a party to the contract, the carrier shall reimburse at the schedule, negotiated, or contract price, whichever is lower.

(c) Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance provided by any hospital or other health care provider, ambulatory surgical center, work-hardening program, or pain program, must not exceed the amounts provided by the uniform schedule of maximum reimbursement allowances as determined by the panel or as otherwise provided in this section. This subsection also applies to independent medical examinations performed by health care providers under this chapter. Until the three-member panel approves a uniform schedule of maximum reimbursement allowances and it becomes effective, all compensable charges for treatment, care, and attendance provided by physicians, ambulatory surgical centers, work-hardening programs, or pain programs shall be reimbursed at the lowest maximum reimbursement allowance across all 1992 schedules of maximum reimbursement allowances for the services provided regardless of the place of service. In determining the uniform schedule, the panel shall first approve the data which it finds representative of prevailing charges in the state for similar treatment, care, and attendance of injured persons. Each health care provider, health care facility, ambulatory surgical center, work-hardening program, or pain program receiving workers' compensation payments shall maintain records verifying their usual charges. In establishing the uniform schedule of maximum reimbursement allowances, the panel must consider:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;

2. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the availability of treatment, care, and attendance required by injured workers;

3. The financial impact of the reimbursement allowances upon health care providers and health care facilities, including trauma centers as defined in s. 395.4001, and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance. The uniform schedule of maximum reimbursement allowances must be reasonable, must promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and must be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers; and

4. The most recent average maximum allowable rate of increase for hospitals determined by the Health Care Board under chapter 408.

(14) PAYMENT OF MEDICAL FEES.—

(a) Except for emergency care treatment, fees for medical services are payable only to a health care provider certified and authorized to render remedial treatment, care, or attendance under this chapter. A health care provider may not collect or receive a fee from an injured employee within this state, except as otherwise provided by this chapter. Such providers have recourse against the employer or carrier for payment for services rendered in accordance with this chapter.

(b) Fees charged for remedial treatment, care, and attendance may not exceed the applicable fee schedules adopted under this chapter, *except as provided under a contract entered into between an employer or carrier and a certified health care provider or health care facility for the payment of medical services for covered expenses*.

(c) Notwithstanding any other provision of this chapter, following overall maximum medical improvement from an injury compensable under this chapter, the employee is obligated to pay a copayment of $10 per visit for medical services. The copayment shall not apply to emergency care provided to the employee.

Section 9. Paragraph (d) of subsection (1), paragraph (b) of subsection (2), and subsection (15) of section 440.134, Florida Statutes, are amended to read:

440.134 Workers' compensation managed care arrangement.—

(1) As used in this section, the term:

(d) "Grievance" means *a direct written complaint filed by an injured worker expressing* dissatisfaction with the *insurer's workers' compensation managed care arrangement's refusal to provide* medical care ~~provided by an insurer's workers' compensation managed care arrangement health care providers, expressed in writing by an injured worker~~.

(2)

(b) ~~Effective January 1, 1997,~~ The employer shall, subject to the limitations specified elsewhere in this chapter, furnish to the employee ~~solely~~ through managed care arrangements *or without a managed care arrangement* such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery requires.

(15)(a) A workers' compensation managed care arrangement must have and use procedures for hearing complaints and resolving written grievances from injured workers and health care providers. The procedures must be aimed at mutual agreement for settlement and may

include arbitration procedures. Procedures provided herein are in addition to other procedures contained in this chapter.

(b) The grievance procedure must be described in writing and provided to the affected workers and health care providers.

(c) At the time the workers' compensation managed care arrangement is implemented, the insurer must provide detailed information to workers and health care providers describing how a grievance may be registered with the insurer. *Within 15 days after the date of the request for medical care is received by the insurer or by the insurer's managed care arrangement, whichever date is earlier, the insurer shall grant or deny the request. If the insurer denies the request, the insurer shall notify the injured worker in writing of his or her right to file a grievance.*

(d) Grievances must be considered in a timely manner and must be transmitted to appropriate decisionmakers who have the authority to fully investigate the issue and take corrective action. *If the insurer or the insurer's workers' compensation arrangement fails to notify the injured worker of the outcome of the grievance in writing within 15 days from the date of receiving the grievance, the grievance shall be presumed to be resolved against the injured worker and the grievance procedures shall be presumed exhausted for purposes of s. 440.192(3).*

(e) If a grievance is found to be valid, corrective action must be taken promptly.

(f) All concerned parties must be notified of the results of a grievance.

(g) The insurer must report annually, no later than March 31, to the agency regarding its grievance procedure activities for the prior calendar year. The report must be in a format prescribed by the agency and must contain the number of grievances filed in the past year and a summary of the subject, nature, and resolution of such grievances.

Section 10. Paragraph (a) of subsection (1) of section 440.14, Florida Statutes, is amended to read:

440.14 Determination of pay.—

(1) Except as otherwise provided in this chapter, the average weekly wages of the injured employee at the time of the injury shall be taken as the basis upon which to compute compensation and shall be determined, subject to the limitations of s. 440.12(2), as follows:

(a) If the injured employee has worked in the employment in which she or he was working at the time of the injury, whether for the same or another employer, during substantially the whole of 13 weeks immediately preceding the injury, her or his average weekly wage shall be one-thirteenth of the total amount of wages earned in such employment during the 13 weeks. As used in this paragraph, the term "substantially the whole of 13 weeks" *means an actual* ~~shall be deemed to mean and refer to a constructive~~ period of 13 weeks as a whole, which shall be defined as *the 13 complete weeks before the date of the accident, excluding the week the injury occurs.* ~~a consecutive period of 91 days, and~~ The term "during substantially the whole of 13 weeks" shall be deemed to mean during not less than 90 percent of the total customary full-time hours of employment within such period considered as a whole.

Section 11. Paragraphs (b) and (f) of subsection (1) and paragraph (a) of subsection (3) of section 440.15, Florida Statutes, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(1) PERMANENT TOTAL DISABILITY.—

(b) *Any compensable injury eligible for permanent total benefits must be of a nature and severity that prevents the employee from being able to perform his or her previous work. If the employee is engaged in or is capable of being engaged in any substantial, gainful employment, he or she is not entitled to permanent total disability. The burden is on the employee to establish that he or she is unable to perform work if such work is available within a 50-mile radius of the employee's residence. In addition,* ~~Only~~ a catastrophic injury as defined in s. 440.02 shall, in the absence of conclusive proof of a substantial earning capacity, constitute permanent total disability. ~~Only claimants with catastrophic injuries are eligible for permanent total benefits.~~ In no other case may permanent total disability be awarded.

(f)1. If permanent total disability results from injuries that occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under s. 440.20(11), the injured employee shall receive additional weekly compensation benefits equal to 5 percent of her or his weekly compensation rate, as established pursuant to the law in effect on the date of her or his injury, multiplied by the number of calendar years since the date of injury. The weekly compensation payable and the additional benefits payable under this paragraph, when combined, may not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s. 440.12(2). Entitlement to these supplemental payments shall cease at age 62 if the employee is eligible for social security benefits under 42 U.S.C. *s.* ~~ss.~~ 402 *or s.* ~~and~~ 423, whether or not the employee has applied for such benefits. These supplemental benefits shall be paid by the division out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955, and before July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974.

2.a. The division shall provide by rule for the periodic reporting to the division of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the division nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1. for any period during which the employee willfully fails or refuses to report upon request by the division in the manner prescribed by such rules.

b. The division shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier is not required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules or if any employee who is receiving permanent total disability benefits refuses to apply for or cooperate with the employer or carrier in applying for social security benefits.

3. When an injured employee receives a full or partial lump-sum advance of the employee's permanent total disability compensation benefits, the employee's benefits under this paragraph shall be computed on the employee's weekly compensation rate as reduced by the lump-sum advance.

(3) PERMANENT IMPAIRMENT ~~AND WAGE LOSS~~ BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the division, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by division rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American

Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at *a rate equal to* ~~the rate of 50 percent of~~ the employee's *compensation rate* ~~average weekly temporary total disability benefit~~, not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work *or from any preexisting mental, psychological, or emotional condition*. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

6. The division may by rule specify forms and procedures governing the method of payment of wage loss and impairment benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

Section 12. Subsection (2) of section 440.185, Florida Statutes, is amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(2) Within 7 days after actual knowledge of injury or death, the employer shall report such injury or death to its carrier, in a format prescribed by the division, and shall provide a copy of such report to the employee or the employee's estate. The report of injury shall contain the following information:

(a) The name, address, and business of the employer;

(b) The name, social security number, street, mailing address, telephone number, and occupation of the employee;

(c) The cause and nature of the injury or death;

(d) The year, month, day, and hour when, and the particular locality where, the injury or death occurred; ~~and~~

(e) A record of the employee's earnings for the 13 weeks before the date of injury; and

(f)~~(e)~~ Such other information as the division may require *by rule*. The carrier shall, within 14 days after the employer's receipt of the form reporting the injury, file the information required by this subsection with the division in Tallahassee. However, the division may by rule provide for a different reporting system for those types of injuries which it determines should be reported in a different manner and for those cases which involve minor injuries requiring professional medical attention in which the employee does not lose more than 7 days of work as a result of the injury and is able to return to the job immediately after treatment and resume regular work.

Section 13. Section 440.191, Florida Statutes, is amended to read:

440.191 Employee Assistance and Ombudsman Office.—

(1)(a) In order to effect the self-executing features of the Workers' Compensation Law, this chapter shall be construed to permit injured employees and employers or the employer's carrier to resolve disagreements without undue expense, costly litigation, or delay in the provisions of benefits. It is the duty of all who participate in the workers' compensation system, including, but not limited to, carriers, service providers, health care providers, *managed care arrangements*, attorneys, employers, and employees, to attempt to resolve disagreements in good faith and to cooperate with the division's efforts to resolve disagreements between the parties. The division may by rule prescribe definitions ~~that are~~ necessary for the effective administration of this section.

(b) An Employee Assistance and Ombudsman Office is created within the Division of Workers' Compensation to inform and assist injured workers, employers, carriers, ~~and~~ health care providers, *and managed care arrangements* in fulfilling their responsibilities under this chapter. The division may by rule specify forms and procedures for administering ~~requests for assistance provided by~~ this section.

(c) The Employee Assistance and Ombudsman Office~~, Division of Workers' Compensation,~~ shall be a resource available to all employees who participate in the workers' compensation system and shall take all steps necessary to educate and disseminate information to employees and employers. *Upon receiving a notice of injury or death, the Employee Assistance and Ombudsman Office is authorized to initiate contact with the injured employee or employee's representative to discuss rights and responsibilities of the employee under this chapter and the services available through the Employee Assistance and Ombudsman Office.*

(2)~~(a) An employee may not file a petition requesting any benefit under this chapter unless the employee has exhausted the procedures for informal dispute resolution under this section.~~

(a)~~(b)~~ If at any time the employer or its carrier fails to provide benefits to which the employee believes she or he is entitled, the employee shall contact the office to request assistance in resolving the dispute. The office *may review petitions for benefits filed under s. 440.192* ~~shall investigate the dispute~~ and *may* ~~shall~~ attempt to facilitate an agreement between the employee and the employer or carrier. The employee, the employer, and the carrier shall cooperate with the office and shall timely provide the office with any documents or other information that it may require in connection with its efforts under this section.

(b)~~(c)~~ The office may compel parties to attend conferences in person or by telephone in an attempt to resolve disputes quickly and in the most efficient manner possible. Settlement agreements resulting from such conferences must be submitted to the Office of the Judges of Compensation Claims for approval.

(c)~~(d)~~ The Employee Assistance and Ombudsman Office may assign an ombudsman to assist the employee in resolving the dispute. ~~If the dispute is not resolved within 30 days after the employee contacts the office,~~ The ombudsman *may* ~~shall~~, at the employee's request, assist the employee in drafting a petition for benefits and explain the procedures for filing petitions. ~~The division may by rule determine the method used to calculate the 30-day period.~~ The Employee Assistance and Ombudsman Office may not represent employees before the judges of compensation claims. An employer or carrier may not pay any attorneys' fees on behalf of the employee for services rendered or costs incurred in connection with this section, unless expressly authorized elsewhere in this chapter.

Section 14. Section 440.192, Florida Statutes, is amended to read:

440.192 Procedure for resolving benefit disputes.—

(1) Subject to s. 440.191, any employee who has not received a benefit to which the employee believes she or he is entitled under this chapter shall *file by certified mail, or by electronic means approved by the Deputy Chief Judge, with the Office of the Judges of Compensation Claims within the Division of Administrative Hearings a petition for benefits which meets the requirements of this section. The division shall inform employees of the location of the Office of the Judges of Compensation Claims for purposes of filing a petition for benefits. The employee shall also* serve *copies of the petition for benefits* by certified mail, *or by electronic means approved by the Deputy Chief Judge,* upon the employer *and*~~,~~ the employer's carrier~~, and the division in Tallahassee a petition for benefits that meets the requirements of this section~~. *The Deputy Chief Judge shall refer the petitions to the judges of compensation claims.* The division shall refer the petition to the Office of the Judges of Compensation Claims.~~

(2) *Upon receipt* the Office of the Judges of Compensation Claims shall review each petition and shall dismiss each petition, *or any portion of the petition,* ~~upon its own motion or~~ upon the motion of any party, that does not on its face specifically identify or itemize the following:

(a) Name, address, telephone number, and social security number of the employee.

(b) Name, address, and telephone number of the employer.

(c) A detailed description of the injury and cause of the injury, including the location of the occurrence *and the date of the accident.*

(d) A detailed description of the employee's job, work responsibilities, and work the employee was performing when the injury occurred.

(e) The time period for which compensation was not timely provided *and the specific classification of the compensation.*

(f) Date of maximum medical improvement, character of disability, and specific statement of all benefits or compensation that the employee is seeking.

(g) *The specific* ~~All~~ travel costs to which the employee believes she or he is entitled, including dates of travel and purpose of travel, means of transportation, and mileage, *including the date the request for mileage was filed with the carrier, and a copy of the request for mileage filed with the carrier.*

(h) Specific listing of all medical charges alleged unpaid, including the name and address of the medical provider, the amounts due, and the specific dates of treatment.

(i) The type or nature of treatment care or attendance sought and the justification for such treatment. *If the employee is under the care of a physician for the injury identified in paragraph (c), a copy of the physician's request, authorization, or recommendation for treatment, care, or attendant care must accompany the petition.*

(j) Specific explanation of any other disputed issue that a judge of compensation claims will be called to rule upon.

(k) Any other information and documentation the Deputy Chief Judge may require by rule.

(3) A petition for benefits may contain a claim for past benefits and continuing benefits in any benefit category, but is limited to those in default and ripe, due, and owing on the date the petition is filed. If the employer has elected to satisfy its obligation to provide medical treatment, care, and attendance through a managed care arrangement designated under this chapter, the employee must exhaust all managed care grievance procedures before filing a petition for benefits under this section.

(4) The dismissal of any petition or portion of the petition under this section is without prejudice and does not require a hearing.

(5)~~(4)~~ The petition must include a certification by the claimant or, if the claimant is represented by counsel, the claimant's attorney, stating that the claimant, or attorney if the claimant is represented by counsel, has made a good faith effort to resolve the dispute and that the claimant or attorney was unable to resolve the dispute with the carrier.

(6)~~(5)~~ All motions to dismiss must state with particularity the basis for the motion. The judge of compensation claims shall enter an order upon such motions without hearing, unless good cause for hearing is shown. When any petition *or portion of a petition* is dismissed for lack of specificity under this subsection, the claimant must be allowed 20 days after the date of the order of dismissal in which to file an amended petition. Any grounds for dismissal for lack of specificity under this section not asserted within *60* ~~30~~ days after receipt of the petition for benefits are thereby waived.

(7)~~(6)~~ If the claimant is not represented by counsel, the Office of the Judges of Compensation Claims may request the Employee Assistance and Ombudsman Office to assist the claimant in filing a petition that meets the requirements of this section.

(8)~~(7)~~ Notwithstanding the provisions of s. 440.34, a judge of compensation claims may not award attorney's fees payable by the carrier for services expended or costs incurred prior to the filing of a petition ~~that does~~ not *meeting* ~~meet~~ the requirements of this section.

(9)~~(8)~~ Within *30* ~~14~~ days after receipt of a petition for benefits by certified mail, the carrier must either pay the requested benefits without prejudice to its right to deny within 120 days from receipt of the petition or file a *response to the petition* ~~notice of denial~~ with the *Office of the Judges of Compensation Claims* ~~division~~. The carrier must list all benefits requested but not paid and explain its justification for nonpayment in the *response to the petition* ~~notice of denial~~. A carrier that does not deny compensability in accordance with s. 440.20(4) is deemed to have accepted the employee's injuries as compensable, unless it can establish material facts relevant to the issue of compensability that could not have been discovered through reasonable investigation within the 120-day period. The carrier shall provide copies of the *response* ~~notice~~ to the filing party, employer, and claimant by certified mail.

Section 15. Subsections (4) and (11) of section 440.20, Florida Statutes, are amended to read:

440.20 Time for payment of compensation; penalties for late payment.—

(4) If the carrier is uncertain of its obligation to provide benefits or compensation, it may initiate payment without prejudice and without admitting liability. The carrier shall immediately and in good faith commence investigation of the employee's entitlement to benefits under this chapter and shall admit or deny compensability within 120 days after the initial provision of compensation or benefits *as required by subsection (2) or s. 440.192(8).* Upon commencement of payment *as required by subsection (2) or s. 440.192(8),* the carrier shall provide written notice to the employee that it has elected to pay all or part of the claim pending further investigation, and that it will advise the employee of claim acceptance or denial within 120 days. A carrier that fails to deny compensability within 120 days after the initial provision of benefits or payment of compensation, *as required by subsection (2) or s. 440.192(8),* waives the right to deny compensability, unless the carrier can establish material facts relevant to the issue of compensability that it could not have discovered through reasonable investigation within the 120-day period. *The initial provision of compensation or benefits, for purposes of this subsection, shall mean the first installment of compensation or benefits to be paid by the carrier under subsection (2) or pursuant to a petition of benefits under s. 440.192(8).*

(11)(a) *When a claimant is not represented by counsel,* upon joint petition of all interested parties~~,~~ a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation expenses and any other benefits provided under this chapter, shall be allowed at any time in any case in which the employer or carrier has filed a written notice of denial within 120 days after the *employer receives notice* ~~date~~ of the injury, and the judge of compensation claims at a hearing to consider the settlement proposal finds a justiciable controversy as to legal or medical compensability of the claimed injury or the alleged accident. The employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement under this section unless expressly authorized elsewhere in this chapter. Upon the joint petition of all interested parties and after giving due consideration to the interests of all interested parties, the judge of compensation claims may enter a compensation order approving and authorizing the discharge of the liability of the employer for compensation and remedial treatment, care, and attendance, as well

as rehabilitation expenses, by the payment of a lump sum. Such a compensation order so entered upon joint petition of all interested parties is not subject to modification or review under s. 440.28. If the settlement proposal together with supporting evidence is not approved by the judge of compensation claims, it shall be considered void. Upon approval of a lump-sum settlement under this subsection, the judge of compensation claims shall send a report to the Chief Judge of the amount of the settlement and a statement of the nature of the controversy. The Chief Judge shall keep a record of all such reports filed by each judge of compensation claims and shall submit to the Legislature a summary of all such reports filed under this subsection annually by September 15.

(b) *When a claimant is not represented by counsel*, upon joint petition of all interested parties~~,~~ a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation and rehabilitation expenses, and any other benefits provided under this chapter, may be allowed at any time in any case after the injured employee has attained maximum medical improvement. An employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement, unless expressly authorized elsewhere in this chapter. A compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. However, a judge of compensation claims is not required to approve any award for lump-sum payment when it is determined by the judge of compensation claims that the payment being made is in excess of the value of benefits the claimant would be entitled to under this chapter. The judge of compensation claims shall make or cause to be made such investigations as she or he considers necessary, in each case in which the parties have stipulated that a proposed final settlement of liability of the employer for compensation shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation and, in her or his discretion, may have an investigation made by the Rehabilitation Section of the Division of Workers' Compensation. The joint petition and the report of any investigation so made will be deemed a part of the proceeding. An employer shall have the right to appear at any hearing pursuant to this subsection which relates to the discharge of such employer's liability and to present testimony at such hearing. The carrier shall provide reasonable notice to the employer of the time and date of any such hearing and inform the employer of her or his rights to appear and testify. ~~When the claimant is represented by counsel or when the claimant and carrier or employer are represented by counsel, final approval of the lump-sum settlement agreement, as provided for in a joint petition and stipulation, shall be approved by entry of an order within 7 days after the filing of such joint petition and stipulation without a hearing, unless the judge of compensation claims determines, in her or his discretion, that additional testimony is needed before such settlement can be approved or disapproved and so notifies the parties.~~ The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health and Human Services. The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be disregarded. As a condition of approving a lump-sum payment to a surviving spouse, the judge of compensation claims, in the judge of compensation claims' discretion, may require security which will ensure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with s. 440.25.

(c) Notwithstanding s. 440.21(2), when a claimant is represented by counsel, the claimant may waive all rights to all benefits under this chapter by entering into a settlement agreement releasing the employer and the carrier from liability for workers' compensation benefits in exchange for a lump-sum payment to the claimant. The settlement agreement requires approval by the judge of compensation claims only as to the attorney's fees paid to the claimant's attorney by the claimant. The judge of compensation claims shall not approve settlement proposals, including any stipulations or agreements between the parties or between a claimant and his or her attorney related to the settlement proposal, which provide for an attorney's fee in excess of the amount permitted in s. 440.34. The parties need not submit any information or documentation in support of the settlement, except as needed to justify the amount of the attorney's fees. Neither the employer nor the carrier is responsible for any attorney's fees relating to the settlement and release of claims under this section. Payment of the lump-sum settlement amount must be made within 14 days after the date the judge of compensation claims mails the order approving the attorney's fees. Any order entered by a judge of compensation claims approving the attorney's fees as set out in the settlement under this subsection is not considered to be an award and is not subject to modification or review. The judge of compensation claims shall report these settlements to the chief judge in accordance with the requirements set forth in s. 440.11(a) and (b). Settlements entered into under this subsection are valid and apply to all dates of accident.

(d) With respect to any lump-sum settlement under this subsection, a judge of compensation claims must consider whether the settlement provides for appropriate recovery of any child-support arrearage. Neither the employer nor the carrier has a duty to investigate or collect information regarding child-support arrearages.

(e)~~(c)~~ This section applies to all claims that the parties have not previously settled, regardless of the date of accident.

Section 16. Subsections (1), (2), (3), and (4) of section 440.25, Florida Statutes, are amended to read:

440.25 Procedures for mediation and hearings.—

(1) Within *90* ~~21~~ days after a petition for benefits is filed under s. 440.192, a mediation conference concerning such petition shall be held. Within *40* ~~7~~ days after such petition is filed, the judge of compensation claims shall notify the interested parties *by order* that a mediation conference concerning such petition will be held *unless the parties have notified the Office of the Judges of Compensation Claims that a mediation has been held*. Such *order must* ~~notice shall~~ give the date *by which*~~, time, and location of~~ the mediation conference *must be held*. Such *order* ~~notice~~ may be served personally upon the interested parties or may be sent to the interested parties by mail. *Continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control. Any order granting a continuance must set forth the date of the rescheduled mediation conference. A mediation conference may not be used solely for the purpose of mediating attorney's fees.*

(2) Any party who participates in a mediation conference shall not be precluded from requesting a hearing following the mediation conference should both parties not agree to be bound by the results of the mediation conference. A mediation conference is required to be held unless this requirement is waived by the Chief Judge. No later than 3 days prior to the mediation conference, all parties must submit any applicable motions, including, but not limited to, a motion to waive the mediation conference, to the judge of compensation claims.

(3)*(a)* Such mediation conference shall be conducted informally and *shall* ~~does~~ not require the use of formal rules of evidence or procedure. Any information from the files, reports, case summaries, mediator's notes, or other communications or materials, oral or written, relating to a mediation conference under this section obtained by any person performing mediation duties is privileged and confidential and may not be disclosed without the written consent of all parties to the conference. Any research or evaluation effort directed at assessing the mediation program activities or performance must protect the confidentiality of such information. Each party to a mediation conference has a privilege during and after the conference to refuse to disclose and to prevent another from disclosing communications made during the conference whether or not the contested issues are successfully resolved. This subsection and paragraphs (4)(a) and (b) shall not be construed to prevent or inhibit the discovery or admissibility of any information that is otherwise subject to discovery or that is admissible under applicable law or rule of procedure, except that any conduct or statements made during a mediation conference or in negotiations concerning the conference are inadmissible in any proceeding under this chapter.

(b)1. Unless the parties conduct a private mediation under subparagraph 2., mediation shall be conducted by a mediator selected by the Deputy Chief Judge from among mediators ~~The Chief Judge shall select a mediator. The mediator shall be~~ employed on a full-time basis by the Office of the Judges of Compensation Claims. A mediator must be a member of The Florida Bar for at least 5 years and must complete a

mediation training program approved by the Chief Judge. Adjunct mediators may be employed by the Office of the Judges of Compensation Claims on an as-needed basis and shall be selected from a list prepared by the Chief Judge. An adjunct mediator must be independent of all parties participating in the mediation conference. An adjunct mediator must be a member of The Florida Bar for at least 5 years and must complete a mediation training program approved by the Chief Judge. An adjunct mediator shall have access to the office, equipment, and supplies of the judge of compensation claims in each district.

2. In the event the parties agree or in the event no mediators under subparagraph 1. are available to conduct the required mediation within the period specified in this section, the parties shall hold a mediation conference at the carrier's expense within the 90-day period set for mediation. The mediation conference shall be conducted by a mediator who is a member in good standing of The Florida Bar with at least 5 years' of Florida practice and is certified under s. 44.106. If the parties do not agree upon a mediator within 10 days after the date of the order, the claimant shall notify the judge in writing and the judge shall appoint a mediator under this subparagraph within 7 days. In the event both parties agree, the results of the mediation conference shall be binding and neither party shall have a right to appeal the results. In the event either party refuses to agree to the results of the mediation conference, the results of the mediation conference as well as the testimony, witnesses, and evidence presented at the conference shall not be admissible at any subsequent proceeding on the claim. The mediator shall not be called in to testify or give deposition to resolve any claim for any hearing before the judge of compensation claims. The employer may be represented by an attorney at the mediation conference if the employee is also represented by an attorney at the mediation conference.

(c) The parties shall make a good-faith effort to complete the pretrial stipulations before the conclusion of the mediation conference if the claims, except for attorney's fees and costs, have not been settled and if any claims in any filed petition remain unresolved. The judge of compensation claims may sanction a party or both parties for failure to complete the pretrial stipulations before the conclusion of the mediation conference.

(4)(a) If *the parties fail to submit written pretrial stipulations at the mediation conference,* ~~on the 10th day following commencement of mediation, the questions in dispute have not been resolved,~~ the judge of compensation claims shall *order a pretrial hearing to occur within 14 days after the date of mediation ordered by the judge of compensation claims* ~~hold a pretrial hearing~~. The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the pretrial hearing by mail. At the pretrial hearing, the judge of compensation claims shall, subject to paragraph (b), set a date for the final hearing that allows the parties at least 30 days to conduct discovery unless the parties consent to an earlier hearing date.

(b) The final hearing must be held and concluded within *90* ~~45~~ days after the *mediation conference is held* ~~pretrial hearing~~. Continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control. *The written consent of the claimant must be obtained before any request is granted for an additional continuance after the initial continuance is granted. Any order granting a continuance must set forth the date and time of the rescheduled hearing. Continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuances arises from circumstances beyond the party's control. If a judge of compensation claims grants two or more continuances to a requesting party, the judge of compensation claims shall report such continuances to the Deputy Chief Judge.*

(c) The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the final hearing, served upon the interested parties by mail.

(d) The *final* hearing shall be held *within 210 days after receipt of the petition for benefits* in the county where the injury occurred, if the injury occurred in this state, unless otherwise agreed to between the parties and authorized by the judge of compensation claims in the county where the injury occurred. If the injury occurred *outside* ~~without~~ the state and is one for which compensation is payable under this chapter, then the *final* hearing ~~above referred to~~ may be held in the county of the employer's residence or place of business, or in any other county of the state *that* ~~which~~ will, in the discretion of the Chief Judge, be the most convenient for a hearing. The *final* hearing shall be conducted by a judge of compensation claims, who shall, within *30* ~~14~~ days after final hearing *or closure of the hearing record,* unless otherwise agreed by the parties, *enter a final order on the merits of the disputed issues* ~~determine the dispute in a summary manner~~. *The judge of compensation claims may enter an abbreviated final order in cases when compensability is not disputed. Either party may request separate findings of fact and conclusions of law.* At *the final* ~~such~~ hearing, the claimant and employer may each present evidence in respect of *the claims presented by the petition for benefits* ~~such claim~~ and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing, the provisions of s. 440.13 shall apply. The report or testimony of the expert medical advisor shall be made a part of the record of the proceeding and shall be given the same consideration by the judge of compensation claims as is accorded other medical evidence submitted in the proceeding; and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13. No judge of compensation claims may make a finding of a degree of permanent impairment that is greater than the greatest permanent impairment rating given the claimant by any examining or treating physician, except upon stipulation of the parties.

(e) The order making an award or rejecting the claim, referred to in this chapter as a "compensation order," shall set forth the findings of ultimate facts and the mandate; and the order need not include any other reason or justification for such mandate. The compensation order shall be filed in the office of the division at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the date of mailing noted thereon.

(f) Each judge of compensation claims is required to submit a special report to the Chief Judge in each contested workers' compensation case in which the case is not determined within 14 days of final hearing. Said form shall be provided by the Chief Judge and shall contain the names of the judge of compensation claims and of the attorneys involved and a brief explanation by the judge of compensation claims as to the reason for such a delay in issuing a final order. The Chief Judge shall compile these special reports into an annual public report to the Governor, the Secretary of Labor and Employment Security, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.

~~(g) Judges of compensation claims shall adopt and enforce uniform local rules for workers' compensation.~~

(g)~~(h)~~ Notwithstanding any other provision of this section, the judge of compensation claims may require the appearance of the parties and counsel before her or him without written notice for an emergency conference where there is a bona fide emergency involving the health, safety, or welfare of an employee. An emergency conference under this section may result in the entry of an order or the rendering of an adjudication by the judge of compensation claims.

(h)~~(i)~~ To expedite dispute resolution and to enhance the self-executing features of the Workers' Compensation Law, the Chief Judge shall make provision by rule or order for the resolution of appropriate motions by judges of compensation claims without oral hearing upon submission of brief written statements in support and opposition, and for expedited discovery and docketing. *Unless the judge of compensation claims orders a hearing under paragraph (i), claims related to the determination of pay under s. 440.14 shall be resolved under this paragraph.*

(i)~~(j)~~ To further expedite dispute resolution and to enhance the self-executing features of the system, those petitions filed in accordance with s. 440.192 that involve a claim for benefits of $5,000 or less shall, in the absence of compelling evidence to the contrary, be presumed to be appropriate for expedited resolution under this paragraph; and any other claim filed in accordance with s. 440.192, upon the written agreement of both parties and application by either party, may similarly be resolved under this paragraph. *Claims for medical-only benefits of $5,000, or less, or medical mileage reimbursement shall, in the absence of compelling evidence to the contrary, be resolved through the expedited dispute resolution process under this paragraph.* For purposes of expedited resolution pursuant to this paragraph, the Chief Judge shall make provision by rule or order for expedited and limited discovery and expedited docketing in such cases. At least 15 days prior to hearing, the parties shall

exchange and file with the judge of compensation claims a pretrial outline of all issues, defenses, and witnesses on a form promulgated by the Chief Judge; provided, in no event shall such hearing be held without 15 days' written notice to all parties. No pretrial hearing shall be held. The judge of compensation claims shall limit all argument and presentation of evidence at the hearing to a maximum of 30 minutes, and such hearings shall not exceed 30 minutes in length. Neither party shall be required to be represented by counsel. The employer or carrier may be represented by an adjuster or other qualified representative. The employer or carrier and any witness may appear at such hearing by telephone. The rules of evidence shall be liberally construed in favor of allowing introduction of evidence.

(j) A judge of compensation claims, either upon the motion of a party or its own motion, may dismiss a petition for lack of prosecution if no petitions, responses, motions, orders, requests for hearings, or notices of deposition have been filed for a period of 12 months, unless good cause is shown. Dismissals for lack of prosecution are without prejudice and do not require a hearing.

(k) A judge of compensation claims may not award interest on unpaid medical bills, nor may the amount of such bills be used to calculate the amount of interest awarded.

Regardless of the date benefits were initially requested, attorney's fees do not attach under this subsection until 30 days from the date the carrier or employer, if self-insured, receives the petition.

Section 17. Subsection (4) of section 440.29, Florida Statutes, is amended to read:

440.29 Procedure before the judge of compensation claims.—

(4) All medical reports of authorized treating health care providers *or independent medical examiners whose medical opinion is submitted under s. 440.13(5)(e)* relating to the claimant and subject accident shall be received into evidence by the judge of compensation claims upon proper motion. However, such records must be served on the opposing party at least 30 days before the final hearing. This section does not limit any right of further discovery, including, but not limited to, depositions.

Section 18. Subsections (1) and (3) of section 440.34, Florida Statutes, are amended to read:

440.34 Attorney's fees; costs.—

(1) A fee, gratuity, or other consideration may not be paid for services rendered for a claimant in connection with any proceedings arising under this chapter, unless approved as reasonable by the judge of compensation claims or court having jurisdiction over such proceedings. Except as provided by this subsection, any attorney's fee approved by a judge of compensation claims for services rendered to a claimant must equal to *25* ~~20~~ percent of the first $5,000 of the amount of the benefits secured, *20* ~~15~~ percent of the next $5,000 of the amount of the benefits secured, *15* ~~10~~ percent of the remaining amount of the benefits secured to be provided during the first 10 years after the date the claim is filed, and *10* ~~5~~ percent of the benefits secured after 10 years.

(a) However, the judge of compensation claims ~~shall consider the following factors in each case and~~ may *approve an* ~~increase or decrease the~~ attorney's fee *of up to $2,500, based on a reasonable hourly rate, except in those cases set forth in s. 440.34(3)(c),* if~~, in her or his judgment,~~ the *judge of compensation claims expressly finds that the attorney's fees based on benefits secured fails to fairly compensate the attorney and that the* circumstances of the particular case warrant such action. *Such fees shall be allowed for any petition for benefits that were ripe, due, and owing and should have been raised in such petition under this paragraph. Any fees are waived on any other benefits which were not raised and which were ripe, due, and owing at the time the issues are resolved.*

(b) The judge of compensation claims shall not approve a compensation order, a joint stipulation for lump-sum settlement, a stipulation or agreement between a claimant and his or her attorney, or any other agreement related to benefits under this chapter which provides for an attorney's fee in excess of the amount permitted by this section.~~:~~

~~(a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly.~~

~~(b) The fee customarily charged in the locality for similar legal services.~~

~~(c) The amount involved in the controversy and the benefits resulting to the claimant.~~

~~(d) The time limitation imposed by the claimant or the circumstances.~~

~~(e) The experience, reputation, and ability of the lawyer or lawyers performing services.~~

~~(f) The contingency or certainty of a fee.~~

(3) If the claimant should prevail in any proceedings before a judge of compensation claims or court, there shall be taxed against the employer the reasonable costs of such proceedings, not to include the attorney's fees of the claimant. A claimant shall be responsible for the payment of her or his own attorney's fees, except that a claimant shall be entitled to recover a reasonable attorney's fee from a carrier or employer:

(a) Against whom she or he successfully asserts a *petition* ~~claim~~ for medical benefits only, if the claimant has not filed or is not entitled to file at such time a claim for disability, permanent impairment, wage-loss, or death benefits, arising out of the same accident; or

(b) In any case in which the employer or carrier files a *response to petition denying benefits* ~~notice of denial~~ with the *office of the Judges of Compensation Claims* ~~division~~ and the injured person has employed an attorney in the successful prosecution of the *petition* ~~claim~~; or

(c) In a proceeding in which a carrier or employer denies that an injury occurred for which compensation benefits are payable, and the claimant prevails on the issue of compensability; or

(d) In cases where the claimant successfully prevails in proceedings filed under s. 440.24 or s. 440.28.

Regardless of the date benefits were initially requested, attorney's fees may not attach under this subsection until 30 days from the date the carrier or employer, if self-insured, receives the petition and denies benefits.

~~In applying the factors set forth in subsection (1) to cases arising under paragraphs (a), (b), (c), and (d), the judge of compensation claims must only consider only such benefits and the time reasonably spent in obtaining them as were secured for the claimant within the scope of paragraphs (a), (b), (c), and (d).~~

Section 19. Section 440.345, Florida Statutes, is amended to read:

440.345 Reporting of attorney's fees.—All fees paid to attorneys for services rendered under this chapter shall be reported to the *Office of the Judges of Compensation Claims* ~~division~~ as the *Office of the Judges of Compensation Claims* ~~division~~ requires by rule. The *Office of the Judges of Compensation Claims* ~~division~~ shall annually summarize such data in a report to the *President of the Senate, the Speaker of the House of Representatives, and the Governor* ~~Workers' Compensation Oversight Board~~.

Section 20. Subsection (8) is added to section 440.39, Florida Statutes, to read:

440.39 Compensation for injuries when third persons are liable.—

(8) This section does not impose on the carrier a duty to preserve evidence pertaining to the industrial accident or to injuries arising therefrom.

Section 21. Section 627.0915, Florida Statutes, is amended to read:

627.0915 Rate filings; workers' compensation, drug-free workplace, and safe employers.—The Department of Insurance shall approve rating plans for workers' compensation insurance that give specific identifiable consideration in the setting of rates to employers that either implement a drug-free workplace program pursuant to rules adopted by the Division of Workers' Compensation of the Department of Labor and Employment Security or implement a safety program *pursuant to provisions of the rating plan* ~~approved by the Division of Safety pursuant to rules adopted by the Division of Safety of the Department of Labor and Employment Security~~ or implement both a drug-free workplace program

and a safety program. ~~The Division of Safety may by rule require that the client of a help supply services company comply with the essential requirements of a workplace safety program as a condition for receiving a premium credit. The plans must take effect January 1, 1994, must be actuarially sound, and must state the savings anticipated to result from such drug-testing and safety programs.~~

Section 22. *The amendments to sections 440.02 and 440.15, Florida Statutes, in this act shall not be construed to affect any determination of disability under section 112.18, section 112.181, or section 112.19, Florida Statutes.*

Section 23. Subsection (4) is added to section 627.412, Florida Statutes, to read:

627.412 Standard provisions, in general.—

(4) Notwithstanding any other law, a public entity or agency may purchase a consolidated insurance program for the purpose of providing coverage for workers' compensation, employer's liability, general liability, builder's risk, or pollution liability to the public entity or agency or to a contractor or subcontractor for a public construction project.

Section 24. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 25. *Subsection (3) of section 440.45, Florida Statutes, is repealed.*

Section 26. *Effective October 1, 2001, section 440.4416, Florida Statutes, is repealed.*

Section 27. Except as otherwise expressly provided in this act, this act shall take effect January 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions of terms used in chapter 440, F.S.; amending s. 440.05, F.S.; revising exemptions from the requirement for employers to obtain workers' compensation coverage; specifying who may be exempt and the conditions for an exemption; specifying the effect of an exemption; requiring businesses, sole proprietors, and partners to maintain certain records; amending s. 440.06, F.S.; requiring employers to secure workers' compensation coverage; amending s. 440.09, F.S.; requiring compensation for accidental compensable injuries; amending s. 440.10, F.S.; revising references to persons who are exempt from coverage to conform; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.107, F.S.; authorizing the Division of Workers' Compensation to issue stop-work orders in certain circumstances; amending s. 440.13, F.S.; specifying the value of nonprofessional attendant care provided by a family member that is reimbursable; requiring the carrier to give the employee the opportunity to change physicians under certain circumstances and limitations; revising the effect of an independent medical examination; limiting the admissibility of certain medical opinions; revising the limitation on medical fees; amending s. 440.134, F.S.; revising the definitions applied to workers' compensation managed care arrangements; eliminating provisions mandating the use of such arrangements; revising the procedures governing grievances related to such arrangements; amending s. 440.14, F.S.; revising the computation of the average weekly wage of an employee for the purposes of determining benefits; amending s. 440.15, F.S.; revising the criteria for permanent total disability; revising the compensation rate for impairment income benefits; amending s. 440.185, F.S.; specifying the information that must be included in a report of injury; amending s. 440.191, F.S.; requiring the Employee Assistance and Ombudsman Office to initiate contact with an injured employee to discuss rights and responsibilities; revising other duties of the office; amending s. 440.192, F.S.; revising the procedures for resolving benefit disputes and filing petitions for benefits; specifying the information that must be included in a petition for benefits; amending s. 440.20, F.S.; specifying time for payment of compensation; prescribing the criteria for determining when a lump-sum settlement may be entered; specifying the effect of a lump-sum settlement; amending s. 440.25, F.S.; revising the procedures governing mediation and the hearing of claims; amending s. 440.29, F.S.; requiring opinions of independent medical examiners to be received into evidence under certain conditions; amending s. 440.34, F.S.; revising the limit on the amount of attorney's fees that may be approved by a judge of compensation claims and eliminating factors that the judge must consider; applying such limits to any agreement related to benefits under chapter 440, F.S.; amending s. 440.345, F.S.; requiring the reporting of attorney's fees to the Office of the Judges of Compensation Claims and requiring the Office of the Judges of Compensation Claims to report such data to the Legislature and Governor; amending s. 440.39, F.S.; providing that the section does not impose a duty on the employer to preserve evidence; amending s. 627.0915, F.S.; providing for a safety program discount; amending s. 627.412, F.S.; providing that a public entity or agency may purchase a consolidated insurance program for public construction projects; repealing s. 440.4416, F.S., which creates the Workers' Compensation Oversight Board; repealing s. 440.45(3), F.S.; eliminating the requirement that the Chief Judge select judges to rotate as docketing judges; providing for severability; providing effective dates.

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

Amendment 1A (780742)(with title amendment)—On page 10, line 12 through page 13, line 8, delete those lines and insert:

Section 2. Subsections (10), (11), (12), (13), (14), and (15) are added to section 440.14, Florida Statutes, to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(10) Any person who is exempted from this chapter under this section who secures, or whose employer secures for him or her, workers' compensation insurance coverage is considered to have waived the right to such an exemption and is subject to the provisions of this chapter.

(11) Every enterprise conducting business in this state shall maintain business records as specified by the division by rule, which rules must include the provision that any corporation with exempt officers and any partnership with exempt partners must maintain written statements of those exempted persons affirmatively acknowledging each such individual's exempt status.

(12) Any sole proprietor or partner claiming an exemption under this section shall maintain a copy of his or her federal income tax records for each of the immediately previous 3 years in which he or she claims an exemption. Such federal income tax records must include a complete copy of the following for each year in which an exemption is claimed:

(a) For sole proprietors, a copy of Federal Income Tax Form 1040 and its accompanying Schedule C;

(b) For partners, a copy of the partner's Federal Income Tax Schedule K-1 (Form 1065) and Federal Income Tax Form 1040 and its accompanying Schedule E. The sole proprietor or partner in question shall produce, upon request by the division, a copy of those documents together with a statement by the sole proprietor that the tax records provided are true and accurate copies of what the sole proprietor or partner has filed with the federal Internal Revenue Service. The statement must be signed under oath by the sole proprietor or partner in question and must be notarized. The division shall issue a stop-work order under s. 440.107(5) to any sole proprietor or partner who fails or refuses to produce a copy of the tax records and affidavit required under this paragraph to the division within 3 business days after that request and who has failed to otherwise secure insurance for the provision of workers' compensation benefits for himself or herself if required under this chapter to do so.

(13) Any corporate officer claiming an exemption under this section must be listed on the records of this state's Secretary of State, Division of Corporations, as a corporate officer. If the person who claims exemption as a corporate officer is not so listed on the records of the Secretary of State, the individual must provide to the division, upon request by the division, a notarized affidavit stating that the individual is a bona fide officer of the corporation and stating the date his or her appointment or election as a corporate officer became or will become effective. The statement must be signed under oath by both the officer in question and the president or chief operating officer of the corporation and must be notarized. The division shall issue a stop-work order under s. 440.107(1) to any person who claims to be exempt as a corporate officer but who fails

or refuses to produce the documents required under this subsection to the division within 3 business days after the request is made and who has failed to otherwise secure the insurance of workers' compensation benefits for himself or herself if required under this chapter to do so.

(14) A sole proprietor, partner, or corporate officer of a business entity that has not been in operation long enough to have filed with the Internal Revenue Service, or to have been required by the Internal Revenue Service to file, its first annual federal income tax return is not eligible for exemption from this chapter.

(15) Exemptions pertain only to the person claiming exemption and only for the entity that is the subject of the federal income tax reports filed by the person claiming the exemption. A separate exemption is required for every proprietorship, partnership, or corporation from which an individual receives any remuneration for labor, services, or products provided.

And the title is amended as follows:

On page 62, lines 6-12, delete those lines and insert: 440.05, F.S.; revising exemptions from the requirement for employers to obtain workers' compensation coverage; specifying who may be exempt and the conditions for an exemption; specifying the effect of an exemption; requiring businesses, sole proprietors, and partners to maintain certain records; amending s. 440.06, F.S.; requiring employers to secure workers' compensation coverage; amending

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

Amendment 1B (572758)—On page 32, delete line 3 and insert: security benefits under 42 U.S.C. ss. 402 and 423,

Senator Wasserman Schultz moved the following amendment to **Amendment 1** which failed:

Amendment 1C (955728)—On page 47, lines 29-31, delete those lines and insert:

(d) With respect to any lump-sum settlement or any other benefits under this chapter to be approved at the time of settlement, a judge of compensation claims must consider whether the settlement or any other benefits provides for appropriate recovery of

Senator Silver moved the following amendment to **Amendment 1** which failed:

Amendment 1D (641680)—On page 57, line 22 through page 58, line 1, delete those lines and insert: *on a reasonable hourly rate, in those cases set forth in s. 440.34(3)(a) and (b),* if~~, in her or his judgment,~~ the *judge of compensation claims expressly finds that the attorney's fees based on benefits secured fails to fairly compensate the attorney and that the* circumstances of the particular case warrant such action. *Such fees shall be allowed for any petition for benefits that were ripe, due, and owing and should have been raised in such petition under this paragraph. Any fees are waived on any other benefits which were not raised and which were ripe, due, and owing at the time the issues are resolved. In those cases set forth in s. 440.34(3)(c), the judge of compensation claims may approve an attorney's fee, based on a reasonable hourly rate, if the judge of compensation claims expressly finds that the attorney's fee, based on benefits secured, fails to fairly compensate the attorney and that the circumstances of the particular case warrant such action.*

Senator Holzendorf moved the following amendment to **Amendment 1**:

Amendment 1E (110260)(with title amendment)—On page 1, line 17 through page 18, line 25, delete those lines and insert:

Section 1. *Paragraph (f) of subsection (37) of section 440.02, Florida Statutes, is repealed.*

Section 2. *Limitation on construction industry business activities; penalties.—*

(1) Notwithstanding any other provision of chapter 440, Florida Statutes, with respect to persons and entities actively engaged in the construction industry, a corporation, partnership, sole proprietorship, or independent contractor that fails to maintain coverage or is otherwise without coverage required by chapter 440, Florida Statutes, may not enter into a contract, subcontract, or other business relationship, for the purposes of construction, with another corporation, partnership, sole proprietorship, or independent contractor.

(2) Any sole proprietor or partner of a business actively engaged in the construction industry who violates subsection (1) shall immediately forfeit any election of exclusion or election of exemption available under chapter 440, Florida Statutes, and may not elect or receive an exclusion or exemption from the requirements of chapter 440, Florida Statutes, for a period of 5 years following the date of the violation.

(3) Any corporate officer of a corporation actively engaged in the construction industry who violates subsection (1) shall immediately forfeit any election of exclusion or election of exemption available under chapter 440, Florida Statutes, and may not elect or receive an exclusion or exemption from the requirements of chapter 440, Florida Statutes, for a period of 5 years following the date of the violation.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 62, lines 2-24, delete those lines and insert: An act relating to insurance; repealing s. 440.02(37)(f), F.S., relating to the definition of the term "catastrophic injury"; prohibiting a corporation or other business entity that fails to maintain coverage under ch. 440, F.S., from entering into a construction contract; amending s. 440.13,

Senator Latvala moved the following substitute amendment for **Amendment 1E** which was adopted:

Amendment 1F (754484)—On page 2, lines 13-31, delete those lines and insert:

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing written notice of the election with the division as provided in s. 440.05.

2. *Effective January 1, 2002,* as to officers of a corporation who are actively engaged in the construction industry, no more than *two* ~~three~~ officers *of such corporation or of any group of affiliated corporations* may elect to be exempt from this chapter by filing written notice of the election with the division as provided in s. 440.05, *however;*

a. Such election is valid only with respect to an officer who is the president, vice president, secretary, or treasurer of the corporation.

b. Such election is valid only with respect to an officer who owns not less than 10 percent of the stock of the corporation.

3. An officer of a corporation who elects to be exempt from this chapter by filing a written notice of the election with the division as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns. *The term "affiliated" means and includes one or more corporations or entities, any one of which is a corporation actively engaged in the construction industry, under the same or substantially the same control of a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliated" includes the officers, directors, executives, shareholders active in management, employees, and agents of the affiliated corporation. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business entity is affiliated with another.*

Senator Holzendorf moved the following amendment to **Amendment 1**:

Amendment 1G (095748)(with title amendment)—On page 61, between lines 14 and 15, insert:

Section 24. *The board of governors of the joint underwriting plan authorized under section 627.311(4), Florida Statutes, shall conduct a*

study of the exemptions granted to the construction industry under chapter 440, Florida Statutes. The study must contain an examination of the ramifications of such exemptions on the construction industry and on the entire Florida workers' compensation system, including the potential impact of requiring all persons actively engaged in the construction industry who elect to be excluded from the definition of "employee" as provided in section 440.02, Florida Statutes, to obtain a minimum premium or an "if any" workers' compensation insurance policy. The study must also examine the cost and availability of such insurance coverage and make recommendations regarding insurance coverage for persons who currently elect to be excluded from chapter 440, Florida Statutes. The board of governors shall submit a written report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2002. The sum of $250,000 is transferred to the joint underwriting plan from the Workers' Compensation Administrative Trust Fund for the purpose of funding the costs association with this study.

Section 25. *Effective January 1, 2004, all persons actively engaged in the construction industry shall secure the payment of compensation under chapter 440, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 64, line 24, after the semicolon (;) insert: requiring a study of the exemptions granted to the construction industry under ch. 440, F.S.; requiring a report to the Legislature; providing for a transfer of funds to pay the costs of the study; requiring persons engaged in the construction industry to secure workers' compensation insurance by a specified date;

Senator Latvala moved the following substitute amendment for **Amendment 1G** which was adopted:

Amendment 1H (865282)(with title amendment)—On page 13, line 21 through page 14, line 29, delete those lines and insert:

Section 4. Subsection (1) of section 440.09, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

440.09 Coverage.—

(1) The employer shall pay compensation or furnish benefits required by this chapter if the employee suffers an accidental *compensable* injury or death arising out of work performed in the course and the scope of employment. The injury, its occupational cause, and any resulting manifestations or disability shall be established to a reasonable degree of medical certainty and by objective medical findings. Mental or nervous injuries occurring as a manifestation of an injury compensable under this section shall be demonstrated by clear and convincing evidence.

(a) This chapter does not require any compensation or benefits for any subsequent injury the employee suffers as a result of an original injury arising out of and in the course of employment unless the original injury is the major contributing cause of the subsequent injury.

(b) If an injury arising out of and in the course of employment combines with a preexisting disease or condition to cause or prolong disability or need for treatment, the employer must pay compensation or benefits required by this chapter only to the extent that the injury arising out of and in the course of employment is and remains the major contributing cause of the disability or need for treatment.

(c) Death resulting from an operation by a surgeon furnished by the employer for the cure of hernia as required in s. 440.15(6) shall for the purpose of this chapter be considered to be a death resulting from the accident causing the hernia.

(d) If an accident happens while the employee is employed elsewhere than in this state, which would entitle the employee or his or her dependents to compensation if it had happened in this state, the employee or his or her dependents are entitled to compensation if the contract of employment was made in this state, or the employment was principally localized in this state. However, if an employee receives compensation or damages under the laws of any other state, the total compensation for the injury may not be greater than is provided in this chapter.

(9) Notwithstanding any other provision of this chapter, effective January 1, 2004, any partnership, corporation, or sole proprietor, regardless of the number of employees, actively engaged in the construction industry shall secure and maintain workers' compensation insurance coverage at all times.

And the title is amended as follows:

On page 62, line 16, after the semicolon (;) insert: requiring partnerships, corporations, or sole proprietors in the construction industry to maintain workers' compensation insurance;

Senator Campbell moved the following amendments to **Amendment 1** which were adopted:

Amendment 1I (533840)—On page 24, line 7, after the period (.) insert: *In cases involving occupational disease or repetitive trauma, no medical opinions are admissible unless based on reliable scientific principles sufficiently established to have gained general acceptance in the pertinent area of specialty.*

Amendment 1J (741820)—On page 14, line 2, after the period (.) insert: *In cases involving occupational disease or repetitive exposure, both causation and sufficient exposure to support causation shall be proven by the preponderance of evidence.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1927** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

HB 1737—A bill to be entitled An act relating to growth management; amending s. 163.3184, F.S.; clarifying language; providing for compilation and transmittal by a local government of a list of persons who will receive an informational statement concerning the state land planning agency's notice of intent to find a comprehensive plan or plan amendment in compliance or not in compliance; providing for rules; revising requirements relating to publication by the agency of its notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; correcting a reference; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (804456)(with title amendment)—On page 8, between lines 8 and 9, insert:

Section 3. Subsection (2) of section 163.356, Florida Statutes, is amended to read:

163.356 Creation of community redevelopment agency.—

(2) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than seven commissioners. *However, the governing body of a municipality with a population of more than 100,000 and an area of more than 100 square miles may appoint a board of commissioners of up to nine members.* The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, following the second semicolon (;) insert: amending s. 163.356, F.S.; revising the number of members on community redevelopment boards in certain municipalities;

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 2 (311554)(with title amendment)—On page 8, between lines 8 and 9, insert:

Section 3. Subsection (9) of section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable communities demonstration project.—

(9) This section shall stand repealed on June 30, *2002* ~~2001~~, and shall be reviewed by the Legislature prior to that date.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the second semicolon (;) insert: amending s. 163.3244, F.S.; postponing the repeal of that section;

Senator Pruitt moved the following amendment which was adopted:

Amendment 3 (973780)(with title amendment)—On page 8, between lines 8 and 9, insert:

Section 3. Subsection (6) is added to section 163.3202, Florida Statutes, to read:

163.3202 Land development regulations.—

(6)(a) The Legislature finds that electric utilities have a statutory duty pursuant to this chapter to provide reasonably sufficient, adequate, and efficient service. The Legislature further finds that electric substations are an indispensable component of the grid system by which electric utilities deliver reliable electric service to all public and private persons as required by law. The Legislature further finds that electric utility substations are essential services for the public health, safety, and welfare and therefore are in the public interest.

(b) Nothing in this section shall prohibit a local government from adopting land development regulations which establish reasonable standards for setbacks, buffering, and landscaping and other such site conditions which ensure consistency with the local comprehensive plan for a substation that will be constructed or operated by an electric utility. Compliance with any such adopted standards creates a presumption that the substation is compatible with adjacent land uses and consistent with the local comprehensive plan.

(c) If an electric utility demonstrates by competent substantial evidence that it meets all criteria for approval of an application for a development permit for the location, construction, and operation of a substation, the local government may not deny the application unless the preponderance of the evidence applying a strict scrutiny standard of review demonstrates the application does not meet the requirements of the comprehensive plan or applicable land development regulations.

Section 4. Paragraph (b) of subsection (3) of section 380.04, Florida Statutes, is amended to read:

380.04 Definition of development.—

(3) The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section:

(b) Work by any utility and other persons engaged in the distribution or transmission of gas, *electricity*, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after "reference;" insert: amending s. 163.3202, F.S.; providing for the siting of substations; amending s. 380.04, F.S.; revising the definition of development;

Pursuant to Rule 4.19, **HB 1737** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

CS for SB 986—A bill to be entitled An act relating to the state university system; amending s. 240.2011, F.S.; adding to the State University System the New College in Sarasota; creating a fiscally autonomous campus of the University of South Florida in Sarasota; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (021836)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 240.3836, Florida Statutes, is amended to read:

240.3836 Site-determined baccalaureate degree access program; funding.—

(1) The Legislature recognizes that public and private postsecondary education institutions play essential roles in improving the quality of life and economic well-being of the state and its residents. The Legislature also recognizes that economic development needs and the educational needs of place-bound, nontraditional students have increased the demand for local access to baccalaureate degree programs. In some, but not all, geographic regions, baccalaureate degree programs are being delivered successfully at the local community college through agreements between the community college and 4-year postsecondary institutions within or outside of the state. It is therefore the intent of the Legislature to *further expand access to baccalaureate degree programs through the use of community colleges* ~~apply this concept in the creation and funding of a program that supports local economic development and responds to public demand for increased access to baccalaureate degrees in areas of the state that are underserved by 4-year institutions~~.

(2) *A community college may be authorized by the State Board of Education to offer a limited number of baccalaureate degrees designed to meet local workforce needs through one of the following processes:*

(a) A community college may enter into a formal agreement with the state university in its service area for the community college to deliver specified baccalaureate degree programs. The agreement must be submitted to the State Board of Education for approval. The college's proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.

2. Unmet need for graduates of the proposed degree program is substantiated.

3. The community college has the facilities and academic resources to deliver the program.

The proposal must be submitted to the Postsecondary Education Planning Commission for review and comment. Upon approval of the State Board of Education for the specific degree program or programs, the college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the college wishes to offer must be approved by the State Board of Education.

(b) A community college may develop a proposal to deliver specified baccalaureate degree programs in its district. The proposal must be submitted to the State Board of Education for approval. The college's proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.

2. Unmet need for graduates of the proposed degree program is substantiated.

3. The community college has the facilities and academic resources to deliver the program.

The proposal must be submitted to the Postsecondary Education Planning Commission for review and comment. Upon approval of the State Board of Education for the specific degree program or programs, the college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the college wishes to offer must be approved by the State Board of Education.

(3) A community college may not terminate its Associate-in-Arts or Associate-in-Science degree programs as a result of the authorization provided in subsection (2). The Legislature intends that the primary mission of a community college, including a college that offers baccalaureate-degree programs, continues to be the provision of associate degrees that provide access to a university.

~~(2) Categorical funding is authorized for the site-determined baccalaureate degree access program created by this section. Funds may not be used to support the construction, renovation, or remodeling of facilities. This program is voluntary and does not preclude other mutually agreed upon arrangements between community colleges and 4-year institutions for the delivery of baccalaureate degrees on community college sites.~~

~~(3) Each community college wishing to participate in the site-determined baccalaureate degree access program must:~~

~~(a) Identify baccalaureate degree programs that are not currently offered at the community college but are proposed for delivery at the college to meet the academic and economic development needs of one or more communities within the college's service area. When assessing local needs, the college should seek input from the appropriate chamber of commerce, workforce development council, and other civic and business groups. As used in this section, the term "economic development" means entrepreneurial efforts, the attraction of new business and industry to the area, and the expansion of existing business and industry.~~

~~(b) Determine the number of students interested in pursuing each proposed baccalaureate degree program and identify the enrollment patterns, any special characteristics of those students, and any unique combination or modification of course offerings that may be necessary to meet student enrollment needs.~~

~~(c) Submit a proposal to the Postsecondary Education Planning Commission requesting validation of the need for the proposed baccalaureate degree program and tentative approval for program funding. The proposal must include:~~

~~1. A description of each proposed baccalaureate degree program identifying the junior-level and senior-level courses to be offered and designating whether the program should be offered for a cohort group or as an ongoing degree program.~~

~~2. Evidence that local occupational forecasts support the existence of jobs for graduates of the proposed baccalaureate degree programs.~~

~~3. An estimated number of students to be served by each proposed degree program.~~

~~4. An assurance that the community college's existing facilities are sufficient to meet the additional demands for classroom and laboratory space for the proposed degree programs.~~

~~5. Evidence that the college has requested the participation of no fewer than three regionally accredited 4-year postsecondary institutions, including at least one member of the State University System. Any member of the State University System and any independent, regionally accredited, 4-year institution that is chartered in, and has its primary campus located in, Florida may be a partner in a site-determined baccalaureate degree access program at any community college.~~

~~6. A tentative agreement between the community college and the 4-year postsecondary institution selected to offer the upper-level courses leading to the proposed degree or degrees.~~

~~7. Any additional provisions that the Postsecondary Education Planning Commission considers pertinent to the proposal.~~

~~(4) The Postsecondary Education Planning Commission, after soliciting comments from the Board of Regents and the State Board of Community Colleges, shall validate the need for each baccalaureate degree program proposed for delivery according to this section and shall notify the community college that its proposal has been approved or rejected. The commission shall establish procedures for the timely submission, review, and approval of the proposals and agreements required by this section. These procedures must be designed to allow the initiation of approved baccalaureate degree programs at least 3 times each fiscal year.~~

~~(5) Once the Postsecondary Education Planning Commission validates the need for the proposed baccalaureate degree program and notifies the community college that its proposal has been approved, the community college shall finalize an agreement with the regionally accredited, public or nonpublic, 4-year postsecondary institution selected to provide the upper-level instructional services in the approved baccalaureate degree program. The commission shall identify the common aspects that each agreement must address, including, but not limited to:~~

~~(a) A course delivery pattern based on the student enrollment patterns and characteristics included in the approved proposal.~~

~~(b) An articulation provision that guarantees acceptance of students who hold an associate in arts or associate in science degree and satisfy any other prerequisites for admission to the specific baccalaureate degree program.~~

~~(c) The provision of library services and student support services.~~

~~(d) An agreement that the participating 4-year postsecondary institution will continue offering instructional services at least until all qualified members of the initial group of students have had an opportunity to complete the degree program.~~

~~(e) The specific and measurable performance criteria that the Postsecondary Education Planning Commission may use to evaluate the outcomes and outputs of the baccalaureate degree program within an identified timeframe.~~

~~(f) An agreement that in-state student tuition for the degree program will not exceed the matriculation fee for the State University System unless the proposal approved by the Postsecondary Education Planning Commission allows the participating institutions to charge differentiated tuition and fees to encourage student attendance and participation. Out-of-state students shall pay full costs. Notwithstanding s. 240.605, students participating in a site-determined baccalaureate degree program may not receive a Florida Resident Access Grant.~~

~~(6) Each participating community college must submit the agreement required by this section to the Postsecondary Education Planning Commission for review and final approval before initiating an approved site-determined baccalaureate degree access program. Subject to the availability of legislative appropriations specifically provided for this purpose, the Postsecondary Education Planning Commission must recommend to the Commissioner of Education the total funds to be released to each participating community college for the initiation of the approved site-determined baccalaureate degree access program. The community college shall distribute funds to the participating 4-year postsecondary institution at the rate specified in the approved agreement. The Postsecondary Education Planning Commission shall not recommend the release of funding for any program that is terminated before or after the evaluation required by this section. The total funds to be released for the initiation of an approved program shall be based on the number of fundable upper-level student credit hours for each term. Unless otherwise provided in an appropriations act, the funding per credit hour shall be an amount equal to the state funds, excluding student fees, appropriated to the State University System for each full-time equivalent student enrolled in upper-level course work. Student credit hours funded under this program may not be duplicated in any other calculation of state funding for the 4-year institution.~~

~~(7) The Postsecondary Education Planning Commission may require the participating community colleges and 4-year postsecondary institutions to submit information necessary to monitor the annual performance of the program. Within 90 days after the 2nd and 4th year of the site-determined baccalaureate degree access program, the commission shall submit to the chairs of the education and fiscal committees of the Legislature a progress report, including an evaluation of the funding~~

~~mechanism created by this section. The commission shall review each site-determined baccalaureate degree access program funded under this section to ascertain whether the performance measures specified in the agreement between the participating community college and the 4-year institution have been met. Each program must be reviewed 4 years after initiation unless a shorter timeframe is specified in the agreement. The performance measures must include the student graduation rate, the employment rate of program graduates both within and outside the community college service area, the continuing need to offer the specific baccalaureate degree program in the community college service area, and such other information as the Postsecondary Education Planning Commission may determine necessary for program and performance evaluation. Based on its evaluation, the commission shall either approve continuation of the program, require modifications prior to program approval, or recommend that the participating institutions terminate the program after all qualified members of the initial group of students have an opportunity to complete the degree program. The commission must submit to the Commissioner of Education for inclusion in the legislative budget a request for funding for approved site-determined baccalaureate degree access programs.~~

~~(8) If no accredited 4-year institution is willing to provide a baccalaureate degree program approved by the Postsecondary Education Planning Commission under this section, the community college board of trustees may ask the commission to evaluate the college's request to offer the degree program. If the commission is satisfied that the community college should offer the degree program, it shall recommend to the Legislature the enactment of statutory authority for the community college to offer that specific baccalaureate degree program.~~

Section 2. Effective July 1, 2001, subsection (5) of section 240.2011, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

240.2011 State University System defined.—The State University System shall consist of the following:

(5) The University of South Florida, with a main campus located in Hillsborough County *and two fiscally autonomous campuses, one in Pinellas County, named the University of South Florida St. Petersburg, and the other named the University of South Florida Sarasota/Manatee.*

(12) New College of Florida, located in Sarasota County, which is the 4-year residential liberal arts honors college of the state of Florida.

Section 3. Section 240.527, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 240.527, F.S., for present text.)

240.527 The University of South Florida St. Petersburg.—

(1) The St. Petersburg campus of the University of South Florida is established and shall be known as the "University of South Florida St. Petersburg."

(a) The Legislature intends that the University of South Florida St. Petersburg be operated and maintained as a separate organizational and budget entity of the University of South Florida, and that all legislative appropriations for the University of South Florida St. Petersburg be set forth as separate line items in the annual General Appropriations Act.

(b) The University of South Florida St. Petersburg shall have a Campus Board and a Campus Executive Officer.

(c) As soon as possible, but no later than the effective date of this act, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida St. Petersburg. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, five residents of Pinellas County. If a resident of Pinellas County is appointed to the Board of Trustees of the University of South Florida, the board shall appoint that member to serve jointly as a member of the Campus Board. If more than one Pinellas County resident is appointed to the Board of Trustees, the board shall select one joint member. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.

(b) Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Florida Legislature for the University of South Florida St. Petersburg Campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.

(c) Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the St. Petersburg campus cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the St. Petersburg campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida St. Petersburg shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) The following entities are not affected by this section and remain under the administrative control of the University of South Florida:

(a) The University of South Florida College of Marine Science, which is a component college of the main campus.

(b) The Florida Institute of Oceanography, which is a Type One Institute.

(c) The University of South Florida Pediatric Research Center.

(d) The University of South Florida/USGS joint facility.

Section 4. *The University of South Florida Sarasota/Manatee.—*

(1) The Sarasota/Manatee campus of the University of South Florida is established and shall be known as the "University of South Florida Sarasota/Manatee."

(a) The Legislature intends that the University of South Florida Sarasota/Manatee be operated and maintained as a separate organizational and budget entity of the University of South Florida and that all legislative appropriations for the University of South Florida Sarasota/Manatee be set forth as separate line items in the annual General Appropriations Act.

(b) The University of South Florida Sarasota/Manatee shall have a Campus Board and a Campus Executive Officer.

(c) As soon as possible, but no later than July 1, 2002, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida Sarasota/Manatee. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, three residents of Manatee County and two residents of Sarasota County, to serve 4-year staggered terms. If one or more residents of Sarasota County or Manatee County is appointed to the Board of Trustees of the University of South Florida, the board shall, at the next vacancy of the campus board, appoint one of those members to serve jointly as a member of the Campus Board. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.

(b) Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Florida Legislature for the University of South Florida Sarasota/Manatee Campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.

(c) Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the campus at Sarasota/Manatee cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the Sarasota/Manatee campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida Sarasota/Manatee shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) Promote technology transfer between the research operations of the University of South Florida and local economic development agencies.

Section 5. *New College of Florida.—*

(1) Mission and goals.—As a member of the State University System of Florida, New College of Florida preserves its distinctive mission as a residential liberal arts honors college. To maintain this mission, New College of Florida has the following goals:

(a) To provide a quality education to students of high ability who, because of their ability, deserve a program of study that is both demanding and stimulating.

(b) To engage in undergraduate educational reform by combining educational innovation with educational excellence.

(c) To provide programs of study that allow students to design their educational experience as much as possible in accordance with their individual interests, values, and abilities.

(d) To challenge undergraduates not only to master existing bodies of knowledge but also to extend the frontiers of knowledge through original research.

(2) Accreditation.—As soon as possible, New College of Florida shall apply to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation.

(3) Board of Trustees.—The Governor shall appoint 11 members to the Board of Trustees, to serve 4-year staggered terms, as follows:

(a) Three residents of Sarasota County.

(b) Two residents of Manatee County.

(c) Until the expiration date of the terms of office of the members who are on the board June 30, 2001, six members shall be selected from the Board of Trustees of the New College Foundation.

Section 6. *Legislative intent.—The Legislature intends to create an innovative means to increase access to baccalaureate-degree-level education in populous counties that are underserved by public baccalaureate-degree-granting institutions. This education is intended to address the state's workforce needs, especially the need for teachers, nurses, and business managers in agencies and firms that require expertise in technology.*

Section 7. *St. Petersburg College; mission.—St. Petersburg Junior College is redesignated as St. Petersburg College. The college shall immediately seek accreditation from the Southern Association of Colleges and Schools as a baccalaureate-degree-granting college.*

(1) The primary mission of St. Petersburg College is to provide high-quality undergraduate education at an affordable price for students and the state. The purpose is to promote economic development by preparing people for occupations that require a bachelor's degree and are in demand by existing or emerging public and private employers in this state.

(2) The college is to maintain the mission and policies of a Florida community college, including the open-door admissions policy and the authority to offer all programs consistent with a public community college's authority.

(3) St. Petersburg College shall maintain the distinction between the college and its university center. St. Petersburg College is limited to community college programs and to selected baccalaureate-degree-level programs that meet community needs and are authorized as provided by this act. The University Center may make available more diverse program offerings, but those programs are offered by a participating college or university and are not to be classified or funded as a program of St. Petersburg College.

(4) The academic policies of the upper-division program at St. Petersburg College must be in accordance with policies of the State University System.

(5) Sections 240.293 and 240.2945, Florida Statutes, apply to St. Petersburg College.

Section 8. *St. Petersburg College; students.—*

(1) St. Petersburg College shall maintain separate records for students who are enrolled in courses classified in the upper division and lower division of a baccalaureate program, according to the Common Course Numbering System. A student shall be reported as a community college student for enrollment in a lower-division course and as a baccalaureate-degree-program student for enrollment in an upper-division course.

(2) The Board of Trustees of St. Petersburg College shall establish the level of matriculation, tuition, and other authorized student fees.

(a) For each credit hour of enrollment in a certificate-level course or lower-division-level college credit course, matriculation and tuition fees must be within the range authorized in law and rule for a community college student at that level.

(b) For each credit hour of enrollment in an upper-division-level course, matriculation and tuition fees must be in an amount established by the Board of Trustees of St. Petersburg College. However, fees for upper-division students must reflect the fact that the college does not incur the costs of major research programs. Therefore, the board shall establish fees for upper-division students within a range that is lower than the fees established for students at a public university but higher than the fees for community college students.

(c) Other mandatory fees and local fees must be at the same level for all lower division students. For upper division students, other mandatory fees and local fees must be at a level less than fees established for University of South Florida students, regardless of program enrollment or level. However, students in workforce development education courses maintain the authorized fee exemptions described in section 239.117, Florida Statutes, and may be exempt from local fees imposed by the Board of Trustees, at the board's discretion.

Section 9. *St. Petersburg College; degrees.—*

(1) In addition to the certificates, diplomas, and degrees authorized in section 240.301, Florida Statutes, St. Petersburg College may offer selected baccalaureate degrees. Initially, the college may offer programs that lead to a baccalaureate degree in the following fields:

(a) Bachelor of Science in Nursing. This program must be designed to articulate with the Associate in Science Degree in nursing. St. Petersburg College shall continue to offer the Associate in Science degree in nursing.

(b) Bachelor of Arts and Bachelor of Science in Elementary Education.

(c) Bachelor of Arts and Bachelor of Science in Special Education.

(d) Bachelor of Arts and Bachelor of Science in Secondary Education.

(e) Bachelor of Applied Science in fields selected by the Board of Trustees of St. Petersburg College. The board shall base the selection on an analysis of workforce needs and opportunities in the following counties: Pinellas, Pasco, Hernando, and other counties approved by the Florida Department of Education. For each program selected, St. Petersburg College must offer a related Associate-in-Science or Associate-in-Applied-Science degree program, and the baccalaureate-degree-level program must be designed to articulate fully with at least one Associate-in-Science degree program. The college is encouraged to develop articulation agreements for enrollment of graduates of related Associate-in-Applied-Science degree programs.

(2) St. Petersburg College may offer courses that enable teachers to qualify for certification and recertification as required by law or rule.

(3) The college may offer programs to provide opportunities for a person who holds a baccalaureate degree, but is not certified to teach, to obtain any additional courses required for teacher certification.

(4) Masters-degree-level programs and doctoral programs may be provided by agreement with a college or university participating in the University Center of St. Petersburg College.

(5) For those students living outside Pinellas County, St. Petersburg College shall recruit for the upper-division only those students who have earned an associate degree. In recruiting upper division students in Pasco and Hernando Counties, St. Petersburg College shall work cooperatively with Pasco-Hernando Community College and shall seek to offer courses and programs at Pasco-Hernando Community College when feasible. The nursing programs, in particular, must be conducted cooperatively, and programs at St. Petersburg College shall not conflict with Pasco-Hernando Community College's and the University of South Florida's cooperative nursing program.

Section 10. *St. Petersburg College; boards.—*

(1) The Board of Trustees of St. Petersburg Junior College is renamed the Board of Trustees of St. Petersburg College and serves as its governing board. The Governor shall appoint members as provided in section 240.313, Florida Statutes, and the board has the duties and authorities granted in sections 240.315 and 240.319, Florida Statutes, and by rules of the State Board of Education.

(2) The Board of Trustees of St. Petersburg College may authorize direct support organizations as authorized in sections 240.299 and 240.331, Florida Statutes.

(3) The Board of Trustees of St. Petersburg College may continue to award degrees, diplomas, and certificates as authorized for St. Petersburg Junior College, and in the name of St. Petersburg Junior College, until St. Petersburg College receives its accreditation.

(4) A coordinating board shall assist the Board of Trustees in its deliberations concerning issues that affect the upper division of the college. The coordinating board consists of the President of the University of South Florida, the President of St. Petersburg College, the President of Pasco-Hernando Community College, and the chairpersons of the boards of trustees of those institutions.

(5) Beginning 4 years after the college receives accreditation to offer baccalaureate degrees, the Board of Trustees of St. Petersburg College may determine additional programs to be offered, with the approval of the coordinating board. The determination must consider community needs and economic opportunities.

(6) The coordinating board shall meet at the request of the President of the University of South Florida or the President of St. Petersburg College.

(7) If the coordinating board cannot decide an issue of importance to the programs designed for upper-division students, the chief educational officer of this state shall resolve the issue.

Section 11. *St. Petersburg College; employees.—*

(1) Employment at St. Petersburg College is governed by the same laws that govern community colleges, except that upper-division faculty are eligible for continuing contract upon the completion of the fifth year of teaching.

(2) Employee records for all personnel shall be maintained as required by s. 240.337, Florida Statutes.

Section 12. *St. Petersburg College; facilities.—The St. Petersburg College may request funding from the Public Education Capital Outlay and Debt Service Trust Fund as a community college and as a university. The municipalities of Pinellas County, the Board of County Commissioners of Pinellas County, and all other governmental entities are authorized to cooperate with the Board of Trustees in establishing this institution. The acquisition and donation of lands, buildings, and equipment for the use of St. Petersburg College are authorized as a public purpose. The Board of County Commissioners of Pinellas County and all municipalities in Pinellas County may exercise the power of eminent domain to acquire lands, buildings, and equipment for the use of St. Petersburg College, regardless of whether such lands, buildings, and equipment are located in a community redevelopment area.*

Section 13. *St. Petersburg College; state funding.—*

(1) The Legislature intends to fund St. Petersburg College as a community college for its workforce development education programs and for its lower-division-level college credit courses and programs.

(2) The Legislature intends to fund St. Petersburg College as a baccalaureate-degree-level institution for its upper-division-level courses and programs.

(3) During the 2001-2002 fiscal year, St. Petersburg College shall estimate the appropriate level of funding for these programs. By March 1, 2002, the college shall complete a cost study and shall submit to the Legislature a proposal for cost accounting and legislative budget requests designed to acknowledge its unique classification. The cost study must indicate actual costs projected for the first 4 years of operation as a baccalaureate-level institution, with the first students expected to enroll in the upper division in fall semester of 2002.

Section 14. *Nothing contained within this act shall be construed to adversely impact the accreditation of the University of South Florida.*

Section 15. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; amending s. 240.2011, F.S.; adding to the State University System the New College in Sarasota; creating fiscally autonomous campuses of the University of South Florida; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida; providing Legislative intent; redesignating St. Petersburg Junior College as "St. Petersburg College"; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 986** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB's 128 and 1598—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; providing an effective date.

—was read the second time by title.

Senator Carlton offered the following amendment which was moved by Senator King and adopted:

Amendment 1 (783332)(with title amendment)—On page 1, line 10, insert:

Section 1. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.

Section 2. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

Section 3. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 Procedures for holding and conducting school district millage elections.—

(1) HOLDING ELECTIONS.—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.

(2) FORM OF BALLOT.—

(a) The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.

(b) The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.

(3) QUALIFICATION OF ELECTORS.—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.

(4) RESULTS OF ELECTION.—When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

(5) EXPENSES OF ELECTION.—The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to taxation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 199.185, F.S.; increasing

Senator Horne offered the following amendment which was moved by Senator King and adopted:

Amendment 2 (250420)(with title amendment)—On page 1, between lines 30 and 31, insert:

Section 2. Effective July 1, 2001, paragraph (a) of subsection (4) of section 212.08, Florida Statutes, is amended to read:

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

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water delivered to the purchaser through pipes or conduits or delivered for irrigation purposes. The sale of drinking water in bottles, cans, or other containers, including water that contains minerals or carbonation in its natural state or water to which minerals have been added at a water treatment facility regulated by the Department of Environmental Protection *or the Department of Health*, is exempt. This exemption does not apply to the sale of drinking water in bottles, cans, or other containers if carbonation~~, minerals,~~ or flavorings, except those added at a water treatment facility, have been added. *Water that has been enhanced by the addition of minerals and that does not contain any added carbonation or flavorings is also exempt.*

2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. Fuel other than motor fuel and diesel fuel is taxable as provided in this chapter with the exception of fuel expressly exempt herein. Motor fuels and diesel fuels are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax shall be set forth in s. 212.054. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

Section 3. Subsection (8) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(8) The taxes imposed by this section do not apply to deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, is granted, assigned, transferred, or otherwise conveyed from an electric utility to a regional transmission organization under the jurisdiction of the Federal Energy Regulatory Commission.

Section 4. Paragraph (g) of subsection (10) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(10) "Lease," "let," or "rental" means leasing or renting of living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps and real property, the same being defined as follows:

(g) "Lease," "let," or "rental" also means the leasing or rental of tangible personal property and the possession or use thereof by the lessee or rentee for a consideration, without transfer of the title of such property, except as expressly provided to the contrary herein. The term "lease," "let," or "rental" does not mean hourly, daily, or mileage charges, to the extent that such charges are subject to the jurisdiction of the *Surface Transportation Board* ~~United States Interstate Commerce Commission~~, when such charges are paid by reason of the presence of railroad cars owned by another on the tracks of the taxpayer, or charges made pursuant to car service agreements. *The terms "lease," "let," "rental," or "license" do not include payments by a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission which are made to an electric utility in connection with the regional transmission organization's use or control of the utility's high-voltage bulk transmission facilities.* However, where two taxpayers, in connection with the interchange of facilities, rent or lease property, each to the other, for use in providing or furnishing any of the services mentioned in s. 166.231, the term "lease or rental" means only the net amount of rental involved.

Section 5. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

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

(1)

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

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

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

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

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012 *and includes a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission*. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

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

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

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

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

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

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

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

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

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

12. Rented, leased, subleased, or licensed to a concessionaire by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility, during an event at the facility, to be used by the concessionaire to sell souvenirs, novelties, or other event-related products. This subparagraph applies only to that portion of the rental, lease, or license payment which is based on a percentage of sales and not based on a fixed price.

13. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

Section 6. Effective July 1, 2003, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, as amended by section 3 of chapter 2000-345, Laws of Florida, is amended to read:

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

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

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

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

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

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012 *and includes a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission*. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

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

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

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

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

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

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

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

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

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

12. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" certain payments made by a regional transmission organization to an electric utility; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property;

Pursuant to Rule 4.19, **CS for SB's 128 and 1598** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 904—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to supplemental drug rebates; providing an exemption from the public meetings law for certain portions of meetings of the Medicaid Pharmaceutical and Therapeutics Committee; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 904** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for CS for SB's 1960 and 1760—A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.410, F.S.; requiring certain group certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association

be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual's family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the health insurer directly to each insured, member, or subscriber and to not be subject to department review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487(3), F.S., do not take effect unless approved by the U.S. Health Care Financing Administration; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB's 1960 and 1760** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for HB 415—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining "adoption entity," "legal custody," "parent," and "relative"; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent's right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; creating the Paternity Registry; providing duties of registrants and department; requiring registration in order to assert an interest in a minor under specified circumstances; providing for admissibility of information in the Paternity Registry; providing penalties; providing rulemaking authority; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; amending s. 63.182, F.S.; revising language with respect to the statute of repose; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 3 (304386)**.

On motion by Senator Campbell, further consideration of **CS for HB 415** with pending **Amendment 3** was deferred.

On motion by Senator Constantine—

SB 432—A bill to be entitled An act relating to growth management; amending s. 163.3244, F.S.; providing for a livable-communities certification program; providing for certification criteria; eliminating state review of certain local comprehensive plan amendments within certified areas; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendments which were moved by Senator Constantine and failed:

Amendment 1 (503650)—On page 3, line 4, after the period (.) insert: *Key natural areas shall include, but not be limited to:*

a. Wildlife corridors.

b. Lands with high biological diversity, important areas for threatened and endangered species, migratory bird habitat, and significant intact natural communities.

c. Significant surface waters and springs, aquatic preserves and outstanding Florida waters.

d. Water resources suitable for water resource development.

Amendment 2 (605160)—On page 4, after line 19, insert:

(4) The department shall adopt rules defining the eligibility criteria set forth in subsection (3) and outcome measures to evaluate the progress of designated communities in meeting the objectives to the program and the terms of the local government's designation agreement.

(Redesignate subsequent sections.)

Amendment 3 (411838)—On page 6, delete line 20 and insert: *Commission, and the executive directors of the eleven regional planning councils and the five water*

Amendment 4 (213414)—On page 7, between lines 15 and 16, insert: *(9) The five communities designated as sustainable communities under the sustainable communities project created by chapter 96-416, Laws of Florida, shall be certified by the state land planning agency as livable communities for an initial 5-year period.*

Amendment 5 (801448)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (9) of section 163.3244, Florida Statutes, is amended, and subsection (10) is added to that section, to read:

163.3244 Sustainable communities demonstration project.—

(9) This section shall stand repealed on June 30, *2002* ~~2001, and shall be reviewed by the Legislature prior to that date~~.

(10) The Department of Community Affairs shall prepare a final report on the results of the demonstration project, including an evaluation of its successes and failures. The report must specify the methodology used to perform the evaluation and the assumptions upon which the conclusions are based. The Legislative Committee on Intergovernmental Relations shall review the final report and, in coordination with the department, shall assess the merits of the project, determine what can be learned from it, and identify appropriate changes for purposes of implementing a similar program on a statewide basis. It is the intent of the Legislature that the department and the committee develop and recommend a local government certification program for livable communities. Local governments that qualify as livable communities shall have greater autonomy in growth management implementation and administration, including reduced state review of local government comprehensive plans. A recommended certification program must include appropriate certification criteria, measurements of livability and sustainability, opportunities for citizen involvement, accountability mechanisms, and state authority to decertify a local government that fails to adhere to the terms of certification. Recommendations shall include proposed legislation that is timely submitted for final action during the 2002 Legislative Session. Such recommendations may also include incentives for enhanced sustainability and livability of local communities.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; requiring the Department of Community Affairs to report on the sustainable communities demonstration project; requiring the Legislative Committee on Intergovernmental Relations to review the report and assess the merits of statewide implementation; providing for recommendations of legislation; providing an effective date.

Senators Constantine and Wasserman Schultz offered the following amendment which was moved by Senator Constantine and adopted:

Amendment 6 (225900)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (9) of section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable Communities Demonstration Project.—

(9) This section *is* ~~shall stand~~ repealed ~~on~~ June 30, *2002* ~~2001, and shall be reviewed by the Legislature prior to that date~~.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; amending s. 163.3244, F.S.; extending the repeal date of the Sustainable Communities Demonstration Project; providing an effective date.

Pursuant to Rule 4.19, **SB 432** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, the Senate resumed consideration of—

CS for CS for SB 460—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms "eligible business" and "new employee"; defining the terms "jobs" and "new job has been created"; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term "eligible business"; defining the term "qualified area"; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms "new employee" and "project"; defining the terms "new job has been created" and "jobs"; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.;

revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term "rural enterprise zone"; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net–ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms "elderly" and "housing for the elderly" under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; providing effective dates.

—which was previously considered and amended this day.

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 4 (092220)—On page 75, line 14, delete "*200*" and insert: *150*

Pursuant to Rule 4.19, **CS for CS for SB 460** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 874—A bill to be entitled An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range-program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S., relating to review of agency information resources management needs; eliminating the Technology Review Workgroup; providing for assumption of the duties of the Technology Review Workgroup by the State Technology Office; requiring the reporting of specified information to the Executive Office of the Governor; providing powers and duties of the State Technology Office; amending s. 216.181, F.S., relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original approved operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management Act of 1997; providing that the State Technology Office has primary responsibility and accountability for information technology matters within the state; transferring, renumbering, and amending s. 282.303, F.S.; revising definitions; defining "information technology"; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be an agency head; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; amending s. 282.103, F.S., to conform; authorizing the State Technology Office to grant an agency exemption from required use of specified SUNCOM Network services; amending ss. 282.104, 282.105, 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S., to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the office's authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending s. 282.318, F.S., to conform; amending

s. 282.322, F.S.; eliminating provisions relating to the special monitoring process for designated information resources management projects; requiring the Enterprise Project Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; establishing a pilot project for a statewide eLibrary system; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources that were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; providing an effective date.

—was read the second time by title.

Senator Garcia offered the following amendment which was moved by Senator Constantine and adopted:

Amendment 1 (215204)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) and subsection (3) of section 20.22, Florida Statutes, are amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and programs within the Department of Management Services are established:

(b) *State Technology Office* ~~Information Technology Program~~.

(3) The *State Technology Office* ~~Information Technology Program~~ shall operate and manage the Technology Resource Center.

Section 2. Subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph *(i)* ~~(h)~~, shall be exempted if the position reports to a position in the career service:

(a) All officers of the executive branch elected by popular vote and persons appointed to fill vacancies in such offices. Unless otherwise fixed by law, the salary and benefits for any such officer who serves as the head of a department shall be set by the department in accordance with the rules of the Senior Management Service.

(b) All members, officers, and employees of the legislative branch, except for the members, officers, and employees of the Florida Public Service Commission.

(c) All members, officers, and employees of the judicial branch.

(d) All officers and employees of the State University System and the Correctional Education Program within the Department of Corrections, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. The salaries for all instructional personnel and all administrative and noninstructional personnel of the Correctional Education Program shall be set by the Department of Corrections, subject to the approval of the Department of Management Services.

(e) The Chief Information Officer, deputy chief information officers, chief technology officers, and deputy chief technology officers in the State Technology Office. Unless otherwise fixed by law, the State Technology Office shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(f)~~(e)~~ All members of state boards and commissions, however selected. Unless otherwise fixed by law, the salary and benefits for any full-time board or commission member shall be set by the department in accordance with the rules of the Senior Management Service.

(g)~~(f)~~ Judges, referees, and receivers.

(h)~~(g)~~ Patients or inmates in state institutions.

(i)~~(h)~~ All positions which are established for a limited period of time for the purpose of conducting a special study, project, or investigation and any person paid from an other-personal-services appropriation. Unless otherwise fixed by law, the salaries for such positions and persons shall be set in accordance with rules established by the employing agency for other-personal-services payments pursuant to s. 110.131.

(j)~~(i)~~ The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; and the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(d)2., of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(k)~~(j)~~ The personal secretary to the incumbent of each position exempted in *paragraphs* ~~paragraph~~ (a), *(e), and (j).* ~~and to each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, and deputy executive director of each department under paragraph (i).~~ Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service.

(l)~~(k)~~ All officers and employees in the office of the Governor, including all employees at the Governor's mansion, and employees within each separate budget entity, as defined in chapter 216, assigned to the Governor. Unless otherwise fixed by law, the salary and benefits of these positions shall be set by the department as follows:

1. The chief of staff, the assistant or deputy chief of staff, general counsel, Director of Legislative Affairs, chief inspector general, Director of Cabinet Affairs, Director of Press Relations, Director of Planning and Budgeting, director of administration, director of state-federal relations, Director of Appointments, Director of External Affairs, Deputy General Counsel, Governor's Liaison for Community Development, Chief of Staff for the Lieutenant Governor, Deputy Director of Planning and Budgeting, policy coordinators, and the director of each separate budget entity shall have their salaries and benefits established by the department in accordance with the rules of the Senior Management Service.

2. The salaries and benefits of positions not established in subsubparagraph a. shall be set by the employing agency. Salaries and benefits of employees whose professional training is comparable to that of licensed professionals under paragraph *(r)* ~~(q)~~, or whose administrative responsibility is comparable to a bureau chief shall be set by the Selected Exempt Service. The department shall make the comparability determinations. Other employees shall have benefits set comparable to legislative staff, except leave shall be comparable to career service as if career service employees.

(m)~~(l)~~ All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; posi-

tions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

(n)~~(m)~~1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the Unemployment Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However, the deputy general counsels of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

(o)~~(n)~~ The executive director, deputy executive director, general counsel, official reporters, and division directors within the Public Service Commission and the personal secretary and personal assistant to each member of the Public Service Commission. Unless otherwise fixed by law, the salary and benefits of the executive director, deputy executive directors, general counsel, Director of Administration, Director of Appeals, Director of Auditing and Financial Analysis, Director of Communications, Director of Consumer Affairs, Director of Electric and Gas, Director of Information Processing, Director of Legal Services, Director of Records and Reporting, Director of Research, and Director of Water and Sewer shall be set by the department in accordance with the rules of the Senior Management Service. The salary and benefits of the personal secretary and the personal assistant of each member of the commission and the official reporters shall be set by the department in accordance with the rules of the Selected Exempt Service, notwithstanding any salary limitations imposed by law for the official reporters.

(p)~~(o)~~1. All military personnel of the Department of Military Affairs. Unless otherwise fixed by law, the salary and benefits for such military personnel shall be set by the Department of Military Affairs in accordance with the appropriate military pay schedule.

2. The military police chiefs, military police officers, firefighter trainers, firefighter-rescuers, and electronic security system technicians shall have salary and benefits the same as career service employees.

(q)~~(p)~~ The staff directors, assistant staff directors, district program managers, district program coordinators, district subdistrict administrators, district administrative services directors, district attorneys, and the Deputy Director of Central Operations Services of the Department of Children and Family Services and the county health department directors and county health department administrators of the Department of Health. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.

(r)~~(q)~~ All positions not otherwise exempt under this subsection which require as a prerequisite to employment: licensure as a physician pursuant to chapter 458, licensure as an osteopathic physician pursuant to chapter 459, licensure as a chiropractic physician pursuant to chapter 460, including those positions which are occupied by employees who are exempted from licensure pursuant to s. 409.352; licensure as an engineer pursuant to chapter 471, which are supervisory positions except for such positions in the Department of Transportation; or for 12 calendar months, which require as a prerequisite to employment that the employee have received the degree of Bachelor of Laws or Juris Doctor from a law school accredited by the American Bar Association and thereafter membership in The Florida Bar, except for any attorney who serves as an administrative law judge pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Unless otherwise fixed by law, the department shall set the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(s)~~(r)~~ The statewide prosecutor in charge of the Office of Statewide Prosecution of the Department of Legal Affairs and all employees in the office. The Department of Legal Affairs shall set the salary of these positions.

(t)~~(s)~~ The executive director of each board or commission established within the Department of Business and Professional Regulation or the Department of Health. Unless otherwise fixed by law, the department shall establish the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(u)~~(t)~~ All officers and employees of the State Board of Administration. The State Board of Administration shall set the salaries and benefits of these positions.

(v)~~(u)~~ Positions which are leased pursuant to a state employee lease agreement expressly authorized by the Legislature pursuant to s. 110.191.

(w) All managers, supervisors, and confidential employees of the State Technology Office. The State Technology Office shall set the salaries and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

Section 3. Section 186.022, Florida Statutes, is amended to read:

186.022 Information *technology* ~~resource~~ strategic plans.—By June 1 of each year, ~~the Geographic Information Board,~~ the Financial Management Information Board, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall each develop and submit *to the State Technology Office* an information *technology* ~~resource~~ strategic plan ~~to the Executive Office of the Governor~~ in a form and manner prescribed in written instructions *from* ~~prepared by~~ the *State Technology Office* ~~Executive Office of the Governor~~ in consultation with *the Executive Office of the Governor and* the legislative appropriations committees. The *State Technology Office* ~~Executive Office of the Governor~~ shall review *each such* ~~the~~ strategic plan and ~~may provide comments within 30 days. In its review, the Executive Office of the Governor~~ shall *determine* ~~consider all comments and findings of the Technology Review Workgroup as to~~ whether *each such* ~~the~~ plan is consistent with the State Annual Report on *Enterprise Resource Planning and* ~~Information Resources~~ Management and statewide policies *adopted by the State Technology Office, and by July 1 of each year shall develop and transmit to each such board and council a written expression of its findings, conclusions, and required changes, if any, with respect to each such strategic plan* ~~recommended by the State Technology Council~~. If *any change to any such strategic plan is* ~~revisions are~~ required, *each affected board* ~~boards~~ and *council shall revise its strategic plan to the extent necessary to incorporate such required changes* ~~councils have 30 days to incorporate those revisions~~ and *shall resubmit its strategic* ~~return the~~ plan to the *State Technology Office for final approval and acceptance* ~~Executive Office of the Governor~~.

Section 4. Subsection (4) of section 216.013, Florida Statutes, is amended to read:

216.013 Long-range program plan.—

(4) The Executive Office of the Governor shall review the long-range program plans for executive agencies to ensure that they are consistent with the state's goals and objectives and other requirements as specified in the written instructions and that they provide the framework and context for the agency's budget request. In its review, the Executive Office of the Governor shall consider the findings of the *State Technology Office* ~~Technology Review Workgroup~~ as to the consistency of the information technology portion of long-range program plans with the State Annual Report on *Enterprise Resource Planning and* ~~Information Resources~~ Management and statewide policies *adopted* ~~recommended~~ by the State Technology *Office* ~~Council~~ and the state's plan for facility needs pursuant to s. 216.0158. Based on the results of the review, the Executive Office of the Governor may require an agency to revise the plan.

Section 5. Section 216.0446, Florida Statutes, is amended to read:

216.0446 Review of information resources management needs.—

(1) There is created within the Legislature the Technology Review Workgroup. The workgroup *and the State Technology Office* shall *independently* review and make recommendations with respect to the portion of agencies' long-range program plans which pertains to information resources management needs and with respect to agencies' legislative budget requests for information *technology and related* resources ~~management~~. The Technology Review Workgroup shall *report such recommendations, together with the findings and conclusions on which such recommendations are based,*~~be responsible~~ to the *Legislative Budget Commission* ~~chairs of the legislative appropriations committees~~. *The State Technology Office shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Executive Office of the Governor and to the chairs of the legislative appropriations committees.*

(2) In addition to its primary duty specified in subsection (1), the Technology Review Workgroup shall have powers and duties that include, but are not limited to, the following:

(a) To evaluate the information resource management needs identified in the agency long-range program plans for consistency with the State Annual Report on *Enterprise Resource Planning and* ~~Information Resources~~ Management and statewide policies recommended by the State Technology *Office* ~~Council~~, and make recommendations to the *Legislative Budget Commission* ~~chairs of the legislative appropriations committees~~.

(b) To review and make recommendations to the *Legislative Budget Commission* ~~chairs of the legislative appropriations committees~~ on proposed budget amendments and agency transfers associated with information *technology* ~~resources management~~ initiatives or projects that involve more than one agency, that have an outcome that impacts another agency, ~~or~~ that exceed $500,000 in total cost over a 1-year period, *or that are requested by the Legislative Budget Commission to be reviewed*.

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

216.181 Approved budgets for operations and fixed capital outlay.—

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

Section 7. Section 216.235, Florida Statutes, is amended to read:

216.235 Innovation Investment Program; intent; definitions; composition and responsibilities of State Innovation Committee; responsibilities of the *Office of Tourism, Trade, and Economic Development* ~~Department of Management Services, the Information Resource Commission,~~ and the review board; procedures for innovative project submission, review, evaluation, and approval; criteria to be considered.—

(1) This section shall be cited as the "Innovation Investment Program Act."

(2) The Legislature finds that each state agency should be encouraged to pursue innovative investment projects which demonstrate a novel, creative, and entrepreneurial approach to conducting the agency's normal business processes; effectuate a significant change in the accomplishment of the agency's activities; address an important problem of public concern; and have the potential of being replicated by other state agencies. The Legislature further finds that investment in innovation can produce longer-term savings and that funds for such investment should be available to assist agencies in investing in innovations that produce a cost savings to the state or improve the quality of services delivered. The Legislature also finds that any eligible savings realized as a result of investment in innovation should be available for future investment in innovation.

(3) For purposes of this section:

(a) "Agency" means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of the executive branch.

(b) "Commission" means the Information Resource Commission.

(c) "Committee" means the State Innovation Committee.

(d) *"Office" means the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor.* ~~"Department" means the Department of Management Services.~~

(e) "Review board" means a nonpartisan board composed of private citizens and public employees who evaluate the projects and make funding recommendations to the committee.

(4) There is hereby created the State Innovation Committee, which shall have final approval authority as to which innovative investment projects submitted under this section shall be funded. Such committee shall be comprised of *seven* ~~five~~ members. Appointed members shall serve terms of 1 year and may be reappointed. The committee shall include:

(a) The Lieutenant Governor.

(b) The director of the Governor's Office of Planning and Budgeting.

(c) The Chief Information Officer in the State Technology Office.

(d)~~(c)~~ The Comptroller.

(e)~~(d)~~ One representative of the private sector appointed by the Commission on Government Accountability to the People.

(f)~~(e)~~ *The director of the Office of Tourism, Trade, and Economic Development.* ~~One representative appointed by Enterprise Florida, Inc.~~

(g) The Chair of IT Florida.com, Inc.

~~The Secretary of Management Services shall serve as an alternate in the event a member is unable to attend the committee meeting.~~

(5) Agencies shall submit proposed innovative investment projects to the *Office of Tourism, Trade, and Economic Development* ~~department~~ by a date established and in the format prescribed by the *office* ~~department~~. Such innovative investment project proposals shall include, but not be limited to:

(a) The identification of a specific innovative investment project.

(b) The name of the agency's innovative investment project administrator.

(c) A cost/benefit analysis which is a financial summary of how the innovative investment project will produce a cost savings for the agency or improve the quality of the public services delivered by the agency. The analysis shall include a breakdown of each project cost category, including, but not limited to: the costs associated with hiring of other-personal-

services staff, re-engineering efforts, purchase of equipment, maintenance agreements, training, consulting services, travel, acquisition of information technology resources; any monetary or in-kind contributions made by the agency, another public entity, or the private sector; and available baseline data, performance measures, and outcomes as defined in s. 216.011(1).

(d) The approval of the agency head, the agency's budget director, the agency's inspector general or internal auditor, and, if the innovative investment project involves information technology resources, the information resource manager.

(6) Any agency developing an innovative investment project proposal that involves information technology resources may consult with and seek technical assistance from the commission. The *office* ~~department~~ shall consult with the commission for any project proposal that involves information resource technology. The commission is responsible for evaluating these projects and for advising the committee and review board of the technical feasibility and any transferable benefits of the proposed technology. In addition to the requirements of subsection (5), the agencies shall provide to the commission any information requested by the commission to aid in determining that the proposed technology is appropriate for the project's success.

(7) The *office* ~~department~~ shall select a review board composed of private and public members. Terms of review board members shall be for 1 year beginning on a date established by the *office* ~~department~~. Review board members may serve more than one term. The board shall evaluate innovative investment projects and shall make recommendations to the committee as to which innovative projects should be considered for funding.

(8) When evaluating projects, the committee and the review board shall consider whether the innovative investment project meets the following criteria:

(a) Increases the quality of public services by the agency.

(b) Reduces costs for the agency.

(c) Involves a cooperative effort with another public entity or the private sector.

(d) Reduces the need for hiring additional employees or avoids other operating costs incurred by the agency in the future.

(9) The committee shall allocate funds based on a competitive evaluation process and award funds to agencies for innovative investment projects demonstrating quantifiable savings to the state, or improved customer service delivery.

(10) The awarded agency shall monitor and evaluate the projects to determine if the anticipated results were achieved.

(11) Funds appropriated for the Innovation Investment Program shall be distributed by the Executive Office of the Governor subject to notice, review, and objection procedures set forth in s. 216.177. The *office* ~~department~~ may transfer funds from the annual appropriation as necessary to administer the program.

Section 8. Paragraph (c) is added to subsection (1) of section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(1)

(c) Notwithstanding any other provision of this section or the provisions of s. 216.351, for fiscal year 2001-2002, state agencies may transfer positions and appropriations as necessary to comply with any provision of the General Appropriations Act, or any other provision of law, that requires or specifically authorizes the transfer of positions and appropriations in the consolidation of information technology resources to the State Technology Office.

Section 9. Section 282.005, Florida Statutes, is amended to read:

282.005 Legislative findings and intent.—The Legislature finds that:

(1) Information is a strategic asset of the state, and, as such, it should be managed as a valuable state resource.

(2) The state makes significant investments in information technology ~~resources~~ in order to manage information and to provide services to its citizens.

(3) An office must be created to provide support and guidance to enhance the state's use and management of information technology ~~resources~~ and to design, procure, and deploy, on behalf of the state, information technology ~~resources~~.

(4) The cost-effective deployment of *information* technology ~~and information resources~~ by state agencies can best be managed by a Chief Information Officer.

(5) ~~The head of each state agency, in consultation with~~ The State Technology Office, has primary responsibility and accountability for the planning, budgeting, acquisition, development, implementation, use, and management of information technology ~~resources~~ within the *state* ~~agency~~. *The State Technology Office shall use the state's information technology in the best interest of the state as a whole and shall contribute to and make use of shared data and related resources whenever appropriate. Each agency head has primary responsibility and accountability for setting agency priorities, identifying business needs, and determining agency services and programs to be developed as provided by law. The State Technology Office, through service level agreements with each agency, shall provide the information technology needed for the agency to accomplish its mission.*

(6) The expanding need for, use of, and dependence on information technology ~~resources~~ requires focused management attention and managerial accountability by state agencies and the state as a whole.

~~(7) The agency head, in consultation with the State Technology Office, has primary responsibility for the agency's information technology resources and for their use in accomplishing the agency's mission. However, each agency shall also use its information technology resources in the best interests of the state as a whole and thus contribute to and make use of shared data and related resources whenever appropriate.~~

(7)~~(8)~~ The state, *through the State Technology Office,* shall provide, by whatever means is most cost-effective and efficient, *the information technology, enterprise resource planning and management, and enterprise resource management infrastructure* ~~the information resources management infrastructure~~ needed to collect, store, and process the state's data and information, provide connectivity, and facilitate the exchange of data and information among both public and private parties.

(8)~~(9)~~ A necessary part of the state's information *technology* ~~resources management~~ infrastructure is a statewide communications system for all types of signals, including, *but not limited to,* voice, data, video, radio, *telephone, wireless,* and image.

(9)~~(10)~~ To ensure the best management of the state's information technology ~~resources,~~ and notwithstanding other provisions of law to the contrary, the functions of information *technology* ~~resources management~~ are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules and policies for the Florida Community College System; to the Supreme Court, for the judicial branch; to each state attorney and public defender; and to the State Technology Office for the executive branch of state government.

(10) The State Technology Office shall take no action affecting the supervision, control, management or coordination of information technology and information technology personnel, that any cabinet officer listed in s. 4 Art. IV of the State Constitution deems necessary for the exercise of his or her statutory or constitutional duties.

~~(11) Notwithstanding anything to the contrary contained in this act, the State Technology Office shall take no action affecting the supervision or control of the personnel or data processing equipment that the Comptroller deems necessary for the exercise of his or her official constitutional duties as set forth in s. 4(d) and (e), Art. IV of the State Constitution.~~

~~(12) Notwithstanding anything to the contrary contained in this act, the State Technology Office shall take no action affecting the supervision and control of the personnel or data processing equipment which the Attorney General deems necessary for the exercise of his or her official constitutional duties as set forth in s. 4(c), Art. IV of the State Constitution.~~

Section 10. Section 282.303, Florida Statutes, is renumbered as section 282.0041, Florida Statutes, and amended to read:

282.0041 ~~282.303~~ Definitions.—For the purposes of *this part* ~~ss. 282.303-282.322~~, the term:

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

(2)~~(8)~~ "Agency Annual Enterprise Resource Planning and Management Report" means the report prepared by *each Agency* ~~the~~ Chief Information Officer ~~of each agency~~ as required by s. 282.3063.

(3)~~(2)~~ "*Agency* Chief Information Officer" means the person appointed by ~~the agency head, in consultation with~~ the State Technology Office~~,~~ to coordinate and manage the information *technology* ~~resources management~~ policies and activities *applicable to* ~~within~~ that agency.

(4)~~(3)~~ "*Agency* Chief Information Officers Council" means the council created in s. 282.315 to facilitate the sharing and coordination of information *technology* ~~resources management~~ issues and initiatives among the agencies.

(5)~~(13)~~ "Enterprise resources management infrastructure" means the hardware, software, networks, data, human resources, policies, standards, and facilities, *maintenance, and related materials and services* that are required to support the business processes of an agency or state enterprise.

~~(5) "Information technology hardware" means equipment designed for the automated storage, manipulation, and retrieval of data, voice or video, by electronic or mechanical means, or both, and includes, but is not limited to, central processing units, front-end processing units, including miniprocessors and microprocessors, and related peripheral equipment such as data storage devices, document scanners, data entry, terminal controllers and data terminal equipment, word processing systems, equipment and systems for computer networks, personal communication devices, and wireless equipment.~~

(6)~~(11)~~ "Enterprise resource planning and management" means the planning, budgeting, acquiring, developing, organizing, directing, training, ~~and~~ control, *and related services* associated with government information technology ~~resources~~. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

(7) "Information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

~~(6) "Information technology services" means all services that include, but are not limited to, feasibility studies, systems design, software development, enterprise resource planning, application service provision, consulting, or time-sharing services.~~

~~(7) "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.~~

(8)~~(10)~~ "Project" means an undertaking directed at the accomplishment of a strategic objective relating to enterprise resources management or a specific appropriated program.

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

(10)~~(16)~~ "Standards" means the use of current, open, nonproprietary, or non-vendor-specific technologies.

(11)~~(4)~~ "State Technology Office" *or "office"* means the office created in s. 282.102 ~~to support and coordinate cost-effective deployment of technology and information resources and services across state government~~.

(12)~~(15)~~ "Total cost" means all costs associated with information *technology* ~~resources management~~ projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology ~~resources~~ to state universities to be used in instruction or research does not include fair market value.

~~(12) "Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.~~

~~(14) "Technology Review Workgroup" means the workgroup created in s. 216.0446 to review and make recommendations on agencies' information resources management planning and budgeting proposals.~~

Section 11. Section 282.102, Florida Statutes, is amended to read:

282.102 *Creation of the State Technology Office;* powers and duties ~~of the State Technology Office of the Department of Management Services~~.—There is created a State Technology Office~~, administratively placed~~ within the Department of Management Services. *The office shall be a separate budget entity, and* ~~which~~ shall be headed by a Chief Information Officer who is appointed by the Governor and is in the Senior Management Service. *The Chief Information Officer shall be an agency head for all purposes. The Department of Management Services shall provide administrative support and service to the office to the extent requested by the Chief Information Officer. The office may adopt policies and procedures regarding personnel, procurement, and transactions for State Technology Office personnel.* The office shall have the following powers, duties, and functions:

(1) To publish electronically the portfolio of services available from the office, including pricing information; the policies and procedures of the office governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years. ~~The office shall provide a hard copy of its portfolio of services upon request.~~

(2) *To adopt rules implementing policies and procedures providing best practices to be followed by agencies in acquiring, using, upgrading, modifying, replacing, or disposing of information technology.* ~~To coordinate the purchase, lease, and use of all information technology services for state agencies, including communications services provided as part of any other total system to be used by the state or any of its agencies.~~

(3) To perform, in consultation with an agency, the enterprise resource planning and management for the agency.

(4)~~(3)~~ To advise and render aid to state agencies and political subdivisions of the state as to systems or methods to be used for organizing and meeting information technology requirements efficiently and effectively.

(5)~~(4)~~ To integrate the information technology systems and services of state agencies.

(6)~~(5)~~ To adopt technical standards for the state information technology system which will assure the interconnection of computer networks and information systems of ~~state~~ agencies.

(7)~~(6)~~ To assume management responsibility for any integrated information technology system or service when determined by the office to be economically efficient or performance-effective.

(8)~~(7)~~ To enter into agreements *related to* ~~for the support and use of the~~ information technology *with* ~~services of~~ state agencies and of political subdivisions of the state.

(9)~~(8)~~ To use *and* ~~or~~ acquire, with agency concurrence, information technology ~~facilities~~ now owned or operated by any ~~state~~ agency.

~~(9) To standardize policies and procedures for the use of such services.~~

(10) To purchase from or contract with information technology providers for information technology ~~facilities or services~~, including private line services.

(11) To apply for, receive, and hold, *and to* ~~or~~ assist agencies in applying for, receiving, or holding, such authorizations, *patents, copyrights, trademarks, service marks,* licenses, and allocations or channels and frequencies to carry out the purposes of *this part* ~~ss. 282.101-282.109~~.

(12) To *purchase, lease, or otherwise* acquire *and to hold, sell, transfer, license, or otherwise dispose of* real, *personal* ~~estate~~, ~~equipment,~~ and *intellectual* ~~other~~ property, *including, but not limited to, patents, trademarks, copyrights, and service marks.*

(13) To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.

(14) To delegate, *as necessary,* to state agencies the *authority to purchase, lease, or otherwise acquire and to use* ~~powers of acquisition and utilization of~~ information technology ~~equipment, facilities, and services~~ or, *as necessary,* to control and approve the purchase, lease, *or acquisition* and *the* use of all information technology ~~equipment, services, and facilities~~, including, *but not limited to,* communications services provided as part of any other total system to be used by the state or any of its agencies.

(15) To *acquire* ~~take~~ ownership, *possession,* custody, and control of existing communications equipment and facilities, ~~with agency concurrence,~~ including all right, title, interest, and equity therein, *as necessary,* to carry out the purposes of *this part* ~~ss. 282.101-282.109~~. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications company.

(16) To adopt rules pursuant to ss. 120.536(1) and 120.54 relating to information technology and to administer the provisions of this part.

(17) To provide a means whereby political subdivisions of the state may use ~~the~~ state information technology *systems* ~~system~~ upon such terms and under such conditions as the office may establish.

(18) To apply for and accept federal funds for any of the purposes of *this part* ~~ss. 282.101-282.109~~ as well as gifts and donations from individuals, foundations, and private organizations.

(19) To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(20) Unless delegated to the agencies by the Chief Information Officer, to manage and control, but not intercept or interpret, communications within the SUNCOM Network by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to the SUNCOM Network.

(e) Ensuring orderly and reliable communications services in accordance with ~~the standards and policies of all state agencies and~~ the service *level* agreements executed with state agencies.

(21) To plan, design, and conduct experiments for information technology services, equipment, and technologies, and to implement enhancements in the state information technology system when in the public interest and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed 2 percent of the annual budget for the SUNCOM Network for any fiscal year or as provided in the General Appropriations Act ~~for fiscal year 2000-2001~~. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

(22) To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under office control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or other structures available. The office may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The office and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the office by the wireless provider or telecommunications company. All such fees collected by the office shall be deposited directly into the ~~State Agency~~ Law Enforcement Radio *Operating* ~~System~~ Trust Fund, and may be used by the office to construct, maintain, or support the system.

(23) To provide an integrated electronic system for deploying government products, services, and information to individuals and businesses.

(a) The integrated electronic system shall reflect cost-effective deployment strategies in keeping with industry standards and practices, including protections *and* ~~of~~ security of private information as well as maintenance of public records.

(b) The office shall provide a method for assessing fiscal accountability for the integrated electronic system and shall establish the organizational structure required to implement this system.

(24) To provide administrative support to the *Agency* Chief Information Officers Council and other workgroups created by the Chief Information Officer.

(25) To facilitate state information technology education and training for senior management and other agency staff.

(26) To prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resources management, when requested.

(27) To prepare, publish, and disseminate the State Annual Report on Enterprise Resource Planning and Management under s. 282.310.

(28) To study and make a recommendation to the Governor and Legislature on the feasibility of implementing online voting in this state.

(29) To facilitate the development of a network access point in this state, as needed.

(30) To designate a State Chief Privacy Officer who shall be responsible for the continual review of policies, laws, rules, and practices of state agencies which may affect the privacy concerns of state residents.

Section 12. Section 282.103, Florida Statutes, is amended to read:

282.103 SUNCOM Network; exemptions from the required use.—

(1) There is created within the State Technology Office ~~of the Department of Management Services~~ the SUNCOM Network which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(2) The State Technology Office ~~of the Department of Management Services~~ shall design, engineer, implement, manage, and operate through state ownership, commercial leasing, or some combination thereof, the facilities and equipment providing SUNCOM Network services, and shall develop a system of equitable billings and charges for communication services.

(3) All state agencies are required to use the SUNCOM Network for agency communications services as the services become available; however, no agency is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency, the agency shall notify the State Technology Office ~~of the Department of Management Services~~ in writing and detail the requirements for that communications service. If the office is unable to meet an agency's requirements by enhancing SUNCOM Network service, the office *may* ~~shall~~ grant the agency an exemption from the required use of specified SUNCOM Network services.

Section 13. Section 282.104, Florida Statutes, is amended to read:

282.104 Use of state SUNCOM Network by municipalities.—Any municipality may request the State Technology Office ~~of the Department of Management Services~~ to provide any or all of the SUNCOM Network's portfolio of communications services upon such terms and under such conditions as the *office* ~~department~~ may establish. The requesting municipality shall pay its share of installation and recurring costs according to the published rates for SUNCOM Network services and as invoiced by the office. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 14. Subsection (1) of section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(1) The State Technology Office ~~of the Department of Management Services~~ shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) Expend the majority of its total direct revenues for the provision of contractual services to the state, a municipality, or a political subdivision of the state; and

(b) Receive only a small portion of its total revenues from any source other than a state agency, a municipality, or a political subdivision of the state during the period of time SUNCOM Network services are requested.

Section 15. Section 282.106, Florida Statutes, is amended to read:

282.106 Use of SUNCOM Network by libraries.—The State Technology Office ~~of the Department of Management Services~~ may provide SUNCOM Network services to any library in the state, including libraries in public schools, community colleges, the State University System, and nonprofit private postsecondary educational institutions, and libraries owned and operated by municipalities and political subdivisions.

Section 16. Subsection (1), paragraphs (f) and (g) of subsection (2), and subsections (3), (4), and (5) of section 282.1095, Florida Statutes, are amended to read:

282.1095 State agency law enforcement radio system.—

(1) The State Technology Office ~~of the Department of Management Services~~ may acquire and implement a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through a mutual aid channel. The Joint Task Force on State Agency Law Enforcement Communications is established in the State Technology Office ~~of the Department of Management Services~~ to advise the office of member-agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the State Technology Office ~~of the Department of Management Services~~. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.

(2)

(f) The State Technology Office ~~of the Department of Management Services~~ is hereby authorized to rent or lease space on any tower under its control. The office may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the office for each site, when it is determined to be practicable and feasible to make space available. The office may refuse to lease space on any tower at any site. All moneys collected by the office for such rents, leases, and subleases shall be deposited directly into the ~~State Agency~~ Law Enforcement Radio *Operating* ~~System~~ Trust Fund and may be used by the office to construct, maintain, or support the system.

(g) The State Technology Office ~~of the Department of Management Services~~ is hereby authorized to rent, lease, or sublease ground space on lands acquired by the office for the construction of privately owned or publicly owned towers. The office may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the office to accomplish its duties under this paragraph and paragraph (f) shall be established in the General Appropriations Act and shall be funded by the ~~State Agency~~ Law Enforcement Radio *Operating* ~~System~~ Trust Fund.

(3) Upon appropriation, moneys in the trust fund may be used by the office to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 328.72 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the office to provide for payment of the recurring maintenance costs of the system. ~~Moneys in the trust fund may be appropriated to maintain and enhance, over and above existing agency budgets, existing radio equipment systems of the state agencies represented by the task force members, in an amount not to exceed 10 percent per year per agency, of the existing radio equipment inventory until the existing radio equipment can be replaced pursuant to implementation of the statewide radio communications system.~~

(4)(a) The *office* ~~joint task force~~ shall establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(b) The joint task force, *in consultation with the office,* shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.

(5)~~(a)~~ The ~~State Technology~~ office ~~of the Department of Management Services~~ shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

~~(b) The positions necessary for the office to accomplish its duties under this section shall be established through the budgetary process and shall be funded by the State Agency Law Enforcement Radio System Trust Fund.~~

Section 17. Section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime generally. To this end, all law enforcement agencies within the state are directed to provide the State Technology Office ~~of the Department of Management Services~~ with any information the office requests for the purpose of implementing the provisions of subsection (2).

(2) The State Technology Office ~~of the Department of Management Services~~ is hereby authorized and directed to develop and maintain a statewide system of regional law enforcement communications. In formulating such a system, the office shall divide the state into appropriate

regions and shall develop a program which shall include, but not be limited to, the following provisions:

(a) The communications requirements for each county and municipality comprising the region.

(b) An interagency communications provision which shall depict the communication interfaces between municipal, county, and state law enforcement entities which operate within the region.

(c) Frequency allocation and use provision which shall include, on an entity basis, each assigned and planned radio channel and the type of operation, simplex, duplex, or half-duplex, on each channel.

(3) The office shall adopt any necessary rules and regulations for implementing and coordinating the statewide system of regional law enforcement communications.

(4) The Chief Information Officer of the State Technology Office or his or her designee is designated as the director of the statewide system of regional law enforcement communications and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

(5) No law enforcement communications system shall be established or present system expanded without the prior approval of the State Technology Office ~~of the Department of Management Services~~.

(6) Within the limits of its capability, the Department of Law Enforcement is encouraged to lend assistance to the State Technology Office ~~of the Department of Management Services~~ in the development of the statewide system of regional law enforcement communications proposed by this section.

Section 18. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.—

(1)(a) The State Technology Office ~~of the Department of Management Services~~ shall operate and manage the Technology Resource Center.

(b) For the purposes of this section, the term:

~~1. "Office" means the State Technology Office of the Department of Management Services.~~

1.~~2.~~ "Information-system utility" means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

2.~~3.~~ "Customer" means a state agency or other entity which is authorized to utilize the SUNCOM Network pursuant to this part.

(2) The Technology Resource Center shall:

(a) Serve the office and other customers as an information-system utility.

(b) Cooperate with customers to offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

(c) Cooperate with the Florida Legal Resource Center of the Department of Legal Affairs and other state agencies to develop and provide access to repositories of legal information throughout the state.

(d) Cooperate with the office to facilitate interdepartmental networking and integration of network services for its customers.

(e) Assist customers in testing and evaluating new and emerging technologies that could be used to meet the needs of the state.

(3) The office may contract with customers to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

~~(4) Acceptance of any new customer other than a state agency which is expected to pay during the initial 12 months of use more than 5 percent of the previous year's revenues of the Technology Resource Center shall be contingent upon approval of the Office of Planning and Budgeting in a manner similar to the budget amendment process in s. 216.181.~~

(4)~~(5)~~ The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any single fiscal year. Any experiment, pilot project, plan, or design must be approved by the Chief Information Officer ~~of the State Technology Office~~.

(5)~~(6)~~ Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend ~~the~~ funds in the reserve account of *the Technology Enterprise Operating Trust Fund* ~~its working capital trust fund~~ for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the Chief Information Officer ~~of the State Technology Office~~. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the Chief Information Officer ~~of the State Technology Office~~, provided that such approval conforms to any applicable provisions of chapter 216.

Section 19. Section 282.21, Florida Statutes, is amended to read:

282.21 The State Technology *Office's* ~~Office of the Department of Management Services'~~ electronic access services.—The State Technology Office ~~of the Department of Management Services~~ may collect fees for providing remote electronic access pursuant to s. 119.085. The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 20. Subsections (1) and (2) of section 282.22, Florida Statutes, are amended to read:

282.22 ~~The~~ State Technology Office*;* ~~of the Department of Management Services~~ production, ~~and~~ dissemination, *and ownership* of materials and products.—

(1) It is the intent of the Legislature that when materials, products, information, and services are *acquired* ~~collected~~ or developed by or under the direction of the State Technology Office ~~of the Department of Management Services~~, through research and development or other efforts, including those subject to copyright, patent, or trademark, they shall be made available for use by state and local government entities at the earliest practicable date and in the most economical and efficient manner possible and consistent with chapter 119.

(2) To accomplish this objective the office is authorized to publish or partner with private sector entities to produce or have produced materials and products and to make them readily available for appropriate use. The office is authorized to charge an amount or receive value-added services adequate to cover the essential cost of producing and disseminating such materials, information, services, or products and is authorized to sell services~~, when appropriate, to any entity who is authorized to use the SUNCOM Network pursuant to this part and to the public~~.

Section 21. Section 282.23, Florida Statutes, is created to read:

282.23 State Strategic Information Technology Alliance.—

(1) The State Technology Office, in consultation with the Department of Management Services, may establish a State Strategic Information Technology Alliance for the acquisition and use of information technology and related material in accordance with competitive procurement provisions of chapter 287.

(2) The State Technology Office, in consultation with the Department of Management Services, shall adopt rules implementing policies and procedures applicable to establishing the strategic alliances with prequalified contractors or partners to provide the state with efficient, cost-effective, and advanced information technology.

Section 22. Section 282.3041, Florida Statutes, is repealed:

~~282.3041 State agency responsibilities.—The head of each state agency, in consultation with the State Technology Office, is responsible and accountable for enterprise resource planning and management within the agency in accordance with legislative intent and as defined in this part.~~

Section 23. Section 282.3055, Florida Statutes, is amended to read:

282.3055 Agency Chief Information Officer; appointment; duties.—

(1)(a) To assist the *State Technology Officer* ~~agency head~~ in carrying out the enterprise resource planning and management responsibilities, the *Chief Information Officer may* ~~agency head shall~~ appoint~~, in consultation with the State Technology Office,~~ or contract for *an Agency* ~~a~~ Chief Information Officer ~~at a level commensurate with the role and importance of information technology resources in the agency~~. This position may be full time or part time.

(b) The *Agency* Chief Information Officer must, at a minimum, have knowledge and experience in both management and information technology resources.

(2) The duties of the *Agency* Chief Information Officer include, but are not limited to:

(a) Coordinating and facilitating agency enterprise resource planning and management projects and initiatives.

(b) Preparing an agency annual report on enterprise resource planning and management pursuant to s. 282.3063.

(c) Developing and implementing agency enterprise resource planning and management policies, procedures, and standards, including specific policies and procedures for review and approval of the agency's purchases of information technology resources *in accordance with the office's policies and procedures*.

(d) Advising agency senior management as to the enterprise resource planning and management needs of the agency for inclusion in planning documents required by law.

(e) Assisting in the development and prioritization of the enterprise resource planning and management schedule of the agency's legislative budget request.

Section 24. Subsection (1) of section 282.3063, Florida Statutes, is amended to read:

282.3063 Agency Annual Enterprise Resource Planning and Management Report.—

(1) By September 1 of each year, and for the State University System within 90 days after completion of the expenditure analysis developed pursuant to s. 240.271(4), each *Agency* Chief Information Officer shall prepare and submit to the State Technology Office an Agency Annual Enterprise Resource Planning and Management Report. Following consultation with the State Technology Office and the *Agency* Chief Information Officers Council, the Executive Office of the Governor and the fiscal committees of the Legislature shall jointly develop and issue instructions for the format and contents of the report.

Section 25. Subsections (1) and (2) of section 282.315, Florida Statutes, are amended to read:

282.315 *Agency* Chief Information Officers Council; creation.—The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide enterprise resource planning and management issues is essential to improving state management of such resources.

(1) There is created *an Agency* ~~a~~ Chief Information Officers Council to:

(a) Enhance communication among the *Agency* Chief Information Officers ~~of state agencies~~ by sharing enterprise resource planning and management experiences and exchanging ideas.

(b) Facilitate the sharing of best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications of state agencies.

(c) Identify efficiency opportunities among state agencies.

(d) Serve as an educational forum for enterprise resource planning and management issues.

(e) Assist the State Technology Office in identifying critical statewide issues and, when appropriate, make recommendations for solving enterprise resource planning and management deficiencies.

(2) Members of the council shall include the *Agency* Chief Information Officers ~~of all state agencies~~, including the Chief Information Officers of the agencies and governmental entities enumerated in s. 282.3031, except that there shall be one Chief Information Officer selected by the state attorneys and one Chief Information Officer selected by the public defenders. The chairs, or their designees, of ~~the Geographic Information Board,~~ the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall represent their respective organizations on the Chief Information Officers Council as voting members.

Section 26. Subsection (2) of section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.—

(2)(a) ~~Each agency head, in consultation with~~ The State Technology Office, *in consultation with each agency head*, is responsible and accountable for assuring an adequate level of security for all data and information technology resources of *each* ~~the~~ agency and, to carry out this responsibility, shall, at a minimum:

1. Designate an information security manager who shall administer the security program of *each* ~~the~~ agency for its data and information technology resources.

2. Conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology resources of *each* ~~the~~ agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

3. Develop, and periodically update, written internal policies and procedures to assure the security of the data and information technology resources of *each* ~~the~~ agency. The internal policies and procedures which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

4. Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology resources of *each* ~~the~~ agency.

5. Ensure that periodic internal audits and evaluations of *each* ~~the~~ security program for the data and information technology resources of the agency are conducted. The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

6. Include appropriate security requirements, as determined by the *State Technology Office, in consultation with each* agency *head*, in the written specifications for the solicitation of information technology resources.

(b) In those instances in which the State Technology Office ~~of the Department of Management Services~~ develops state contracts for use by state agencies, the *office* ~~department~~ shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology resources.

Section 27. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.

(1) For each information resources management project which is designated for special monitoring in the General Appropriations Act, with a proviso requiring a contract with a project monitor, the Technology Review Workgroup established pursuant to s. 216.0446, in consultation with each affected agency, shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the Technology Review Workgroup upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major stages of each designated project shall be determined based on the agency's information systems development methodology. Within 20 days after an agency has completed a major stage of its designated project or at least 90 days, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report, which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, the Technology Review Workgroup, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

(2) The Enterprise Project Management Office of the State Technology Office shall report any information technology projects the office identifies as high-risk to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committees. Within the limits of current appropriations, the Enterprise Project Management Office shall monitor and report on such high-risk information technology projects, and assess the levels of risks associated with proceeding to the next stage of the project.

Section 28. Paragraph (f) of subsection (2) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(2) The Governor's recommended budget shall also include:

(f) The Governor's recommendations for *high-risk* ~~critical~~ information *technology* ~~resource management~~ projects which should be subject to ~~special~~ monitoring under s. 282.322. These recommendations shall include proviso language which specifies whether funds are specifically provided to contract for project monitoring, or whether the Auditor General will conduct such project monitoring. When funds are recommended for contracting with a project monitor, such funds may equal 1 percent to 5 percent of the project's estimated total costs. These funds shall be specifically appropriated and nonrecurring.

Section 29. Paragraph (b) of subsection (1) and paragraph (o) of subsection (3) of section 119.07, Florida Statutes, are amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(1)

(b) If the nature or volume of public records requested to be inspected, examined, or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both. "Information technology resources" *means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training* ~~shall have the same meaning as in s. 282.303(12)~~.

(3)

(o) Data processing software obtained by an agency under a licensing agreement which prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and agency-produced data processing software which is sensitive are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. The designation of agency-produced software as sensitive shall not prohibit an agency head from sharing or exchanging such software with another public agency. As used in this paragraph:

1. "Data processing software" *means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs* ~~has the same meaning as in s. 282.303(7)~~.

2. "Sensitive" means only those portions of data processing software, including the specifications and documentation, used to:

a. Collect, process, store, and retrieve information which is exempt from the provisions of subsection (1);

b. Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or

c. Control and direct access authorizations and security measures for automated systems.

Section 30. Paragraph (b) of subsection (1) of section 119.083, Florida Statutes, is amended to read:

119.083 Definitions; copyright of data processing software created by governmental agencies; fees; prohibited contracts.—

(1) As used in this section:

(b) "Data processing software" has the same meaning as in s. *119.07(3)(o)* ~~282.303~~.

Section 31. *(1) Each state agency that entered into a memorandum of agreement with the State Technology Office by March 15, 2001, regarding consolidation of information technology resources and staff, shall transfer the positions identified in the memoranda and the associated rate and the amount of approved budget to the State Technology Office on October 1, 2001. The total number of positions transferred to the State Technology Office shall not exceed 1,760 full-time positions. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.*

(2) Each state agency required to transfer positions pursuant to subsection (1) shall also transfer administrative support personnel and associated rate and the amount of approved budget to the State Technology Office. The number of administrative support positions transferred by each agency shall not exceed 5 percent of the number of positions transferred pursuant to subsection (1). Such transfers shall take effect July 15, 2001. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(3) The State Technology Office and the individual agencies may request subsequent transfers of full-time positions and associated rate and funds during the fiscal year to meet the levels of service agreed to between the State Technology Office and the agencies. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(4) The State Technology Office is authorized to charge back to each participating agency an amount equal to the total of all direct and indirect costs of administering the agreement with the agency and the total of all direct and indirect costs of rendering the performances required of the State Technology Office under such agreements.

(5) Any resources transferred to the State Technology Office which were dedicated to a federally funded system shall remain allocated to that system until the appropriate federal agency or authority confirms in writing that another plan for supporting the system will not result in federal sanctions.

(6) The corresponding amounts necessary to execute subsections (1)-(3) are appropriated to the state agencies for transfer to the State Technology Office. Such amounts and specific funds shall be equivalent to the amount of approved budget reduced from state agencies in subsections (1)-(3), subject to approval by the Legislative Budget Commission.

Section 32. *Section 282.404, Florida Statutes, is repealed.*

Section 33. Subsection (6) is added to section 11.90, Florida Statutes, to read:

11.90 Legislative Budgeting Commission.—

(6) The Commission shall review information resources management needs identified in agency long-range program plans for consistency with the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office. The Commission shall also review proposed budget amendments associated with information technology that involve more than one agency, that have an outcome that impacts another agency, or that exceed $500,000 in total cost over 1-year period.

Section 34. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S.; relating to review of agency information resources management needs; providing that the Technology Review Workgroup and the State Technology Office shall independently review specified long-range program plans and make recommendations with respect thereto; providing reporting requirements; revising powers and duties of the Technology Review Workgroup; amending s. 216.181, F.S.; relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management Act of 1997; providing that the State Technology Office has primary responsibility and accountability for information technology matters within the state; providing that the office shall take no action with respect to specified information technology and information technology personnel deemed necessary by cabinet officers; amending and renumbering s. 282.303, F.S.; revising definitions; defining "information technology"; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be considered an agency head; providing for administrative support and service from Department of Management Services; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; providing for a State Chief Privacy Officer; amending s. 282.103, F.S., to conform; authorizing the State Technology Office to grant an agency exemption from required use of specified SUNCOM Network services; amending s. 282.104, F.S., to conform; amending s. 282.105, F.S., to conform; amending s. 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S., to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the office's authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending amending s. 282.318, F.S., to conform; amending s. 282.322, F.S.; requiring the Enterprise Project Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; amending s. 216.163, F.S.; providing that the Governor's recommended budget shall include recommendations for specified high-risk information technology projects; amending s. 119.07, F.S.; defining "information technology resources" and "data processing software"; amending s. 119.083, F.S.; correcting cross-references; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources which were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; amending s. 11.90, F.S.; requiring the Legislative Budgeting Commission to review specified information resources management needs, State Technology Office policies, and specified budget amendments; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 874** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 876—A bill to be entitled An act relating to state technology resource procurement; amending s. 287.042, F.S.; requiring the State Technology Office to assess technological needs of agencies and to evaluate contracts; amending s. 287.057, F.S.; requiring state agencies to participate in the on-line procurement program; requiring the State Technology Office to determine criteria for exceptions to participation; authorizing the collection of fees for use of the procurement program; authorizing the creation of State Strategic Information Technology Alliances; amending s. 287.0731, F.S.; requiring the Department of Management Services to consult with the State Technology Office in the establishment of a permanent team for contract negotiations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 876** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta, the Senate resumed consideration of—

CS for CS for SB 2056—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; creating the turnpike enterprise; providing organization changes for the Department of Transportation; amending s. 163.3180, F.S.; providing a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; increasing the debt-service cap on the transfer of 7 percent of state transportation revenue to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 255.20, F.S.; adding an exception to requirements relating to local bids and contracts for public construction works; amending s. 287.055, F.S.; increasing the amount constituting a continuing contract; amending s. 311.09, F.S.; referencing s. 287.055, F.S., relating to competition negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; updating references to safety regulations for commercial vehicles; amending s. 316.3025, F.S.; conforming that section to the repeal of s. 316.3027, F.S.; repealing s. 316.3027, F.S., relating to commercial motor vehicle identification requirements; amending s. 316.515, F.S.; deleting the permit requirement for an automobile transporter; amending s. 316.535, F.S.; providing maximum weights for certain trucks; amending s. 316.545, F.S.; conforming provisions to amendments made by this act; repealing s. 316.610(3), F.S., relating to an irrelevant vehicle inspection service; amending ss. 330.27, 330.29, 330.30, 330.35, 330.36, F.S.; providing for the registration and licensing of airports; amending s. 332.004, F.S.; including an off-airport noise mitigation project within the meaning of the term "airport or aviation development project"; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan, and providing for notice to affected local governments with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions that specify that certain changes in airport facilities and increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact review; amending ss. 380.06, 380.0651, F.S.; revising provisions governing application with respect to airports and petroleum storage facilities that have received a development-of-regional-impact development order or that have an application for development approval or notification of proposed change pending on the effective date of the act; amending s. 334.044, F.S.; authorizing the department to purchase certain promotional items for the Florida Scenic Highways Program; authorizing the department to enter into permit-delegation agreements in certain circumstances; creating s. 335.066, F.S.; establishing the Safe Paths to School program; amending s. 334.30, F.S.; providing for public-private transportation facilities; amending ss. 335.141, 341.302, F.S.; removing the department's authority to regulate the operating speed of trains; amending s. 336.41, F.S.; providing prequalification requirements for contractors who bid on certain government projects; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria; amending s. 336.44, F.S.; substituting the criterion "lowest responsible bidder" for "lowest competent bidder"; amending s. 337.025, F.S.; exempting the turnpike enterprise from an annual contract cap; amending s. 337.107, F.S.; authorizing right-of-way services to be included in design-build contracts; amending s. 337.11, F.S.; authorizing the advertisement and award of certain design-build contracts; increasing the cap on fast-response contracts; authorizing the use of design-build contracts for enhancement projects; providing an exemption for a turnpike enterprise project; amending s. 337.14, F.S.; increasing the length of time for which a certificate of qualification may remain valid; providing prequalification requirements for contractors who bid on certain projects of specified expressway and bridge authorities or of the Jacksonville Transportation Authority; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria in specified circumstances; providing applicability; amending s. 337.401, F.S.; authorizing the department to accept a utility-relocation schedule and relocation agreement in lieu of a written permit in certain circumstances; amending s. 337.408, F.S.; revising provisions regulating benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 338.165, F.S.; revising provisions relating to toll revenues; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings policy, purpose, and intent for the Florida turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending s. 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 339.08, F.S.; repealing a rulemaking requirement relating to the department's expending moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; authorizing compensation to local governments by the department; increasing the amount of a project agreement for a local contribution; providing funds for certain counties that dedicate a portion of a sales tax to certain transportation projects; amending s. 339.135, F.S.; increasing the threshold amount for an amendment to the adopted work program; revising the time period for a transportation project commitment in the work program; amending s. 339.137, F.S.; providing membership changes to the Transportation Outreach Program Council; providing restrictions on project consideration; providing for the development of a scoring system; repealing 341.051(5)(b), F.S.; eliminating certain unnecessary public transit studies; amending s. 341.302, F.S.; eliminating the requirement for the department to develop and administer certain rail-system standards; amending s. 348.0003, F.S.; requiring the governing body of the county to determine the qualifications, terms of office, and obligations and rights of members of the expressway authority for the county; amending s. 373.4137, F.S.; providing requirements for environmental mitigation for transportation projects proposed by a transportation authority; requiring the authority to establish an escrow account; providing for mitigation plans; amending s. 348.0012, F.S.; providing an exemption to the Florida Expressway Authority Act; amending s. 348.754, F.S.; revising the authority of the Orlando-Orange County Expressway Authority; amending s. 348.7543, F.S.; expanding the use of bond financing; amending ss. 348.7544, 348.7545, F.S.; authorizing refinancing with bonds; amending s. 348.755, F.S.; authorizing the issuance of bonds; amending s. 348.765, F.S.; providing that the section does not repeal, rescind, or modify s. 215.821, F.S.; amending s. 475.011, F.S.; providing an exemption for certain employees from specified licensing requirements; amending s. 479.15, F.S.; defining the term "federal-aid primary highway system"; creating s. 479.25, F.S.; allowing an increase in the height of a sign to restore its visibility under specified conditions; creating s. 70.20, F.S.; creating a process by which governmental entities and sign owners may enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S., and creating s. 496.4256, F.S.; revising the permit requirement for solicitation at rest areas; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disad-

vantaged Trust Fund; amending s. 331.308, F.S.; revising the membership of the board of supervisors of the Spaceport Florida Authority; designating the Lieutenant Governor as the chair and as the state's space policy leader; allowing the Lieutenant Governor to assign proxy voting power; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; providing effective dates.

—which was previously considered this day.

An amendment was considered and adopted to conform **CS for CS for SB 2056** to **CS for CS for HB 1053**.

Pending further consideration of **CS for CS for SB 2056** as amended, on motion by Senator Sebesta, by two-thirds vote **CS for CS for HB 1053** was withdrawn from the Committees on Transportation; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Sebesta, the rules were waived and by two-thirds vote—

CS for CS for HB 1053—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are

agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2056** as amended and by two-thirds vote read the second time by title.

Senator Sebesta moved the following amendment:

Amendment 1 (510902)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)(a)~~1.~~ The head of the Department of Transportation is the Secretary of Transportation. The secretary shall be appointed by the Governor from among three persons nominated by the Florida Transportation Commission and shall be subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(b)~~2.~~ The secretary shall be a proven, effective administrator who by a combination of education and experience shall clearly possess a broad knowledge of the administrative, financial, and technical aspects of the development, operation, and regulation of transportation systems and facilities or comparable systems and facilities.

~~(b)1. The secretary shall employ all personnel of the department. He or she shall implement all laws, rules, policies, and procedures applicable to the operation of the department and may not by his or her actions disregard or act in a manner contrary to any such policy. The secretary shall represent the department in its dealings with other state agencies, local governments, special districts, and the Federal Government. He or she shall have authority to sign and execute all documents and papers necessary to carry out his or her duties and the operations of the department. At each meeting of the Florida Transportation Commission, the secretary shall submit a report of major actions taken by him or her as official representative of the department.~~

~~2. The secretary shall cause the annual department budget request, the Florida Transportation Plan, and the tentative work program to be prepared in accordance with all applicable laws and departmental policies and shall submit the budget, plan, and program to the Florida Transportation Commission. The commission shall perform an in-depth evaluation of the budget, plan, and program for compliance with all applicable laws and departmental policies. If the commission determines that the budget, plan, or program is not in compliance with all applicable laws and departmental policies, it shall report its findings and recommendations regarding such noncompliance to the Legislature and the Governor.~~

(c)~~3.~~ The secretary shall provide to the Florida Transportation Commission or its staff, such assistance, information, and documents as are requested by the commission or its staff to enable the commission to fulfill its duties and responsibilities.

(d)~~(c)~~ The secretary shall appoint *two* ~~three~~ assistant secretaries who shall be directly responsible to the secretary and who shall perform such duties as are specified in this section and such other duties as are assigned by the secretary. ~~The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary. The department has the authority to adopt rules necessary for the delegation of authority beyond the assistant secretaries. The assistant secretaries shall serve at the pleasure of the secretary.~~

(e)~~(d)~~ Any secretary appointed after July 5, 1989, and the assistant secretaries shall be exempt from the provisions of part III of chapter 110 and shall receive compensation commensurate with their qualifications and competitive with compensation for comparable responsibility in the private sector. When the salary of any assistant secretary exceeds the limits established in part III of chapter 110, the Governor shall approve said salary.

(2)(a)1. The Florida Transportation Commission is hereby created and shall consist of nine members appointed by the Governor subject to confirmation by the Senate. Members of the commission shall serve terms of 4 years each.

2. Members shall be appointed in such a manner as to equitably represent all geographic areas of the state. Each member must be a registered voter and a citizen of the state. Each member of the commission must also possess business managerial experience in the private sector.

3. A member of the commission shall represent the transportation needs of the state as a whole and may not subordinate the needs of the state to those of any particular area of the state.

4. The commission is assigned to the Office of the Secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department.

(b) The commission shall have the primary functions to:

1. Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements therein to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department, using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Legislature and the Governor methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to Florida's changing economic and demographic development patterns. The initial report by the commission must be delivered to the Governor and Legislature by December 15, 2000, and each year thereafter, as appropriate. The commission may retain such experts as are reasonably necessary to effectuate this subparagraph, and the department shall pay the expenses of such experts.

(c) The commission or a member thereof may not enter into the day-to-day operation of the department and is specifically prohibited from taking part in:

1. The awarding of contracts.

2. The selection of a consultant or contractor or the prequalification of any individual consultant or contractor. However, the commission may recommend to the secretary standards and policies governing the procedure for selection and prequalification of consultants and contractors.

3. The selection of a route for a specific project.

4. The specific location of a transportation facility.

5. The acquisition of rights-of-way.

6. The employment, promotion, demotion, suspension, transfer, or discharge of any department personnel.

7. The granting, denial, suspension, or revocation of any license or permit issued by the department.

(d)1. The chair of the commission shall be selected by the commission members and shall serve a 1-year term.

2. The commission shall hold a minimum of 4 regular meetings annually, and other meetings may be called by the chair upon giving at least 1 week's notice to all members and the public pursuant to chapter 120. Other meetings may also be held upon the written request of at least four other members of the commission, with at least 1 week's notice of such meeting being given to all members and the public by the chair pursuant to chapter 120. Emergency meetings may be held without notice upon the request of all members of the commission. *At each meeting of the commission, the secretary or his or her designee shall submit a report of major actions taken by him or her as official representative of the department.*

3. A majority of the membership of the commission constitutes a quorum at any meeting of the commission. An action of the commission is not binding unless the action is taken pursuant to an affirmative vote of a majority of the members present, but not fewer than four members of the commission at a meeting held pursuant to subparagraph 2., and the vote is recorded in the minutes of that meeting.

4. The chair shall cause to be made a complete record of the proceedings of the commission, which record shall be open for public inspection.

(e) The meetings of the commission shall be held in the central office of the department in Tallahassee unless the chair determines that special circumstances warrant meeting at another location.

(f) Members of the commission are entitled to per diem and travel expenses pursuant to s. 112.061.

(g) A member of the commission may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department during the term of his or her appointment and for 2 years after the termination of such appointment.

(h) The commission shall appoint an executive director and assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 110 and shall serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service; provided, however, that the commission shall have complete authority for fixing the salary of the executive director and assistant executive director.

(i) The commission shall develop a budget pursuant to chapter 216. The budget is not subject to change by the department, but such budget shall be submitted to the Governor along with the budget of the department.

(3)(a) The central office shall establish departmental policies, rules, procedures, and standards and shall monitor the implementation of such policies, rules, procedures, and standards in order to ensure uniform compliance and quality performance by the districts and central office units that implement transportation programs. Major transportation policy initiatives or revisions shall be submitted to the commission for review. ~~The central office monitoring function shall be based on a plan that clearly specifies what areas will be monitored, activities and criteria used to measure compliance, and a feedback process that assures monitoring findings are reported and deficiencies corrected. The secretary is responsible for ensuring that a central office monitoring function is implemented, and that it functions properly. In conjunction with its monitoring function, the central office shall provide such training and administrative support to the districts as the department determines to be necessary to ensure that the department's programs are carried out in the most efficient and effective manner.~~

~~(b) The resources necessary to ensure the efficiency, effectiveness, and quality of performance by the department of its statutory responsibilities shall be allocated to the central office.~~

(b)~~(c)~~ The secretary shall appoint an Assistant Secretary for Transportation Policy *and*~~,~~ an Assistant Secretary for Finance and Administration~~, and an Assistant Secretary for District Operations~~, each of whom shall serve at the pleasure of the secretary. ~~The positions are responsible for developing, monitoring, and enforcing policy and managing major technical programs. The responsibilities and duties of these positions include, but are not limited to, the following functional areas:~~

~~1. Assistant Secretary for Transportation Policy.~~

~~a. Development of the Florida Transportation Plan and other policy planning;~~

~~b. Development of statewide modal systems plans, including public transportation systems;~~

~~c. Design of transportation facilities;~~

~~d. Construction of transportation facilities;~~

~~e. Acquisition and management of transportation rights-of-way; and~~

~~f. Administration of motor carrier compliance and safety.~~

~~2. Assistant Secretary for District Operations.~~

~~a. Administration of the eight districts; and~~

~~b. Implementation of the decentralization of the department.~~

~~3. Assistant Secretary for Finance and Administration.~~

~~a. Financial planning and management;~~

~~b. Information systems;~~

~~c. Accounting systems;~~

~~d. Administrative functions; and~~

~~e. Administration of toll operations.~~

~~(d)1. Policy, program, or operations offices shall be established within the central office for the purposes of:~~

~~a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;~~

~~b. Performing statewide activities which it is more cost-effective to perform in a central location;~~

~~c. Assessing and ensuring the accuracy of information within the department's financial management information systems; and~~

~~d. Performing other activities of a statewide nature.~~

1.~~2.~~ The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:

a. The Office of Administration;

b. The Office of Policy Planning;

c. The Office of Design;

d. The Office of Highway Operations;

e. The Office of Right-of-Way;

f. The Office of Toll Operations;

g. The Office of Information Systems; ~~and~~

h. The Office of Motor Carrier Compliance;~~.~~

i. The Office of Management and Budget; and

j. The Office of Comptroller.

2.~~3.~~ Other offices may be established in accordance with s. 20.04(7). The heads of such offices are exempt from part II of chapter 110. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.

3.~~4.~~ During the construction of a major transportation improvement project or as determined by the district secretary, the department may provide assistance to a business entity significantly impacted by the project if the entity is a for-profit entity that has been in business for 3 years prior to the beginning of construction and has direct or shared access to the transportation project being constructed. The assistance program shall be in the form of additional guarantees to assist the impacted business entity in receiving loans pursuant to Title 13 C.F.R. part 120. However, in no instance shall the combined guarantees be greater than 90 percent of the loan. The department shall adopt rules to implement this subparagraph.

~~(e) The Assistant Secretary for Finance and Administration must possess a broad knowledge of the administrative, financial, and technical aspects of a complete cost-accounting system, budget preparation and management, and management information systems. The Assistant Secretary for Finance and Administration must be a proven, effective manager with specialized skills in financial planning and management. The Assistant Secretary for Finance and Administration shall ensure that financial information is processed in a timely, accurate, and complete manner.~~

~~(f)1. Within the central office there is created an Office of Management and Budget. The head of the Office of Management and Budget is responsible to the Assistant Secretary for Finance and Administration and is exempt from part II of chapter 110.~~

~~2. The functions of the Office of Management and Budget include, but are not limited to:~~

~~a. Preparation of the work program;~~

~~b. Preparation of the departmental budget; and~~

~~c. Coordination of related policies and procedures.~~

~~3. The Office of Management and Budget shall also be responsible for developing uniform implementation and monitoring procedures for all activities performed at the district level involving the budget and the work program.~~

(c)~~(g)~~ The secretary *shall* ~~may~~ appoint an inspector general *pursuant to s. 20.055* who shall be directly responsible to the secretary and shall serve at the pleasure of the secretary.

~~(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In order to attract and retain an individual who has the proven technical and administrative skills necessary to comply with the requirements of this section, the agency head may appoint the inspector general to a classification level within the Career Service System that is equivalent to that provided for in part III of chapter 110. The inspector general may be organizationally located within another unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department's accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department's management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical aspects of the department's operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.~~

~~2. In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:~~

~~a. Secretary whenever the inspector general makes a preliminary determination that particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the department have occurred. The secretary shall review and assess the correctness of the preliminary determination by the inspector general. If the preliminary determination is substantiated, the secretary shall submit such report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. Nothing in this section shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by any other provision of law.~~

~~b. Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a statement to the Transportation Commission and the Legislature the reasons for his or her actions.~~

~~(i)1. The secretary shall appoint a comptroller who is responsible to the Assistant Secretary for Finance and Administration. This position is exempt from part II of chapter 110.~~

~~2. The comptroller is the chief financial officer of the department and must be a proven, effective administrator who by a combination of education and experience clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller must hold an active license to practice public accounting in Florida pursuant to chapter 473 or an active license to practice public accounting in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system that will in a timely manner accurately reflect the revenues and expenditures of the department and that includes a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and is responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies that examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review must state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.~~

~~3. The department shall by rule or internal management memoranda as required by chapter 120 provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:~~

~~a. The several appropriations available for the use of the department;~~

~~b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose;~~

~~c. The apportionment or division of all such appropriations among the several counties and districts, when such apportionment or division is made;~~

~~d. The amount or portion of each such apportionment against general contractual and other liabilities then created;~~

~~e. The amount expended and still to be expended in connection with each contractual and other obligation of the department;~~

~~f. The expense and operating costs of the various activities of the department;~~

~~g. The receipts accruing to the department and the distribution thereof;~~

~~h. The assets, investments, and liabilities of the department; and~~

~~i. The cash requirements of the department for a 36-month period.~~

~~4. The comptroller shall maintain a separate account for each fund administered by the department.~~

~~5. The comptroller shall perform such other related duties as designated by the department.~~

(d)~~(j)~~ The secretary shall appoint a general counsel who shall be ~~employed full time and shall be~~ directly responsible to the secretary *and shall serve at the pleasure of the secretary*. The general counsel is responsible for all legal matters of the department. The department may employ as many attorneys as it deems necessary to advise and represent the department in all transportation matters.

(e)~~(k)~~ The secretary shall appoint a state transportation planner ~~who shall report to the Assistant Secretary for Transportation Policy. The state transportation planner's responsibilities shall include, but are not limited to, policy planning, systems planning, and transportation statistics~~. This position shall be classified at a level equal to a deputy assistant secretary.

(f)~~(l)~~ The secretary shall appoint a state highway engineer ~~who shall report to the Assistant Secretary for Transportation Policy. The state highway engineer's responsibilities shall include, but are not limited to, design, construction, and maintenance of highway facilities; acquisition and management of transportation rights-of-way; traffic engineering; and materials testing~~. This position shall be classified at a level equal to a deputy assistant secretary.

(g)~~(m)~~ The secretary shall appoint a state public transportation administrator ~~who shall report to the Assistant Secretary for Transportation Policy. The state public transportation administrator's responsibilities shall include, but are not limited to, the administration of statewide transit, rail, intermodal development, and aviation programs~~. This position shall be classified at a level equal to a deputy assistant secretary. ~~The department shall also assign to the public transportation administrator an organizational unit the primary function of which is to administer the high-speed rail program.~~

(4)(a) The operations of the department shall be organized into *seven* ~~eight~~ districts, ~~including a turnpike district,~~ each headed by a district secretary, *and a turnpike enterprise, headed by an executive director*. ~~The district secretaries shall report to the Assistant Secretary for District Operations.~~ The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, *and* Hillsborough~~, and Leon~~ Counties. *The headquarters of the turnpike enterprise shall be located in Orange County.* ~~The turnpike district must be relocated to Orange County in the year 2000.~~ In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts. However, before making a decision to centralize or decentralize department operations ~~or relocate the turnpike district~~, the department must first determine if the decision would be cost-effective and in the public's best interest. The department shall periodically evaluate such decisions to ensure that they are appropriate.

(b) The primary responsibility for the implementation of the department's transportation programs shall be delegated by the secretary to the district secretaries, and sufficient authority shall be vested in each district to ensure adequate control of the resources commensurate with the delegated responsibility. Each district secretary shall also be accountable for ensuring their district's quality of performance and compliance with all laws, rules, policies, and procedures related to the operation of the department.

(c) Each district secretary may appoint a district director for planning and programming, a district director for production, and a district director for operations. These positions are exempt from part II of chapter 110.

(d) Within each district, offices shall be established for managing major functional responsibilities of the department. ~~The offices may include planning, design, construction, right-of-way, maintenance, and public transportation.~~ The heads of these offices shall be exempt from part II of chapter 110.

(e) The district director for the Fort Myers Urban Office of the Department of Transportation is responsible for developing the 5-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort Myers Urban Office also is responsible for providing policy, direction, local government coordination, and planning for those counties.

(f)1. The responsibility for the turnpike system shall be delegated by the secretary to the executive director of the turnpike enterprise, who shall serve at the pleasure of the secretary. The executive director shall report directly to the secretary, and the turnpike enterprise shall operate pursuant to ss. 338.22-338.241.

2. To facilitate the most efficient and effective management of the turnpike enterprise, including the use of best business practices employed by the private sector, the turnpike enterprise shall be exempt from departmental policies, procedures, and standards, subject to the Secretary having the authority to apply any such policies, procedures, and standards to the turnpike enterprise from time to time as deemed appropriate.

3. To enhance the ability of the turnpike enterprise to use best business practices employed by the private sector, the Secretary shall promulgate rules which exempt the turnpike enterprise from department rules and authorize the turnpike enterprise to employ procurement methods available to the private sector.

(5) Notwithstanding the provisions of s. 110.205, the Department of Management Services is authorized to exempt positions within the Department of Transportation which are comparable to positions within the Senior Management Service pursuant to s. 110.205(2)(i) or positions which are comparable to positions in the Selected Exempt Service under s. 110.205(2)(l).

~~(6) To facilitate the efficient and effective management of the department in a businesslike manner, the department shall develop a system for the submission of monthly management reports to the Florida Transportation Commission and secretary from the district secretaries. The commission and the secretary shall determine which reports are required to fulfill their respective responsibilities under this section. A copy of each such report shall be submitted monthly to the appropriations and transportation committees of the Senate and the House of Representatives. Recommendations made by the Auditor General in his or her audits of the department that relate to management practices, systems, or reports shall be implemented in a timely manner. However, if the department determines that one or more of the recommendations should be altered or should not be implemented, it shall provide a written explanation of such determination to the Legislative Auditing Committee within 6 months after the date the recommendations were published.~~

(6)~~(7)~~ The department is authorized to contract with local governmental entities and with the private sector if the department first determines that:

(a) Consultants can do the work at less cost than state employees;

(b) State employees can do the work at less cost, but sufficient positions have not been approved by the Legislature as requested in the department's most recent legislative budget request;

(c) The work requires specialized expertise, and it would not be economical for the state to acquire, and then maintain, the expertise after the work is done;

(d) The workload is at a peak level, and it would not be economical to acquire, and then keep, extra personnel after the workload decreases; or

(e) The use of such entities is clearly in the public's best interest.

Such contracts shall require compliance with applicable federal and state laws, and clearly specify the product or service to be provided.

Section 2. Paragraphs (i) and (l) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(i) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; and the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)*(b)1.*~~(d)2.~~, of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)*(b)2.*~~(d)3.~~ and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

Section 3. Paragraph (k) is added to subsection (6) of section 163.3177, Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. An amendment proposed by a local government

for purposes of identifying the land use categories in which public schools are an allowable use is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible.

(b) A traffic circulation element consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the traffic circulation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources. Local governments shall assess their current, as well as projected, water needs and sources for a 10-year period. This information shall be submitted to the appropriate agencies. The land use map or map series contained in the future land use element shall generally identify and depict the following:

1. Existing and planned waterwells and cones of influence where applicable.

2. Beaches and shores, including estuarine systems.

3. Rivers, bays, lakes, flood plains, and harbors.

4. Wetlands.

5. Minerals and soils.

The land uses identified on such maps shall be consistent with applicable state law and rules.

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, and other recreational facilities.

(f)1. A housing element consisting of standards, plans, and principles to be followed in:

a. The provision of housing for all current and anticipated future residents of the jurisdiction.

b. The elimination of substandard dwelling conditions.

c. The structural and aesthetic improvement of existing housing.

d. The provision of adequate sites for future housing, including housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.

f. The formulation of housing implementation programs.

g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

The goals, objectives, and policies of the housing element must be based on the data and analysis prepared on housing needs, including the affordable housing needs assessment. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to utilize job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.

(g) For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the policies that shall guide the local government's decisions and program implementation with respect to the following objectives:

1. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.

2. Continued existence of viable populations of all species of wildlife and marine life.

3. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.

4. Avoidance of irreversible and irretrievable loss of coastal zone resources.

5. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.

6. Proposed management and regulatory techniques.

7. Limitation of public expenditures that subsidize development in high-hazard coastal areas.

8. Protection of human life against the effects of natural disasters.

9. The orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.

10. Preservation, including sensitive adaptive use of historic and archaeological resources.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent

counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 240.155.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those municipalities having populations greater than 50,000, and those counties having populations greater than 75,000, as determined under s. 186.901.

(j) For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which shall be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:

1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.

2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

3. Parking facilities.

4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.

6. The capability to evacuate the coastal population prior to an impending natural disaster.

7. Airports, projected airport and aviation development, and land use compatibility around airports.

8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

(k) An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under section 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plan; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan shall not be a development of regional impact.

Section 4. Paragraph (c) of subsection (2) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(2)

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities *designated as part of the Florida Intrastate Highway System needed to serve new development shall be in place or under actual construction no more than 5 years after issuance by the local government of a certificate of occupancy or its functional equivalent. Other transportation facilities* needed to serve new development shall be in place or under actual construction no more than 3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.

Section 5. Section 189.441, Florida Statutes, is amended to read:

189.441 Contracts.—Contracts for the construction of projects and for any other purpose of the authority may be awarded by the authority in a manner that will best promote free and open competition, including advertisement for competitive bids; however, if the authority determines that the purposes of this act will be more effectively served thereby, the authority may award or cause to be awarded contracts for the construction of any project, including design-build contracts, or any part thereof, or for any other purpose of the authority upon a negotiated basis as determined by the authority. Each contractor doing business with the authority and required to be licensed by the state or local general-purpose governments must maintain the license during the term of the contract with the authority. The authority may prescribe bid security requirements and other procedures in connection with the award of contracts which protect the public interest. ~~Section 287.055 does not apply to the selection of professional architectural, engineering, landscape architectural, or land surveying services by the authority or to the procurement of design-build contracts.~~ The authority may, and in the case of a new professional sports franchise must, by written contract engage the services of the operator, lessee, sublessee, or purchaser, or prospective operator, lessee, sublessee, or purchaser, of any project in the construction of the project and may, and in the case of a new professional sports franchise must, provide in the contract that the lessee, sublessee, purchaser, or prospective lessee, sublessee, or purchaser, may act as an agent of, or an independent contractor for, the authority for the performance of the functions described therein, subject to the conditions and requirements prescribed in the contract, including functions such as

the acquisition of the site and other real property for the project; the preparation of plans, specifications, financing, and contract documents; the award of construction and other contracts upon a competitive or negotiated basis; the construction of the project, or any part thereof, directly by the lessee, purchaser, or prospective lessee or purchaser; the inspection and supervision of construction; the employment of engineers, architects, builders, and other contractors; and the provision of money to pay the cost thereof pending reimbursement by the authority. Any such contract may, and in the case of a new professional sports franchise must, allow the authority to make advances to or reimburse the lessee, sublessee, or purchaser, or prospective lessee, sublessee, or purchaser for its costs incurred in the performance of those functions, and must set forth the supporting documents required to be submitted to the authority and the reviews, examinations, and audits that are required in connection therewith to assure compliance with the contract.

Section 6. Subsection (6) is added to section 73.092, Florida Statutes, to read:

73.092 Attorney's fees.—

(6) If a defendant does not accept the last written settlement offer by the condemning authority before the final judgment, and the final judgment obtained by the defendant, exclusive of any interest accumulated after the written settlement offer was initially made, is equal to or less than the written settlement offer, then the court shall not award any attorney fees or costs incurred by the defendant after the date the written settlement offer was received. This subsection shall not apply to s. 73.092.

Section 7. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other provisions of law, from the revenues deposited into the State Transportation Trust Fund a maximum of 7 percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the 7 percent annual transfer authorized in this subsection, the annual amount transferred under this subsection shall not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt service not to exceed *$200* ~~$135~~ million. Such transfer shall be payable primarily from the motor and diesel fuel taxes transferred to the State Transportation Trust Fund from the Fuel Tax Collection Trust Fund.

Section 8. Paragraph (a) of subsection (1) of section 255.20, Florida Statutes, is amended to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have total construction project costs of more than $200,000. For electrical work, local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have a cost of more than $50,000. As used in this section, the term "competitively award" means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, construction costs include the cost of all labor, except inmate labor, and include the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(a) The provisions of this subsection do not apply:

1. When the project is undertaken to replace, reconstruct, or repair an existing facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates:

a. An immediate danger to the public health or safety;

b. Other loss to public or private property which requires emergency government action; or

c. An interruption of an essential governmental service.

2. When, after notice by publication in accordance with the applicable ordinance or resolution, the governmental entity does not receive any responsive bids or responses.

3. To construction, remodeling, repair, or improvement to a public electric or gas utility system when such work on the public utility system is performed by personnel of the system.

4. To construction, remodeling, repair, or improvement by a utility commission whose major contracts are to construct and operate a public electric utility system.

5. When the project is undertaken as repair or maintenance of an existing public facility.

6. When the project is undertaken exclusively as part of a public educational program.

7. When the funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent.

8. When the local government has competitively awarded a project to a private sector contractor and the contractor has abandoned the project before completion or the local government has terminated the contract.

9. When the governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a majority vote of the governing board that it is in the public's best interest to perform the project using its own services, employees, and equipment. The public notice must be published at least 14 days prior to the date of the public meeting at which the governing board takes final action to apply this subparagraph. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to perform the project using the local government's own services, employees, and equipment. In deciding whether it is in the public's best interest for local government to perform a project using its own services, employees, and equipment, the governing board may consider the cost of the project, whether the project requires an increase in the number of government employees, an increase in capital expenditures for public facilities, equipment or other capital assets, the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public's best interest.

10. When the governing board of the local government determines upon consideration of specific substantive criteria and administrative procedures that it is in the best interest of the local government to award the project to an appropriately licensed private sector contractor according to procedures established by and expressly set forth in a charter, ordinance, or resolution of the local government adopted prior to July 1, 1994. The criteria and procedures must be set out in the charter, ordinance, or resolution and must be applied uniformly by the local government to avoid award of any project in an arbitrary or capricious manner. This exception shall apply when all of the following occur:

a. When the governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a two-

thirds vote of the governing board that it is in the public's best interest to award the project according to the criteria and procedures established by charter, ordinance, or resolution. The public notice must be published at least 14 days prior to the date of the public meeting at which the governing board takes final action to apply this subparagraph. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to award the project using the criteria and procedures permitted by the preexisting ordinance.

b. In the event the project is to be awarded by any method other than a competitive selection process, the governing board must find evidence that:

(I) There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; or

(II) The time to competitively award the project will jeopardize the funding for the project, or will materially increase the cost of the project or will create an undue hardship on the public health, safety, or welfare.

c. In the event the project is to be awarded by any method other than a competitive selection process, the published notice must clearly specify the ordinance or resolution by which the private sector contractor will be selected and the criteria to be considered.

d. In the event the project is to be awarded by a method other than a competitive selection process, the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection; and the consideration by, and the justification of, the government body are documented, in writing, in the project file and are presented to the governing board prior to the approval required in this paragraph.

11. To projects subject to chapter 336.

Section 9. Paragraph (g) of subsection (2) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

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

(g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which construction costs do not exceed *$1 million* ~~$500,000~~, for study activity when the fee for such professional service does not exceed *$50,000* ~~$25,000~~, or for work of a specified nature as outlined in the contract required by the agency, with no time limitation except that the contract must provide a termination clause.

Section 10. Paragraphs (a) and (b) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218, and the auditing provisions of s. 11.45(3)(a)5. Program funds also may be used by the Seaport Transportation and Economic Development Council to develop ~~with the Florida Trade Data Center~~ such trade data information products which will assist Florida's seaports and international trade.

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of $5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

11. Seaport security projects identified pursuant to s. 311.12. Seaport security projects are not subject to the matching fund requirements of paragraph (a).

Section 11. Subsection (1) of Section 315.031, Florida Statutes is amended to read:

315.031 Promoting and advertising port facilities.—

(1) Each unit is authorized and empowered:

(a) To publicize, advertise and promote the activities and port facilities herein authorized;

(b) To make known the advantages, facilities, resources, products, attractions and attributes of the activities and port facilities herein authorized;

(c) To create a favorable climate of opinion concerning the activities and port facilities herein authorized;

(d) To cooperate with other agencies, public and private, in accomplishing these purposes;

(e) To enter into agreements with the purchaser or purchasers of port facilities bonds issued under the provisions of this law to establish a special fund to be set aside from the proceeds of the revenues collected under the provisions of s. 315.03(13), during any fiscal year, for the promotional activities authorized herein.

(f) To authorize expenditures for promotional activities authorized by this section, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its port facilities.

~~Nothing herein shall be construed to authorize any unit to expend funds for meals, hospitality, amusement or any other purpose of an entertainment nature.~~

Section 12. Subsection (12) of section 311.09, Florida Statutes, is amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(12) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. Except as otherwise exempted by law, all moneys derived from the Florida Seaport Transportation and Economic Development Program shall be expended in accordance with the provisions of s. 287.057. Seaports subject to competitive negotiation requirements of a local governing body shall *abide by the provisions of s. 287.055* ~~be exempt from this requirement~~.

Section 13. Paragraph (b) of subsection (1) of section 316.302, Florida Statutes, is amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on *October 1, 2000* ~~March 1, 1999~~.

Section 14. Paragraph (a) of subsection (3) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(3)(a) A civil penalty of $50 may be assessed for a violation of *49 C.F.R. s. 390.21* ~~s. 316.3027~~.

Section 15. Subsection (2) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(2) HEIGHT LIMITATION.—No vehicle may exceed a height of 13 feet 6 inches, inclusive of load carried thereon. However, an automobile transporter may~~, with a permit from the Department of Transportation,~~ measure a height not to exceed 14 feet, inclusive of the load carried thereon.

Section 16. Subsection (6) of section 316.535, Florida Statutes, is renumbered as subsection (7), present subsection (7) is renumbered as subsection (8) and amended, and a new subsection (6) is added to said section to read:

316.535 Maximum weights.—

(6) Dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special type work or use, when operated as a single unit, shall be subject to all safety and operational requirements of law, except that any such vehicle need not conform to the axle spacing requirements of this section provided that such vehicle shall be limited to a total gross load, including the weight of the vehicle, of 20,000 pounds per axle plus scale tolerances and shall not exceed 550 pounds per inch width tire surface plus scale tolerances. No vehicle operating pursuant to this section shall exceed a gross weight, including the weight of the vehicle and scale tolerances, of 70,000 pounds. Any vehicle violating the weight provisions of this section shall be penalized as provided in s. 316.545.

(7)~~(6)~~ The Department of Transportation shall adopt rules to implement this section, shall enforce this section and the rules adopted hereunder, and shall publish and distribute tables and other publications as deemed necessary to inform the public.

(8)~~(7)~~ Except as hereinafter provided, no vehicle or combination of vehicles exceeding the gross weights specified in subsections (3), (4), ~~and~~ (5), *and (6)* shall be permitted to travel on the public highways within the state.

Section 17. Paragraph (a) of subsection (2) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(2)(a) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to s. 316.535*(7)* ~~(6)~~ shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits.

Section 18. Section 330.27, Florida Statutes, is amended to read:

330.27 Definitions, when used in ss. 330.29-330.36, 330.38, 330.39.—

(1) "Aircraft" means *a powered or unpowered machine or device capable of atmosphere flight* ~~any motor vehicle or contrivance now known, or hereafter invented, which is used or designed for navigation of or flight in the air~~, except a parachute or other *such device* ~~contrivance designed for such navigation but~~ used primarily as safety equipment.

(2) "Airport" means *an* ~~any~~ area of land or water~~, or any manmade object or facility located thereon, which is~~ used *for*, or intended *to be used* for, ~~use, for the~~ landing and takeoff of aircraft, *including* ~~and any~~ appurtenant areas, ~~which are used, or intended for use, for airport~~ buildings, ~~or other airport~~ facilities, or rights-of-way *necessary to facilitate such use or intended use*~~, together with all airport buildings and facilities located thereon~~.

~~(3) "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing or taking off.~~

~~(4) "Aviation" means the science and art of flight and includes, but is not limited to, transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.~~

(3)~~(5)~~ "Department" means the Department of Transportation.

(4)~~(6)~~ "Limited airport" means *any* ~~an~~ airport~~, publicly or privately owned,~~ limited exclusively to the specific conditions stated on the site approval order or license.

~~(7) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the airspace over this state or upon any airport within this state.~~

~~(8) "Political subdivision" means any county, municipality, district, port or aviation commission or authority, or similar entity authorized to establish or operate an airport in this state.~~

(5)~~(9)~~ "Private airport" means an airport, publicly or privately owned, which is *not open or available for use by the public. A private airport is registered with the department for use of the person or persons registering the facility* ~~used primarily by the licensee~~ but *may be made* ~~which is~~ available *to others* ~~for use~~ by invitation of the *registrant* ~~licensee~~. ~~Services may be provided if authorized by the department.~~

(6)~~(10)~~ "Public airport" means an airport, publicly or privately owned, which ~~meets minimum safety and service standards and~~ is open for use by the public *as listed in the current United States Government Flight Information Publication, Airport Facility Directory. A public airport is licensed by the department as meeting minimum safety standards.*

(7)~~(11)~~ "Temporary airport" means *any* ~~an~~ airport~~, publicly or privately owned,~~ that will be used for a period of less than *30* ~~90~~ days with no more than 10 operations per day.

(8)~~(12)~~ "Ultralight aircraft" means any ~~heavier-than-air, motorized~~ aircraft *meeting* ~~which meets~~ the criteria ~~for maximum weight, fuel capacity, and airspeed~~ established ~~for such aircraft~~ by the Federal Aviation *Regulation* ~~Administration under~~ Part 103 ~~of the Federal Aviation Regulations~~.

Section 19. Section 330.29, Florida Statutes, is amended to read:

330.29 Administration and enforcement; rules; standards for airport sites and airports.—It is the duty of the department to:

(1) Administer and enforce the provisions of this chapter.

(2) Establish minimum standards for airport sites and airports under its licensing *and registration* jurisdiction.

(3) Establish and maintain a state aviation data system to facilitate licensing and registration of all airports.

(4)~~(3)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

Section 20. Section 330.30, Florida Statutes, is amended to read:

330.30 Approval of airport sites and licensing of airports~~; fees~~.—

(1) SITE APPROVALS; REQUIREMENTS, ~~FEES,~~ EFFECTIVE PERIOD, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of any proposed airport shall, prior to *site* ~~the~~ acquisition ~~of the site~~ or ~~prior to the~~ construction or establishment of the proposed airport, obtain approval of the airport site from the department. Applications for approval of a site ~~and for an original license~~ shall be ~~jointly~~ made on a form prescribed by the department ~~and shall be accompanied by a site approval fee of $100~~. The department~~, after inspection of the airport site,~~ shall grant the site approval if it is satisfied:

1. That the site is *suitable* ~~adequate~~ for the *airport as* proposed ~~airport~~;

2. That the *airport as* proposed ~~airport, if constructed or established,~~ will conform to minimum standards ~~of safety~~ and will comply with *the* applicable *local government land development regulation or* ~~county or municipal~~ zoning requirements;

3. That all nearby airports, *local governments* ~~municipalities~~, and property owners have been notified and any comments submitted by them have been given adequate consideration; and

4. That safe air-traffic patterns can be *established* ~~worked out~~ for the proposed airport *with* ~~and for~~ all existing airports and approved airport sites in its vicinity.

(b) Site approval shall be granted for public airports only after a favorable department inspection of the proposed site.

(c) Site approval shall be granted for private airports only after receipt of documentation the department deems necessary to satisfy the conditions in paragraph (a).

(d)~~(b)~~ Site approval may be granted subject to any reasonable conditions ~~which~~ the department *deems* ~~may deem~~ necessary to protect the public health, safety, or welfare.

(e) ~~Such~~ Approval shall remain *valid* ~~in effect~~ for ~~a period of~~ 2 years after the date of *issue* ~~issuance of the site approval order~~, unless ~~sooner~~ revoked by the department or ~~unless, prior to the expiration of the 2-year period,~~ a *public airport* license *is issued or private airport registration granted* ~~for an airport located on the approved site has been issued~~ pursuant to subsection (2) *prior to the expiration date.*

(f) The department may extend a site approval ~~may be extended~~ for *up to* ~~a maximum of~~ 2 years *for* ~~upon~~ good cause ~~shown by the owner or lessee of the airport site~~.

(g)~~(c)~~ The department may revoke *a site* ~~such~~ approval if it determines:

1. That ~~there has been an abandonment of~~ the site *has been abandoned* as an airport ~~site~~;

2. That ~~there has been a failure within a reasonable time to develop~~ the site *has not been developed* as an airport *within a reasonable time period* or *development does not* ~~to~~ comply with the conditions of the *site* approval;

3. That *except as required for in-flight emergencies* ~~the operation of~~ aircraft *have operated* ~~of a nonemergency nature has occurred~~ on the site; or

4. That~~, because of changed physical or legal conditions or circumstances,~~ the site is no longer usable for ~~the~~ aviation purposes *due to physical or legal changes in conditions that were the subject of* ~~for which the~~ approval ~~was granted~~.

(2) LICENSES *AND REGISTRATIONS*; REQUIREMENTS, ~~FEES,~~ RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of *any* ~~an~~ airport in this state must *have either a public airport* ~~obtain a~~ license *or private airport registration* prior to the operation of aircraft *to or from the facility* ~~on the airport~~. ~~An~~ Application for *a* ~~such~~ license *or registration* shall be made on a form prescribed by the department ~~and shall be accomplished jointly with an application for site approval~~. Upon granting site approval:~~, making a favorable final airport inspection report indicating compliance with all license requirements, and receiving the appropriate license fee, the department shall issue a license to the applicant, subject to any reasonable conditions that the department may deem necessary to protect the public health, safety, or welfare.~~

1. For a public airport, the department shall issue a license after a final airport inspection finds the facility to be in compliance with all requirements for the license. The license may be subject to any reasonable conditions that the department may deem necessary to protect the public health, safety, or welfare.

2. For a private airport, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the department.

(b) The department is authorized to license *a public* ~~an~~ airport that does not meet all of the minimum standards only if it determines that such exception is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such a license shall bear the designation "special" and shall state the conditions subject to which the license is granted.

(c) The department may authorize a site *to be used* as a temporary airport if it finds, after inspection of the site, that the airport will not endanger the public health, safety, or welfare. *A temporary airport will not require a license or registration.* ~~Such~~ Authorization *to use a site for a temporary airport will be valid for* ~~shall expire~~ not *more* ~~later~~ than *30* ~~90~~ days ~~after issuance~~ and is not renewable.

~~(d) The license fees for the four categories of airport licenses are:~~

~~1. Public airport: $100.~~

~~2. Private airport: $70.~~

~~3. Limited airport: $50.~~

~~4. Temporary airport: $25.~~

~~Airports owned or operated by the state, a county, or a municipality and emergency helistops operated by licensed hospitals are required to be licensed but are exempt from the payment of site approval fees and annual license fees.~~

(d)~~(c)~~1. Each public airport license will expire no later than 1 year after the effective date of the license, except that the expiration date of a license may be adjusted to provide a maximum license period of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency. ~~If the expiration date for a public airport is adjusted, the appropriate license fee shall be determined by prorating the annual fee based on the length of the adjusted license period.~~

2. *Registration* ~~The license period~~ for *private* ~~all~~ airports ~~other than public airports~~ will *remain valid provided specific elements of airport data, established by the department, are periodically recertified by the airport registrant. The ability to recertify private airport registration data shall be available at all times by electronic submittal. Recertification shall be required each 12 months. A private airport registration that has not been recertified in the 12-month period following the last certification shall expire. The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system*. ~~be set by the department, but shall not exceed a period of 5 years. In determining the license period for such airports, the department shall consider the number of based aircraft, the airport location relative to adjacent land uses and other airports, and any other factors deemed by the department to be critical to airport operation and safety.~~

3. The effective date and expiration date shall be *shown on public airport licenses* ~~stated on the face of the license~~. Upon receiving an application for renewal of a *public airport* license on a form prescribed by the department *and*~~,~~ making a favorable inspection report indicating compliance with all applicable requirements and conditions~~, and receiving the appropriate annual license fee~~, the department shall renew the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.

4. The department may require *a new* site approval for *any* ~~an~~ airport if the license *or registration* ~~of the airport~~ has *expired* ~~not been renewed by the expiration date~~.

5. If the renewal application *for a public airport license has* ~~and fees have~~ not been received by the department *or no private airport registration recertification has been accomplished* within 15 days after the date of expiration ~~of the license~~, the department may close the airport.

(e)~~(f)~~ The department may revoke any *airport registration,* license, or *license* renewal ~~thereof~~, or refuse to *allow registration or* issue a *registration or license* renewal, if it determines:

1. That *the site* ~~there~~ has been *abandoned as an* ~~an abandonment of the~~ airport ~~as such~~;

2. That *the airport does not* ~~there has been a failure to~~ comply with the *registration, license, license renewal, or site* conditions ~~of the license or renewal thereof~~; or

3. That~~, because of changed physical or legal conditions or circumstances,~~ the airport has become either unsafe or unusable for *flight operation due to physical or legal changes in conditions that were the subject of approval* ~~the aeronautical purposes for which the license or renewal was issued~~.

(3) EXEMPTIONS.—The provisions of this section do not apply to:

(a) An airport owned or operated by the United States.

(b) An ultralight aircraft landing area~~; except that any public ultralight airport~~ located *more than* ~~within~~ 5 nautical miles *from a* ~~of another~~ public ~~airport~~ or military airport, *except* ~~or~~ any ultralight landing area with more than 10 ultralight aircraft operating from the site ~~is subject to the provisions of this section~~.

(c) A helistop used solely in conjunction with a construction project undertaken pursuant to the performance of a state contract if the purpose of the helicopter operations at the site is to expedite construction.

~~(d) An airport under the jurisdiction or control of a county or municipal aviation authority or a county or municipal port authority or the Spaceport Florida Authority; however, the department shall license any such airport if such authority does not elect to exercise its exemption under this subsection.~~

(d)~~(e)~~ A helistop used by mosquito control or emergency services, not to include areas where permanent facilities are installed, such as hospital landing sites.

(e)~~(f)~~ An airport which meets the criteria of s. 330.27(11) used exclusively for aerial application or spraying of crops on a seasonal basis, not to include any licensed airport where permanent crop aerial application or spraying facilities are installed, if the period of operation does not exceed 30 days per calendar year. Such proposed airports, which will be located within 3 miles of existing airports or approved airport sites, shall work out safe air-traffic patterns with such existing airports or approved airport sites, by memorandums of understanding, or by letters of agreement between the parties representing the airports or sites.

(4) EXCEPTIONS.—Private airports with ten or more based aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27(5) in all other respects.

Section 21. Subsection (2) of section 330.35, Florida Statutes, is amended to read:

330.35 Airport zoning, ~~approach zone~~ protection.—

(2) Airports licensed for ~~general~~ public use under the provisions of s. 330.30 are eligible for *airport zoning* ~~approach zone~~ protection, ~~and the procedure shall be the same~~ as ~~is~~ prescribed in chapter 333.

Section 22. Subsection (2) of section 330.36, Florida Statutes, is amended to read:

330.36 Prohibition against county or municipal licensing of airports; regulation of seaplane landings.—

(2) A municipality may prohibit or otherwise regulate, for specified public health and safety purposes, the landing of seaplanes in and upon any public waters of the state which are located within the limits or jurisdiction of, or bordering on, the municipality *upon adoption of zoning requirements in compliance with the provisions of subsection (1).*

Section 23. Subsection (4) of section 332.004, Florida Statutes, is amended to read:

332.004 Definitions of terms used in ss. 332.003-332.007.—As used in ss. 332.003-332.007, the term:

(4) "Airport or aviation development project" or "development project" means any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the purchase of equipment; the acquisition of land, including land required as a condition of a federal, state, or local permit or agreement for environmental mitigation; *off-airport noise mitigation projects;* the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at or taking off from a public airport; the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958, and amendments thereto; and the improvement of access to the airport by road or rail system which is on airport property and which is consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government in which the airport is located.

Section 24. Subsection (4) is added to section 333.06, Florida Statutes, to read:

333.06 Airport zoning requirements.—

(4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED LOCAL GOVERNMENTS.—An airport master plan shall be prepared by each publicly owned and operated airport licensed by the Department of Transportation under chapter 330. The authorized entity having responsibility for governing the operation of the airport, when

either requesting from or submitting to a state or federal governmental agency with funding or approval jurisdiction a "finding of no significant impact," an environmental assessment, a site-selection study, an airport master plan, or any amendment to an airport master plan, shall submit simultaneously a copy of said request, submittal, assessment, study, plan, or amendments by certified mail to all affected local governments. For the purposes of this subsection, "affected local government" is defined as any city or county having jurisdiction over the airport and any city or county located within 2 miles of the boundaries of the land subject to the airport master plan.

Section 25. Subsection (5) and paragraph (b) of subsection (15) of section 334.044, Florida Statutes, are amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion of *scenic highways,* traffic and train safety awareness, alternatives to single-occupant vehicle travel, and commercial motor vehicle safety; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise dispose of any property that is no longer needed by the department.

(15) To regulate and prescribe conditions for the transfer of stormwater to the state right-of-way as a result of manmade changes to adjacent properties.

(b) The department is specifically authorized to adopt rules which set forth the purpose; necessary definitions; permit exceptions; permit and assurance requirements; permit application procedures; permit forms; general conditions for a drainage permit; provisions for suspension or revocation of a permit; and provisions for department recovery of fines, penalties, and costs incurred due to permittee actions. In order to avoid duplication and overlap with other units of government, the department shall accept a surface water management permit issued by a water management district, the Department of Environmental Protection, a surface water management permit issued by a delegated local government, or a permit issued pursuant to an approved Stormwater Management Plan or Master Drainage Plan; provided issuance is based on requirements equal to or more stringent than those of the department. *The department may enter into a permit delegation agreement with a governmental entity provided issuance is based on requirements that the department determines will ensure the safety and integrity of the Department of Transportation facilities.*

Section 26. Section 334.193, Florida Statutes, is amended to read:

334.193 Unlawful for certain persons to be financially interested in purchases, sales, and certain contracts; penalties.—

(1) It is unlawful for a state officer, or an employee or agent of the department, or for any company, corporation, or firm in which a state officer, or an employee or agent of the department has a financial interest, to bid on, enter into, or be personally interested in:

(a) The purchase or the furnishing of any materials or supplies to be used in the work of the state.

(b) A contract for the construction of any state road, the sale of any property, or the performance of any other work for which the department is responsible.

(2) *Notwithstanding the provisions of subsection (1):*

(a) The department may consider competitive bids or proposals by employees or employee work groups who have a financial interest in matters referenced in paragraphs (1)(a) and (b) when the subject matter of a request for bids or proposals by the department includes functions performed by the employees or employee work groups of the department before the request for bids or proposals. However, if the employees, employee work groups, or entity in which an employee of the department has an interest is the successful bidder or proposer, such employee or employees must resign from department employment upon executing an agreement to perform the matter bid upon.

(b) The department may consider competitive bids or proposals of employees or employee work groups submitted on behalf of the department to perform the subject matter of requests for bids or proposals. The department may select such bid or proposal for performance of the work by the department.

The department may update existing rules or adopt new rules pertaining to employee usage of department equipment, facilities, and supplies during business hours for nondepartment activities in order to implement this subsection.

(3) Any person who is convicted of a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and shall be removed from his or her office or employment.

Section 27. Section 334.30, Florida Statutes, is amended to read:

334.30 *Public-private* ~~Private~~ transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for *public-private partnership agreements to effectuate* the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and~~, with legislative approval by a separate bill for each facility,~~ enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department *is authorized to adopt rules to implement this section and* shall by rule establish an application fee for the submission of proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before ~~seeking legislative~~ approval, the department must determine that the proposed project:

(a) Is in the public's best interest.~~;~~

(b) Would not require state funds to be used unless there is an overriding state interest. *However, the department may use state resources for a transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system.*~~; and~~

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and citizens of the state in the event of default or cancellation of the agreement by the department.

The department shall ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity.

(2) The use of funds from the State Transportation Trust Fund is limited to advancing projects already programmed in the adopted 5-year work program or to no more than a statewide total of $50 million in capital costs for all projects not programmed in the adopted 5-year work program.

(3) The department may request proposals for public-private transportation proposals or, if the department receives a proposal, shall publish a notice in the Florida Administrative Weekly and a newspaper of general circulation at least once a week for 2 weeks, stating that the department has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected area.

(4) The department shall not commit funds in excess of the limitation in subsection (2) without specific project approval by the legislature.

(5)~~(2)~~ Agreements entered into pursuant to this section may authorize the private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues may be regulated by the department to avoid unreasonable costs to users of the facility.

(6)~~(3)~~ Each ~~private~~ transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; department rules, policies, procedures, and standards for transportation facilities; and any other conditions which the department determines to be in the public's best interest.

(7)~~(4)~~ The department may exercise any power possessed by it, including eminent domain, with respect to the development and construction of state transportation projects to facilitate the development and construction of transportation projects pursuant to this section. *For public-private facilities located on the State Highway System, the department may pay all or part of the cost of operating and maintaining the facility. For facilities not located on the State Highway System,* the department may provide services to the private entity *and*~~.~~ agreements for maintenance, law enforcement, and other services ~~entered into pursuant to this section~~ shall provide for full reimbursement for services rendered.

(8)~~(5)~~ Except as herein provided, the provisions of this section are not intended to amend existing laws by granting additional powers to, or further restricting, local governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

(9) The department shall have the authority to create, or assist in the creation of, tax-exempt, public-purpose chapter 63-20 corporations as provided for under the Internal Revenue Code, for the purpose of shielding the state from possible financing risks for projects under this section. Chapter 63-20 corporations may receive State Transportation Trust Fund grants from the department. The department shall be empowered to enter into public-private partnership agreements with chapter 63-20 corporations for projects under this section.

(10) The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to chapter 63-20 corporations that propose projects containing toll facilities. To be eligible, the chapter 63-20 corporation must meet the provisions of s. 338.251 and must also provide credit support, such as a letter of credit or other means acceptable to the department, to ensure the loans will be repaid as required by law.

(11)~~(6)~~ Notwithstanding s. 341.327, a fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under s. 337.251 may operate at any safe speed.

Section 28. Section 335.066, Florida Statutes, is created to read:

335.066 Safe Paths to Schools Program.—

(1) There is hereby established within the Department of Transportation the Safe Paths to Schools Program to consider the planning and construction of bicycle and pedestrian ways to provide safe transportation for children from neighborhoods to schools, parks, and the state's greenways and trails system.

(2) As part of the Safe Paths to Schools Program, the department may establish a grant program to fund local, regional, and state bicycle and pedestrian projects that support the program.

(3) The department may adopt appropriate rules for the administration of the Safe Paths to Schools Program.

Section 29. Subsections (3), (4), and (5) of section 335.141, Florida Statutes, are amended to read:

335.141 Regulation of public railroad-highway grade crossings; reduction of hazards.—

(3) ~~The department is authorized to regulate the speed limits of railroad traffic on a municipal, county, regional, or statewide basis. Such speed limits shall be established by order of the department, which order is subject to the provisions of chapter 120. The department shall have the authority to adopt reasonable rules to carry out the provisions of this subsection. Such rules shall, at a minimum, provide for public input prior to the issuance of any such order.~~

~~(4) Jurisdiction to enforce such orders shall be as provided in s. 316.640, and any penalty for violation thereof shall be imposed upon the railroad company guilty of such violation.~~ Nothing herein shall prevent a local governmental entity from enacting ordinances relating to the blocking of streets by railroad engines and cars.

(4)~~(5)~~ Any local governmental entity or other public or private agency planning a public event, such as a parade or race, that involves the crossing of a railroad track shall notify the railroad as far in advance of the event as possible and in no case less than 72 hours in advance of the event so that the coordination of the crossing may be arranged by the agency and railroad to assure the safety of the railroad trains and the participants in the event.

Section 30. Section 336.12, Florida Statutes, is amended to read:

336.12 Closing and abandonment of roads; termination of easement; conveyance of fee*; optional conveyance for gated communities*.—

(1) Except as otherwise provided in subsection (2), the act of any commissioners in closing or abandoning any such road, or in renouncing or disclaiming any rights in any land delineated on any recorded map as a road, shall abrogate the easement theretofore owned, held, claimed or used by or on behalf of the public and the title of fee owners shall be freed and released therefrom; and if the fee of road space has been vested in the county, same will be thereby surrendered and will vest in the abutting fee owners to the extent and in the same manner as in case of termination of an easement for road purposes.

(2) The governing body of the county may abandon the roads and rights-of-way dedicated in a recorded residential subdivision plat and simultaneously convey the county's interest in such roads, rights-of-way, and appurtenant drainage facilities to a homeowners' association for the subdivision, if the following conditions have been met:

(a) The homeowners' association has requested the abandonment and conveyance in writing for the purpose of converting the subdivision to a gated neighborhood with restricted public access.

(b) No fewer than four-fifths of the owners of record of property located in the subdivision have consented in writing to the abandonment and simultaneous conveyance to the homeowners' association.

(c) The homeowners' association is both a corporation not for profit organized and in good standing under chapter 617, and a "homeowners' association" as defined in s. 720.301(7) with the power to levy and collect assessments for routine and periodic major maintenance and operation of street lighting, drainage, sidewalks, and pavement in the subdivision.

(d) The homeowners' association has entered into and executed such agreements, covenants, warranties, and other instruments; has provided, or has provided assurance of, such funds, reserve funds, and funding sources; and has satisfied such other requirements and conditions as may be established or imposed by the county with respect to the ongoing operation, maintenance, and repair and the periodic reconstruction or replacement of the roads, drainage, street lighting, and sidewalks in the subdivision after the abandonment by the county.

Upon abandonment of the roads and rights-of-way and the conveyance thereof to the homeowners' association, the homeowners' association shall have all the rights, title, and interests in the roads and rights-of-way, including all appurtenant drainage facilities, as were previously vested in the county. Thereafter, the homeowners' association shall hold the roads and rights-of-way in trust for the benefit of the owners of the property in the subdivision, and shall operate, maintain, repair, and, from time to time, replace and reconstruct the roads, street lighting, sidewalks, and drainage facilities as necessary to ensure their use and enjoyment by the property owners, tenants, and residents of the subdivision and their guests and invitees.

Section 31. Subsection (4) is added to section 336.41, Florida Statutes, to read:

336.41 Counties; employing labor and providing road equipment; definitions.—

(4)(a) For contracts in excess of $250,000, any county may require that persons interested in performing work under the contract first be certified or qualified to do the work. Any contractor prequalified and considered eligible to bid by the department to perform the type of work described under the contract shall be presumed to be qualified to perform the work so described. Any contractor may be considered ineligible to bid by the county if the contractor is behind an approved progress schedule by 10 percent or more on another project for that county at the time of the advertisement of the work. The county may provide an appeal process to overcome such consideration with de novo review based on the record below to the circuit court.

(b) The county shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications shall

include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures shall provide for an appeal process within the county for objections to the prequalification process with de novo review based on the record below to the circuit court.

(c) The county shall also publish for comment, prior to adoption, the selection criteria and procedures to be used by the county if such procedures would allow selection of other than the lowest responsible bidder. The selection criteria shall include an appeal process within the county with de novo review based on the record below to the circuit court.

Section 32. Subsection (2) of section 336.44, Florida Statutes, is amended to read:

336.44 Counties; contracts for construction of roads; procedure; contractor's bond.—

(2) Such contracts shall be let to the lowest *responsible* ~~competent~~ bidder, after publication of notice for bids containing specifications furnished by the commissioners in a newspaper published in the county where such contract is made, at least once each week for 2 consecutive weeks prior to the making of such contract.

Section 33. Section 337.107, Florida Statutes, is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 *or s. 337.025* for right-of-way services on transportation corridors and transportation facilities *or the department may include right-of-way services as part of design-build contracts awarded pursuant to s. 337.11*. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 34. Paragraph (c) of subsection (6) and paragraph (a) of subsection (7) of section 337.11, Florida Statutes, are amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(6)

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the ~~threshold~~ amount *of $120,000* ~~provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts for construction and maintenance without advertising and receiving competitive bids. ~~However, if legislation is enacted by the Legislature which changes the category thresholds, the threshold amount shall remain at $60,000.~~ The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or

3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to disadvantaged business enterprise participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a building, a major bridge, *an enhancement project,* or a rail corridor project into a single contract. Such contract is referred to as a design-build contract. *Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (c) of subsection (3). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of such portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.*

Section 35. Subsection (4) of section 337.14, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(4) If the applicant is found to possess the prescribed qualifications, the department shall issue to him or her a certificate of qualification *that* ~~which~~, unless thereafter revoked by the department for good cause, will be valid for a period of *18* ~~16~~ months *after* ~~from~~ the date of the applicant's financial statement or such shorter period as the department *prescribes* ~~may prescribe~~. *If* ~~In the event~~ the department finds that an application is incomplete or contains inadequate information or information *that* ~~which~~ cannot be verified, the department may request in writing that the applicant provide the necessary information to complete the application or provide the source from which any information in the application may be verified. If the applicant fails to comply with the initial written request within a reasonable period of time as specified therein, the department shall request the information a second time. If the applicant fails to comply with the second request within a reasonable period of time as specified therein, the application shall be denied.

(9)(a) Notwithstanding any other law to the contrary, for contracts in excess of $250,000, an authority created pursuant to chapter 348 or chapter 349 may require that persons interested in performing work under contract first be certified or qualified to do the work. Any contractor may be considered ineligible to bid by the governmental entity or authority if the contractor is behind an approved progress schedule for the governmental entity or authority by 10 percent or more at the time of advertisement of the work. Any contractor prequalified and considered eligible by the department to bid to perform the type of work described under the contract shall be presumed to be qualified to perform the work so described. The governmental entity or authority may provide an appeal process to overcome that presumption with de novo review based on the record below to the circuit court.

(b) With respect to contractors not prequalified with the department, the authority shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications shall include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures shall provide for an appeal process within the authority for objections to the prequalification process with de novo review based on the record below to the circuit court within 30 days.

(c) An authority may establish criteria and procedures whereunder contractor selection may occur on a basis other than the lowest responsible bidder. Prior to adoption, the authority shall publish for comment the proposed criteria and procedures. Review of the adopted criteria and procedures shall be to the circuit court, within 30 days after adoption, with de novo review based on the record below.

Section 36. Subsection (2) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(2) The authority may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. No utility shall be installed, located, or relocated unless authorized by a written permit issued by the authority. *However, for public roads or publicly owned rail corridors under the jurisdiction of the department, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit.* The permit shall require the permitholder to be responsible for any damage resulting from the issuance of such permit. The authority may initiate injunctive proceedings as provided in s. 120.69 to enforce provisions of this subsection or any rule or order issued or entered into pursuant thereto.

Section 37. Subsections (1) and (2) of section 339.08, Florida Statutes, are amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall *expend* ~~by rule provide for the expenditure of the~~ moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget.

(2) ~~These rules must restrict~~ The use of such moneys *shall be restricted* to the following purposes:

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts, but excluding administrative expenses of commuter rail authorities that do not operate rail service.

(b) To pay the cost of construction of the State Highway System.

(c) To pay the cost of maintaining the State Highway System.

(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007.

(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

(g) To lend or pay a portion of the operating, maintenance, and capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.

(h) To match any federal-aid funds allocated for any other transportation purpose, including funds allocated to projects not located in the State Highway System.

(i) To pay the cost of county road projects selected in accordance with the Small County Road Assistance Program created in s. 339.2816.

(j) To pay the cost of county or municipal road projects selected in accordance with the County Incentive Grant Program created in s. 339.2817 and the Small County Outreach Program created in s. 339.2818.

(k) To provide loans and credit enhancements for use in constructing and improving highway transportation facilities selected in accordance with the state-funded infrastructure bank created in s. 339.55.

(l) To fund the Transportation Outreach Program created in s. 339.137.

(m) To pay other lawful expenditures of the department.

Section 38. Paragraph (c) of subsection (4) and subsection (5) of section 339.12, Florida Statutes, are amended, to read:

339.12 Aid and contributions by governmental entities for department projects; federal aid.—

(4)

(c) The department may enter into agreements under this subsection for a project or project phase not included in the adopted work program. As used in this paragraph, the term "project phase" means acquisition of rights-of-way, construction, construction inspection, and related support phases. The project or project phase must be a high priority of the governmental entity. Reimbursement for a project or project phase must be made from funds appropriated by the Legislature pursuant to s. 339.135(5). All other provisions of this subsection apply to agreements entered into under this paragraph. The total amount of project agreements for projects or project phases not included in the adopted work program may not at any time exceed *$150* ~~$100~~ million.

(5) The department and the governing body of a governmental entity may enter into an agreement by which the governmental entity agrees to perform a highway project or project phase in the department's adopted work program that is not revenue producing or any public transportation project in the adopted work program. By specific provision in the written agreement between the department and the governing body of the governmental entity, the department may agree to *compensate* ~~reimburse~~ the governmental entity the actual cost *of* ~~for~~ the project or project phase contained in the adopted work program. *Compensation* ~~Reimbursement~~ to the governmental entity for such project or project phases must be made from funds appropriated by the Legislature, and *compensation* ~~reimbursement~~ for the cost of the project or project phase is to begin in the year the project or project phase is scheduled in the work program as of the date of the agreement.

Section 39. Paragraphs (a), (b), (f), and (g) of subsection (4) of section 339.135, Florida Statutes, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike *enterprise* ~~district~~, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052.

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity funds to the Florida Intrastate Highway System established pursuant to s. 338.001. Any remaining new discretionary highway capacity funds shall be allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term "new discretionary highway capacity funds" means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

2. The tentative work program shall be developed in accordance with the Florida Transportation Plan required in s. 339.155 and must comply with the program funding levels contained in the program and resource plan.

3. The department may include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (5); however, the department shall minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from that year. Such changes and adjustments shall be clearly identified, and the effect on the 4 common fiscal years contained in the previous adopted work program and the tentative work program shall be shown. It is the intent of the Legislature that the first *5 years of the adopted work program for facilities designated as part of the Florida Intrastate Highway System and the first* 3 years of the adopted work

program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans. (f) The central office shall submit a preliminary copy of the tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and the Department of Community Affairs at least 14 days prior to the convening of the regular legislative session. Prior to the statewide public hearing required by paragraph (g), the Department of Community Affairs shall transmit to the Florida Transportation Commission a list of those projects and project phases contained in the tentative work program which are identified as being inconsistent with approved local government comprehensive plans. For urbanized areas of metropolitan planning organizations, the list may not contain any project or project phase that is scheduled in a transportation improvement program unless such inconsistency has been previously reported to the affected metropolitan planning organization. ~~The commission shall consider the list as part of its evaluation of the tentative work program conducted pursuant to s. 20.23.~~

(g) The Florida Transportation Commission shall conduct a statewide public hearing on the tentative work program and shall advertise the time, place, and purpose of the hearing in the Florida Administrative Weekly at least 7 days prior to the hearing. As part of the statewide public hearing, the commission shall, at a minimum:

1. Conduct an in-depth evaluation of the tentative work program ~~as required in s. 20.23~~ for compliance with applicable laws and departmental policies; and

2. Hear all questions, suggestions, or other comments offered by the public.

By no later than 14 days after the regular legislative session begins, the commission shall submit to the Executive Office of the Governor and the legislative appropriations committees a report that evaluates the tentative work program for:

a. Financial soundness;

b. Stability;

c. Production capacity;

d. Accomplishments, including compliance with program objectives in s. 334.046;

e. Compliance with approved local government comprehensive plans;

f. Objections and requests by metropolitan planning organizations;

g. Policy changes and effects thereof;

h. Identification of statewide or regional projects; and

i. Compliance with all other applicable laws.

Section 40. Section 339.137, Florida Statutes, is amended to read:

339.137 Transportation Outreach Program (TOP) supporting economic development; administration; definitions; eligible projects; Transportation Outreach Program (TOP) advisory council created; limitations; funding.—

(1) There is created within the Department of Transportation, a Transportation Outreach Program (TOP) dedicated to funding transportation projects of a high priority based on the ~~prevailing~~ principles of ~~preserving the existing transportation infrastructure;~~ enhancing Florida's economic growth and competitiveness *in national and international markets; promoting intermodal transportation linkages for passengers and freight*; and improving travel choices to ensure *efficient and cost-competitive* mobility *for Florida citizens, visitors, services, and goods*.

(2) For purposes of this section, words and phrases shall have the following meanings:

(a) ~~Preservation.—Protecting the state's transportation infrastructure investment. Preservation includes:~~

~~1. Ensuring that 80 percent of the pavement on the State Highway System meets department standards;~~

~~2. Ensuring that 90 percent of department-maintained bridges meet department standards; and~~

~~3. Ensuring that the department achieves 100 percent of acceptable maintenance standards on the State Highway System.~~

~~(b)~~ Economic growth and competitiveness.—Ensuring that state transportation investments promote economic activities which result in development or retention of income generative industries which increase per capita earned income in the state, and that such investments improve the state's economic competitiveness.

(b)~~(c)~~ Mobility.—Ensuring a cost-effective, statewide, interconnected transportation system.

(c)~~(d)~~ The term "regionally significant transportation project ~~of critical concern~~" means a transportation facility improvement project located in one *or more counties* ~~county~~ which provides significant enhancement of economic development opportunities in *that region* ~~an adjoining county or counties and which provides improvements to a hurricane evacuation route~~.

(3) Transportation Outreach Program projects may be proposed by any local government, regional organization, economic development board, public or private partnership, metropolitan planning organization, state agency, or other entity engaged in economic development activities.

(4)~~(3)~~ *Proposed* ~~Eligible~~ projects *that meet the minimum eligibility threshold* include those for planning, designing, acquiring rights-of-way for, or constructing the following:

(a) Major highway improvements *to:*~~.~~

1. *The* Florida Intrastate Highway System.

2. *Major roads and* feeder roads which provide linkages to *the Florida Intrastate Highway System* ~~major highways~~.

3. Bridges of statewide or regional significance.

4. Trade and economic development corridors.

5. Access projects for freight and passengers.

6. Hurricane evacuation routes.

(b) Major public transportation projects:~~.~~

1. Seaport projects which improve cargo and passenger movements *or connect the seaports to other modes of transportation*.

2. Aviation projects which increase passenger enplanements and cargo activity *or connect airports to other modes of transportation*.

3. Transit projects which improve mobility on interstate highways, ~~or which~~ improve regional or localized travel, *or connect to other modes of transportation*.

4. Rail projects that facilitate the movement of passengers and cargo, including ancillary pedestrian facilities, *or connect rail facilities to other modes of transportation*.

5. Spaceport Florida Authority projects which improve space transportation capacity and facilities consistent with the provisions of s. 331.360.

~~6. Bicycle and pedestrian facilities that add to or enhance a statewide system of public trails.~~

(c) Highway and bridge projects that facilitate retention and expansion of military installations, or that facilitate reuse and development of any military base designated for closure by the Federal Government.

Each proposed project must be able to document that it promotes economic growth and competitiveness, as defined in paragraph (2)(a).

(5) In addition to the above minimum eligibility requirements, each proposed project must comply with the following eligibility criteria:

(a) The project or project phase selected can be made production-ready within a 5-year period following the end of the current fiscal year.

(b) The project is consistent with a current transportation system plan such as the Florida Intrastate Highway System, aviation, intermodal/rail, seaport, spaceport, or transit system plans.

(c) The project is not inconsistent with an approved local comprehensive plan of any local government within whose boundaries the project is located in whole or in part, or, if inconsistent, is accompanied by an explanation of why the project should be undertaken.

One or more of the minimum criteria listed in paragraphs (a)-(c) may be waived for a regionally significant transportation project.

~~(4) Transportation Outreach projects may be proposed by any local government, regional organization, economic development board, public or private partnership, metropolitan planning organization, state agency, or other entity engaged in economic development activities.~~

(6)~~(5)~~ *The following criteria shall be used* ~~Transportation funding under this section shall use the following mechanisms~~ to prioritize *the eligible* ~~proposed~~ projects:

(a) *The project must promote economic growth and competitiveness.* ~~Economic development-related transportation projects may compete for funding under the program. Projects funded under this program should provide for increased mobility on the state's transportation system. Projects which have local or private matching funds may be given priority over other projects.~~

(b) *The project must promote intermodal transportation linkages for passengers and freight.* ~~Establishment of a funding allocation under this program reserved to quickly respond to transportation needs of emergent economic competitiveness development projects that may be outside of the routine project selection process. This funding may be used to match local or private contributions for transportation projects which meet the definition of economic competitiveness contained in this section.~~

(c) *The project must broaden transportation choices for Florida residents, visitors, and commercial interests in order to ensure efficient and cost-competitive mobility of people, services, and goods.* ~~Establish innovative financing methods to enable the state to respond in a timely manner to major or emergent economic development-related transportation needs that require timely commitments. These innovative financing methods include, but are not limited to, the state infrastructure bank, state bonds for right-of-way acquisition and bridge construction, state bonds for fixed guideway transportation systems, state bonds for federal aid highway construction, funds previously programmed by the department for high-speed rail development, and any other local, state, or federal funds made available to the department.~~

(d) Projects that have local, federal, or private matching funds shall be given priority over projects that meet all the other criteria.

(7) Eligible projects shall also utilize innovative financing methods that enable the state to respond in a timely manner to major or emergent economic development-related transportation needs that require timely commitments. These innovative financing methods include, but are not limited to, private investment strategies, use of the state infrastructure bank, state bonds for right-of-way acquisition and bridge construction, state bonds for fixed guideway transportation systems, state bonds for federal aid highway construction, funds previously programmed by the department for high-speed rail development, and any other local, state, or federal funds made available to the department.

~~(6) In addition to complying with the prevailing principles provided in subsection (1), to be eligible for funding under the program, projects must also meet the following minimum criteria:~~

~~(a) The project or project phase selected can be made production-ready within a 5-year period following the end of the current fiscal year.~~

~~(b) The project is listed in an outer year of the 5-year work program and can be made production-ready and advanced to an earlier year of the 5-year work program.~~

~~(c) The project is consistent with a current transportation system plan including, but not limited to, the Florida Intrastate Highway System, aviation, intermodal/rail, seaport, spaceport, or transit system plans.~~

~~(d) The project is not inconsistent with an approved local comprehensive plan of any local government within whose boundaries the project is located in whole or in part or, if inconsistent, is accompanied by an explanation of why the project should be undertaken.~~

~~(e) One or more of the minimum criteria listed in paragraphs (a)-(d) may be waived for a statewide or regionally significant transportation project of critical concern.~~

(8)~~(7)~~ The Transportation Outreach Program (TOP) advisory council is created to annually make recommendations to the Legislature on prioritization and selection of economic growth projects as provided in this section.

~~(a)~~ The council shall consist of:

(a) The following seven members, each representing districts 1 through 7, who will serve for 2-year terms:

1. Members representing districts 1, 3, 5, and 7, who will be appointed by the Speaker of the House of Representatives; and

2. Members representing districts 2, 4, and 6, who will be appointed by the President of the Senate.

The district appointments provided in this paragraph will alternate between the Senate and the House of Representatives.

(b) Four members, who will be appointed by the Governor and will serve for 4-year terms.

Each council member will be allowed one vote.

~~1. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Speaker of the House of Representatives.~~

~~2. Two representatives of private interests who are directly involved in or affected by any mode of transportation or tourism chosen by the President of the Senate.~~

~~3. Three representatives of private or governmental interests who are directly involved in or affected by any mode of transportation or tourism chosen by the Governor.~~

~~(b) Terms for council members shall be 2 years, and each member shall be allowed one vote.~~

(c) ~~Initial appointments must be made no later than 60 days after this act takes effect.~~ Vacancies in the council shall be filled in the same manner as the initial appointments.

(d) ~~The council shall hold its initial meeting no later than 30 days after the members have been appointed in order to organize and select a chair and vice chair from the council membership.~~ Meetings shall be held at the call of the chair, but not less frequently than quarterly.

(e) The members of the council shall serve without compensation, but shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(f) The department shall provide administrative staff support, *ensuring that council meetings are electronically recorded. Such recordings and all documents received, prepared for, or used by the council in conducting its business shall be preserved pursuant to chapters 119 and 257. In addition, the department shall provide in its annual budget for* travel and per diem expenses for the council.

(g) The council shall develop a methodology for scoring and ranking project proposals, based on the prioritization criteria in subsection (6). The council may change a project's ranking based on other factors as determined by the council. However, such other factors must be fully documented in writing by the council.

(h) The council is encouraged to seek input from transportation or economic-development entities and to consider the reports and recom-

mendations of task forces, study commissions, or similar entities charged with reviewing issues relevant to the council's mission.

(9)~~(8)~~ Because transportation investment plays a key role in economic development, the council and the department shall actively participate in state and local economic development programs, including:

(a) Working in partnership with other state and local agencies in business recruitment, expansion, and retention activities to ensure early transportation input into these activities.

(b) Providing expertise and rapid response in analyzing the transportation needs of emergent economic development projects.

(c) *Developing* ~~The council and department must develop~~ a macroeconomic analysis of the linkages between transportation investment and economic performance, as well as a method to quantifiably measure the economic benefits of the investments.

(d) Identifying long-term strategic transportation projects that will promote the principles listed in subsection (1).

(10)~~(9)~~ The council shall review and prioritize projects submitted for funding under the program ~~with priority given to projects which comply with the prevailing principles provided in subsection (1),~~ and shall recommend to the Legislature a transportation outreach program. The department shall provide technical expertise and support as requested by the council, and shall develop financial plans, cash forecast plans, and program and resource plans necessary to implement this program. These supporting documents shall be submitted with the Transportation Outreach Program.

(11)(a)~~(10)~~ Projects recommended for funding under the Transportation Outreach Program shall be submitted to the *Florida Transportation Commission at least 30 days before the start of the regular legislative session. The Florida Transportation Commission shall review the projects to determine whether they are in compliance with this section and prepare a report detailing its findings.*

(b) The council shall submit its list of recommended projects to the Governor and the Legislature as a separate *budget request submitted at the same time as* ~~section of~~ the department's tentative work program, *which is 14 days before the start of the regular session. The Florida Transportation Commission shall submit its written report at the same time to the Governor and the Legislature.* Final approval of the Transportation Outreach Program *project list* shall be made by the Legislature through the General Appropriations Act. Program projects approved by the Legislature must be included in the department's adopted work program.

(12)~~(11)~~ For purposes of funding projects under the *Transportation Outreach* Program, the department shall allocate from the State Transportation Trust Fund in its program and resource plan a minimum of $60 million each year beginning in fiscal *year* 2001-2002 ~~for a transportation outreach program~~. This funding is to be reserved for projects to be funded *pursuant to this section* ~~under the Transportation Outreach Program~~. This allocation of funds is in addition to any funding provided to this program by any other provision of law.

(13)~~(12)~~ Notwithstanding any other law to the contrary the requirements of ss. 206.46(3), 206.606(2), 339.135, 339.155, and 339.175 shall not apply to the Transportation Outreach Program.

(14)~~(13)~~ The department is authorized to adopt rules to implement the Transportation Outreach Program supporting economic development.

Section 41. Subsection (5) of section 341.051, Florida Statutes, is amended to read:

341.051 Administration and financing of public transit programs and projects.—

(5) FUND PARTICIPATION; CAPITAL ASSISTANCE.—

(a) The department may fund up to 50 percent of the nonfederal share of the costs, not to exceed the local share, of any eligible public transit capital project or commuter assistance project that is local in scope; except, however, that departmental participation in the final design, right-of-way acquisition, and construction phases of an individual fixed-guideway project which is not approved for federal funding shall not exceed an amount equal to 12.5 percent of the total cost of each phase.

~~(b) The Department of Transportation shall develop a major capital investment policy which shall include policy criteria and guidelines for the expenditure or commitment of state funds for public transit capital projects. The policy shall include the following:~~

~~1. Methods to be used to determine consistency of a transit project with the approved local government comprehensive plans of the units of local government in which the project is located.~~

~~2. Methods for evaluating the level of local commitment to a transit project, which is to be demonstrated through system planning and the development of a feasible plan to fund operating cost through fares, value capture techniques such as joint development and special districts, or other local funding mechanisms.~~

~~3. Methods for evaluating alternative transit systems including an analysis of technology and alternative methods for providing transit services in the corridor.~~

(b)~~(c)~~ The department is authorized to fund up to 100 percent of the cost of any eligible transit capital project or commuter assistance project that is statewide in scope or involves more than one county where no other governmental entity or appropriate jurisdiction exists.

(c)~~(d)~~ The department is authorized to advance up to 80 percent of the capital cost of any eligible project that will assist Florida's transit systems in becoming fiscally self-sufficient. Such advances shall be reimbursed to the department on an appropriate schedule not to exceed 5 years after the date of provision of the advances.

(d)~~(e)~~ The department is authorized to fund up to 100 percent of the capital and net operating costs of statewide transit service development projects or transit corridor projects. All transit service development projects shall be specifically identified by way of a departmental appropriation request, and transit corridor projects shall be identified as part of the planned improvements on each transportation corridor designated by the department. The project objectives, the assigned operational and financial responsibilities, the timeframe required to develop the required service, and the criteria by which the success of the project will be judged shall be documented by the department for each such transit service development project or transit corridor project.

(e)~~(f)~~ The department is authorized to fund up to 50 percent of the capital and net operating costs of transit service development projects that are local in scope and that will improve system efficiencies, ridership, or revenues. All such projects shall be identified in the appropriation request of the department through a specific program of projects, as provided for in s. 341.041, that is selectively applied in the following functional areas and is subject to the specified times of duration:

1. Improving system operations, including, but not limited to, realigning route structures, increasing system average speed, decreasing deadhead mileage, expanding area coverage, and improving schedule adherence, for a period of up to 3 years;

2. Improving system maintenance procedures, including, but not limited to, effective preventive maintenance programs, improved mechanics training programs, decreasing service repair calls, decreasing parts inventory requirements, and decreasing equipment downtime, for a period of up to 3 years;

3. Improving marketing and consumer information programs, including, but not limited to, automated information services, organized advertising and promotion programs, and signing of designated stops, for a period of up to 2 years; and

4. Improving technology involved in overall operations, including, but not limited to, transit equipment, fare collection techniques, electronic data processing applications, and bus locators, for a period of up to 2 years.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 42. Subsection (10) of section 341.302, Florida Statutes, is amended to read:

341.302 Rail program, duties and responsibilities of the department.—The department, in conjunction with other governmental units and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under Title 49 C.F.R. part 212, the department shall:

(10) Administer rail operating and construction programs, which programs shall include ~~the regulation of maximum train operating speeds,~~ the opening and closing of public grade crossings, the construction and rehabilitation of public grade crossings, and the installation of traffic control devices at public grade crossings, ~~the administering of the programs by the department~~ including participation in the cost of the programs.

Section 43. Paragraph (d) of subsection (2) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(d) Notwithstanding any provision to the contrary in this subsection, in any county as defined in s. 125.011(1), the governing body of an authority shall consist of up to 13 members, and the following provisions of this paragraph shall apply specifically to such authority. Except for the district secretary of the department, the members must be residents of the county. Seven voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Five voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county. This member shall be an ex officio voting member of the authority. If the governing board of an authority includes any member originally appointed by the governing body of the county as a nonvoting member, when the term of such member expires, that member shall be replaced by a member appointed by the Governor until the governing body of the authority is composed of seven members appointed by the governing body of the county and five members appointed by the Governor. *The qualifications, the terms of office, and the obligations and rights of members of the authority shall be determined by resolution or ordinance of the governing body of the county in a manner that is consistent with subsections (3) and (4).*

Section 44. Section 348.0012, Florida Statutes, is amended to read:

348.0012 Exemptions from applicability.—The Florida Expressway Authority Act does not apply:

(1) *To* ~~In a county in which~~ an expressway authority *which* has been created pursuant to parts II-IX of this chapter; or

(2) To a transportation authority created pursuant to chapter 349.

Section 45. Section 348.565, Florida Statutes, is amended to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway System are hereby approved to be refinanced by the issuance of revenue bonds by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution. In addition, the following projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds pursuant to s. 11(f), Art. VII of the State Constitution:

(1) Brandon area feeder roads;

(2) Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment; ~~and~~

(3) Lee Roy Selmon Crosstown Expressway System widening*; and*~~.~~

(4) The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4.

Section 46. Paragraph (b) of subsection (1) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

(1)

(b) It is the express intention of this part that said authority, in the construction of said Orlando-Orange County Expressway System, shall be authorized to *acquire, finance,* construct, *and equip* any extensions, additions, or improvements to said system, or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access *as the authority shall deem desirable and proper, together* with such changes, modifications, or revisions *to* ~~of~~ said *system or appurtenant facilities* ~~project~~ as *the authority* shall *deem* ~~be deemed~~ desirable and proper.

Section 47. Section 348.7543, Florida Statutes, is amended to read:

348.7543 Improvements, bond financing authority for.—Pursuant to s. 11(e), Art. VII of the State Constitution, the Legislature hereby approves for bond financing by the Orlando-Orange County Expressway Authority *the cost of acquiring, constructing, equipping, improving, or refurbishing any expressway system, including* ~~improvements to~~ toll collection facilities, interchanges, *future extensions and additions, necessary approaches, roads, bridges, and avenues of access* ~~to the legislatively approved expressway system~~, and any other facility appurtenant, necessary, or incidental to the ~~approved~~ system*, all as deemed desirable and proper by the authority pursuant to s. 348.754(1)(b).* Subject to terms and conditions of applicable revenue bond resolutions and covenants, such *costs* ~~financing~~ may be *financed* in whole or in part by revenue bonds *issued pursuant to s. 348.755(1)(a) or (b) whether* currently issued, issued in the future, or by a combination of such bonds.

Section 48. Section 348.7544, Florida Statutes, is amended to read:

348.7544 Northwest Beltway Part A, construction authorized; financing.—Notwithstanding s. 338.2275, the Orlando-Orange County Expressway Authority is hereby authorized to construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Northwest Beltway Part A, extending from Florida's Turnpike near Ocoee north to U.S. 441 near Apopka, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83. *This project may be refinanced with bonds issued by the authority pursuant to s. 348.755(1)(d).*

Section 49. Section 348.7545, Florida Statutes, is amended to read:

348.7545 Western Beltway Part C, construction authorized; financing.—Notwithstanding s. 338.2275, the Orlando-Orange County Expressway Authority is authorized to exercise its condemnation powers, construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Western Beltway Part C, extending from Florida's Turnpike near Ocoee in Orange County southerly through Orange and Osceola Counties to an interchange with I-4 near the Osceola-Polk County line, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83. *This project may be refinanced with bonds issued by the authority pursuant to s. 348.755(1)(d).*

Section 50. Subsection (1) of section 348.755, Florida Statutes, is amended to read:

348.755 Bonds of the authority.—

(1)(a) *Bonds may be issued on behalf of the authority pursuant to the State Bond Act.*

(b) Alternatively, the authority may issue its own bonds pursuant to the provisions of this part at such times and in such principal amount as, in the opinion of the authority, is necessary to provide sufficient moneys for achieving its purposes; however, such bonds shall not pledge the full faith and credit of the state. Bonds issued by the authority pursuant to paragraphs (a) or (b) ~~The bonds of the authority issued pursuant to the provisions of this part~~, whether on original issuance or on refunding, shall be authorized by resolution of the members thereof and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals or other charges or receipts of the authority including the Orange County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority and shall have the seal of the authority affixed, imprinted, reproduced or lithographed thereon, all as may be prescribed in such resolution or resolutions.

(c)~~(b) Said~~ Bonds *issued pursuant to paragraphs (a) and (b)* shall be sold at public sale in the *same* manner provided by the State Bond Act. However, if the authority shall, by official action at a public meeting, determine that a negotiated sale of *such* ~~the~~ bonds is in the best interest of the authority, the authority may negotiate for sale of the bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance of the State Board of Administration *with respect to bonds issued pursuant to paragraph (a) or the authority with respect to bonds issued puruant to paragraph (b). The authoritys determination to negotiate the sale of such bonds may be based in part upon the written advice of its financial advisor.* Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(d) The authority may issue bonds pursuant to paragraph (b) to refund any bonds previously issued regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act.

Section 51. Section 348.765, Florida Statutes, is amended to read:

348.765 This part complete and additional authority.—

(1) The powers conferred by this part shall be in addition and supplemental to the existing powers of said board and the department, and this part shall not be construed as repealing any of the provisions, of any other law, general, special or local, but to supersede such other laws in the exercise of the powers provided in this part, and to provide a complete method for the exercise of the powers granted in this part. The extension and improvement of said Orlando-Orange County Expressway System, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special or local law, *including, but not limited to, s. 215.821,* and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in said County of Orange, or in said City of Orlando, or in any other political subdivision of the state, shall be required for the issuance of such bonds pursuant to this part.

(2) This part shall not be deemed to repeal, rescind, or modify any other law or laws relating to said State Board of Administration, said Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but shall be deemed to and shall supersede such other law or laws as are inconsistent with the provisions of this part, *including, but not limited to, s. 215.821.*

Section 52. Subsections (1) through (6) and subsection (8) of section 373.4137, Florida Statutes, are amended, and subsection (9) is added to said section, to read:

373.4137 Mitigation requirements.—

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation *or a transportation authority established pursuant to chapter 348 or chapter 349* can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the Department of Environmental Protection and the water management districts, including the use of mitigation banks established pursuant to this part.

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation *or a transportation authority established pursuant to chapter 348 or chapter 349* shall be developed as follows:

(a) By May 1 of each year, the Department of Transportation *or a transportation authority established pursuant to chapter 348 or chapter 349* shall submit to the Department of Environmental Protection and the water management districts a copy of its adopted work program and an inventory of habitats addressed in the rules tentatively, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted by its plan of construction for transportation projects in the next 3 years of the tentative work program. The Department of Transportation *or a transportation authority established pursuant to chapter 348 or chapter 349* may also include in its inventory the habitat impacts of any future transportation project identified in the tentative work program.

(b) The environmental impact inventory shall include a description of these habitat impacts, including their location, acreage, and type; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a survey of threatened species, endangered species, and species of special concern affected by the proposed project.

(3)*(a)* To fund the mitigation plan for the projected impacts identified in the inventory described in subsection (2), the Department of Transportation shall identify funds quarterly in an escrow account within the State Transportation Trust Fund for the environmental mitigation phase of projects budgeted by the Department of Transportation for the current fiscal year. The escrow account will be maintained by the Department of Transportation for the benefit of the Department of Environmental Protection and the water management districts. Any interest earnings from the escrow account shall remain with the Department of Transportation.

(b) Each transportation authority established pursuant to chapter 348 or chapter 349 that chooses to participate in this program shall create an escrow account within its financial structure and deposit funds in the account to pay for the environmental mitigation phase of projects budgeted for the current fiscal year. The escrow account will be maintained by the authority for the benefit of the Department of Environmental Protection and the water management districts. Any interest earnings from the escrow account shall remain with the authority.

(c) The Department of Environmental Protection or water management districts may request a transfer of funds from *an* ~~the~~ escrow account no sooner than 30 days prior to the date the funds are needed to pay for activities associated with development or implementation of the approved mitigation plan described in subsection (4) for the current fiscal year, including, but not limited to, design, engineering, production, and staff support. Actual conceptual plan preparation costs incurred before plan approval may be submitted to the Department of Transportation *or the appropriate transportation authority* and the Department of Environmental Protection by November 1 of each year with the plan. The conceptual plan preparation costs of each water management district will be paid based on the amount approved on the mitigation plan and allocated to the current fiscal year projects identified by the water management district. The amount transferred to the escrow *accounts* ~~account~~ each year by the Department of Transportation *and participating transportation authorities established pursuant to chapter 348 or chapter 349* shall correspond to a cost per acre of $75,000 multiplied by

the projected acres of impact identified in the inventory described in subsection (2). However, the $75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions nor is the cost admissible as evidence of full compensation for any property acquired by eminent domain or through inverse condemnation. Each July 1, the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. At the end of each year, the projected acreage of impact shall be reconciled with the acreage of impact of projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer of funds shall be adjusted accordingly to reflect the overtransfer or undertransfer of funds from the preceding year. The Department of Transportation *and participating transportation authorities established pursuant to chapter 348 or chapter 349 are* ~~is~~ authorized to transfer such funds from the escrow *accounts* ~~account~~ to the Department of Environmental Protection and the water management districts to carry out the mitigation programs.

(4) Prior to December 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, *transportation authorities established pursuant to chapter 348 or chapter 349,* and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant invasive plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) waterbodies and lands identified for potential acquisition for preservation, restoration, and enhancement, to the extent that such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be preliminarily approved by the water management district governing board and shall be submitted to the secretary of the Department of Environmental Protection for review and final approval. The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569. At least 30 days prior to preliminary approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

(a) For each transportation project with a funding request for the next fiscal year, the mitigation plan must include a brief explanation of why a mitigation bank was or was not chosen as a mitigation option, including an estimation of identifiable costs of the mitigation bank and nonbank options to the extent practicable.

(b) Specific projects may be excluded from the mitigation plan and shall not be subject to this section upon the agreement of the Department of Transportation, *a transportation authority if applicable,* the Department of Environmental Protection, and the appropriate water management district that the inclusion of such projects would hamper the efficiency or timeliness of the mitigation planning and permitting process, or the Department of Environmental Protection and the water management district are unable to identify mitigation that would offset the impacts of the project.

(c) Surface water improvement and management or invasive plant control projects undertaken using the $12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 which meet the requirements for mitigation under this part and 33 U.S.C. s. 1344 shall remain available for mitigation until the $12 million is fully credited up to and including fiscal year 2004-2005. When these projects are used as mitigation, the $12 million advance shall be reduced by $75,000 per acre of impact mitigated. For any fiscal year through and including fiscal year 2004-2005, to the extent the cost of developing and implementing the mitigation plans is less than the amount transferred pursuant to subsection (3), the difference shall be credited towards the $12 million advance. Except as provided in this paragraph, any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund invasive plant control within wetlands and other surface waters.

(5) The water management district shall be responsible for ensuring that mitigation requirements pursuant to 33 U.S.C. s. 1344 are met for the impacts identified in the inventory described in subsection (2), by implementation of the approved plan described in subsection (4) to the extent funding is provided by the Department of Transportation, *or a transportation authority established pursuant to chapter 348 or chapter 349 if applicable.* During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements.

(6) The mitigation *plans* ~~plan~~ shall be updated annually to reflect the most current Department of Transportation work program *and project list of a transportation authority established pursuant to chapter 348 or chapter 349 if applicable* and may be amended throughout the year to anticipate schedule changes or additional projects which may arise. Each update and amendment of the mitigation plan shall be submitted to the secretary of the Department of Environmental Protection for approval. However, such approval shall not be applicable to a deviation as described in subsection (5).

(8) This section shall not be construed to eliminate the need for the Department of Transportation *or a transportation authority established pursuant to chapter 348 or chapter 349* to comply with the requirement to implement practicable design modifications, including realignment of transportation projects, to reduce or eliminate the impacts of its transportation projects on wetlands and other surface waters as required by rules adopted pursuant to this part, or to diminish the authority under this part to regulate other impacts, including water quantity or water quality impacts, or impacts regulated under this part that are not identified in the inventory described in subsection (2).

(9) The process for environmental mitigation for the impact of transportation projects under this section shall be available to an expressway, bridge, or transportation authority established under chapters 348 and 349. Use of this process may be initiated by an authority depositing the requisite funds into an escrow account set up by the authority and filing an environmental impact inventory with the appropriate water management district. An authority that initiates the environmental mitigation process established by this section shall comply with subsection (6) by timely providing the appropriate water management district and the Department of Environmental Protection with the requisite work program information. A water management district may draw down funds from the escrow account as provided in this section.

Section 53. Paragraphs (b) and (e) of subsection (19) of section 380.06, Florida Statutes, are amended, and paragraphs (i) and (j) are added to subsection (24) of said section, to read:

380.06 Developments of regional impact.—

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater. 3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three

additional gates. However, if an airport is located in two counties, a 10-percent lengthening of an existing runway or a 20-percent increase in the number of gates of an existing terminal is the applicable criteria.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent or 6 acres, whichever is greater, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

~~7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.~~

7.~~8.~~ An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

8.~~9.~~ An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

9.~~10.~~ An increase in commercial development by 6 acres of land area or by 50,000 square feet of gross floor area, or of parking spaces provided for customers for 300 cars or a 5-percent increase of any of these, whichever is greater.

10.~~11.~~ An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

11.~~12.~~ An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

12.~~13.~~ A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

13.~~14.~~ A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

14.~~15.~~ A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

15.~~16.~~ Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under sub-subparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., *9.*~~10.~~, *13.*~~14.~~, excluding residential uses, and *14.*~~15.~~, are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., *8.*~~9.~~, *9.*~~10.~~, *10.*~~11.~~, and *13.*~~14.~~ are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(e)1. A proposed change which, either individually or, if there were previous changes, cumulatively with those changes, is equal to or exceeds 40 percent of any numerical criterion in subparagraphs (b)*1.-14.*~~1.-15.~~, but which does not exceed such criterion, shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government pursuant to subparagraph (f)5.

2. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than 40 percent of any numerical criterion contained in subparagraphs (b)*1.-14.*~~1.-15.~~ and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-h. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-i. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Except for the types of uses listed in subparagraph (b)*15.*~~16.~~, any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

c. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)*(b)*~~(c)~~, *(c)*~~(d)~~, *(e)*~~(f)~~, and *(f)*~~(g)~~ and residential use.

(24) STATUTORY EXEMPTIONS.—

(i) Any proposed facility for the storage of any petroleum product is exempt from the provisions of this section, if such facility is consistent with a local comprehensive plan that is in compliance with s. 163.3177 or is consistent with a comprehensive port master plan that is in compliance with s. 163.3178.

(j) Any development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan under section 163.3177(6)(k), and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, is exempt from the provisions of this section.

Section 54. Subsection (3) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(a) Airports.—

1. Any of the following airport construction projects shall be a development of regional impact:

a. A new commercial service or general aviation airport with paved runways.

b. A new commercial service or general aviation paved runway.

c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a general aviation airport with regularly scheduled flights is a development of regional impact. However, expansion of existing terminal facilities at a nonhub or small hub commercial service airport shall not be a development of regional impact.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact. Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.

(b) Attractions and recreation facilities.—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility, the construction or expansion of which:

1. For single performance facilities:

a. Provides parking spaces for more than 2,500 cars; or

b. Provides more than 10,000 permanent seats for spectators.

2. For serial performance facilities:

a. Provides parking spaces for more than 1,000 cars; or

b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, "serial performance facilities" means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

3. For multiscreen movie theaters of at least 8 screens and 2,500 seats:

a. Provides parking spaces for more than 1,500 cars; or

b. Provides more than 6,000 permanent seats for spectators.

(b)~~(c)~~ Industrial plants, industrial parks, and distribution, warehousing or wholesaling facilities.—Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public onsite, under common ownership, or any proposed industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public onsite, which:

1. Provides parking for more than 2,500 motor vehicles, *excluding those vehicles which may be included in wholesaling facilities' inventory*; or

2. Occupies a site greater than 320 acres, *or for motor vehicle wholesaling facilities that conduct wholesaling sales activity no more frequently than an average each year of 3 days per week, occupies a site greater than 500 acres*.

(c)~~(d)~~ Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or

2. Has a total site size of 30 or more acres; or

3. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(d)~~(e)~~ Port facilities.—The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for:

1.a. The wet storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or

b. The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or

c. The wet or dry storage or mooring of fewer than 150 watercraft on or adjacent to an inland freshwater lake except Lake Okeechobee or any lake which has been designated an Outstanding Florida Water, or

d. The wet or dry storage or mooring of fewer than 50 watercraft of 40 feet in length or less of any type or purpose. The exceptions to this paragraph's requirements for development-of-regional-impact review shall not apply to any waterport or marina facility located within or which serves physical development located within a coastal barrier resource unit on an unbridged barrier island designated pursuant to 16 U.S.C. s. 3501.

In addition to the foregoing, for projects for which no environmental resource permit or sovereign submerged land lease is required, the Department of Environmental Protection must determine in writing that a proposed marina in excess of 10 slips or storage spaces or a combination of the two is located so that it will not adversely impact Outstanding Florida Waters or Class II waters and will not contribute boat traffic in a manner that will have an adverse impact on an area known to be, or

likely to be, frequented by manatees. If the Department of Environmental Protection fails to issue its determination within 45 days of receipt of a formal written request, it has waived its authority to make such determination. The Department of Environmental Protection determination shall constitute final agency action pursuant to chapter 120.

2. The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

3. Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under sub-subparagraphs 1.a. and b. and subparagraph 2.

(e)~~(f)~~ Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area;

2. Occupies more than 40 acres of land; or

3. Provides parking spaces for more than 2,500 cars.

(f)~~(g)~~ Hotel or motel development.—

1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or

2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000, and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(g)~~(h)~~ Recreational vehicle development.—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(h)~~(i)~~ Multiuse development.—Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(i) ~~(j)~~ Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county.

(j)~~(k)~~ Schools.—

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, "full-time equivalent student" means enrollment for 15 or more quarter hours during a single academic semester. In area vocational schools or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the Board of Regents pursuant to s. 240.155.

Section 55. Paragraph (a) of subsection (12) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(12) When authorized by a local comprehensive plan, a multiuse development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

(a) The development of regional impact meets or exceeds the guidelines and standards of s. 380.0651(3)*(h)*~~(i)~~ and rule 28-24.032(2), Florida Administrative Code, and includes a residential component that contains at least 100 residential dwelling units or 15 percent of the applicable residential guideline and standard, whichever is greater;

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement.

Section 56. Subsection (20) of section 331.303, Florida Statutes, is amended to read:

331.303 Definitions.—

(20) "Spaceport launch facilities" shall be defined as industrial facilities in accordance with s. 380.0651(3)*(b)*~~(c)~~ and include any launch pad, launch control center, and fixed launch-support equipment.

Section 57. Section 331.308, Florida Statutes, is amended to read:

331.308 Board of supervisors.—

(1) There is created within the Spaceport Florida Authority a board of supervisors consisting of

(a) The Lieutenant Governor, serving as the chair;

(b) Six ~~seven~~ regular members~~, who shall be~~ appointed by the Governor;~~; and~~

(c) Two ex officio nonvoting members *who are members of the Legislature,* ~~one of whom shall be~~ a state senator selected by the President of the Senate and ~~one of whom shall be~~ a state representative selected by the Speaker of the House of Representatives*; and*

(d) The director of the Office of Tourism, Trade, and Economic Development as an ex officio nonvoting member.

Regular members are~~, all of whom shall be~~ subject to confirmation by the Senate at the next regular session of the Legislature, *and*~~.~~ each of *them* ~~the regular board members~~ must be a resident of the state and must have experience in the aerospace or commercial space industry or in finance or have other significant relevant experience. One regular member shall represent organized labor interests and one regular member shall represent minority interests.

(2) Each *regular* member shall serve a term of 4 years or until a successor is appointed and qualified. The term of each such member shall be construed to commence on the date of appointment and to terminate on June 30 of the year of the end of the term. Appointment to the board shall not preclude any such member from holding any other private or public position.

(3) The ex officio nonvoting *legislative* members shall serve on the board for 2-year terms.

(4) Any vacancy on the board shall be filled for the balance of the unexpired term.

(5) *The Lieutenant Governor is the state's space policy leader. The Lieutenant Governor may designate a regular member to serve as vice-chair and preside over board meetings in the absence of the chair and may assign proxy voting power to the director of the Office of Tourism, Trade, and Economic Development.* ~~Initial appointments shall be made no later than 60 days after this act takes effect.~~

(6) ~~The board shall hold its initial meeting no later than 20 days after the members have been appointed. At its initial meeting, or as soon thereafter as is practicable,~~ The board shall appoint an executive director. Meetings shall be held quarterly or more frequently at the call of the chair. A majority of the regular members of the board shall constitute a quorum, and a majority vote of such members present is necessary for any action taken by the board.

(7) The Governor *may* ~~has the authority to~~ remove from the board any regular member in the manner and for cause as defined by the laws of this state and applicable to situations *that* ~~which may~~ arise before the board. Unless excused by the chair of the board, a regular member's absence from two or more consecutive board meetings creates a vacancy in the office to which the member was appointed.

Section 58. *(1) Nothing contained in this act abridges or modifies any vested or other right or any duty or obligation pursuant to any development order or agreement which is applicable to a development of regional impact on the effective date of this act. An airport or petroleum storage facility which has received a development-of-regional-impact development order pursuant to s. 380.06, Florida Statutes 2000, but is no longer required to undergo development-of-regional-impact review by operation of this act, shall be governed by the following procedures:*

(a) The development shall continue to be governed by the development-of-regional-impact development order, and may be completed in reliance upon and pursuant to the development order. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11, Florida Statutes 2000.

(b) If requested by the developer or landowner, the development-of-regional-impact development order may be amended or rescinded by the local government consistent with the local comprehensive plan and land development regulations and pursuant to the local government procedures governing local development orders.

(2) An airport or petroleum storage facility with an application for development approval pending on the effective date of this act, or a notification of proposed change pending on the effective date of this act, may elect to continue such review pursuant to s. 380.06, Florida Statutes 2000. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, Florida Statutes 2000, the resulting development order shall be governed by the provisions of subsection (1).

Section 59. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 60. Subsection (13) is added to section 475.011, Florida Statutes, to read:

475.011 Exemptions.—This part does not apply to:

(13) Any firm that is under contract with a state or local governmental entity to provide right-of-way acquisition services for property subject to condemnation, or any employee of such a firm, if the compensation for such services is not based upon the value of the property acquired. No firm nor any employee of such a firm may engage in the practice of real estate, except those activities pursuant to a contract with a state or local governmental entity and pursuant to the exception provided in this paragraph, without meeting the licensure and qualifications requirements of chapter 475.

Section 61. Subsection (2) of section 479.15, Florida Statutes, is amended to read:

479.15 Harmony of regulations.—

(2) A municipality, county, local zoning authority, or other local governmental entity may not remove, or cause to be removed, any lawfully erected sign along any portion of the interstate or federal-aid primary highway system without first paying just compensation for such removal. A local governmental entity may not cause in any way the alteration of any lawfully erected sign located along any portion of the interstate or federal-aid primary highway system without payment of just compensation if such alteration constitutes a taking under state law. The municipality, county, local zoning authority, or other local government entity promulgating requirements for such alteration must be responsible for payment of just compensation to the sign owner if such alteration constitutes a taking under state law. This subsection applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located. *For the purposes of this subsection, the term "federal-aid primary highway system" means the federal-aid primary highway system in existence on June 1, 1991, and any highway which was not on such system but which is, or hereafter becomes, a part of the National Highway System.* This subsection shall not be interpreted as explicit or implicit legislative recognition that alterations do or do not constitute a taking under state law.

Section 62. Section 479.25, Florida Statutes, is created to read:

479.25 Application of chapter.—Nothing in this chapter shall prevent a governmental entity from entering into an agreement allowing the height above ground level of a lawfully erected sign to be increased at its permitted location if a noise attenuation barrier, visibility screen, or other highway improvement has been erected in such a way as to screen or block visibility of such a sign; provided, however, that for nonconforming signs located on the federal-aid primary highway system, as such system existed on June 1, 1991, and any highway which was not on such system but which is, or hereinafter becomes, a part of the National Highway System, such agreement must be approved by the Federal Highway Administration. Any increase in height permitted under this provision shall only be that which is required to achieve the same degree of visibility from the right-of-way that the sign had prior to the construction of the noise attenuation barrier, visibility screen, or other highway improvement.

Section 63. Section 70.20, Florida Statutes, is created to read:

70.20 Balancing of interests.—It is a policy of this state to encourage municipalities, counties, and other governmental entities and sign owners to enter into relocation and reconstruction agreements that allow governmental entities to undertake public projects and accomplish public goals without the expenditure of public funds, while allowing the continued maintenance of private investment in signage as a medium of commercial and noncommercial communication.

(1) Municipalities, counties, and all other governmental entities are specifically empowered to enter into relocation and reconstruction agreements on whatever terms are agreeable to the sign owner and the municipality, county, or other governmental entity involved and to provide for relocation and reconstruction of signs by agreement, ordinance, or resolution. As used in this section, a "relocation and reconstruction agreement" means a consensual, contractual agreement between a sign owner and municipality, county, or other governmental entity for either the reconstruction of an existing sign or removal of a sign and the construction of a new sign to substitute for the sign removed.

(2) Except as otherwise provided in this section, no municipality, county, or other governmental entity may remove, or cause to be removed, any lawfully erected sign along any portion of the interstate, federal-aid primary or other highway system, or any other road, without first paying just compensation for such removal as determined by agreement between the parties or through eminent domain proceedings. Except as otherwise provided in this section, no municipality, county, or other governmental entity may cause in any way the alteration of any lawfully erected sign located along any portion of the interstate, federal-aid primary or other highway system, or any other road, without first paying just compensation for such alteration as determined by agreement between the parties or through eminent domain proceedings. The provisions of this act shall not apply to any ordinance, the validity, constitutionality, and enforceability of which the owner has by written agreement waived all right to challenge.

(3) In the event that a municipality, county, or other governmental entity shall undertake a public project or public goal requiring alteration or removal of any lawfully erected sign, the municipality, county, or other governmental entity shall notify the owner of the affected sign in writing of the public project or goal and of the intention of the municipality, county, or other governmental entity to seek such removal. Within 30 days after receipt of the notice, the owner of the sign and the municipality, county, or other governmental entity shall attempt to meet for purposes of negotiating and executing a relocation and reconstruction agreement provided for in subsection (1).

(4) If the parties fail to enter into a relocation and reconstruction agreement within 120 days after the initial notification by the municipality, county, or other governmental entity, either party may request mandatory nonbinding arbitration to resolve the disagreements among the parties. Each party shall select an arbitrator, and the individuals so selected shall choose a third arbitrator. The three arbitrators shall constitute the panel that shall arbitrate the dispute between the parties and at the conclusion of the proceedings shall present to the parties a proposed relocation and reconstruction agreement that the panel believes equitably balances the rights, interests, obligations, and reasonable expectations of the parties. If the municipality, county, or other governmental entity and the sign owner accept the proposed relocation and reconstruction agreement, the municipality, county, or other governmental entity and sign owner shall each pay its respective costs of arbitration and shall pay one-half of the costs of the arbitration panel, unless the parties otherwise agree.

(5) If the parties do not enter into a relocation and reconstruction agreement, the municipality, county, or other governmental entity may proceed with the public project or purpose and the alteration or removal of the sign only after first paying just compensation for such alteration or removal as determined by agreement between the parties or through eminent domain proceedings.

(6) The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be removed or altered as a condition precedent to the issuance or continued effectiveness of a development order constitutes a compelled removal that is prohibited without prior payment of just compensation under subsection (2). This subsection does not apply when the owner of the land on which the sign is located is seeking to have the property redesignated on the future land use map of the applicable comprehensive plan for exclusively single-family residential use.

(7) The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be altered or removed from the premises upon which it is located incident to the voluntary acquisition of such property by a municipality, county, or other governmental entity constitutes a compelled removal which is prohibited without payment of just compensation under subsection (2).

(8) Nothing in this section shall prevent a municipality, county, or other governmental entity from acquiring a lawfully erected sign through eminent domain or from prospectively regulating the placement, size, height, or other aspects of new signs within such entity's jurisdiction, including the prohibition of new signs, unless otherwise authorized pursuant to this section. Nothing in this section shall impair any ordinance or provision of any ordinance not inconsistent with this section, nor shall this section create any new rights for any party other than the owner of a sign, the owner of the land upon which it is located, or a municipality, county, or other governmental entity as expressed in this section.

(9) This section applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located.

(10) This section does not apply to any actions taken by the Florida Department of Transportation which relate to the operation, maintenance, or expansion of transportation facilities, and this section does not affect existing law regarding eminent domain relating to the Florida Department of Transportation.

(11) Nothing in this act shall impair or affect any written agreement existing prior to the effective date of this act, including, but not limited to, any settlement agreements reliant upon the legality or enforceability of local ordinances. The provisions of this act shall not apply to any signs that are required to be removed by a date certain in areas designated by local ordinance as view corridors if the local ordinance creating the view corridors was enacted in part to effectuate a consensual agreement between the local government and two or more sign owners prior to the effective date of this act, nor shall the provisions of this act apply to any signs that are the subject of an ordinance providing an amortization period, which period has expired, and which ordinance is the subject of judicial proceedings which were commenced on or before January 1, 2001.

(12) Subsection (6) hereof does not apply when the development order permits construction of a replacement sign that cannot be erected without the removal of the lawfully erected sign being replaced. Effective upon this section becoming a law, the Office of Program Analysis and Governmental Accountability, in consultation with the property appraisers and the private sector affected parties, shall conduct a study of the value of offsite signs in relation to, and in comparison with, the valuation of other commercial properties for ad valorem tax purposes, including a comparison of tax valuations from other states. OPPAGA shall complete the study by December 31, 2001, and shall report the results of the study to the Legislature.

Section 64. Paragraph (b) of subsection (1) of section 496.425, Florida Statutes, is amended to read:

496.425 Solicitation of funds within public transportation facilities.—

(1) As used in this section:

(b) "Facility" means any public transportation facility, including, but not limited to, railroad stations, bus stations, ship ports, ferry terminals, *or* ~~roadside welcome stations, highway service plazas,~~ airports served by scheduled passenger service~~, or highway rest stations~~.

Section 65. Section 496.4256, Florida Statutes, is created to read:

496.4256 Public transportation facilities not required to grant permit or access.—A governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system as defined in chapter 335 may not be required to issue a permit or grant any person access to such public transportation facilities for the purpose of soliciting funds.

Section 66. Section 337.408, Florida Statutes, is amended to read:

337.408 Regulation of benches, transit shelters, *street light poles,* and waste disposal receptacles within rights-of-way.—

(1) Benches or transit shelters, including advertising displayed on benches or transit shelters, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that such benches or transit shelters are for the comfort or convenience of the general public, or at designated stops on official bus routes; and, provided further, that written authorization has been given to a qualified private supplier of such service by the municipal government within whose incorporated limits such benches or transit shelters are installed, or by the county government within whose unincorporated limits such benches or transit shelters are installed. A municipality or county may authorize the installation, *with or* without public bid, of benches and transit shelters together with advertising displayed thereon, within the right-of-way limits of such roads. Any contract for the installation of benches or transit shelters or advertising on benches or transit shelters which was entered into before April 8, 1992, without public bidding, is ratified and affirmed. Such benches or transit shelters may not interfere with right-of-way preservation and maintenance. Any bench or transit shelter located on a sidewalk within the right-of-way limits of any road on the State Highway System or the county road system shall be located so as to leave at least 36 inches clearance for pedestrians and persons in wheelchairs. Such clearance shall be measured in a direction perpendicular to the centerline of the road.

(2) Waste disposal receptacles *the interior collection container volume* of *which is* less than 110 gallons in capacity, including advertising displayed on such waste disposal receptacles, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that written authorization has been given to a qualified private supplier of such service by the appropriate

municipal or county government. A municipality or county may authorize the installation, *with or* without public bid, of waste disposal receptacles together with advertising displayed thereon within the right-of-way limits of such roads. Such waste disposal receptacles may not interfere with right-of-way preservation and maintenance.

(3) The department has the authority to direct the immediate relocation or removal of any bench, transit shelter, or waste disposal receptacle which endangers life or property, except that transit bus benches which have been placed in service prior to April 1, 1992, do not have to comply with bench size and advertising display size requirements which have been established by the department prior to March 1, 1992. Any transit bus bench that was in service prior to April 1, 1992, may be replaced with a bus bench ~~of the same size or smaller~~, if the bench is damaged or destroyed or otherwise becomes unusable. *As of July 1, 2001, the department, municipality, or county may direct the removal of any bench, transit shelter, or waste disposal receptacle, or advertisement thereon, if the department, municipality, or county determines that the bench, transit shelter, or waste disposal receptacle is structurally unsound or in visible disrepair.*

(4) No bench, transit shelter, or waste disposal receptacle, or advertising thereon, shall be erected or so placed on the right-of-way of any road which conflicts with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision the loss of federal funds. Competition among persons seeking to provide bench, transit shelter, or waste disposal receptacle services or advertising on such benches, shelters, or receptacles may be regulated, restricted, or denied by the appropriate local government entity consistent with the provisions of this section.

(5) Street light poles, including attached public service messages and advertisements, may be located within the right-of-way limits of municipal and county roads in the same manner as benches, transit shelters, and waste receptacles, as provided in this section and in accordance with municipal and county ordinances. Public service messages and advertising may be installed on street light poles on roads on the State Highway System in accordance with height, size, setback, spacing distance, duration of display, safety, traffic control, and permitting requirements established by administrative rule of the Department of Transportation. Public service messages and advertisements shall be subject to bilateral agreements, where applicable, to be negotiated with the owner of the street light poles which shall consider, among other things, power source rates, design, safety, operational and maintenance concerns and other matters of public importance. For the purposes of this section, "street light poles" does not include electric transmission or distribution poles. The department shall have authority to establish administrative rules to implement this subsection. No advertising on light poles shall be permitted on the Interstate Highway System. No permanent structures carrying advertisements attached to light poles shall be permitted on the National Highway System.

(6)~~(5)~~ Wherever the provisions of this section are inconsistent with other provisions of this chapter or with the provisions of chapter 125, chapter 335, chapter 336, or chapter 479, the provisions of this section shall prevail.

Section 67. Subsection (10) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(10)(a) Health care providers or vendors, or any of their employees or agents, that have contractually agreed to act as agents of the Department of Corrections to provide health care services to inmates of the state correctional system shall be considered agents of the State of Florida, Department of Corrections, for the purposes of this section, while acting within the scope of and pursuant to guidelines established in said contract or by rule. The contracts shall provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection shall not be construed as designating persons providing contracted health care services to inmates as employees or agents of the state for the purposes of chapter 440.

(c) For purposes of this section, regional poison control centers created in accordance with s. 395.1027 and coordinated and supervised under the Division of Children's Medical Services Prevention and Intervention of the Department of Health, or any of their employees or agents, shall be considered agents of the State of Florida, Department of Health. Any contracts with poison control centers must provide, to the extent permitted by law, for the indemnification of the state by the agency for any liabilities incurred up to the limits set out in this chapter.

(d) For the purposes of this section, operators of rail services and providers of security for rail services, or any of their employees or agents, that have contractually agreed to act as agents of the Tri-County Commuter Rail Authority to operate rail services or provide security for rail services, shall be considered agents of the State of Florida while acting within the scope of and pursuant to guidelines established in said contract or by rule. The contract shall provide for the indemnification of the state by the agent for any liability incurred up to the limits set out in this chapter.

Section 68. Section 337.025, Florida Statutes, is amended to read:

337.025 Innovative highway projects; department to establish program.—The department is authorized to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, prior to using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than $120 million in contracts annually for the purposes authorized by this section. *However, the annual cap on contracts provided in this section shall not apply to turnpike enterprise projects nor shall turnpike enterprise projects be counted toward the department's annual cap.*

Section 69. Paragraph (c) of subsection (3) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(3)

(c) No advertisement for bids shall be published and no bid solicitation notice shall be provided until title to all necessary rights-of-way and easements for the construction of the project covered by such advertisement or notice has vested in the state or a local governmental entity, and all railroad crossing and utility agreements have been executed. *The turnpike enterprise is exempt from this paragraph for a turnpike enterprise project.* Title to all necessary rights-of-way shall be deemed to have been vested in the State of Florida when such title has been dedicated to the public or acquired by prescription.

Section 70. Subsection (7) of section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(7) This section does not apply to the turnpike system as defined under the Florida Turnpike *Enterprise* Law.

Section 71. Section 338.22, Florida Statutes, is amended to read:

338.22 Florida Turnpike *Enterprise* Law; short title.—Sections 338.22-338.241 may be cited as the "Florida Turnpike *Enterprise* Law."

Section 72. Section 338.221, Florida Statutes, is amended to read:

338.221 Definitions of terms used in ss. 338.22-338.241.—As used in ss. 338.22-338.241, the following words and terms have the following meanings, unless the context indicates another or different meaning or intent:

(1) "Bonds" or "revenue bonds" means notes, bonds, refunding bonds or other evidences of indebtedness or obligations, in either temporary or definitive form, issued by the Division of Bond Finance on behalf of the department and authorized under the provisions of ss. 338.22-338.241 and the State Bond Act.

(2) "Cost," as applied to a turnpike project, includes the cost of acquisition of all land, rights-of-way, property, easements, and interests acquired by the department for turnpike project construction; the cost of such construction; the cost of all machinery and equipment, financing charges, fees, and expenses related to the financing; establishment of reserves to secure bonds; interest prior to and during construction and for such period after completion of construction as shall be determined by the department; the cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues; other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing any such turnpike project; administrative expenses; and such other expenses as may be necessary or incident to the acquisition or construction of a turnpike project, the financing of such acquisition or construction, and the placing of the turnpike project in operation.

(3) "Feeder road" means any road no more than 5 miles in length, connecting to the turnpike system which the department determines is necessary to create or facilitate access to a turnpike project.

(4) "Owner" includes any person or any governmental entity that has title to, or an interest in, any property, right, easement, or interest authorized to be acquired pursuant to ss. 338.22-338.241.

(5) "Revenues" means all tolls, charges, rentals, gifts, grants, moneys, and other funds coming into the possession, or under the control, of the department by virtue of the provisions hereof, except the proceeds from the sale of bonds issued under ss. 338.22-338.241.

(6) "Turnpike system" means those limited access toll highways and associated feeder roads and other structures, appurtenances, or rights previously designated, acquired, or constructed pursuant to the Florida Turnpike *Enterprise* Law and such other additional turnpike projects as may be acquired or constructed as approved by the Legislature.

(7) "Turnpike improvement" means any betterment necessary or desirable for the operation of the turnpike system, including, but not limited to, widenings, the addition of interchanges to the existing turnpike system, resurfacings, toll plazas, machinery, and equipment.

(8) "Economically feasible" *for a proposed turnpike project* means *that the revenues of the project in combination with those of the existing turnpike system are sufficient to service the debt of the outstanding turnpike bonds to safeguard investors.*~~:~~

~~(a) For a proposed turnpike project, that, as determined by the department before the issuance of revenue bonds for the project, the estimated net revenues of the proposed turnpike project, excluding feeder roads and turnpike improvements, will be sufficient to pay at least 50 percent of the debt service on the bonds by the end of the 5th year of operation and to pay at least 100 percent of the debt service on the bonds by the end of the 15th year of operation. In implementing this paragraph, up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.~~

~~(b) For turnpike projects, except for feeder roads and turnpike improvements, financed from revenues of the turnpike system, such project, or such group of projects, originally financed from revenues of the turnpike system, that the project is expected to generate sufficient revenues to amortize project costs within 15 years of opening to traffic.~~

This subsection does not prohibit the pledging of revenues from the entire turnpike system to bonds issued to finance or refinance a turnpike project or group of turnpike projects.

(9) "Turnpike project" means any extension to or expansion of the existing turnpike system and new limited access toll highways and associated feeder roads and other structures, interchanges, appurtenances, or rights as may be approved in accordance with the Florida Turnpike *Enterprise* Law.

(10) "Statement of environmental feasibility" means a statement by the Department of Environmental Protection of the project's significant environmental impacts.

Section 73. Section 338.2215, Florida Statutes, is created to read:

338.2215 Florida Turnpike Enterprise; legislative findings, policy, purpose, and intent.—It is the intent of the Legislature that the turnpike enterprise be provided additional powers and authority in order to maximize the advantages obtainable through fully leveraging the Florida Turnpike System asset. The additional powers and authority will provide the turnpike enterprise with the autonomy and flexibility to enable it to more easily pursue innovations as well as best practices found in the private sector in management, finance, organization, and operations. The additional powers and authority are intended to improve cost-effectiveness and timeliness of project delivery, increase revenues, expand the turnpike system's capital program capability, and improve the quality of service to its patrons, while continuing to protect the turnpike system's bondholders and further preserve, expand, and improve the Florida Turnpike System.

Section 74. Section 338.2216, Florida Statutes, is created to read:

338.2216 Florida Turnpike Enterprise; powers and authority.—

(1)(a) In addition to the powers granted to the department, the Florida Turnpike Enterprise has full authority to exercise all powers granted to it under this chapter. Powers shall include, but are not limited to, the ability to plan, construct, maintain, repair, and operate the Florida Turnpike System.

(b) It is the express intention of this part that the Florida Turnpike Enterprise be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage the Florida Turnpike System; to expend funds to publicize, advertise, and promote the advantages of using the turnpike system and its facilities; and to cooperate, coordinate, partner, and contract with other entities, public and private, to accomplish these purposes.

(c) The executive director of the turnpike enterprise shall appoint a staff, which shall be exempt from part II of chapter 110. The fiscal functions of the turnpike enterprise, including those arising under chapters 216, 334, and 339, shall be managed by the turnpike enterprise chief financial officer, who shall possess qualifications similar to those of the department comptroller.

(2)(a) The department shall have the authority to employ procurement methods available to the Department of Management Services under chapters 255 and 287 and under any rule adopted under such chapters solely for the benefit of the turnpike enterprise. In order to enhance the effective and efficient operation of the turnpike enterprise, the department may adopt rules for procurement procedures alternative to chapters 255, 287, and 337.

(3)(a) The turnpike enterprise shall be a single budget entity and shall develop a budget pursuant to chapter 216. The turnpike enterprise's budget shall be submitted to the Legislature along with the department's budget.

(b) Notwithstanding the provisions of s. 216.301 to the contrary and in accordance with s. 216.351, the Executive Office of the Governor shall, on July 1 of each year, certify forward all unexpended funds appropriated or provided pursuant to this section for the turnpike enterprise. Of the unexpended funds certified forward, any unencumbered amounts shall be carried forward. Such funds carried forward shall not exceed 5 percent of the total operating budget of the turnpike enterprise. Funds carried forward pursuant to this section may be used for any lawful purpose, including, but not limited to, promotional and market activities, technology, and training. Any certified forward funds remaining undisbursed on December 31 of each year shall be carried forward.

(4) The powers conferred upon the turnpike enterprise under ss. 338.22-338.241 shall be in addition and supplemental to the existing powers of the department and the turnpike enterprise, and these powers shall not be construed as repealing any provision of any other law, general or local, but shall supersede such other laws that are inconsistent

with the exercise of the powers provided under ss. 338.22-338.241 and provide a complete method for the exercise of such powers granted.

Section 75. Subsection (4) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(4) The department is authorized, with the approval of the Legislature, to use federal and state transportation funds to lend or pay a portion of the operating, maintenance, and capital costs of turnpike projects. ~~Federal and state transportation funds included in an adopted work program, or the General Appropriations Act, for a turnpike project do not have to be reimbursed to the State Transportation Trust Fund, or used in determining the economic feasibility of the proposed project.~~ For operating and maintenance loans, the maximum net loan amount in any fiscal year shall not exceed *1.5* ~~0.5~~ percent of state transportation tax revenues for that fiscal year.

Section 76. Subsection (2) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike projects for which such bonds shall have been issued, except as provided in the State Bond Act. Such proceeds shall be disbursed and used as provided by ss. 338.22-338.241 and in such manner and under such restrictions, if any, as the Division of Bond Finance may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. All revenues and bond proceeds from the turnpike system received by the department pursuant to ss. 338.22-338.241, the Florida Turnpike *Enterprise* Law, shall be used only for the cost of turnpike projects and turnpike improvements and for the administration, operation, maintenance, and financing of the turnpike system. No revenues or bond proceeds from the turnpike system shall be spent for the operation, maintenance, construction, or financing of any project which is not part of the turnpike system.

Section 77. Subsection (2) of section 338.2275, Florida Statutes, is amended to read:

338.2275 Approved turnpike projects.—

(2) The department is authorized to use turnpike revenues, the State Transportation Trust Fund moneys allocated for turnpike projects pursuant to s. 338.001, federal funds, and bond proceeds, and shall use the most cost-efficient combination of such funds, in developing a financial plan for funding turnpike projects. The department must submit a report of the estimated cost for each ongoing turnpike project and for each planned project to the Legislature 14 days before the convening of the regular legislative session. Verification of economic feasibility and statements of environmental feasibility for individual turnpike projects must be based on the entire project as approved. Statements of environmental feasibility are not required for those projects listed in s. 12, chapter 90-136, Laws of Florida, for which the Project Development and Environmental Reports were completed by July 1, 1990. ~~All required environmental permits must be obtained before~~ The department may advertise for bids for contracts for the construction of any turnpike project *prior to obtaining required environmental permits*.

Section 78. Section 338.234, Florida Statutes, is amended to read:

338.234 Granting concessions or selling along the turnpike system.—

~~(1)~~ The department may *enter into contracts or licenses with any person for the sale of* ~~grant concessions or sell~~ services or products *or business opportunities on* ~~along~~ the turnpike system*, or the turnpike enterprise may sell services, products, or business opportunities on the turnpike system,* which benefit the traveling public *or provide additional revenue to the turnpike system*. Services*, business opportunities,* and products authorized *to be sold* include, but are not limited to, ~~the sale of~~ motor fuel, *vehicle* towing, and *vehicle* maintenance services; ~~the sale of~~ food with attendant nonalcoholic beverages; *lodging, meeting rooms, and other business services opportunities; advertising and other promotional opportunities, which advertising and promotions must be consistent with the dignity and integrity of the state;* ~~the sale of~~ state lottery tickets *sold* by authorized retailers; *games and amusements that* ~~the granting of concessions for amusement devices which~~ operate by the application of skill, not including games of chance as defined in s. 849.16 or other illegal gambling games; ~~the sale of~~ Florida citrus, goods promoting the state, or handmade goods produced within the state; *and* ~~the granting of concessions for equipment which provides~~ travel information, ~~or~~ tickets, reservations, or other related services~~; and the granting of concessions which provide banking and other business services. The department may also provide information centers on the plazas for the benefit of the public~~.

~~(2) The department may provide an opportunity for governmental agencies to hold public events at turnpike plazas which educate the traveling public as to safety, travel, and tourism.~~

Section 79. Subsection (3) of section 338.235, Florida Statutes, is amended to read:

338.235 Contracts with department for provision of services on the turnpike system.—

(3) The department may enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, nonexclusive, and nondiscriminatory basis, turnpike property and other turnpike structures, for the placement of wireless facilities by any wireless provider of mobile services as defined in 47 U.S.C. s. 153(n) or s. 332(d), and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or structures available. The department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The department and a wireless provider may negotiate the reduction or elimination of a fee in consideration of *goods or services* ~~service~~ provided to the department by the wireless provider. All such fees collected by the department shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund and may be used to construct, maintain, or support the system.

Section 80. Subsection (2) of section 338.239, Florida Statutes, is amended to read:

338.239 Traffic control on the turnpike system.—

(2) Members of the Florida Highway Patrol are vested with the power, and charged with the duty, to enforce the rules of the department. *Approved expenditures* ~~Expenses~~ incurred by the Florida Highway Patrol in carrying out its powers and duties under ss. 338.22-338.241 may be treated as a part of the cost of the operation of the turnpike system, and the Department of Highway Safety and Motor Vehicles shall be reimbursed by the *turnpike enterprise* ~~Department of Transportation~~ for such expenses incurred on the turnpike *system* ~~mainline, which is that part of the turnpike system extending from the southern terminus in Florida City to the northern terminus in Wildwood including all contiguous sections~~. *Florida Highway Patrol Troop K shall be headquartered with the turnpike enterprise and shall be the official and preferred law enforcement troop for the turnpike system. The Department of Highway Safety and Motor Vehicles may, upon request of the executive director of the turnpike enterprise and approval of the Legislature, increase the number of authorized positions for Troop K, or the executive director of the turnpike enterprise may contract with the Department of Highway Safety and Motor Vehicles for additional troops to patrol the turnpike system.*

Section 81. Section 338.241, Florida Statutes, is amended to read:

338.241 Cash reserve requirement.—The budget for the turnpike system shall be so planned as to provide for a cash reserve *at the end of each fiscal year* of not less than *5* ~~10~~ percent of the unpaid balance of all turnpike system contractual obligations, excluding bond obligations, to be paid from revenues.

Section 82. Section 338.251, Florida Statutes, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a

county or combination of contiguous counties *and the turnpike enterprise*.

(1) The department is authorized to advance funds for preliminary engineering, traffic and revenue studies, environmental impact studies, financial advisory services, engineering design, right-of-way map preparation, other appropriate project-related professional services, and advanced right-of-way acquisition to expressway authorities, *the turnpike enterprise*, counties, or other local governmental entities that desire to undertake revenue-producing road projects.

(2) No funds shall be advanced pursuant to this section unless the following is documented to the department:

(a) The proposed facility is consistent with the adopted transportation plan of the appropriate metropolitan planning organization and the Florida Transportation Plan.

(b) A proposed 2-year budget detailing the use of the cash advance and a project schedule consistent with the budget.

(3) Prior to receiving any moneys for advance right-of-way acquisition, it shall be shown that such right-of-way will substantially appreciate prior to construction and that savings will result from its advance purchase. Any such request for moneys for advance right-of-way acquisition shall be accompanied by a preliminary engineering study, environmental impact study, traffic and revenue study, and right-of-way maps along with either a negotiated contract for purchase of the right-of-way, such contract to include a clause stating that it is subject to funding by the department or the Legislature, or an appraisal of the subject property for purpose of condemnation proceedings.

(4) Each advance pursuant to this section shall require repayment out of the initial bond issue revenue or, at the discretion of the governmental entity *or the turnpike enterprise* ~~of the facility~~, repayment shall begin no later than 7 years after the date of the advance, provided repayment shall be completed no later than 12 years after the date of the advance. However, such election shall be made at the time of the initial bond issue, and, if repayment is to be made during the time period referred to above, a schedule of such repayment shall be submitted to the department.

(5) No amount in excess of $1.5 million annually shall be advanced to any one governmental entity *or the turnpike enterprise* pursuant to this section without specific appropriation by the Legislature.

(6) Funds may not be advanced for funding final design costs beyond 60 percent completion until an acceptable plan to finance all project costs, including the reimbursement of outstanding trust fund advances, is approved by the department.

(7) The department may advance funds sufficient to defray shortages in toll revenues of facilities receiving funds pursuant to this section for the first 5 years of operation, up to a maximum of $5 million per year, to be reimbursed to this fund within 5 years of the last advance hereunder. Any advance under this provision shall require specific appropriation by the Legislature.

(8) No expressway authority, county, or other local governmental entity, *or the turnpike enterprise*, shall be eligible to receive any advance under this section if the expressway authority, county, or other local governmental entity *or the turnpike enterprise* has failed to repay any previous advances as required by law or by agreement with the department.

(9) Repayment of funds advanced, including advances made prior to January 1, 1994, shall not include interest. However, interest accruing to local governmental entities *and the turnpike enterprise* from the investment of advances shall be paid to the department.

Section 83. Subsection (1) of section 553.80, Florida Statutes, as amended by section 86 of chapter 2000-141, Laws of Florida, is amended to read:

553.80 Enforcement.—

(1) Except as provided in paragraphs *(a)-(f)* ~~(a)-(e)~~, each local government and each legally constituted enforcement district with statutory authority shall regulate building construction and, where authorized in the state agency's enabling legislation, each state agency shall enforce the Florida Building Code required by this part on all public or private buildings, structures, and facilities, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9).

(a) Construction regulations relating to correctional facilities under the jurisdiction of the Department of Corrections and the Department of Juvenile Justice are to be enforced exclusively by those departments.

(b) Construction regulations relating to elevator equipment under the jurisdiction of the Bureau of Elevators of the Department of Business and Professional Regulation shall be enforced exclusively by that department.

(c) In addition to the requirements of s. 553.79 and this section, facilities subject to the provisions of chapter 395 and part II of chapter 400 shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of chapter 395 and part II of chapter 400 and the certification requirements of the Federal Government.

(d) Building plans approved pursuant to s. 553.77(6) and state-approved manufactured buildings, including buildings manufactured and assembled offsite and not intended for habitation, such as lawn storage buildings and storage sheds, are exempt from local code enforcing agency plan reviews except for provisions of the code relating to erection, assembly, or construction at the site. Erection, assembly, and construction at the site are subject to local permitting and inspections.

(e) Construction regulations governing public schools, state universities, and community colleges shall be enforced as provided in subsection (6).

(f) Construction regulations relating to transportation facilities under the jurisdiction of the turnpike enterprise of the Department of Transportation shall be enforced exclusively by the turnpike enterprise.

The governing bodies of local governments may provide a schedule of fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on July 1, 1998. However, nothing contained in this subsection shall operate to limit such agencies from adjusting their fee schedule in conformance with existing authority.

Section 84. *(1) This shall be known as the "Dori Slosberg Act of 2001."*

(2) Notwithstanding the provisions of s. 318.121, Florida Statutes, a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional $3 with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds. The funds shall be used for direct educational expenses and shall not be used for administration.

Section 85. *Small Aircraft Transportation System; legislative intent.—*

(1) The Legislature recognizes that the State of Florida has an opportunity to participate with the National Aeronautics and Space Administration, the Federal Aviation Administration, the aircraft industry, and various universities as partners to provide Florida with improved transportation access and mobility for all of its communities, rural and urban alike, by participating in NASA's Small Aircraft Transportation System. The Legislature recognizes that state support can be leveraged with current federal and industry resources to provide an infrastructure that utilizes the state's network of 129 public-use airports and provides a transportation system capable of competing with the automobile in both convenience and affordability.

(2) The Legislature hereby expresses its commitment, through participation in the Small Aircraft Transportation System, to:

(a) Improve travel choices, mobility, and accessibility for the citizens of the state.

(b) Enhance economic growth and competitiveness for the rural and remote communities of the state through improved transportation choices.

(c) Maintain the state's leadership and proactive role in aviation and aerospace through active involvement in advancing aviation technology infrastructure and capabilities.

(d) Take advantage of federal programs that can bring investments in technology, research, and infrastructure capable of enhancing competitiveness and opportunities for industry and workforce development.

(e) Participate in opportunities that can place the state's industries and communities in a first-to-market advantage when developing, implementing, and proving new technologies which have the potential to satisfy requirements for the public good.

(f) Participate as partners with the National Aeronautics and Space Administration, the Federal Aviation Administration, the aircraft industry, local governments, and those universities which comprise the Southeast SATSLab Consortium to implement a Small Aircraft Transportation System infrastructure as a statewide network of airports to support the commitments described in paragraphs (a)-(e).

Section 86. *(1) That portion of I-275 which begins at the Pinellas County end of the Howard Franklin Bridge and, proceeding south, ends at the beginning of the Sunshine Skyway Bridge is designated as the "St. Petersburg Parkway."*

(2) The Department of Transportation is directed to erect suitable markers designating the "St. Petersburg Parkway" as described in subsection (1).

Section 87. *George Crady Bridge designation; markers.—*

(1) The old Nassau Sound Bridge (bridge number 750055) on State Road 105 in Nassau and Duval Counties is hereby redesignated as the "George Crady Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the "George Crady Bridge" as described in subsection (1).

Section 88. *Doyle Parker Memorial Highway designation; markers.—*

(1) U.S. Highway 17 from Wauchula to Bowling Green is hereby designated as the "Doyle Parker Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the "Doyle Parker Memorial Highway" as described in subsection (1).

Section 89. *Lynn Haven Parkway designation; markers.—*

(1) That portion of State Road 77 between Baldwin Road and Mowat School Road in the City of Lynn Haven, Bay County, is hereby designated as the "Lynn Haven Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating the "Lynn Haven Parkway" as described in subsection (1).

Section 90. *Bennett C. Russell Florida/Alabama Parkway designation; markers.—*

(1) State Road 87 from the Florida/Alabama border to U.S. Highway 98 in Santa Rosa County is hereby designated as the "Bennett C. Russell Florida/Alabama Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating the "Bennett C. Russell Florida/Alabama Parkway" as described in subsection (1).

Section 91. *Mamie Langdale Memorial Bridge designation; markers.—*

(1) The new U.S. Highway 27 bridge in the City of Moore Haven in Glades County is hereby designated as the "Mamie Langdale Memorial Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the "Mamie Langdale Memorial Bridge" as described in subsection (1).

Section 92. *Martin Luther King, Jr., Memorial Highway designation; markers.—*

(1) That portion of Highway 41 located in White Springs is hereby designated as the "Martin Luther King, Jr., Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the "Martin Luther King, Jr., Memorial Highway" as described in subsection (1).

Section 93. *Purple Heart Highway designation; markers.—*

(1) Interstate 75 from the Georgia state line to the city limits of Ocala is hereby designated as the "Purple Heart Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the "Purple Heart Highway" as described in subsection (1).

Section 94. *Jean-Jacques Dessalines Boulevard designation; markers.—*

(1) State Road 944 on N.W. 54th Street in Miami-Dade County, from the west boundary of State House District 108 approaching U.S. 1, is hereby designated as "Jean-Jacques Dessalines Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating the "Jean-Jacques Dessalines Boulevard" as described in subsection (1).

Section 95. *Florida Highway Patrol Memorial Highway designation; markers.—*

(1) I-75 from Tampa to the Georgia State Line is hereby designated as the "Florida Highway Patrol Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the "Florida Highway Patrol Memorial Highway" as described in subsection (1).

Section 96. *Jerome A. Williams Memorial Highway designation; markers.—*

(1) That portion of U.S. Highway 17 from Crescent City south to the Putnam/Volusia County boundary is hereby designated as the "Jerome A. Williams Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the "Jerome A. Williams Memorial Highway" as described in subsection (1).

Section 97. *Borinquen Boulevard designation; markers.—*

(1) That portion of North 36th Street (State Road 25) from Biscayne Boulevard to N.W. 7th Avenue is hereby designated "Borinquen Boulevard" in honor of Miami-Dade County's Puerto Rican community.

(2) The Department of Transportation is directed to erect suitable markers designating the "Borinquen Boulevard" as described in subsection (1).

Section 98. *Korean War Veterans Memorial Highway designation; markers.—*

(1) Highway 417 in Seminole County is hereby designated as the "Korean War Veterans Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the "Korean War Veterans Memorial Highway" as described in subsection (1).

Section 99. *Veterans Memorial Highway designation; markers.—*

(1) That portion of State Road 100, beginning at Highway A1A in Flagler County and continuing east to U.S. 1 in Bunnell, is hereby designated as the "Veterans Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the "Veterans Memorial Highway" as described in subsection (1).

Section 100. *Toni Jennings Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) That portion of Semoran Boulevard in the City of Orlando in Orange County beginning at the Bee Line Expressway (State Road 528) on the South to Curry Ford Road on the North is hereby designated as "Toni Jennings Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Toni Jennings Boulevard as described in subsection (1).

Section 101. *Ed Fraser Memorial Highway designation; markers.—*

(1) State Road 121, from the Georgia-Florida line in Baker County to the city limits of Lake Butler in Union County is hereby designated as the Ed Fraser Memorial Highway.

(2) The Department of Transportation is hereby directed to erect suitable markers designating the Ed Fraser Memorial Highway as described in subsection (1).

Section 102. *Correctional Officers Memorial Highway designated; markers.—*

(1) That portion of State Road 16 from the northwestern Starke city limits in Bradford County to State Road 121 in Union County is hereby designated as the "Correctional Officers Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Correctional Officers Memorial Highway as described in subsection (1).

Section 103. *"Steven Cranman Boulevard" and "Ethel Beckford Boulevard" designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 1, between S.W. 136th Street and S.W. 186th Street in Miami-Dade County is hereby designated as Steven Cranman Boulevard. The Department of Transportation is directed to erect suitable markers designating Steven Cranman Boulevard as described in this subsection.

(2) That portion of S.W. 186th Street between U.S. 1 and S.W. 107th Avenue in Miami-Dade County is hereby designated as Ethel Beckford Boulevard. The Department of Transportation is directed to erect suitable markers designating Ethel Beckford Boulevard as described in this subsection.

Section 104. *"Phicol Williams Boulevard" designated; Department of Transportation to erect suitable markers.—*

(1) That portion of State Road 5 (U.S. 1) between S.W. 312th Street and S.W. 328th Street in Miami-Dade County is hereby designated as Phicol Williams Boulevard.

(2) The Department of Transportation is directed to erect suitable markers designating Phicol Williams Boulevard as described in subsection (1).

Section 105. *(1) The portion of New Kings Road (S.R. 15) in Duval County between Moncrief Road and Redpoll Avenue is hereby designated as "Johnnie Mae Chappell Memorial Highway."*

(2) The Department of Transportation is directed to erect suitable markers designating "Johnnie Mae Chappell Memorial Highway as described in subsection (1).

Section 106. *Section 316.3027 and subsection (3) of section 316.610, Florida Statutes, are repealed.*

Section 107. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Transportation Department;amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3177(6); providing for incorporation of an airport master plan into the local government comprehensive plan and providing requirements with respect thereto; providing that development that is consistent with an approved plan is not a development of regional impact; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 73.092, F.S., specifying the award of attorney's fees and costs in eminent domain proceedings; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 311.07, F.S.; providing an exemption from matching funds for seaport security projects; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department

of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

Senator Rossin moved the following amendment to **Amendment 1** which failed:

Amendment 1A (975698)(with title amendment)—On page 133, between lines 30 and 31, insert:

(13) This section does not apply to a county or municipality that has adopted an ordinance or resolution on or before June 1, 2001, which imposes an amortization period, alteration requirement, or other sign regulation.

And the title is amended as follows:

On page 169, line 14, after "conditions;", insert: providing an exemption for certain counties and municipalities that adopt certain sign regulations by a specified date;

Senator Campbell moved the following amendment to **Amendment 1** which failed:

Amendment 1B (244042)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. *(1) The Legislature recognizes that municipalities, counties, and other governmental entities are empowered to alter or remove signs along roadways for a public purpose and with just compensation, and that such compensation includes amortization or monetary compensation. Further, the Legislature recognizes compensation by amortization may burden, restrict, or limit private property rights. The Legislature therefore determines that there is an important state interest in balancing private property owners' rights and the responsibility of municipalities, counties, and other governmental entities to enhance the safety and aesthetics of their communities.*

(2) The Sign Valuation Task Force is created and shall be staffed by the Department of Transportation. The task force is charged with developing formulas for providing just compensation through monetary compensation or amortization periods. The task force shall consider whether amortization periods should include a premium in recognition of a potential burden upon private property owners' rights due to the private property owners being compelled by amortization to earn their own compensation.

(a) The task force shall be composed of five members. The President of the Senate and the Speaker of the House of Representatives shall each appoint two members. The remaining member shall be appointed by the Secretary of Transportation and shall be an appraiser who is a member of the Appraisal Institute. The task force members shall select a chair of the task force. All appointments must be made by July 15, 2001. Three members of the task force shall constitute a quorum, and the vote of three members shall be necessary for any action taken by the task force. The task force may meet upon the constitution of a quorum.

(b) Upon the appointment of the members, the task force shall schedule an organizational meeting to be held no later than August 1, 2001. Thereafter, the task force shall meet at least three times, preferably at various locations throughout the state. The task force may meet by teleconference.

(c) Members of the task force from the private sector are not entitled to per diem or reimbursement for travel expenses; however, members of the task force from the public sector are entitled to reimbursement, if any, from their respective agencies. Members of the task force may request staff assistance from the Department of Transportation as necessary.

(d) The task force shall conduct an in-depth review of sign valuation methods and methods of providing compensation. In its review, the task force shall analyze existing laws of this state, of other states, and of the Federal Government, including existing case law, all sign appraisal valuation methods, methods of providing compensation, and other related issues.

(e) The task force may conduct meetings, hearings, and workshops in Tallahassee and at other locations around the state, and may take evidence, testimony and debate at the meetings, hearings, and workshops. The task force must keep electronic recordings of the meetings, hearings, and workshops. Such recordings shall be preserved under chapters 119 and 257, Florida Statutes.

(f) The task force shall submit its findings and recommendations in the form of a written report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15, 2001. Upon submission of the written report, the task force shall cease to exist.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: creating the Sign Valuation Task Force; providing for appointment of members; providing duties and responsibilities; providing for a report and termination of the task force upon submission thereof;

Senator Wasserman Schultz moved the following amendment to **Amendment 1** which failed:

Amendment 1C (503742)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Subsection (21) of section 316.003, Florida Statutes, is amended and subsection (82) is added to that section to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(21) MOTOR VEHICLE.—Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, *motorized scooter,* or moped.

(82) MOTORIZED SCOOTER.—Any vehicle not having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, and not capable of propelling the vehicle of a speed greater than 30 miles per hour on level ground.

Section 108. Section 316.2065, Florida Statutes, is amended to read:

316.2065 Bicycle *and motorized scooter* regulations.—

(1) Every person propelling a vehicle by human power, *or operating a motorized scooter as defined in s. 316.003,* has all of the rights and all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.

(2) A person operating a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto.

(3)(a) A bicycle may not be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his or her person in a backpack or sling.

(b) Except as provided in paragraph (a), a bicycle rider must carry any passenger who is a child under 4 years of age, or who weighs 40 pounds or less, in a seat or carrier that is designed to carry a child of that age or size and that secures and protects the child from the moving parts of the bicycle.

(c) A bicycle rider may not allow a passenger to remain in a child seat or carrier on a bicycle when the rider is not in immediate control of the bicycle.

(d) A bicycle rider or passenger *or motorized scooter rider* who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the *rider's or* passenger's head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department. As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.

(e) Law enforcement officers and school crossing guards may issue a bicycle safety brochure and a verbal warning to a bicycle rider or passenger *or a motorized scooter rider* who violates this subsection. A bicycle rider or passenger *or a motorized scooter rider* who violates this subsection may be issued a citation by a law enforcement officer and assessed a fine for a pedestrian violation, as provided in s. 318.18. The court shall dismiss the charge against a bicycle rider or passenger *or a motorized scooter rider* for a first violation of paragraph (d) upon proof of purchase of a bicycle helmet that complies with this subsection.

(f) A person operating a motorized scooter may not carry passengers.

(4) No person riding upon any bicycle, coaster, roller skates, sled, *or motorized scooter,* or toy vehicle may attach the same or himself or herself to any vehicle upon a roadway. This subsection does not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer is commercially available and has been designed for such attachment.

(5)(a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, or substandard-width lane, that makes it unsafe to continue along the right-hand curb or edge. For the purposes of this subsection, a "substandard-width lane" is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

(6) Persons riding bicycles upon a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast may not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and shall ride within a single lane.

(7) Any person operating a bicycle *or motorized scooter* shall keep at least one hand upon the handlebars.

(8) Every bicycle *or motorized scooter* in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or *motorized scooter* ~~its~~ rider may be equipped with lights or reflectors in addition to those required by this section.

(9) No parent of any minor child and no guardian of any minor ward may authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

(10) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

(11)*(a)* A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(b) A motorized scooter may not be operated upon or along a sidewalk. However, an electric personal assistive mobility device that is designed to transport only one person and that has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less may be operated upon or along a sidewalk.

(12) No person upon roller skates, or riding in or by means of any *motorized scooter,* coaster, toy vehicle, or similar device, may go upon any roadway except while crossing a street on a crosswalk; and, when so crossing, such person shall be granted all rights and shall be subject to all of the duties applicable to pedestrians.

(13) This section shall not apply upon any street while set aside as a play street authorized herein or as designated by state, county, or municipal authority.

(14) Every bicycle *or motorized scooter,* shall be equipped with a brake or brakes which will enable its rider to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

(15) A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame.

(16)(a) A person may not knowingly rent or lease any bicycle *or motorized scooter* to be ridden by a child who is under the age of 16 years unless:

1. The child possesses a bicycle helmet; or

2. The lessor provides a bicycle helmet for the child to wear.

(b) A violation of this subsection is a nonmoving violation, punishable as provided in s. 318.18.

(17) The court may waive, reduce, or suspend payment of any fine imposed under subsection (3) or subsection (16) and may impose any other conditions on the waiver, reduction, or suspension. If the court finds that a person does not have sufficient funds to pay the fine, the court may require the performance of a specified number of hours of community service or attendance at a safety seminar.

(18) Notwithstanding s. 318.21, all proceeds collected pursuant to s. 318.18 for violations under paragraphs (3)(e) and (16)(b) shall be deposited into the State Transportation Trust Fund.

(19) The failure of a person to wear a *required* ~~bicycle~~ helmet or the failure of a parent or guardian to prevent a child from riding a bicycle *or motorized scooter* without a *required* ~~bicycle~~ helmet may not be considered evidence of negligence or contributory negligence.

(20) Except as otherwise provided in this section, a violation of this section is a noncriminal traffic infraction, punishable as a pedestrian violation as provided in chapter 318. A law enforcement officer may issue traffic citations for a violation of subsection (3) or subsection (16) only if the violation occurs on a bicycle path or road, as defined in s. 334.03. However, they may not issue citations to persons on private property, except any part thereof which is open to the use of the public for purposes of vehicular traffic.

(21) A county or municipality may adopt an ordinance that authorizes persons to operate a motorized scooter on a roadway or sidewalk, notwithstanding any prohibitions in this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: amending s. 316.003; defining the term "motorized scooter"; amending s. 316.2065, F.S.; providing motorized scooter operating regulations;

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which **Amendment 1C** failed. **Amendment 1C** was adopted.

Senator Meek moved the following amendment to **Amendment 1** which failed:

Amendment 1D (612728)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.

Section 108. *On or before January 1, 2002, each state and local law enforcement agency shall incorporate an anti-racial or other anti-discriminatory profiling policy into the agency's policies and practices. Anti-profiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy;

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

Amendment 1E (624634)(with title amendment)—On page 162, delete line 24 and insert:

Section 107. Effective October 1, 2001, subsection (9) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(9) A nonrefundable fee of $1.50 shall be charged on the initial and renewal registration of each automobile for private use, and on the initial and renewal registration of each truck, *regardless of* ~~having a net~~ weight, *except those taxed under s. 320.0715 and s. 320.08(3)(d) and (4); each trailer, except those taxed under s. 320.08(5)(a) and (b); and each motorcycle and for each tag transfer and each temporary tag* ~~of 5,000 pounds or less~~. Such fees shall be deposited in the Transportation Disadvantaged Trust Fund created in part I of chapter 427 and shall be used as provided therein, except that priority shall be given to the transportation needs of those who, because of age or physical and mental disability, are unable to transport themselves and are dependent upon others to obtain access to health care, employment, education, shopping, or other life-sustaining activities.

Section 108. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund;

Senator Silver moved the following amendment to **Amendment 1** which failed:

Amendment 1F (855464)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Paragraph (ff) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(ff) Florida Golf license plate, $25.

Section 108. Subsection (32) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(32) FLORIDA GOLF LICENSE PLATES:—

(a) The Department of Highway Safety and Motor Vehicles shall develop a Florida Golf License plate as provided in this section. The word "Florida" must appear at the bottom of the plate. The Dade Amateur Golf Association, following consultation with the PGA TOUR, the Florida Sports Foundation, the LPGA and the PGA of America may submit a revised sample plate for consideration by the department.

(b) The department shall distribute the Florida Golf License Plate annual use fee to the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees are to be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation for the administration of the Florida Youth Golf Program.

2. The Dade Amateur Golf Association shall receive the first $80,000 in proceeds from the annual use fees for the operation of youth golf programs in Miami-Dade County. Thereafter, 15 percent of the proceeds from the annual use fee shall be provided to the Dade Amateur Golf Association for the operation of youth golf programs in Miami-Dade County.

3. The remaining proceeds from the annual use fee shall be available for grants to nonprofit organizations to operate youth golf programs and for the purpose of marketing the Florida Golf License Plates. All grant recipients, including the Dade Amateur Golf Association, shall be required to provide to the Florida Sports Foundation an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.

(c) The Florida Sports Foundation shall establish a Florida Youth Golf Program. The Florida Youth Golf Program shall assist organizations for the benefit of youth, introduce young people to golf, instruct young people in golf, teach the values of golf and stress life skills, fair play, courtesy, self-discipline.

(d) The Florida Sports Foundation shall establish a five-member committee to offer advice regarding the distribution of the annual use fees for grants to nonprofit organizations. The advisory committee shall consist of one member from a group serving youth, one member from a group serving disabled youth, and three members at large.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, following the semicolon (;) insert: amending ss. 320.08056 and 320.08058, F.S.; providing for a Florida Golf license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a Florida Golf license plate; providing for the distribution and use of fees; requiring the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee;

RECONSIDERATION OF AMENDMENT

On motion by Senator Silver, the Senate reconsidered the vote by which **Amendment 1F** failed. **Amendment 1F** was adopted.

Senator Dawson moved the following amendment to **Amendment 1** which failed:

Amendment 1G (094580)(with title amendment)—On page 133, between lines 30 and 31, insert:

(13) This section shall not apply to a charter county with a population of 1.6 million or greater which is not a county defined in s. 125.011(1), 85 percent or more of the county's residents reside in incorporated areas, and the charger county enacted an ordinance regulating signs as described in subsection (9) within the unincorporated area of the county prior to January 1, 2001. Nothing herein is intended to abrogate the rights any sign owner may have to challenge the county's enforcement of its sign ordinance or the removal of any lawfully erected sign after the application amortization period established in the charter county's ordinance has expired.

And the title is amended as follows:

On page 169, line 14, after the semicolon (;) insert: providing an exemption for certain charter counties;

Senator Sebesta moved the following amendments to **Amendment 1** which were adopted:

Amendment 1H (781254)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. *Any multicounty airport authority created as an independent special district which is subject to a development-of-regional-impact development order and which has conducted a noise study in accordance with 14 C.F.R. Part 150 shall, in fiscal year 2002, establish a noise-mitigation-project fund in an amount of $7.5 million, which shall be increased by another $2.5 million in fiscal year 2004. The moneys in the project fund shall be segregated and expended by the airport authority by December 31, 2006, to the extent necessary to comply with development-order commitments to acquire property from or otherwise mitigate property owners adversely affected by the development of regional impact. If moneys are not expended for such purposes by December 31, 2006, the airport authority shall not thereafter amend its development-of-regional-impact development order or commence development of airport infrastructure improvements authorized by such development order until such funds are fully expended for such purposes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: requiring multicounty airport authorities with development-of-regional-impact development orders to establish a noise-mitigation-project fund; providing for the expenditure of such funds; preventing the airport authority from amending its development order or commencing development until such funds are expended;

Amendment 1I (551642)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Section 331.367, Florida Statutes, is amended to read:

331.367 Spaceport Management Council.—

(1) The Spaceport Management Council is created within the Spaceport Florida Authority to provide coordination *between government agencies and commercial operators for the purpose of developing* ~~and~~ recommendations on projects and activities *to* ~~that will~~ increase the operability and capabilities of Florida's space launch facilities, increase statewide space-related industry and opportunities, and promote space education, ~~and~~ research, *and technology development* ~~within the state~~. The council shall work to *create* ~~develop~~ integrated facility and programmatic development plans to address commercial, state, and federal requirements

and to identify appropriate private, state, and federal resources to implement these plans.

(2) The council shall make recommendations regarding:

(a) The development of a spaceport master plan.

(b) The projects and levels of commercial financing required from the Florida Commercial Space Financing Corporation created by s. 331.407.

(c) Development and expansion of space-related education and research *facilities and* programs within Florida *in consultation with the Florida Space Research Institute*, including recommendations to be provided to the State University System, the Division of Community Colleges, and the Department of Education.

(d) The regulation of spaceports and federal and state policy.

(e) *Appropriate levels of governmental and private funding for sustainable* ~~Florida's approach to the Federal Government regarding requests for funding of~~ space development.

(3) The council shall submit its recommendations to the Governor and Lieutenant Governor and provide copies to the Secretary of Transportation, the director of the Office of Tourism, Trade and Economic Development, the associate administrator for Space Transportation in the United States Department of Transportation, the administrator of the National Aeronautics and Space Administration, and the Deputy Assistant Secretary of the Air Force for Space Plans and Policy.

(4)~~(3)~~(a) The council shall consist of an executive board *consisting*~~, which shall consist~~ of representatives of governmental organizations *having* ~~with~~ responsibilities for developing or operating space transportation facilities~~,~~ and a Space Industry Committee, which shall consist of representatives of Florida's space industry.

(b) *The executive board consists of* the following individuals *or their designees* ~~shall serve on the executive board~~:

1. The executive director of the Spaceport Florida Authority ~~or his or her designee~~.

~~2. The director of the John F. Kennedy Space Center or his or her designee.~~

~~3. The Commander of the United States Air Force 45th Space Wing or his or her designee.~~

~~4. The Commander of the Naval Ordnance Test Unit or his or her designee.~~

2.~~5.~~ The Secretary of Transportation ~~or his or her designee~~.

3.~~6.~~ The president of Enterprise Florida, Inc., ~~or his or her designee,~~ as an ex officio nonvoting member.

4.~~7.~~ The director of the Office of Tourism, Trade, and Economic Development ~~or his or her designee, as an ex officio nonvoting member~~.

(c)1. Participation by the federal agencies having space-related missions in the state will contribute to council effectiveness, and the following installation heads or their designees may serve as official liaisons to the council: the director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit.

2. Federal liaison officials may attend and participate in council meetings and deliberations, provide federal-agency views on issues before the council, and present issues of concern and make recommendations to the council.

3. The role of federal liaison officials is limited by federal statutes and other constraints, but the determination of this limitation is a federal function.

4. The fiduciary responsibility of the official liaisons shall remain at all times with their respective agencies.

5. To the extent that the advice or recommendations of the official liaisons are not adopted or incorporated into the final recommendations of the council, the official liaisons may append to such final recommendations their advice, recommendations, or opinions.

~~(4) Each member shall be appointed to serve for a 3-year term, beginning July 1. Initial appointments shall be made no later than 60 days after the effective date of this act.~~

~~(5) The executive board shall hold its initial meeting no later than 30 days after the members have been appointed. The Space Industry Committee shall hold its initial meeting no later than 60 days after the members have been appointed.~~

~~(6) All council members must be residents of the state.~~

(5)~~(7)~~ The *executive board* ~~council~~ shall adopt bylaws governing the manner in which the business of the council shall be conducted. The bylaws shall specify the procedure by which the chairperson of the council is elected.

(6)~~(8)~~ The council shall provide infrastructure and program requirements and develop other information to be utilized in a 5-year spaceport master plan. The council shall define goals and objectives concerning the development of spaceport facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.

(7)~~(9)~~ The council shall provide requirements and other information to be utilized in the development of a 5-year Spaceport Economic Development Plan, defining the goals and objectives of the council concerning the development of *facilities for* space manufacturing, research, *technology* ~~and~~ development, and *education* ~~educational facilities~~.

(8)~~(10)~~ The council shall meet at the call of its chairperson, at the request of *two or more members of the executive board* ~~a majority of its membership~~, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. ~~A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council.~~ A *majority* vote ~~of the majority~~ of the voting members present is sufficient for any action of the council, unless the bylaws of the council require a greater vote for a particular action.

Section 108. Section 331.368, Florida Statutes, is amended to read:

331.368 Florida Space Research Institute.—

(1) There is created the Florida Space Research Institute, the purpose of which is to serve as an industry-driven center for research, leveraging the state's resources in a collaborative effort to support Florida's space industry and its expansion, diversification, and transition to commercialization.

(2) The institute shall operate as a public/private partnership under the direction of a board composed of:

(a) A representative of the Spaceport Florida Authority.

(b) A representative of Enterprise Florida, Inc.

(c) A representative of the Florida Aviation Aerospace Alliance.

(d) A representative of the Florida Space Business Roundtable.

(e) Additional private-sector representatives from the space industry selected collaboratively by the core members specified in paragraphs (a)-(d). The additional space industry representatives under this paragraph must comprise the majority of members of the board and must be from geographic regions throughout the state. *Each private-sector representative shall serve a term of 3 years.*

(f) Two representatives from the educational community who are selected collaboratively by the core members specified in paragraphs (a)-(d) and who are engaged in research or instruction related to the space industry. One representative must be from a community college, and one representative must be from a public or private university. *Each educational representative shall serve a term of 2 years.*

(g) Annually, the members of the board shall select one of the members to serve as chair, who shall be responsible for convening and leading meetings of the board.

(h) The board members are considered to be volunteers as defined in s. 110.501, and shall serve with all protections provided to volunteers of state agencies under s. 768.1355.

(3) The Florida Space Research Institute may:

(a) Acquire property under such conditions as the board considers necessary, and sell or otherwise dispose of the property.

(b) Serve as a coordinating organization among public and private academic institutions, the State University System, industry, and government agencies to support the expansion and diversification of the state's space industry and to support research and education programs.

(c) Execute contracts and other documents, adopt proceedings, and perform any acts determined by the board to be necessary to carry out the purposes of this section.

(d) Establish a personnel-management system and procedures, rules, and rates governing administrative and financial operations of the institute.

(e) Acquire, accept, or administer grants, contracts, and fees from other organizations to perform activities that are consistent with the purposes of this section.

(f) Work in partnership with the Spaceport Florida Authority, Enterprise Florida, Inc., and other organizations to support their programs to promote the state as a center for space enterprise, research, and technology development.

(4)~~(3)~~ The board of the Florida Space Research Institute shall:

(a) Set the strategic direction for the space-related research priorities of the state and its space-related businesses, the scope of research projects for the institute, and the timeframes for completion.

(b) Invite the participation of public and private *academic institutions* ~~universities~~, including, but not limited to, the University of Central Florida, the University of Florida, the University of South Florida, Florida State University, Florida Institute of Technology, and the University of Miami.

(c) Select a lead university to:

1. Serve as coordinator of research *for* ~~and as the administrative entity of~~ the institute;

2. Support the institute's development of a statewide space research agenda and programs; and

3. Develop, and update as necessary, a report recommending ways that the state's public and private universities can work in partnership to support the state's space-industry requirements, which report must be completed by December 15, 2000.

(d) Establish a partnership with the state Workforce Development Board, or its successor entity, under which the institute coordinates the workforce-training requirements identified by the space industry and supports development of workforce-training initiatives to meet such requirements, using training providers approved by the board or its successor entity.

(e) Comanage, with the National Aeronautics and Space Administration and subject to the terms of an agreement with NASA, operation of a Space Experiment Research and Processing Laboratory, if such a facility is constructed on land of the John F. Kennedy Space Center. The institute shall carry out such responsibility through a consortium of public and private universities in the state led by the University of Florida.

(f) Develop initiatives to foster the participation of the state's space industry in the International Space Station and to help the state maintain and enhance its competitive position in the commercial space-transportation industry.

(g) Pursue partnerships with the National Aeronautics and Space Administration to coordinate and conduct research in fields including, but not limited to, environmental monitoring; agriculture; aquatics; resource reutilization technologies for long-duration space missions; and spaceport technologies which support current or next-generation launch vehicles and range systems.

(h) Pursue partnerships with the National Aeronautics and Space Administration for the conduct of space-related research using computer technology to connect experts in a given field of science who are in disparate locations and to perform research experiments in a real-time, virtual environment.

(i) Appoint or dismiss, as considered necessary by the board, a person to act as executive director of the institute, who shall have such title, functions, duties, powers, and salary as the board prescribes.

(5)~~(4)~~ By December 15 of each year, the institute shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include recommendations regarding actions the state should take to enhance the development of space-related businesses, including:

(a) Future research activities.

(b) The development of capital and technology assistance to new and expanding industries.

(c) The removal of regulatory impediments.

(d) The establishment of business development incentives.

(e) The initiation of education and training programs to ensure a skilled workforce.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: amending s. 331.367, F.S.; revising the membership and functions of entities under the Spaceport Management Council; amending s. 331.368, F.S.; revising provisions relating to the authority of the Florida Space Research Institute;

Amendment 1J (615314)—On page 35, line 27, delete "9" and insert: *3*

Amendment 1K (190764)—On page 129, line 9 through page 133, line 30, delete those lines and insert:

70.20 Balancing of interests.—It is a policy of this state to encourage municipalities, counties, and other governmental entities and sign owners to enter into relocation and reconstruction agreements that allow governmental entities to undertake public projects and accomplish public goals without the expenditure of public funds, while allowing the continued maintenance of private investment in signage as a medium of commercial and noncommercial communication.

(1) Municipalities, counties, and all other governmental entities are specifically empowered to enter into relocation and reconstruction agreements on whatever terms are agreeable to the sign owner and the municipality, county, or other governmental entity involved and to provide for relocation and reconstruction of signs by agreement, ordinance, or resolution. As used in this section, a "relocation and reconstruction agreement" means a consensual, contractual agreement between a sign owner and municipality, county, or other governmental entity for either the reconstruction of an existing sign or removal of a sign and the construction of a new sign to substitute for the sign removed.

(2) Except as otherwise provided in this section, no municipality, county, or other governmental entity may remove, or cause to be removed, any lawfully erected sign along any portion of the interstate, federal-aid primary or other highway system, or any other road, without first paying just compensation for such removal as determined by agreement between the parties or through eminent domain proceedings. Except as otherwise provided in this section, no municipality, county, or other governmental entity may cause in any way the alteration of any lawfully erected sign located along any portion of the interstate, federal-aid primary or other highway system, or any other road, without first paying just compensation for such alteration as determined by agreement between the parties or through eminent domain proceedings. The provisions of this act shall not apply to any ordinance, the validity, constitutionality, and enforce-

ability of which the owner has by written agreement waived all right to challenge.

(3) In the event that a municipality, county, or other governmental entity shall undertake a public project or public goal requiring alteration or removal of any lawfully erected sign, the municipality, county, or other governmental entity shall notify the owner of the affected sign in writing of the public project or goal and of the intention of the municipality, county, or other governmental entity to seek such removal. Within 30 days after receipt of the notice, the owner of the sign and the municipality, county, or other governmental entity shall attempt to meet for purposes of negotiating and executing a relocation and reconstruction agreement provided for in subsection (1).

(4) If the parties fail to enter into a relocation and reconstruction agreement within 120 days after the initial notification by the municipality, county, or other governmental entity, either party may request mandatory nonbinding arbitration to resolve the disagreements among the parties. Each party shall select an arbitrator, and the individuals so selected shall choose a third arbitrator. The three arbitrators shall constitute the panel that shall arbitrate the dispute between the parties and at the conclusion of the proceedings shall present to the parties a proposed relocation and reconstruction agreement that the panel believes equitably balances the rights, interests, obligations, and reasonable expectations of the parties. If the municipality, county, or other governmental entity and the sign owner accept the proposed relocation and reconstruction agreement, the municipality, county, or other governmental entity and sign owner shall each pay its respective costs of arbitration and shall pay one-half of the costs of the arbitration panel, unless the parties otherwise agree.

(5) If the parties do not enter into a relocation and reconstruction agreement, the municipality, county, or other governmental entity may proceed with the public project or purpose and the alteration or removal of the sign only after first paying just compensation for such alteration or removal as determined by agreement between the parties or through eminent domain proceedings.

(6) The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be removed or altered as a condition precedent to the issuance or continued effectiveness of a development order constitutes a compelled removal that is prohibited without prior payment of just compensation under subsection (2). This subsection does not apply when the owner of the land on which the sign is located is seeking to have the property redesignated on the future land use map of the applicable comprehensive plan for exclusively single-family residential use.

(7) The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be altered or removed from the premises upon which it is located incident to the voluntary acquisition of such property by a municipality, county, or other governmental entity constitutes a compelled removal which is prohibited without payment of just compensation under subsection (2).

(8) Nothing in this section shall prevent a municipality, county, or other governmental entity from acquiring a lawfully erected sign through eminent domain or from prospectively regulating the placement, size, height, or other aspects of new signs within such entity's jurisdiction, including the prohibition of new signs, unless otherwise authorized pursuant to this section. Nothing in this section shall impair any ordinance or provision of any ordinance not inconsistent with this section, nor shall this section create any new rights for any party other than the owner of a sign, the owner of the land upon which it is located, or a municipality, county, or other governmental entity as expressed in this section.

(9) This section applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located.

(10) This section does not apply to any actions taken by the Florida Department of Transportation which relate to the operation, maintenance, or expansion of transportation facilities, and this section does not affect existing law regarding eminent domain relating to the Florida Department of Transportation.

(11) Nothing in this act shall impair or affect any written agreement existing prior to the effective date of this act, including, but not limited to, any settlement agreements reliant upon the legality or enforceability of local ordinances. The provisions of this act shall not apply to any signs that are required to be removed by a date certain in areas designated by local ordinance as view corridors if the local ordinance creating the view corridors was enacted in part to effectuate a consensual agreement between the local government and two or more sign owners prior to the effective date of this act, nor shall the provisions of this act apply to any signs that are the subject of an ordinance providing an amortization period, which period has expired, and which ordinance is the subject of judicial proceedings which were commenced on or before January 1, 2001, nor shall this act apply to any municipality with an ordinance that prohibits billboards and has two or fewer billboards located within its current boundaries or its future annexed properties.

(12) Subsection (6) hereof does not apply when the development order permits construction of a replacement sign that cannot be erected without the removal of the lawfully erected sign being replaced. Effective upon this section becoming a law, the Office of Program Analysis and Governmental Accountability, in consultation with the property appraisers and the private sector affected parties, shall conduct a study of the value of offsite signs in relation to, and in comparison with, the valuation of other commercial properties for ad valorem tax purposes, including a comparison of tax valuations from other states. OPPAGA shall complete the study by December 31, 2001, and shall report the results of the study to the Legislature.

MOTIONS

Senator King moved that the rules be waived and time of recess be extended until completion of all bills remaining on the Special Order Calendar or 10:00 p.m., whichever occurs first. The motion failed to receive the required two-thirds vote.

On motion by Senator Latvala, the rules were waived and time of recess was extended until completion of **CS for CS for HB 1053**, motions and announcements.

Senator Holzendorf moved the following amendment to **Amendment 1** which failed:

Amendment 1L (932906)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. *A district school board may procure transportation for public-school students by contract with a private vendor. These contracts may be awarded pursuant to negotiation and need not be procured by competitive bids. Any school district that provided transportation for public-school students during any portion of the year 2000 under contracts negotiated without competitive bidding must continue to provide such transportation under contracts negotiated without competitive bidding until July 1, 2005.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, following the semicolon (;) insert: prescribing standards for awarding contracts for transportation of public-school students; providing for continuation of such contracts meeting specified criteria;

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

Amendment 1M (843518)(with title amendment)—On page 127, lines 7-19, delete those lines and redesignate subsequent sections

And the title is amended as follows:

On page 168, line 27 through page 169, line 2, delete those lines and insert: mitigation assessment method rule; amending s. 479.15, F.S.;

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

Amendment 1N (203196)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Subsection (4) of the section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(4) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue-producing project is located, except as provided in s. 348.0004. *Additionally, if the revenue-producing project is on the county road system in a county as defined in s. 125.011, any remaining toll revenue may be used for the public facilities capitol improvements in sanitary sewer, solid waste, drainage, potable water, parks, or construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue producing project is located, except as provided in s. 348.0004.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: amending s. 338.165, F.S.; providing for the use of remaining title revenues in certain counties;

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

Amendment 1O (523400)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Effective upon this act becoming a law, section 943.1759, Florida Statutes, is created to read:

943.1759 Florida Motorist Profiling Evaluation Task Force.—

(1) There is created the Florida Motorist Profiling Evaluation Task Force.—

(2) The task force has the following duties:

(a) To identify practices currently used by state and local law enforcement agencies of this state in making motor vehicle traffic stops;

(b) To identify and recommend changes to address deficiencies, if any, in such current practices;

(c) To recommend best practices and policies and procedures that may be adopted by state or local law enforcement agencies of this state to prevent bias profiling and discriminatory practices from serving as a primary factor in determining whether the driver of a motor vehicle should be stopped for a routine traffic violation; and

(d) To report its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives by January 1, 2002. The recommendations must specifically include recommendations, including proposed legislation, for assuring that law enforcement agencies' policies for motor vehicle traffic stops are free of bias profiling.

(3) The task force shall have 12 members as follows; members may not delegate their duties to attend meetings of the task force and to vote on any matter before the task force to any other person:

(a) The Attorney General.

(b) The president of the Florida Sheriffs Association.

(c) The president of the Florida Police Chiefs Association.

(d) One member of the Florida Highway Patrol, to be appointed by the Governor.

(e) One member of the Florida Department of Law Enforcement, to be appointed by the Governor.

(f) One member of the Florida Commission on Human Relations, to be appointed by the Governor.

(g) The executive director of the American Civil Liberties Union of Florida.

(h) The state president of the National Association for the Advancement of Colored People.

(i) One member of the House of Representatives, to be appointed by the Speaker of the House of Representatives.

(j) One member of the Senate, to be appointed by the President of the Senate.

(k) One member of the House of Representatives, to be appointed by the minority leader of the House of Representatives.

(l) One member of the Senate, to be appointed by the minority leader of the Senate.

(4) The Attorney General shall serve as the chair of the task force. Members of the task force must be appointed within 30 days after the effective date of this act, and the task force must hold its first meeting within 60 days after the effective date of this act. In the event of a vacancy, the person who made the original appointment shall appoint a new member to fill the vacancy.

(5) Staffing shall be provided to the task force by the Department of Legal Affairs. Technical assistance may be provided to the task force by the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, and the Division of the Florida Highway Patrol.

(6) Members of the task force shall serve without compensation but are entitled to per diem and travel expenses as provided in s. 112.061. Members of the task force shall receive per diem and travel expenses from the budgets of their respective agencies, except that the members of the task force appointed pursuant to paragraphs (3)(g) and (h) shall receive per diem and travel expenses from the budget of the Office of the Attorney General to the extent that resources will permit.

(7) The task force may appoint subcommittees that include persons who are knowledgeable in a subject area pertinent to the subject areas identified in subsection (2) but are not members of the task force and may not vote as such.

(8) The task force may seek support in the form of grants and technical assistance from the United States Department of Justice and other applicable federal agencies in furtherance of its duties as provided in this act.

(9) The task force is abolished April 1, 2002.

Section 108. Effective upon this act becoming a law, section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.

Section 109. *On or before January 1, 2002, each state and local law enforcement agency shall incorporate an anti-racial or other anti-*

discriminatory profiling policy into the agency's policies and practices. Anti-profiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, following the semicolon (;) insert: creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy;

The vote was:

Yeas—20

Campbell	Geller	Lawson	Rossin
Dawson	Holzendorf	Lee	Saunders
Diaz de la Portilla	Jones	Meek	Silver
Dyer	Klein	Miller	Wasserman Schultz
Garcia	Latvala	Mitchell	Webster

Nays—17

Mr. President	Clary	Laurent	Sebesta
Bronson	Constantine	Peaden	Sullivan
Brown-Waite	Cowin	Posey	
Burt	Crist	Pruitt	
Carlton	King	Sanderson	

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1P (420884)(with title amendment)—On page 162, between lines 23 and 24, insert:

Section 107. Effective July 1, 2002, sections 332.201, 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210, and 332.211, Florida Statutes, are created to read:

332.201 Short title.—Sections 332.201-332.211 may be cited as the "Florida Airport Authority Act."

332.202 Definitions.—As used in this act:

(1) "Agency of the state" means and includes the state and any department of, or corporation, agency, or instrumentality created, designated, or established by, the state.

(2) "Airport" means any area of land or water, or any manmade object or facility located therein, which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for public use, for airport buildings or other airport facilities or rights-of-way.

(3) "Airport system" means any and all airports within the geographic boundaries of an airport authority established pursuant to this act and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, and avenues of access for such airport.

(4) "Authority" means an airport authority established pursuant to this act which is a body politic and corporate and a public instrumentality.

(5) "Bonds" means and includes the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which an authority issues pursuant to this act.

(6) "Department" means the Department of Transportation.

(7) "Division" means the Division of Bond Finance of the State Board of Administration.

(8) "Express written consent" means prior express written consent given in the form of a resolution adopted by a board of county commissioners.

(9) "Federal agency" means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality created, designated, or established by, the United States.

332.203 Airport authority; formation; membership.—

(1) Any county which has a population of more than 2.1 million people shall at the countywide election hold a referendum in which the electors shall decide whether to form an airport authority, which shall be an agency of the state, pursuant to this act.

(2) The governing body of the authority shall consist of seven voting members, two of whom shall be appointed by the Governor subject to confirmation by the Senate. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(a) The two members of the governing body appointed by the Governor, subject to confirmation by the Senate, shall serve terms of 4 years. Such persons may not hold elective office during their terms of office.

(b) Two members shall be appointed by the County Ethics Commission.

(c) One member shall be appointed by the County Mayor.

(d) Two members shall be appointed by the County Commission.

(3)(a) The governing body of each authority shall elect one of its members as its chair and shall elect a secretary and a treasurer, who need not be members of the authority. The chair, secretary, and treasurer shall hold their offices at the will of the governing body. A simple majority of the governing body constitutes a quorum, and the vote of a majority of those members present is necessary for the governing body to take any action. A vacancy on a governing body shall not impair the right of a quorum of the governing body to exercise all of the rights and perform all of the duties of the authority.

(b) Upon the effective date of his or her appointment, or as soon thereafter as practicable, each appointed member of a governing body shall enter upon his or her duties.

(4)(a) An authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, and such engineers and employees, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation of such persons, firms, or corporations. An authority may employ a fiscal agent or agents; however, the authority must solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agent. An authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

(b) Members of the governing body of an authority may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(c) Members of the governing body of an authority are entitled to receive from the authority their travel and other necessary expenses incurred in connection with the business of the authority as provided in s. 112.061, but they may not draw salaries or other compensation.

(d) Members of the governing body of an authority shall be required to comply with the applicable financial disclosure requirements of ss. 112.3144, 112.3148, and 112.3149.

(5) No member or spouse shall be the holder of the stocks or bonds of any company, other than through ownership of shares in a mutual fund, regulated by the authority, or any affiliated company of any company regulated by the authority, or be an agent or employee of, or have any interest in, any company regulated by the authority or any affiliated company of any company regulated by the authority, or in any firm which represents in any capacity either companies which are regulated by the authority or affiliates of companies regulated by the authority. As a condition of appointment to the council, each appointee shall affirm to the Speaker and the President his or her qualification by the following certification: "I hereby certify that I am not a stockholder, other than through

ownership of shares in a mutual fund, in any company regulated by the authority or in any affiliate of a company regulated by the authority, nor in any way, directly or indirectly, in the employment of, or engaged in the management of any company regulated by the authority or any affiliate of a company regulated by the authority, or in any firm which represents in any capacity either companies which are regulated by the authority or affiliates of companies regulated by the authority." A member of the authority shall not contribute to the campaign account of any elected official, nor solicit any campaign contributions for any elected official.

332.204 Purposes and powers.—

(1)(a) An authority created and established pursuant to this act may acquire, hold, construct, improve, maintain, operate, own, and lease an airport system.

(b) Construction of an airport system may be completed by an authority in segments, phases, or stages, in a manner which will permit the expansion of these segments, phases, or stages to the desired airport configuration. Each authority, in the construction of an airport system, may construct any extensions of, additions to, or improvements to, the airport system or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access, with such changes, modifications, or revisions of the project that are deemed desirable and proper. An authority may only add additional airports to an airport system, under the terms and conditions set forth in this act, with the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the authority, and only if such additional airports are financially feasible, and are compatible with the existing plans, projects, and programs of the authority.

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, and complain and defend in all courts.

(b) To adopt, use, and alter at will a corporate seal.

(c) To acquire, purchase, hold, lease as lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the authority and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

(d) To enter into and make leases, either as lessee or as lessor, in order to carry out the right to lease as set forth in this act.

(e) To fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for the services and facilities of the airport system, which rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this act.

(f) To borrow money, make and issue negotiable notes, bonds, refund bonds and other evidence of indebtedness, either in temporary or definitive form, of the authority, which bonds or other evidence of indebtedness may be issued pursuant to the State Bond Act, to finance an airport system within the geographic boundaries of the authority, and to provide for the security of the bonds or other evidence of indebtedness and the rights and remedies of the holders of the bonds or other evidence of indebtedness. Any bonds or other evidence of indebtedness pledging the full faith and credit of the state shall only be issued pursuant to the State Bond Act.

(g) To enter into contracts and to execute all instruments necessary or convenient for the carrying on of its business.

(h) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases, or other transactions with, any federal agency, the state, any agency of the state or county, or any other public body of the state.

(i) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.

(j) To pledge, hypothecate, or otherwise encumber all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority, as security for all or any of the obligations of the authority.

(k) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by law.

(l) An airport authority may consider any unsolicited proposals from private entities and all factors it deems important in evaluating such proposals. The airport authority shall adopt rules or policies in compliance with s. 334.30 for the receipt, evaluation, and consideration of such proposals in order to enter into agreements for the planning design, engineering, construction, operation, ownership, or financing of its airport system. Such rules must require substantially similar technical information as is required by Rule 14-107.0011(3)(a)-(e), Florida Administrative Code. In accepting a proposal and entering into such an agreement, the airport authority and the private entity shall for all purposes be deemed to have complied with chapters 255 and 287. Similar proposals shall be reviewed and acted on by the authority in the order in which they were received. An additional airport may only be constructed under this paragraph with state and federal approval, and with the prior express written consent of the board of county commissioners of each county located within the geographical boundaries of the authority.

(3) The use or pledge of any portion of county tax funds may not be made without the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the authority.

(4) Any authority formed pursuant to this act shall comply with all statutory requirements of general application which relate to the filing of any report or documentation required by law, including the requirements of ss. 189.4085, 189.415, 189.417, and 189.418.

(5) No airport authority shall undertake any construction that is not consistent with federal aviation requirements, the statewide aviation system plan, and the county's comprehensive plan.

(6) The governing body of the county may enter into an interlocal agreement with an authority pursuant to chapter 163 for the joint performance or performance by either governmental entity of any corporate function of the county or authority necessary or appropriate to enable the authority to fulfill the powers and purposes of this act and promote the efficient and effective transportation of persons and goods in such county.

332.205 Bonds.—With the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of an authority, bonds may be issued on behalf of an authority as provided by the State Bond Act.

332.206 County may be appointed agent of authority for construction.—The county may be appointed by the authority as its agent for the purpose of constructing improvements to an airport system and for the completion thereof. In such event, the authority shall provide the county with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto; shall request the county to do such construction work, including the planning, surveying, and actual construction of the completion and improvements to the airport system; and shall transfer to the credit of an account of the county the necessary funds therefor.

332.207 Acquisition of lands and property.—

(1) For the purposes of this act, an airport authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any of the purposes of this act, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, replacement access for landowners whose access is impaired due to the improvement of an airport system, and replacement rights-of-way for relocated rail and utility facilities; or for existing, proposed, or anticipated transportation facilities within the airport system. The authority may also condemn any material and property necessary for such purposes.

(2) The right of eminent domain conferred by this act must be exercised by an authority in the manner provided by law.

332.208 Cooperation with other units, boards, agencies, and individuals.—Express authority and power is given and granted to any county,

municipality, drainage district, road and bridge district, school district, or other political subdivision, board, commission, or individual in or of this state to enter into contracts, leases, conveyances, or other agreements within the provisions and purposes of this act with an authority. An authority may enter into contracts, leases, conveyances, and other agreements, to the extent consistent with this chapter and chapters 330, 331, and 333 and other provisions of the laws of the state, with any political subdivision, agency, or instrumentality of the state and any federal agency, corporation, and individual, for the purpose of carrying out the provisions of this act.

332.209 Covenant of the state.—The state does hereby pledge to, and agrees with, any person, firm, corporation, or federal or state agency subscribing to or acquiring the bonds to be issued by an authority for the purposes of this act that the state will not limit or alter the rights hereby vested in an authority and the department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged, insofar as the same affects the rights of the holders of bonds issued hereunder. The state does further pledge to, and agrees with, the United States that, in the event any federal agency constructs, or contributes any funds for the completion, extension, or improvement of, an airport system or any part or portion thereof, the state will not alter or limit the rights and powers of an authority and the department in any manner which would be inconsistent with the continued maintenance and operation of the airport system or the completion, extension, or improvement thereof or which would be inconsistent with the due performance of any agreement between the authority and any such federal agency, and the authority and the department shall continue to have and may exercise all powers granted so long as the same shall be necessary or desirable for carrying out the purposes of this act and the purposes of the United States in the completion, extension, or improvement of the airport system or any part or portion thereof.

332.210 Exemption from taxation.—The effectuation of the authorized purposes of an airport authority is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. For this reason, an authority is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired by it or used by it for such purposes or upon any revenues at any time received by it. The bonds issued by or on behalf of an authority, their transfer, and the income therefrom, including any profits made on the sale thereof, are exempt from taxation of any kind by the state or by any political subdivision or other taxing agency or instrumentality thereof. The exemption granted by this section does not apply to any tax imposed under chapter 220 on interest, income, or profits on debt obligations owned by corporations.

332.211 Exemption from applicability.—This act does not apply in a county in which an authority has been created pursuant to a general or special act of the Legislature for the purpose of owning, building, or operating an airport.

Section 108. *The provisions of the Florida Airport Authority Act, sections 332.201–332.211, Florida Statutes, shall not apply to any county which has created its own airport authority.*

Section 109. *Members of the authority created pursuant to the Florida Airport Authority Act, sections 332.201–332.211, Florida Statutes, are required to file full and public disclosure of financial interests pursuant to section 112.3144, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 172, line 9, after the semicolon (;) insert: creating ss. 332.201, 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210, and 332.211, F.S.; creating the Florida Airport Authority Act; providing definitions; providing that certain counties shall form an airport authority; providing that certain former military facilities redeveloped and operated as an airport shall be redeveloped and operated by an authority under the act, and providing for membership of the governing body of such authorities; providing for appointment of members of the governing body of an authority; providing for officers, employees, expenses, removal from office, and application of financial disclosure provisions; providing purposes and powers of an authority; providing restrictions on authority powers; providing for issuance of bonds; providing that the county may be appointed as an authority's agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing a covenant of the state with respect to bond issuance and agreements with federal agencies; providing an exemption from taxation; providing for applicability; requiring members of the authority to file financial disclosure;

The vote was:

Yeas—25

Mr. President	Garcia	Miller	Sebesta
Carlton	Geller	Peaden	Sullivan
Clary	King	Posey	Wasserman Schultz
Constantine	Klein	Pruitt	Webster
Cowin	Latvala	Rossin	
Crist	Lawson	Sanderson	
Diaz de la Portilla	Lee	Saunders	

Nays—7

Brown-Waite	Dyer	Jones	Mitchell
Campbell	Holzendorf	Meek	

Vote after roll call:

Nay to Yea—Dyer

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

Amendment 1Q (400120)(with title amendment)—On page 162, line 24, after the first period (.) insert: Except as otherwise expressly provided in this act,

And the title is amended as follows:

On page 172, lines 9 and 10, delete "an effective date" and insert: effective dates

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 1053** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 2018** was withdrawn from the Committees on Governmental Oversight and Productivity; and Finance and Taxation; and **CS for SB 1482** was withdrawn from the Committee on Finance and Taxation.

MOTIONS

On motion by Senator Lee, a deadline of 30 minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Friday, May 4.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 946 which he approved on May 3, 2001.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 721, HB 953, CS for CS for HB 1121, HB 1545; has passed as amended CS for CS for HB 267, CS for HB 455, CS for CS for HB 719, CS for CS for HB 1053, HB 1221, HB 1471, HB 1863; has passed as amended by the required Constitutional three-fifths vote of the membership HJR 571 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Council for Competitive Commerce; the Committee on Agriculture and Consumer Affairs; and Representative Stansel and others—

CS for CS for HB 721—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By the Committee on Crime Prevention, Corrections and Safety; and Representative Bilirakis and others—

HB 953—A bill to be entitled An act relating to burglary; creating s. 810.015, F.S.; providing legislative findings and intent; providing for retroactive operation; amending s. 810.02, F.S.; revising the definition of burglary; reenacting s. 943.325(1)(a), F.S.; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Council for Smarter Government; the Committee on Local Government and Veterans Affairs; and Representative Byrd—

CS for CS for HB 1121—A bill to be entitled An act relating to driver licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Appropriations.

By the Committee on Education Appropriations; and Representative Lynn and others—

HB 1545—A bill to be entitled An act relating to school district performance; providing a short title; amending s. 229.57, F.S.; requiring the designation and publication of district performance grades; amending s. 236.02, F.S.; revising minimum requirements of the Florida Education Finance Program to include minimum classroom expenditure requirements and associated reporting; creating s. 236.08102, F.S.; authorizing the Legislature to require a school district that fails to meet minimum academic performance standards to meet district minimum classroom expenditure requirements; providing for monitoring; requiring reports; amending s. 237.041, F.S.; requiring a district's annual budget to include provision for required minimum classroom expenditure requirements; amending s. 237.081, F.S.; requiring the advertisement of the tentative school district budget to include notice of minimum classroom expenditure requirements; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By the Council for Lifelong Learning; the Committee on Juvenile Justice; and Representative Kravitz and others—

CS for CS for HB 267—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; revising the juvenile justice continuum to include community-based residential commitment programs; deleting a requirement that information systems of the Department of Juvenile Justice support the Juvenile Justice Advisory Board; amending s. 228.041, F.S.; authorizing additional teacher planning days for nonresidential programs of the Department of Juvenile Justice upon the request of the provider; amending s. 230.23161, F.S.; providing legislative goals with respect to education within department programs; amending s. 230.235, F.S.; requiring schools to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 435.04, F.S.; revising requirements for level-2 screening standards for persons in positions of trust or responsibility; providing requirements for background investigations for employees of the Department of Juvenile Justice; limiting the department's authority to provide an exemption; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction in certain circumstances; providing for retroactive effect; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no contact order under certain circumstances; amending s. 943.325, F.S.; requiring DNA analysis of persons who have committed certain offenses and who are transferred to the state under the Interstate Compact on Juveniles; amending ss. 984.01 and 985.01, F.S., relating to personnel standards and screening; requiring the Department of Juvenile Justice and the Department of Children and Family Services to ensure that certain contractors are of good moral character; amending s. 985.02, F.S.; clarifying legislative intent concerning the responsibilities of parents, custodians, and guardians of children in the juvenile justice system; amending s. 985.03, F.S.; revising definitions; defining the term "respite" for purposes of ch. 985, F.S.; amending s. 985.04, F.S.; providing that certain records maintained by the Department of Juvenile Justice need only be retained for 25 years; expanding the circumstances under which certain juvenile records are not considered confidential and exempt solely because of age; amending ss. 985.207 and 985.213, F.S.; clarifying circumstances under which a juvenile is taken into custody and assessed for placement; requiring the parent or guardian to provide certain information; amending s. 985.21, F.S.; requiring the parent or guardian of a juvenile to provide certain information to the juvenile probation officer; amending s. 985.215, F.S.; revising provisions related to the collection of certain fees; authorizing placing a juvenile into secure detention under certain circumstances for a specified period; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.227, F.S.; revising requirements for state attorneys with respect to reporting direct-file guidelines; amending ss. 985.231 and 985.233, F.S.; requiring a court placement order or a commitment order to include certain findings; revising certain requirements for testing a juvenile for the use of alcohol or controlled substances; revising provisions related to the collection of certain fees; authorizing the clerk of the circuit court to act as depository for fees; requiring the parent or guardian to provide certain information; providing for retroactive effect; amending s. 985.305, F.S.; revising services provided under the early delinquency intervention program; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of records; amending s. 985.31, F.S., relating to serious or habitual juvenile offenders; conforming provisions to changes made by the act; amending s. 985.3155, F.S.; revising requirements for the multiagency plan for vocational education; amending s. 985.316, F.S.; revising conditions under which a juvenile may be released on conditional release; amending s. 985.404, F.S.; providing legislative intent with regard to contracting with faith-based organizations that provide services to juveniles; clarifying conditions under which a juvenile may be transferred; deleting language relating to the collection and reporting of cost data and program ranking; amending s. 985.412, F.S.; adding requirements relating to the collection and reporting of cost data and program ranking; requiring the Department of Juvenile Justice to submit proposals for funding incentives and disincentives based upon qual-

ity assurance performance and cost-effectiveness performance to the Legislature by a date certain; amending s. 985.417, F.S.; revising conditions for transferring a juvenile from the Department of Corrections to the supervision of the Department of Juvenile Justice; amending s. 14 of ch. 2000-134, Laws of Florida; revising requirements for monitoring and supervising juvenile offenders under a pilot program; creating s. 985.42, F.S.; authorizing the secretary to designate certain employees as law enforcement officers; creating s. 985.422, F.S.; authorizing the deposit of repair and maintenance funds into the Administrative Trust Fund; amending s. 985.401, F.S., to conform; requiring the Office of Program Policy Analysis and Government Accountability to annually review certain safety and security best practices; requiring school districts to use such practices to conduct certain assessments; requiring school district superintendents to make certain recommendations to school boards based on such assessments; requiring school boards to hold public meetings on the assessments and recommendations; repealing s. 985.404(10) and (11), F.S., relating to an annual cost data collection and reporting program of the Department of Juvenile Justice and cost-effectiveness model development and application to commitment programs of the department; providing effective dates.

—was referred to the Committee on Criminal Justice.

By the Committee on Banking; and Representative Detert—

CS for HB 455—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term "principal representative"; creating s. 494.00295, F.S.; providing license renewal educational requirements for licensees and principal representatives; amending s. 494.00311, F.S.; expanding the scope of mortgage business schools to include training for certain other persons; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative; requiring the testing of such persons; amending s. 494.0064, F.S.; requiring licensees to submit certification of completion of certain educational requirements by certain persons; amending s. 494.0067, F.S.; requiring licensees to require loan originators and associates to complete certain continuing education programs; requiring licensees to maintain certain records; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; the Committee on Agriculture and Consumer Affairs; and Representative Stansel and others—

CS for CS for HB 719—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Council for Ready Infrastructure; the Committee on Transportation; and Representative Russell and others—

CS for CS for HB 1053—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 163.3180, F.S.; extending a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 331.308, F.S.; revising membership of the board of supervisors of the Spaceport Florida Authority; amending s.332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; specifying legislative approval for certain projects; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating a process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting subdivisions into gated neighborhoods; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of

moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the cap on the amount of money that a local government can advance the department for state road projects; providing that local governments which perform projects for the department are compensated promptly; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; extending the concurrency deadline for certain department road projects; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting obsolete language; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 348.565, F.S.; adding the Leroy Selmon Crosstown Expressway connector to the legislatively approved list of expressway projects; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; designating a number of roads and bridges in honor of certain individuals; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Cantens and others—

HB 1221—A bill to be entitled An act relating to water resources; amending s. 373.1961, F.S.; allowing certain alternative water supply facilities to recover the cost of such facilities through rate structures; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks on work products of the district; providing for rules; creating s. 373.610, F.S.; authorizing water management districts to suspend contractors who have defaulted on contracts; providing procedure; providing for rules; creating s. 373.611, F.S.; authorizing water management districts to enter into contracts to limit or alter the measure of damages recoverable from a vendor; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; amending s. 73.015, F.S.; clarifying time-frame for providing specific information to fee-owners; requiring agencies to provide specified portions of statute to fee-owners; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, board of trustees and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by land-owner wanting a release of a reservation; amending s. 373.056, F.S.; granting water management districts the authority to grant utility easements on district-owned land for providing utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification before executing lease agreements; amending s. 373.096, F.S.; providing for release of certain easements, reservations, or right-of-way interests; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing water management districts to disclose appraisal information, offers and counter offers to third parties working on the district's behalf; allowing third party appraisals to be used under specific circumstances; amending s. 373.1401, F.S.; allowing water management districts to contract with private entities for management, improvement, or maintenance of land held by the districts; amending s. 374.984, F.S.; revising powers and duties of the Board of Commissioners of the Florida Inland Navigation District; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; deleting references to water management district employees; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; deleting a reference to water management district employees; amending s. 215.32, F.S.; requiring the Comptroller and the Department of Management Services to transfer funds to water management districts to pay monetary benefits to water management district employees; creating s. 373.6065, F.S.; providing child-adoption monetary benefits to water management district employees; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budget must be sent for review; specifying the con-

tents of the tentative budget; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; amending s. 373.59, F.S.; providing for the transfer of certain funds; amending s. 373.501, F.S.; providing for the release of moneys from the Water Management Lands Trust Fund; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; providing an appropriation; providing an effective date.

—was referred to the Committees on Judiciary; and Natural Resources.

By Representative Alexander—

HB 1471—A bill to be entitled An act relating to public food service establishments and alcoholic beverage licenses; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; repealing s. 561.32(6), F.S., relating to special transfer restrictions and transfer fees pertaining to alcoholic beverage licenses issued after a specified date; providing an effective date.

—was referred to the Committees on Appropriations; and Regulated Industries.

By the Committee on Health Regulation; and Representative Farkas and others—

HB 1863—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing for regulation by the Department of Health of maintenance entities for performance-based treatment systems and aerobic treatment unit systems; requiring such systems to contract with a permitted maintenance entity; providing duties of such entities; providing for biennial operating permits for aerobic treatment units; revising duties of the department; amending s. 381.0066, F.S.; reducing the operating permit fee for aerobic treatment units and providing operating permit and maintenance entity permit fees for performance-based treatment systems; providing for review of the need for licensing the portable restroom industry; requiring a report to the Legislature; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Appropriations.

By Representative Johnson—

HJR 571—A joint resolution proposing a revision of Article XI, Section 5 of the State Constitution requiring the Legislature to provide by general law for the provision of an economic impact statement of each amendment proposed by initiative to the State Constitution prior to its adoption by the voters of the state.

—was referred to the Committee on Ethics and Elections.

RETURNING MESSAGES ON SENATE BILLS

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for CS for SB 466.

The Speaker has appointed the following Representatives to the Conference Committee: Representatives Diaz-Balart, Chairman; Kyle, Brummer, Cantens, and Seiler

John B. Phelps, Clerk

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or grants to attend public educational institutions under specified circumstances; requiring the Department of Management Services to adopt rules; conforming language; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term "layoff"; defining the term "firefighter" and "law enforcement or correctional officer"; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; prohibiting "bumping"; providing certain exceptions; prescribing layoff procedures; amending the definition of cause for suspensions or dismissals; establishing grievance procedures; providing procedures for suspensions, reductions in pay, demotions, and dismissals; providing for appeals to the Public Employees Relations Commission; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708 and 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and

the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; removing reference to the Department of Labor and Employment Security; conforming language; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.208, F.S.; conforming language; amending procedures for specified appeals; amending s. 447.507, F.S.; revising requirements for the probation served by certain public employees; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Agency for Workforce Innovation; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances; providing for the commission's independence under specified circumstances; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; creating a Career Service Advisory Board; providing for selection of members; providing powers and duties; authorizing the Governor to develop a tax-sheltered plan for leave and special compensation pay for specified employees; providing effective dates.

CONFEREES APPOINTED

The President appointed the following conferees on **SB 466**: Senator Garcia, Chairman; Senators Carlton, Lawson, Posey, and Smith.

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 130, CS for CS for SB 144, CS for SB 208, SB 210, CS for SB 232, CS for SB 302, CS for CS for SB 306, CS for SB 322, SB 338, CS for SB 354, SB 510, SB 536, SB 666, CS for SB 688, SB 766, CS for SB 772, CS for SB 788, CS for SB 806, CS for SB 840, CS for SB 886, CS for SB 890, CS for SB 1012, CS for SB 1030, CS for SB 1128, SB 1132, SB 1148, SB 1198, CS for SB 1284, CS for SB 1318, SB 1344, CS for CS for SB 1346, SB 1394, CS for SB 1506, CS for SB 1530, CS for SB 1642, CS for SB 1722, CS for SB 1788, CS for SB 2034, CS for SB 2054, CS for CS for SB 2092, SB 2104, CS for SB 2110 and CS for SB 2220.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 1 and passed SB 1200.

John B. Phelps, Clerk

The bill contained in the foregoing messages was ordered engrossed and then enrolled.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed HB 405, HB 489, CS for HB 563 and HB 601, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

CO-SPONSORS

Senators Holzendorf—CS for SB 988, CS for SB 1466, CS for SB 1772; Klein—CS for SB 1966; Peaden—CS for SB 128, CS for SB 478

Senator Klein withdrew as a co-sponsor of SB 854

VOTES RECORDED

Senator Campbell was recorded as voting "nay" on the following bill which was considered April 11: **SB 854**.

Senator Dyer was recorded as voting "yea" to "nay" on the following bill which was considered April 11: **SB 854**.

Senator Klein was recorded as voting "yea" to "nay" on the following bill which was considered April 11: **SB 854**.

Senator Wasserman Schultz was recorded as voting "yea" to "nay" on the following bill which was considered April 11: **SB 854**.

Senator Webster was recorded as voting "yea" to "nay" on the following bill which was considered April 11: **SB 1632**.

Senator Carlton was recorded as voting "yea" on the following bill which was considered May 1: **HB 657**.

Senator Garcia was recorded as voting "yea" on the following bills which were considered May 1: **SB 482**, **CS for SB 1128**.

RECESS

On motion by Senator Lee, the Senate recessed at 9:14 p.m. to reconvene at 9:00 a.m., Friday, May 4 or upon call of the President.